

As Introduced

135th General Assembly
Regular Session
2023-2024

H. B. No. 33

Representative Edwards

A BILL

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1707.02, 1707.04, 1707.042, 1707.091, 1707.11, 298
1707.43, 1733.16, 2941.401, 3111.23, 3301.05, 299
3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 300
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 301
3321.13, 3321.21, 3704.03, 3734.02, 3734.021, 302
3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 303
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 304
3781.11, 3781.25, 3781.29, 3781.342, 3904.08, 305
4121.19, 4123.512, 4123.52, 4125.03, 4141.09, 306
4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 307
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 308
4735.14, 5107.161, 5120.14, 5165.193, 5165.86, 309
5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 310
5703.37, 5709.83, 5736.041, 5751.40; to enact 311
sections 1509.031 and 3745.019; and to repeal 312
section 5123.195 of the Revised Code; to amend 313
sections 2925.01, 3701.33, 3701.83, 3717.27, 314
3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 315
4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 316
4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 317
4743.05, 4776.20, and 5903.12; to amend, for the 318
purpose of adopting new section numbers as 319
indicated in parentheses, sections 4736.01 320
(3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 321

4736.07 (3776.04), 4736.08 (3776.05), 4736.09 322
(3776.06), 4736.11 (3776.07), 4736.12 (3776.08), 323
4736.13 (3776.09), 4736.14 (3776.10), 4736.15 324
(3776.11), 4736.17 (3776.12), and 4736.18 325
(3776.13); to repeal sections 4736.05, 4736.06, 326
and 4736.10 of the Revised Code; to amend the 327
version of section 3701.83 of the Revised Code 328
that is scheduled to take effect September 30, 329
2024; to amend the version of section 4736.14 of 330
the Revised Code that is scheduled to take effect 331
December 29, 2023; to amend the version of section 332
4736.14 (3776.10) of the Revised Code that is 333
scheduled to take effect December 29, 2023, for 334
the purpose of adopting a new section number as 335
indicated in parentheses; and to repeal the 336
version of section 4736.10 of the Revised Code 337
that is scheduled to take effect December 29, 338
2023; and to amend the version of section 3701.351 339
that is scheduled to take effect September 30, 340
2024; to repeal the versions of sections 3727.70 341
and 4723.431 of the Revised Code that are 342
scheduled to take effect September 30, 2024; and 343
to amend Sections 130.11 and 130.12 of H.B. 110 of 344
the 134th General Assembly; to amend Section 345
213.10 of H.B. 687 of the 134th General Assembly; 346
and to repeal Section 21 of H.B. 790 of the 120th 347
General Assembly; to make operating appropriations 348
for the biennium beginning July 1, 2023, and 349
ending June 30, 2025, to levy taxes, and to 350
provide authorization and conditions for the 351
operation of state programs. 352

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

Section 101.01. That sections 101.38, 103.60, 107.63, 109.57, 353
109.572, 109.71, 109.77, 111.15, 113.41, 113.60, 117.34, 117.46, 354
117.47, 117.473, 119.01, 119.06, 119.062, 119.07, 119.09, 119.092, 355
119.12, 120.04, 120.06, 120.08, 121.04, 121.05, 121.08, 121.37, 356
121.381, 121.483, 121.49, 122.07, 122.071, 122.072, 122.073, 357
122.17, 122.171, 122.1710, 122.4017, 122.4037, 122.4040, 122.85, 358
123.01, 123.211, 124.136, 124.14, 124.15, 124.387, 125.01, 359
125.035, 125.041, 125.05, 125.071, 125.073, 125.09, 125.10, 360
125.11, 125.112, 125.18, 125.22, 125.901, 126.21, 126.25, 126.30, 361
126.46, 126.62, 127.16, 131.02, 131.51, 145.201, 149.309, 149.311, 362
149.43, 153.17, 153.54, 173.03, 173.06, 173.21, 173.51, 173.52, 363
173.521, 173.522, 173.54, 173.542, 173.544, 173.60, 175.12, 364
307.515, 307.87, 307.90, 319.202, 340.01, 340.032, 340.033, 365
340.034, 718.01, 718.80, 718.84, 727.01, 733.40, 907.01, 907.27, 366
907.32, 993.04, 1121.23, 1321.37, 1321.53, 1321.64, 1346.03, 367
1506.01, 1509.01, 1509.03, 1509.04, 1509.11, 1521.01, 1531.01, 368
1547.25, 1547.27, 1548.03, 1707.28, 1710.06, 1739.10, 1751.34, 369
1761.16, 2108.35, 2151.031, 2151.231, 2151.315, 2151.421, 370
2151.423, 2151.86, 2152.21, 2307.22, 2907.231, 2913.46, 2925.11, 371
2927.02, 2927.023, 2927.12, 2929.18, 2929.28, 2929.34, 2930.16, 372
2935.01, 2967.16, 3101.08, 3103.03, 3107.012, 3107.033, 3107.034, 373
3107.035, 3107.14, 3109.15, 3109.16, 3109.17, 3109.172, 3109.178, 374
3109.53, 3109.66, 3111.01, 3111.04, 3111.06, 3111.07, 3111.111, 375
3111.15, 3111.21, 3111.22, 3111.23, 3111.24, 3111.29, 3111.31, 376
3111.38, 3111.381, 3111.44, 3111.48, 3111.49, 3111.71, 3111.72, 377
3111.78, 3119.01, 3119.06, 3119.07, 3121.29, 3123.89, 3123.90, 378
3125.18, 3301.071, 3301.0711, 3301.0714, 3302.03, 3310.032, 379
3313.61, 3313.611, 3313.612, 3313.618, 3313.619, 3314.03, 3314.08, 380
3314.23, 3315.37, 3316.042, 3317.011, 3317.012, 3317.014, 381
3317.016, 3317.017, 3317.018, 3317.019, 3317.0110, 3317.02, 382
3317.021, 3317.022, 3317.024, 3317.026, 3317.0212, 3317.0213, 383
3317.0215, 3317.0217, 3317.0218, 3317.051, 3317.11, 3317.16, 384

3317.162, 3317.20, 3317.201, 3317.25, 3319.077, 3319.088, 3319.22, 385
3319.236, 3323.25, 3323.251, 3325.01, 3325.011, 3325.02, 3325.03, 386
3325.04, 3325.05, 3325.06, 3325.07, 3325.071, 3325.08, 3325.09, 387
3325.10, 3325.11, 3325.12, 3325.13, 3325.15, 3325.16, 3325.17, 388
3326.11, 3326.44, 3332.092, 3333.021, 3333.04, 3333.041, 3333.044, 389
3333.048, 3333.122, 3333.127, 3333.16, 3333.26, 3333.28, 3333.375, 390
3333.38, 3345.027, 3345.033, 3345.10, 3345.14, 3345.32, 3345.57, 391
3345.69, 3365.07, 3501.01, 3501.27, 3701.021, 3701.022, 3701.023, 392
3701.024, 3701.025, 3701.026, 3701.027, 3701.028, 3701.0210, 393
3701.507, 3701.508, 3701.509, 3701.78, 3701.841, 3701.953, 394
3704.14, 3705.091, 3705.17, 3706.01, 3706.12, 3711.14, 3714.073, 395
3718.01, 3718.011, 3722.04, 3722.07, 3727.17, 3733.41, 3733.43, 396
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3734.822, 3734.83, 3734.85, 3734.901, 3737.02, 3737.88, 3737.882, 398
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3772.031, 3775.10, 3781.10, 3781.102, 3796.02, 3796.03, 3796.032, 400
3796.05, 3796.06, 3796.061, 3796.08, 3796.10, 3796.11, 3796.12, 401
3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.19, 3796.20, 402
3796.22, 3796.23, 3796.27, 3796.30, 3798.12, 3901.021, 3901.07, 403
3901.071, 3919.19, 3921.28, 3930.13, 3931.08, 3959.12, 3964.03, 404
3964.13, 3964.15, 4117.14, 4117.15, 4121.443, 4141.21, 4141.241, 405
4141.28, 4141.31, 4141.43, 4301.441, 4303.041, 4303.271, 4303.30, 406
4501.11, 4503.03, 4503.038, 4503.27, 4503.271, 4503.28, 4503.30, 407
4503.301, 4503.31, 4503.311, 4503.312, 4503.32, 4503.33, 4503.34, 408
4503.44, 4505.061, 4506.04, 4506.06, 4506.09, 4506.10, 4506.11, 409
4506.15, 4506.16, 4506.17, 4507.01, 4507.05, 4507.06, 4507.061, 410
4507.07, 4507.071, 4507.08, 4507.09, 4507.13, 4507.18, 4507.50, 411
4507.51, 4507.52, 4508.06, 4510.43, 4510.45, 4511.043, 4511.191, 412
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4517.05, 4517.06, 4517.07, 4517.08, 4517.10, 4517.23, 4701.13, 414
4703.01, 4703.15, 4703.44, 4713.64, 4715.036, 4715.30, 4717.14, 415
4723.281, 4725.24, 4730.25, 4731.22, 4731.481, 4732.17, 4734.161, 416

4734.36, 4734.37, 4735.03, 4735.05, 4735.052, 4735.06, 4735.07, 417
4735.09, 4735.12, 4735.13, 4735.143, 4735.15, 4735.18, 4735.211, 418
4737.04, 4738.071, 4738.08, 4740.16, 4741.22, 4751.02, 4751.30, 419
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4757.03, 4757.361, 4759.07, 4760.13, 4761.09, 4762.13, 4763.05, 421
4763.11, 4763.15, 4763.16, 4764.04, 4764.05, 4764.06, 4764.07, 422
4764.08, 4764.16, 4764.18, 4764.21, 4765.02, 4765.04, 4765.112, 423
4765.114, 4766.07, 4766.11, 4767.03, 4767.10, 4768.03, 4768.06, 424
4768.14, 4768.15, 4774.13, 4776.01, 4778.14, 4779.29, 4779.35, 425
4781.04, 4781.121, 4781.17, 4781.54, 4783.10, 4928.54, 4928.543, 426
4928.544, 5101.1411, 5101.26, 5101.27, 5101.28, 5101.29, 5101.342, 427
5101.35, 5101.80, 5101.801, 5101.806, 5101.87, 5103.02, 5103.03, 428
5103.032, 5103.033, 5103.036, 5103.0313, 5103.0314, 5103.0322, 429
5103.0323, 5103.0326, 5103.0328, 5103.05, 5103.13, 5103.162, 430
5103.163, 5103.20, 5103.37, 5103.391, 5103.41, 5103.422, 5103.50, 431
5103.6010, 5104.042, 5104.08, 5104.30, 5107.36, 5107.54, 5107.58, 432
5119.01, 5119.19, 5119.33, 5119.34, 5119.35, 5119.36, 5119.48, 433
5119.61, 5119.90, 5119.99, 5123.0412, 5123.0419, 5123.19, 5123.35, 434
5124.01, 5124.15, 5124.45, 5126.022, 5145.161, 5145.163, 5149.101, 435
5149.38, 5153.122, 5153.123, 5153.124, 5153.127, 5153.16, 436
5153.161, 5153.162, 5153.163, 5153.17, 5160.04, 5160.35, 5162.01, 437
5162.364, 5163.06, 5164.34, 5164.341, 5164.342, 5164.35, 5164.36, 438
5164.60, 5164.72, 5165.01, 5165.109, 5165.152, 5165.192, 5165.52, 439
5165.521, 5165.525, 5165.526, 5165.528, 5165.771, 5165.87, 440
5166.01, 5166.02, 5166.16, 5166.30, 5166.32, 5167.12, 5168.02, 441
5168.14, 5168.26, 5168.90, 5301.90, 5301.91, 5321.01, 5502.262, 442
5503.04, 5537.17, 5703.056, 5703.21, 5703.37, 5703.53, 5711.29, 443
5725.05, 5725.98, 5726.01, 5726.04, 5726.56, 5726.98, 5727.28, 444
5727.42, 5727.47, 5727.91, 5729.98, 5731.27, 5733.031, 5735.024, 445
5735.04, 5735.041, 5735.042, 5735.043, 5735.044, 5736.07, 5739.01, 446
5739.02, 5739.05, 5739.19, 5739.30, 5739.31, 5739.99, 5741.11, 447
5743.15, 5743.61, 5747.025, 5747.07, 5747.072, 5747.98, 5749.06, 448

5749.17, 5751.033, 5751.06, 5751.51, 5751.53, 5751.98, 5753.021, 449
5910.01, 5913.01, 5922.01, 5923.12, and 6131.43 be amended; that 450
sections 113.41 (125.903), 125.22 (126.42), and 5103.422 (5103.42) 451
be amended, for the purpose of adopting new section numbers as 452
indicated in parentheses; and sections 119.05, 121.376, 175.16, 453
175.17, 503.59, 907.091, 1349.09, 1501.16, 1509.051, 1546.24, 454
2927.025, 2927.026, 2927.027, 3111.041, 3119.95, 3119.951, 455
3119.9511, 3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 456
3119.9525, 3119.9527, 3119.9529, 3119.953, 3119.9531, 3119.9533, 457
3119.9535, 3119.9537, 3119.9539, 3119.9541, 3119.955, 3119.957, 458
3301.0731, 3313.6028, 3313.901, 3314.104, 3317.26, 3319.0812, 459
3319.285, 3322.01, 3322.02, 3322.03, 3322.04, 3322.05, 3322.06, 460
3322.07, 3322.20, 3322.21, 3322.24, 3333.033, 3333.0419, 3333.129, 461
3333.302, 3333.96, 3333.97, 3706.051, 3734.579, 3742.11, 3796.32, 462
4123.543, 4507.501, 4517.101, 5101.136, 5101.137, 5101.805, 463
5103.25, 5103.251, 5103.252, 5103.253, 5103.254, 5103.255, 464
5103.256, 5103.257, 5103.258, 5103.259, 5104.302, 5119.39, 465
5119.391, 5119.392, 5119.393, 5119.394, 5119.395, 5119.396, 466
5119.397, 5163.062, 5163.102, 5502.251, 5502.69, 5725.36, 5725.37, 467
5726.58, 5726.59, 5728.16, 5729.19, 5729.20, 5747.83, and 5747.84 468
of the Revised Code be enacted to read as follows: 469

Sec. 101.38. (A) As used in this section, "relative" means a 470
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 471
child-in-law, grandparent, aunt, or uncle. 472

(B) There is hereby created the Ohio cystic fibrosis 473
legislative task force to study and make recommendations on issues 474
pertaining to the care and treatment of individuals with cystic 475
fibrosis. The task force shall study and make recommendations on 476
the following issues: 477

(1) Use of prescription drug and innovative therapies under 478
the program for ~~medically handicapped~~ children and youth with 479

special health care needs established under section 3701.023 of 480
the Revised Code and the program for adults with cystic fibrosis 481
administered by the department of health under division (G) of 482
that section; 483

(2) Screening of newborn children for the presence of genetic 484
disorders, as required under section 3701.501 of the Revised Code; 485

(3) Any other issues the task force considers appropriate. 486

(C) The task force shall consist of the following members, 487
each with the authority to vote on matters before the task force: 488

(1) Three members of the senate: two appointed by the 489
president of the senate from the majority party and one appointed 490
by the minority leader of the senate; 491

(2) Three members of the house of representatives: two 492
appointed by the speaker of the house of representatives from the 493
majority party and one appointed by the minority leader of the 494
house of representatives; 495

(3) Three members, at least two of whom have been diagnosed 496
with cystic fibrosis or are relatives of individuals who have been 497
diagnosed with cystic fibrosis, appointed by the president of the 498
senate; 499

(4) Three members, at least two of whom have been diagnosed 500
with cystic fibrosis or are relatives of individuals who have been 501
diagnosed with cystic fibrosis, appointed by the speaker of the 502
house of representatives. 503

Appointments to the task force shall be made within 504
forty-five days after the commencement of the first regular 505
session of each general assembly in the manner prescribed in this 506
division. 507

(D) Members of the task force shall serve on the task force 508
until the appointments are made in the first regular session of 509

the following general assembly or, in the case of task force 510
members who also are general assembly members when appointed, 511
until they are no longer general assembly members. 512

(E) A vacancy shall be filled in the same manner as the 513
original appointment. Any member appointed to fill a vacancy 514
occurring prior to the expiration date of the term for which the 515
member's predecessor was appointed shall hold office as a member 516
for the remainder of that term. 517

(F) Members of the task force shall elect a chair. A vacancy 518
of the chair position shall be filled by election. 519

(G) Members of the task force shall receive no compensation, 520
except to the extent that serving as a member is part of the 521
individual's regular duties of employment and except for the 522
reimbursement of expenses that may be provided under division (H) 523
of this section. 524

(H) The task force may solicit and accept grants from public 525
and private sources. Grant funds may be used to reimburse members 526
for expenses incurred in the performance of official task force 527
duties and to pursue initiatives pertaining to the care and 528
treatment of individuals with cystic fibrosis. 529

(I) A majority of the members of the task force constitutes a 530
quorum for the conduct of task force meetings. 531

Sec. 103.60. (A) As used in this section, "rare disease" 532
means a disease or condition that affects fewer than 200,000 533
people living in the United States. 534

(B) There is hereby created the rare disease advisory 535
council. The purpose of the council is to advise the general 536
assembly regarding research, diagnosis, and treatment efforts 537
related to rare diseases across the state. 538

(C) The council shall consist of the following thirty-one 539

members:	540
(1) The following members appointed by the governor:	541
(a) One individual who is a medical researcher with experience researching rare diseases;	542 543
(b) One individual who represents an academic research institution in this state that receives funding for rare disease research;	544 545 546
(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;	547 548 549 550
(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;	551 552 553
(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;	554 555 556
(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;	557 558
(g) One representative of a national organization representing patients with a rare disease;	559 560
(h) One representative of a rare disease foundation operating in this state;	561 562
(i) Two representatives of the department of health, one of whom is a representative of the <u>program for children and youth</u> with medical handicaps program <u>special health care needs</u> ;	563 564 565
(j) One representative of the department of medicaid;	566
(k) One representative of the department of insurance;	567
(l) One representative of the commission on minority health;	568

(m) One representative of the Ohio hospital association;	569
(n) One representative of Ohio health insurers;	570
(o) One representative of bioOhio;	571
(p) One representative of the association of Ohio health commissioners;	572 573
(q) One representative of the pharmaceutical research and manufacturers of America.	574 575
(2) The following members appointed by the president of the senate:	576 577
(a) Two members of the senate, one from the majority party and one from the minority party;	578 579
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	580 581
(3) The following members appointed by the speaker of the house of representatives:	582 583
(a) Two members of the house of representatives, one from the majority party and one from the minority party;	584 585
(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.	586 587
(4) The governor or the governor's designee.	588
(D)(1) Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.	589 590 591 592 593
(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.	594 595 596 597

(E) Prior to the expiration of each term, the council shall 598
prepare and submit a report to the general assembly detailing the 599
following: 600

(1) The coordination of statewide efforts for studying the 601
incidence of rare diseases in this state; 602

(2) The council's findings and recommendations regarding rare 603
disease research and care in this state; 604

(3) Efforts to promote collaboration among rare disease 605
organizations, clinicians, academic research institutions, and the 606
general assembly to better understand the incidence of rare 607
diseases in this state. 608

(F) The council shall annually select from among its members 609
a chairperson or co-chairpersons. 610

(G) The council shall meet at the call of the chairperson, 611
but not less than quarterly. A majority of the members of the 612
council shall constitute a quorum. The chairperson shall provide 613
members with at least five days written notice of all meetings. 614

(H) Members shall serve without compensation except to the 615
extent that serving on the council is considered part of the 616
member's regular duties of employment. The council shall reimburse 617
each member for actual and necessary expenses incurred in the 618
performance of the member's official duties. 619

Sec. 107.63. As used in this section, "small business" means 620
an independently owned and operated for-profit or nonprofit 621
business entity, including affiliates, that has fewer than five 622
hundred full time employees or gross annual sales of less than six 623
million dollars, and has operations located in the state. 624

The small business advisory council is established in the 625
office of the governor. The council shall advise the governor, the 626
lieutenant governor, and the common sense initiative office on the 627

adverse impact draft and existing rules might have on small 628
businesses. The council shall meet at least ~~quarterly~~ the 629
discretion of the director of the common sense initiative office. 630

The council consists of nine members. The governor, or the 631
person to whom the governor has delegated responsibilities for the 632
common sense initiative office under section 107.61 of the Revised 633
Code, shall appoint five members, the president of the senate 634
shall appoint two members, and the speaker of the house of 635
representatives shall appoint two members. A member serves at the 636
pleasure of the member's appointing authority. The appointing 637
authorities shall consult with each other and appoint only 638
individuals who are representative of small businesses, and shall 639
do so in such a manner that the membership of the council is 640
composed of representatives of small businesses that are of 641
different sizes, engaged in different lines of business, and 642
located in different parts of the state. 643

Sec. 109.57. (A)(1) The superintendent of the bureau of 644
criminal identification and investigation shall procure from 645
wherever procurable and file for record photographs, pictures, 646
descriptions, fingerprints, measurements, and other information 647
that may be pertinent of all persons who have been convicted of 648
committing within this state a felony, any crime constituting a 649
misdemeanor on the first offense and a felony on subsequent 650
offenses, or any misdemeanor described in division (A)(1)(a), 651
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 652
all children under eighteen years of age who have been adjudicated 653
delinquent children for committing within this state an act that 654
would be a felony or an offense of violence if committed by an 655
adult or who have been convicted of or pleaded guilty to 656
committing within this state a felony or an offense of violence, 657
and of all well-known and habitual criminals. The person in charge 658
of any county, multicounty, municipal, municipal-county, or 659

multicounty-municipal jail or workhouse, community-based 660
correctional facility, halfway house, alternative residential 661
facility, or state correctional institution and the person in 662
charge of any state institution having custody of a person 663
suspected of having committed a felony, any crime constituting a 664
misdemeanor on the first offense and a felony on subsequent 665
offenses, or any misdemeanor described in division (A)(1)(a), 666
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 667
having custody of a child under eighteen years of age with respect 668
to whom there is probable cause to believe that the child may have 669
committed an act that would be a felony or an offense of violence 670
if committed by an adult shall furnish such material to the 671
superintendent of the bureau. Fingerprints, photographs, or other 672
descriptive information of a child who is under eighteen years of 673
age, has not been arrested or otherwise taken into custody for 674
committing an act that would be a felony or an offense of violence 675
who is not in any other category of child specified in this 676
division, if committed by an adult, has not been adjudicated a 677
delinquent child for committing an act that would be a felony or 678
an offense of violence if committed by an adult, has not been 679
convicted of or pleaded guilty to committing a felony or an 680
offense of violence, and is not a child with respect to whom there 681
is probable cause to believe that the child may have committed an 682
act that would be a felony or an offense of violence if committed 683
by an adult shall not be procured by the superintendent or 684
furnished by any person in charge of any county, multicounty, 685
municipal, municipal-county, or multicounty-municipal jail or 686
workhouse, community-based correctional facility, halfway house, 687
alternative residential facility, or state correctional 688
institution, except as authorized in section 2151.313 of the 689
Revised Code. 690

(2) Every clerk of a court of record in this state, other 691

than the supreme court or a court of appeals, shall send to the 692
superintendent of the bureau a weekly report containing a summary 693
of each case involving a felony, involving any crime constituting 694
a misdemeanor on the first offense and a felony on subsequent 695
offenses, involving a misdemeanor described in division (A)(1)(a), 696
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 697
involving an adjudication in a case in which a child under 698
eighteen years of age was alleged to be a delinquent child for 699
committing an act that would be a felony or an offense of violence 700
if committed by an adult. The clerk of the court of common pleas 701
shall include in the report and summary the clerk sends under this 702
division all information described in divisions (A)(2)(a) to (f) 703
of this section regarding a case before the court of appeals that 704
is served by that clerk. The summary shall be written on the 705
standard forms furnished by the superintendent pursuant to 706
division (B) of this section and shall include the following 707
information: 708

(a) The incident tracking number contained on the standard 709
forms furnished by the superintendent pursuant to division (B) of 710
this section; 711

(b) The style and number of the case; 712

(c) The date of arrest, offense, summons, or arraignment; 713

(d) The date that the person was convicted of or pleaded 714
guilty to the offense, adjudicated a delinquent child for 715
committing the act that would be a felony or an offense of 716
violence if committed by an adult, found not guilty of the 717
offense, or found not to be a delinquent child for committing an 718
act that would be a felony or an offense of violence if committed 719
by an adult, the date of an entry dismissing the charge, an entry 720
declaring a mistrial of the offense in which the person is 721
discharged, an entry finding that the person or child is not 722
competent to stand trial, or an entry of a nolle prosequi, or the 723

date of any other determination that constitutes final resolution 724
of the case; 725

(e) A statement of the original charge with the section of 726
the Revised Code that was alleged to be violated; 727

(f) If the person or child was convicted, pleaded guilty, or 728
was adjudicated a delinquent child, the sentence or terms of 729
probation imposed or any other disposition of the offender or the 730
delinquent child. 731

If the offense involved the disarming of a law enforcement 732
officer or an attempt to disarm a law enforcement officer, the 733
clerk shall clearly state that fact in the summary, and the 734
superintendent shall ensure that a clear statement of that fact is 735
placed in the bureau's records. 736

(3) The superintendent shall cooperate with and assist 737
sheriffs, chiefs of police, and other law enforcement officers in 738
the establishment of a complete system of criminal identification 739
and in obtaining fingerprints and other means of identification of 740
all persons arrested on a charge of a felony, any crime 741
constituting a misdemeanor on the first offense and a felony on 742
subsequent offenses, or a misdemeanor described in division 743
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 744
Revised Code and of all children under eighteen years of age 745
arrested or otherwise taken into custody for committing an act 746
that would be a felony or an offense of violence if committed by 747
an adult. The superintendent also shall file for record the 748
fingerprint impressions of all persons confined in a county, 749
multicounty, municipal, municipal-county, or multicounty-municipal 750
jail or workhouse, community-based correctional facility, halfway 751
house, alternative residential facility, or state correctional 752
institution for the violation of state laws and of all children 753
under eighteen years of age who are confined in a county, 754
multicounty, municipal, municipal-county, or multicounty-municipal 755

jail or workhouse, community-based correctional facility, halfway 756
house, alternative residential facility, or state correctional 757
institution or in any facility for delinquent children for 758
committing an act that would be a felony or an offense of violence 759
if committed by an adult, and any other information that the 760
superintendent may receive from law enforcement officials of the 761
state and its political subdivisions. 762

(4) The superintendent shall carry out Chapter 2950. of the 763
Revised Code with respect to the registration of persons who are 764
convicted of or plead guilty to a sexually oriented offense or a 765
child-victim oriented offense and with respect to all other duties 766
imposed on the bureau under that chapter. 767

(5) The bureau shall perform centralized recordkeeping 768
functions for criminal history records and services in this state 769
for purposes of the national crime prevention and privacy compact 770
set forth in section 109.571 of the Revised Code and is the 771
criminal history record repository as defined in that section for 772
purposes of that compact. The superintendent or the 773
superintendent's designee is the compact officer for purposes of 774
that compact and shall carry out the responsibilities of the 775
compact officer specified in that compact. 776

(6) The superintendent shall, upon request, assist a county 777
coroner in the identification of a deceased person through the use 778
of fingerprint impressions obtained pursuant to division (A)(1) of 779
this section or collected pursuant to section 109.572 or 311.41 of 780
the Revised Code. 781

(B) The superintendent shall prepare and furnish to every 782
county, multicounty, municipal, municipal-county, or 783
multicounty-municipal jail or workhouse, community-based 784
correctional facility, halfway house, alternative residential 785
facility, or state correctional institution and to every clerk of 786
a court in this state specified in division (A)(2) of this section 787

standard forms for reporting the information required under 788
division (A) of this section. The standard forms that the 789
superintendent prepares pursuant to this division may be in a 790
tangible format, in an electronic format, or in both tangible 791
formats and electronic formats. 792

(C)(1) The superintendent may operate a center for 793
electronic, automated, or other data processing for the storage 794
and retrieval of information, data, and statistics pertaining to 795
criminals and to children under eighteen years of age who are 796
adjudicated delinquent children for committing an act that would 797
be a felony or an offense of violence if committed by an adult, 798
criminal activity, crime prevention, law enforcement, and criminal 799
justice, and may establish and operate a statewide communications 800
network to be known as the Ohio law enforcement gateway to gather 801
and disseminate information, data, and statistics for the use of 802
law enforcement agencies and for other uses specified in this 803
division. The superintendent may gather, store, retrieve, and 804
disseminate information, data, and statistics that pertain to 805
children who are under eighteen years of age and that are gathered 806
pursuant to sections 109.57 to 109.61 of the Revised Code together 807
with information, data, and statistics that pertain to adults and 808
that are gathered pursuant to those sections. 809

(2) The superintendent or the superintendent's designee shall 810
gather information of the nature described in division (C)(1) of 811
this section that pertains to the offense and delinquency history 812
of a person who has been convicted of, pleaded guilty to, or been 813
adjudicated a delinquent child for committing a sexually oriented 814
offense or a child-victim oriented offense for inclusion in the 815
state registry of sex offenders and child-victim offenders 816
maintained pursuant to division (A)(1) of section 2950.13 of the 817
Revised Code and in the internet database operated pursuant to 818
division (A)(13) of that section and for possible inclusion in the 819

internet database operated pursuant to division (A)(11) of that 820
section. 821

(3) In addition to any other authorized use of information, 822
data, and statistics of the nature described in division (C)(1) of 823
this section, the superintendent or the superintendent's designee 824
may provide and exchange the information, data, and statistics 825
pursuant to the national crime prevention and privacy compact as 826
described in division (A)(5) of this section. 827

(4) The Ohio law enforcement gateway shall contain the name, 828
confidential address, and telephone number of program participants 829
in the address confidentiality program established under sections 830
111.41 to 111.47 of the Revised Code. 831

(5) The attorney general may adopt rules under Chapter 119. 832
of the Revised Code establishing guidelines for the operation of 833
and participation in the Ohio law enforcement gateway. The rules 834
may include criteria for granting and restricting access to 835
information gathered and disseminated through the Ohio law 836
enforcement gateway. The attorney general shall adopt rules under 837
Chapter 119. of the Revised Code that grant access to information 838
in the gateway regarding an address confidentiality program 839
participant under sections 111.41 to 111.47 of the Revised Code to 840
only chiefs of police, village marshals, county sheriffs, county 841
prosecuting attorneys, and a designee of each of these 842
individuals. The attorney general shall permit an office of a 843
county coroner, the state medical board, and board of nursing to 844
access and view, but not alter, information gathered and 845
disseminated through the Ohio law enforcement gateway. 846

The attorney general may appoint a steering committee to 847
advise the attorney general in the operation of the Ohio law 848
enforcement gateway that is comprised of persons who are 849
representatives of the criminal justice agencies in this state 850
that use the Ohio law enforcement gateway and is chaired by the 851

superintendent or the superintendent's designee. 852

(D)(1) The following are not public records under section 853
149.43 of the Revised Code: 854

(a) Information and materials furnished to the superintendent 855
pursuant to division (A) of this section; 856

(b) Information, data, and statistics gathered or 857
disseminated through the Ohio law enforcement gateway pursuant to 858
division (C)(1) of this section; 859

(c) Information and materials furnished to any board or 860
person under division (F) or (G) of this section. 861

(2) The superintendent or the superintendent's designee shall 862
gather and retain information so furnished under division (A) of 863
this section that pertains to the offense and delinquency history 864
of a person who has been convicted of, pleaded guilty to, or been 865
adjudicated a delinquent child for committing a sexually oriented 866
offense or a child-victim oriented offense for the purposes 867
described in division (C)(2) of this section. 868

(E)(1) The attorney general shall adopt rules, in accordance 869
with Chapter 119. of the Revised Code and subject to division 870
(E)(2) of this section, setting forth the procedure by which a 871
person may receive or release information gathered by the 872
superintendent pursuant to division (A) of this section. A 873
reasonable fee may be charged for this service. If a temporary 874
employment service submits a request for a determination of 875
whether a person the service plans to refer to an employment 876
position has been convicted of or pleaded guilty to an offense 877
listed or described in division (A)(1), (2), or (3) of section 878
109.572 of the Revised Code, the request shall be treated as a 879
single request and only one fee shall be charged. 880

(2) Except as otherwise provided in this division or division 881
(E)(3) or (4) of this section, a rule adopted under division 882

(E)(1) of this section may provide only for the release of 883
information gathered pursuant to division (A) of this section that 884
relates to the conviction of a person, or a person's plea of 885
guilty to, a criminal offense or to the arrest of a person as 886
provided in division (E)(3) of this section. The superintendent 887
shall not release, and the attorney general shall not adopt any 888
rule under division (E)(1) of this section that permits the 889
release of, any information gathered pursuant to division (A) of 890
this section that relates to an adjudication of a child as a 891
delinquent child, or that relates to a criminal conviction of a 892
person under eighteen years of age if the person's case was 893
transferred back to a juvenile court under division (B)(2) or (3) 894
of section 2152.121 of the Revised Code and the juvenile court 895
imposed a disposition or serious youthful offender disposition 896
upon the person under either division, unless either of the 897
following applies with respect to the adjudication or conviction: 898

(a) The adjudication or conviction was for a violation of 899
section 2903.01 or 2903.02 of the Revised Code. 900

(b) The adjudication or conviction was for a sexually 901
oriented offense, the juvenile court was required to classify the 902
child a juvenile offender registrant for that offense under 903
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 904
classification has not been removed, and the records of the 905
adjudication or conviction have not been sealed or expunged 906
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 907
pursuant to section 2953.32 of the Revised Code. 908

(3) A rule adopted under division (E)(1) of this section may 909
provide for the release of information gathered pursuant to 910
division (A) of this section that relates to the arrest of a 911
person who is eighteen years of age or older when the person has 912
not been convicted as a result of that arrest if any of the 913
following applies: 914

(a) The arrest was made outside of this state. 915

(b) A criminal action resulting from the arrest is pending, 916
and the superintendent confirms that the criminal action has not 917
been resolved at the time the criminal records check is performed. 918

(c) The bureau cannot reasonably determine whether a criminal 919
action resulting from the arrest is pending, and not more than one 920
year has elapsed since the date of the arrest. 921

(4) A rule adopted under division (E)(1) of this section may 922
provide for the release of information gathered pursuant to 923
division (A) of this section that relates to an adjudication of a 924
child as a delinquent child if not more than five years have 925
elapsed since the date of the adjudication, the adjudication was 926
for an act that would have been a felony if committed by an adult, 927
the records of the adjudication have not been sealed or expunged 928
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 929
the request for information is made under division (F) of this 930
section or under section 109.572 of the Revised Code. In the case 931
of an adjudication for a violation of the terms of community 932
control or supervised release, the five-year period shall be 933
calculated from the date of the adjudication to which the 934
community control or supervised release pertains. 935

(F)(1) As used in division (F)(2) of this section, "head 936
start agency" means an entity in this state that has been approved 937
to be an agency for purposes of subchapter II of the "Community 938
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 939
as amended. 940

(2)(a) In addition to or in conjunction with any request that 941
is required to be made under section 109.572, 2151.86, 3301.32, 942
3301.541, division (C) of section 3310.58, or section 3319.39, 943
3319.391, 3327.10, 3740.11, 5103.251, 5103.252, 5103.253, 944
5104.013, 5123.081, or 5153.111 of the Revised Code or that is 945

made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; the director of job and family services; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this section, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the

superintendent receives a request, subject to division (E)(2) of 979
this section, the superintendent shall send to the board, entity, 980
or person a report of any information that the superintendent 981
determines exists, including information contained in records that 982
have been sealed under section 2953.32 of the Revised Code, and, 983
within thirty days of its receipt, subject to division (E)(2) of 984
this section, shall send the board, entity, or person a report of 985
any information received from the federal bureau of investigation, 986
other than information the dissemination of which is prohibited by 987
federal law. 988

(b) When a board of education or a registered private 989
provider is required to receive information under this section as 990
a prerequisite to employment of an individual pursuant to division 991
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 992
may accept a certified copy of records that were issued by the 993
bureau of criminal identification and investigation and that are 994
presented by an individual applying for employment with the 995
district in lieu of requesting that information itself. In such a 996
case, the board shall accept the certified copy issued by the 997
bureau in order to make a photocopy of it for that individual's 998
employment application documents and shall return the certified 999
copy to the individual. In a case of that nature, a district or 1000
provider only shall accept a certified copy of records of that 1001
nature within one year after the date of their issuance by the 1002
bureau. 1003

(c) Notwithstanding division (F)(2)(a) of this section, in 1004
the case of a request under section 3319.39, 3319.391, or 3327.10 1005
of the Revised Code only for criminal records maintained by the 1006
federal bureau of investigation, the superintendent shall not 1007
determine whether any information gathered under division (A) of 1008
this section exists on the person for whom the request is made. 1009

(3) The state board of education may request, with respect to 1010

any individual who has applied for employment after October 2, 1011
1989, in any position with the state board or the department of 1012
education, any information that a school district board of 1013
education is authorized to request under division (F)(2) of this 1014
section, and the superintendent of the bureau shall proceed as if 1015
the request has been received from a school district board of 1016
education under division (F)(2) of this section. 1017

(4) When the superintendent of the bureau receives a request 1018
for information under section 3319.291 of the Revised Code, the 1019
superintendent shall proceed as if the request has been received 1020
from a school district board of education and shall comply with 1021
divisions (F)(2)(a) and (c) of this section. 1022

(G) In addition to or in conjunction with any request that is 1023
required to be made under section 3712.09, 3721.121, or 3740.11 of 1024
the Revised Code with respect to an individual who has applied for 1025
employment in a position that involves providing direct care to an 1026
older adult or adult resident, the chief administrator of a home 1027
health agency, hospice care program, home licensed under Chapter 1028
3721. of the Revised Code, or adult day-care program operated 1029
pursuant to rules adopted under section 3721.04 of the Revised 1030
Code may request that the superintendent of the bureau investigate 1031
and determine, with respect to any individual who has applied 1032
after January 27, 1997, for employment in a position that does not 1033
involve providing direct care to an older adult or adult resident, 1034
whether the bureau has any information gathered under division (A) 1035
of this section that pertains to that individual. 1036

In addition to or in conjunction with any request that is 1037
required to be made under section 173.27 of the Revised Code with 1038
respect to an individual who has applied for employment in a 1039
position that involves providing ombudsman services to residents 1040
of long-term care facilities or recipients of community-based 1041
long-term care services, the state long-term care ombudsman, the 1042

director of aging, a regional long-term care ombudsman program, or 1043
the designee of the ombudsman, director, or program may request 1044
that the superintendent investigate and determine, with respect to 1045
any individual who has applied for employment in a position that 1046
does not involve providing such ombudsman services, whether the 1047
bureau has any information gathered under division (A) of this 1048
section that pertains to that applicant. 1049

In addition to or in conjunction with any request that is 1050
required to be made under section 173.38 of the Revised Code with 1051
respect to an individual who has applied for employment in a 1052
direct-care position, the chief administrator of a provider, as 1053
defined in section 173.39 of the Revised Code, may request that 1054
the superintendent investigate and determine, with respect to any 1055
individual who has applied for employment in a position that is 1056
not a direct-care position, whether the bureau has any information 1057
gathered under division (A) of this section that pertains to that 1058
applicant. 1059

In addition to or in conjunction with any request that is 1060
required to be made under section 3712.09 of the Revised Code with 1061
respect to an individual who has applied for employment in a 1062
position that involves providing direct care to a pediatric 1063
respite care patient, the chief administrator of a pediatric 1064
respite care program may request that the superintendent of the 1065
bureau investigate and determine, with respect to any individual 1066
who has applied for employment in a position that does not involve 1067
providing direct care to a pediatric respite care patient, whether 1068
the bureau has any information gathered under division (A) of this 1069
section that pertains to that individual. 1070

On receipt of a request under this division, the 1071
superintendent shall determine whether that information exists 1072
and, on request of the individual requesting information, shall 1073
also request from the federal bureau of investigation any criminal 1074

records it has pertaining to the applicant. The superintendent or 1075
the superintendent's designee also may request criminal history 1076
records from other states or the federal government pursuant to 1077
the national crime prevention and privacy compact set forth in 1078
section 109.571 of the Revised Code. Within thirty days of the 1079
date a request is received, subject to division (E)(2) of this 1080
section, the superintendent shall send to the requester a report 1081
of any information determined to exist, including information 1082
contained in records that have been sealed under section 2953.32 1083
of the Revised Code, and, within thirty days of its receipt, shall 1084
send the requester a report of any information received from the 1085
federal bureau of investigation, other than information the 1086
dissemination of which is prohibited by federal law. 1087

(H) Information obtained by a government entity or person 1088
under this section is confidential and shall not be released or 1089
disseminated. 1090

(I) The superintendent may charge a reasonable fee for 1091
providing information or criminal records under division (F)(2) or 1092
(G) of this section. 1093

(J) As used in this section: 1094

(1) "Pediatric respite care program" and "pediatric care 1095
patient" have the same meanings as in section 3712.01 of the 1096
Revised Code. 1097

(2) "Sexually oriented offense" and "child-victim oriented 1098
offense" have the same meanings as in section 2950.01 of the 1099
Revised Code. 1100

(3) "Registered private provider" means a nonpublic school or 1101
entity registered with the superintendent of public instruction 1102
under section 3310.41 of the Revised Code to participate in the 1103
autism scholarship program or section 3310.58 of the Revised Code 1104
to participate in the Jon Peterson special needs scholarship 1105

program. 1106

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1107
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1108
a completed form prescribed pursuant to division (C)(1) of this 1109
section, and a set of fingerprint impressions obtained in the 1110
manner described in division (C)(2) of this section, the 1111
superintendent of the bureau of criminal identification and 1112
investigation shall conduct a criminal records check in the manner 1113
described in division (B) of this section to determine whether any 1114
information exists that indicates that the person who is the 1115
subject of the request previously has been convicted of or pleaded 1116
guilty to any of the following: 1117

(a) A violation of section 2903.01, 2903.02, 2903.03, 1118
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1119
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1120
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1121
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1122
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1123
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1124
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 1125
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 1126
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 1127
Revised Code, felonious sexual penetration in violation of former 1128
section 2907.12 of the Revised Code, a violation of section 1129
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1130
violation of section 2919.23 of the Revised Code that would have 1131
been a violation of section 2905.04 of the Revised Code as it 1132
existed prior to July 1, 1996, had the violation been committed 1133
prior to that date, or a violation of section 2925.11 of the 1134
Revised Code that is not a minor drug possession offense; 1135

(b) A violation of an existing or former law of this state, 1136

any other state, or the United States that is substantially 1137
equivalent to any of the offenses listed in division (A)(1)(a) of 1138
this section; 1139

(c) If the request is made pursuant to section 3319.39 of the 1140
Revised Code for an applicant who is a teacher, any offense 1141
specified under section 9.79 of the Revised Code or in section 1142
3319.31 of the Revised Code. 1143

(2) On receipt of a request pursuant to section 3712.09 or 1144
3721.121 of the Revised Code, a completed form prescribed pursuant 1145
to division (C)(1) of this section, and a set of fingerprint 1146
impressions obtained in the manner described in division (C)(2) of 1147
this section, the superintendent of the bureau of criminal 1148
identification and investigation shall conduct a criminal records 1149
check with respect to any person who has applied for employment in 1150
a position for which a criminal records check is required by those 1151
sections. The superintendent shall conduct the criminal records 1152
check in the manner described in division (B) of this section to 1153
determine whether any information exists that indicates that the 1154
person who is the subject of the request previously has been 1155
convicted of or pleaded guilty to any of the following: 1156

(a) A violation of section 2903.01, 2903.02, 2903.03, 1157
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1158
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1159
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1160
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1161
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1162
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1163
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1164
2925.22, 2925.23, or 3716.11 of the Revised Code; 1165

(b) An existing or former law of this state, any other state, 1166
or the United States that is substantially equivalent to any of 1167
the offenses listed in division (A)(2)(a) of this section. 1168

(3) On receipt of a request pursuant to section 173.27, 1169
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1170
5123.081, or 5123.169 of the Revised Code, a completed form 1171
prescribed pursuant to division (C)(1) of this section, and a set 1172
of fingerprint impressions obtained in the manner described in 1173
division (C)(2) of this section, the superintendent of the bureau 1174
of criminal identification and investigation shall conduct a 1175
criminal records check of the person for whom the request is made. 1176
The superintendent shall conduct the criminal records check in the 1177
manner described in division (B) of this section to determine 1178
whether any information exists that indicates that the person who 1179
is the subject of the request previously has been convicted of, 1180
has pleaded guilty to, or (except in the case of a request 1181
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1182
Code) has been found eligible for intervention in lieu of 1183
conviction for any of the following, regardless of the date of the 1184
conviction, the date of entry of the guilty plea, or (except in 1185
the case of a request pursuant to section 5164.34, 5164.341, or 1186
5164.342 of the Revised Code) the date the person was found 1187
eligible for intervention in lieu of conviction: 1188

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1189
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1190
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1191
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1192
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1193
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1194
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1195
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1196
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1197
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1198
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1199
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1200
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 1201

2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 1202
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 1203
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 1204
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 1205
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 1206
2925.56, 2927.12, or 3716.11 of the Revised Code; 1207

(b) Felonious sexual penetration in violation of former 1208
section 2907.12 of the Revised Code; 1209

(c) A violation of section 2905.04 of the Revised Code as it 1210
existed prior to July 1, 1996; 1211

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1212
the Revised Code when the underlying offense that is the object of 1213
the conspiracy, attempt, or complicity is one of the offenses 1214
listed in divisions (A)(3)(a) to (c) of this section; 1215

(e) A violation of an existing or former municipal ordinance 1216
or law of this state, any other state, or the United States that 1217
is substantially equivalent to any of the offenses listed in 1218
divisions (A)(3)(a) to (d) of this section. 1219

(4) On receipt of a request pursuant to section 2151.86 ~~or~~ 1220
2151.904, 5103.251, 5103.252, or 5103.253 of the Revised Code, a 1221
completed form prescribed pursuant to division (C)(1) of this 1222
section, and a set of fingerprint impressions obtained in the 1223
manner described in division (C)(2) of this section, the 1224
superintendent of the bureau of criminal identification and 1225
investigation shall conduct a criminal records check in the manner 1226
described in division (B) of this section to determine whether any 1227
information exists that indicates that the person who is the 1228
subject of the request previously has been convicted of or pleaded 1229
guilty to any of the following: 1230

(a) A violation of section 959.13, 2151.421, 2903.01, 1231
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 1232

2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 1233
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 1234
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1235
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1236
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 1237
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 1238
2917.02, ~~2919.12, 2919.22, 2919.24, 2919.25~~, 2923.12, 2923.13, 1239
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 1240
2925.05, 2925.06, 2927.12, 2925.13, 2925.22, 2925.23, 2925.24, 1241
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 1242
Revised Code, a violation of section 2905.04 of the Revised Code 1243
as it existed prior to July 1, 1996, a violation of section 1244
2919.23 of the Revised Code that would have been a violation of 1245
section 2905.04 of the Revised Code as it existed prior to July 1, 1246
1996, had the violation been committed prior to that date, a 1247
violation of section 2925.11 of the Revised Code that is not a 1248
minor drug possession offense, two or more OVI or OVUAC violations 1249
committed within the three years immediately preceding the 1250
submission of the application or petition that is the basis of the 1251
request, ~~or~~ felonious sexual penetration in violation of former 1252
section 2907.12 of the Revised Code, or a violation of Chapter 1253
2919. of the Revised Code that is a felony; 1254

(b) A violation of an existing or former law of this state, 1255
any other state, or the United States that is substantially 1256
equivalent to any of the offenses listed in division (A)(4)(a) of 1257
this section. 1258

(5) Upon receipt of a request pursuant to section 5104.013 of 1259
the Revised Code, a completed form prescribed pursuant to division 1260
(C)(1) of this section, and a set of fingerprint impressions 1261
obtained in the manner described in division (C)(2) of this 1262
section, the superintendent of the bureau of criminal 1263
identification and investigation shall conduct a criminal records 1264

check in the manner described in division (B) of this section to 1265
determine whether any information exists that indicates that the 1266
person who is the subject of the request has been convicted of or 1267
pleaded guilty to any of the following: 1268

(a) A violation of section 2151.421, 2903.01, 2903.02, 1269
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1270
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1271
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1272
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1273
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1274
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1275
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1276
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1277
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1278
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1279
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1280
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1281
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1282
Revised Code, felonious sexual penetration in violation of former 1283
section 2907.12 of the Revised Code, a violation of section 1284
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1285
violation of section 2919.23 of the Revised Code that would have 1286
been a violation of section 2905.04 of the Revised Code as it 1287
existed prior to July 1, 1996, had the violation been committed 1288
prior to that date, a violation of section 2925.11 of the Revised 1289
Code that is not a minor drug possession offense, a violation of 1290
section 2923.02 or 2923.03 of the Revised Code that relates to a 1291
crime specified in this division, or a second violation of section 1292
4511.19 of the Revised Code within five years of the date of 1293
application for licensure or certification. 1294

(b) A violation of an existing or former law of this state, 1295
any other state, or the United States that is substantially 1296

equivalent to any of the offenses or violations described in 1297
division (A)(5)(a) of this section. 1298

(6) Upon receipt of a request pursuant to section 5153.111 of 1299
the Revised Code, a completed form prescribed pursuant to division 1300
(C)(1) of this section, and a set of fingerprint impressions 1301
obtained in the manner described in division (C)(2) of this 1302
section, the superintendent of the bureau of criminal 1303
identification and investigation shall conduct a criminal records 1304
check in the manner described in division (B) of this section to 1305
determine whether any information exists that indicates that the 1306
person who is the subject of the request previously has been 1307
convicted of or pleaded guilty to any of the following: 1308

(a) A violation of section 2903.01, 2903.02, 2903.03, 1309
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1310
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1311
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1312
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1313
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1314
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1315
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1316
felonious sexual penetration in violation of former section 1317
2907.12 of the Revised Code, a violation of section 2905.04 of the 1318
Revised Code as it existed prior to July 1, 1996, a violation of 1319
section 2919.23 of the Revised Code that would have been a 1320
violation of section 2905.04 of the Revised Code as it existed 1321
prior to July 1, 1996, had the violation been committed prior to 1322
that date, or a violation of section 2925.11 of the Revised Code 1323
that is not a minor drug possession offense; 1324

(b) A violation of an existing or former law of this state, 1325
any other state, or the United States that is substantially 1326
equivalent to any of the offenses listed in division (A)(6)(a) of 1327
this section. 1328

(7) On receipt of a request for a criminal records check from 1329
an individual pursuant to section 4749.03 or 4749.06 of the 1330
Revised Code, accompanied by a completed copy of the form 1331
prescribed in division (C)(1) of this section and a set of 1332
fingerprint impressions obtained in a manner described in division 1333
(C)(2) of this section, the superintendent of the bureau of 1334
criminal identification and investigation shall conduct a criminal 1335
records check in the manner described in division (B) of this 1336
section to determine whether any information exists indicating 1337
that the person who is the subject of the request has been 1338
convicted of or pleaded guilty to any criminal offense in this 1339
state or in any other state. If the individual indicates that a 1340
firearm will be carried in the course of business, the 1341
superintendent shall require information from the federal bureau 1342
of investigation as described in division (B)(2) of this section. 1343
Subject to division (F) of this section, the superintendent shall 1344
report the findings of the criminal records check and any 1345
information the federal bureau of investigation provides to the 1346
director of public safety. 1347

(8) On receipt of a request pursuant to section 1321.37, 1348
1321.53, or 4763.05 of the Revised Code, a completed form 1349
prescribed pursuant to division (C)(1) of this section, and a set 1350
of fingerprint impressions obtained in the manner described in 1351
division (C)(2) of this section, the superintendent of the bureau 1352
of criminal identification and investigation shall conduct a 1353
criminal records check with respect to any person who has applied 1354
for a license, permit, or certification from the department of 1355
commerce or a division in the department. The superintendent shall 1356
conduct the criminal records check in the manner described in 1357
division (B) of this section to determine whether any information 1358
exists that indicates that the person who is the subject of the 1359
request previously has been convicted of or pleaded guilty to any 1360
criminal offense in this state, any other state, or the United 1361

States. 1362

(9) On receipt of a request for a criminal records check from 1363
the treasurer of state under section 113.041 of the Revised Code 1364
or from an individual under section 928.03, 4701.08, 4715.101, 1365
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 1366
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1367
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1368
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1369
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1370
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1371
or 4783.04 of the Revised Code, accompanied by a completed form 1372
prescribed under division (C)(1) of this section and a set of 1373
fingerprint impressions obtained in the manner described in 1374
division (C)(2) of this section, the superintendent of the bureau 1375
of criminal identification and investigation shall conduct a 1376
criminal records check in the manner described in division (B) of 1377
this section to determine whether any information exists that 1378
indicates that the person who is the subject of the request has 1379
been convicted of or pleaded guilty to any criminal offense in 1380
this state or any other state. Subject to division (F) of this 1381
section, the superintendent shall send the results of a check 1382
requested under section 113.041 of the Revised Code to the 1383
treasurer of state and shall send the results of a check requested 1384
under any of the other listed sections to the licensing board 1385
specified by the individual in the request. 1386

(10) On receipt of a request pursuant to section 124.74, 1387
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1388
Code, a completed form prescribed pursuant to division (C)(1) of 1389
this section, and a set of fingerprint impressions obtained in the 1390
manner described in division (C)(2) of this section, the 1391
superintendent of the bureau of criminal identification and 1392
investigation shall conduct a criminal records check in the manner 1393

described in division (B) of this section to determine whether any 1394
information exists that indicates that the person who is the 1395
subject of the request previously has been convicted of or pleaded 1396
guilty to any criminal offense under any existing or former law of 1397
this state, any other state, or the United States. 1398

(11) On receipt of a request for a criminal records check 1399
from an appointing or licensing authority under section 3772.07 of 1400
the Revised Code, a completed form prescribed under division 1401
(C)(1) of this section, and a set of fingerprint impressions 1402
obtained in the manner prescribed in division (C)(2) of this 1403
section, the superintendent of the bureau of criminal 1404
identification and investigation shall conduct a criminal records 1405
check in the manner described in division (B) of this section to 1406
determine whether any information exists that indicates that the 1407
person who is the subject of the request previously has been 1408
convicted of or pleaded guilty or no contest to any offense under 1409
any existing or former law of this state, any other state, or the 1410
United States that makes the person ineligible for appointment or 1411
retention under section 3772.07 of the Revised Code or that is a 1412
disqualifying offense as defined in that section or substantially 1413
equivalent to a disqualifying offense, as applicable. 1414

(12) On receipt of a request pursuant to section 2151.33 or 1415
2151.412 of the Revised Code, a completed form prescribed pursuant 1416
to division (C)(1) of this section, and a set of fingerprint 1417
impressions obtained in the manner described in division (C)(2) of 1418
this section, the superintendent of the bureau of criminal 1419
identification and investigation shall conduct a criminal records 1420
check with respect to any person for whom a criminal records check 1421
is required under that section. The superintendent shall conduct 1422
the criminal records check in the manner described in division (B) 1423
of this section to determine whether any information exists that 1424
indicates that the person who is the subject of the request 1425

previously has been convicted of or pleaded guilty to any of the 1426
following: 1427

(a) A violation of section 2903.01, 2903.02, 2903.03, 1428
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1429
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1430
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1431
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1432
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1433
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1434
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1435
2925.22, 2925.23, or 3716.11 of the Revised Code; 1436

(b) An existing or former law of this state, any other state, 1437
or the United States that is substantially equivalent to any of 1438
the offenses listed in division (A)(12)(a) of this section. 1439

(13) On receipt of a request pursuant to section 3796.12 of 1440
the Revised Code, a completed form prescribed pursuant to division 1441
(C)(1) of this section, and a set of fingerprint impressions 1442
obtained in a manner described in division (C)(2) of this section, 1443
the superintendent of the bureau of criminal identification and 1444
investigation shall conduct a criminal records check in the manner 1445
described in division (B) of this section to determine whether any 1446
information exists that indicates that the person who is the 1447
subject of the request previously has been convicted of or pleaded 1448
guilty to ~~the following~~: 1449

~~(a) A~~ a disqualifying offense as specified in rules adopted 1450
under section 9.79 and division (B)(2)(b) of section 3796.03 of 1451
the Revised Code if the person who is the subject of the request 1452
is an administrator or other person responsible for the daily 1453
operation of, or an owner or prospective owner, officer or 1454
prospective officer, or board member or prospective board member 1455
of, an entity seeking a license from the department of commerce 1456
under Chapter 3796. of the Revised Code; 1457

~~(b) A disqualifying offense as specified in rules adopted 1458
under section 9.79 and division (B)(2)(b) of section 3796.04 of 1459
the Revised Code if the person who is the subject of the request 1460
is an administrator or other person responsible for the daily 1461
operation of, or an owner or prospective owner, officer or 1462
prospective officer, or board member or prospective board member 1463
of, an entity seeking a license from the state board of pharmacy 1464
under Chapter 3796. of the Revised Code. 1465~~

(14) On receipt of a request required by section 3796.13 of 1466
the Revised Code, a completed form prescribed pursuant to division 1467
(C)(1) of this section, and a set of fingerprint impressions 1468
obtained in a manner described in division (C)(2) of this section, 1469
the superintendent of the bureau of criminal identification and 1470
investigation shall conduct a criminal records check in the manner 1471
described in division (B) of this section to determine whether any 1472
information exists that indicates that the person who is the 1473
subject of the request previously has been convicted of or pleaded 1474
guilty to ~~the following:~~ 1475

~~(a) A a disqualifying offense as specified in rules adopted 1476
under division (B)(8)(a) (B)(14)(a) of section 3796.03 of the 1477
Revised Code if the person who is the subject of the request is 1478
seeking employment with an entity licensed by the department of 1479
commerce under Chapter 3796. of the Revised Code. 1480~~

~~(b) A disqualifying offense as specified in rules adopted 1481
under division (B)(14)(a) of section 3796.04 of the Revised Code 1482
if the person who is the subject of the request is seeking 1483
employment with an entity licensed by the state board of pharmacy 1484
under Chapter 3796. of the Revised Code. 1485~~

(15) On receipt of a request pursuant to section 4768.06 of 1486
the Revised Code, a completed form prescribed under division 1487
(C)(1) of this section, and a set of fingerprint impressions 1488
obtained in the manner described in division (C)(2) of this 1489

section, the superintendent of the bureau of criminal 1490
identification and investigation shall conduct a criminal records 1491
check in the manner described in division (B) of this section to 1492
determine whether any information exists indicating that the 1493
person who is the subject of the request has been convicted of or 1494
pleaded guilty to any criminal offense in this state or in any 1495
other state. 1496

(16) On receipt of a request pursuant to division (B) of 1497
section 4764.07 or division (A) of section 4735.143 of the Revised 1498
Code, a completed form prescribed under division (C)(1) of this 1499
section, and a set of fingerprint impressions obtained in the 1500
manner described in division (C)(2) of this section, the 1501
superintendent of the bureau of criminal identification and 1502
investigation shall conduct a criminal records check in the manner 1503
described in division (B) of this section to determine whether any 1504
information exists indicating that the person who is the subject 1505
of the request has been convicted of or pleaded guilty to any 1506
criminal offense in any state or the United States. 1507

(17) On receipt of a request for a criminal records check 1508
under section 147.022 of the Revised Code, a completed form 1509
prescribed under division (C)(1) of this section, and a set of 1510
fingerprint impressions obtained in the manner prescribed in 1511
division (C)(2) of this section, the superintendent of the bureau 1512
of criminal identification and investigation shall conduct a 1513
criminal records check in the manner described in division (B) of 1514
this section to determine whether any information exists that 1515
indicates that the person who is the subject of the request 1516
previously has been convicted of or pleaded guilty or no contest 1517
to any criminal offense under any existing or former law of this 1518
state, any other state, or the United States. 1519

(18) Upon receipt of a request pursuant to division (F) of 1520
section 2915.081 or division (E) of section 2915.082 of the 1521

Revised Code, a completed form prescribed under division (C)(1) of 1522
this section, and a set of fingerprint impressions obtained in the 1523
manner described in division (C)(2) of this section, the 1524
superintendent of the bureau of criminal identification and 1525
investigation shall conduct a criminal records check in the manner 1526
described in division (B) of this section to determine whether any 1527
information exists indicating that the person who is the subject 1528
of the request has been convicted of or pleaded guilty or no 1529
contest to any offense that is a violation of Chapter 2915. of the 1530
Revised Code or to any offense under any existing or former law of 1531
this state, any other state, or the United States that is 1532
substantially equivalent to such an offense. 1533

(19) On receipt of a request pursuant to section 3775.03 of 1534
the Revised Code, a completed form prescribed under division 1535
(C)(1) of this section, and a set of fingerprint impressions 1536
obtained in the manner described in division (C)(2) of this 1537
section, the superintendent of the bureau of criminal 1538
identification and investigation shall conduct a criminal records 1539
check in the manner described in division (B) of this section and 1540
shall request information from the federal bureau of investigation 1541
to determine whether any information exists indicating that the 1542
person who is the subject of the request has been convicted of any 1543
offense under any existing or former law of this state, any other 1544
state, or the United States that is a disqualifying offense as 1545
defined in section 3772.07 of the Revised Code. 1546

(B) Subject to division (F) of this section, the 1547
superintendent shall conduct any criminal records check to be 1548
conducted under this section as follows: 1549

(1) The superintendent shall review or cause to be reviewed 1550
any relevant information gathered and compiled by the bureau under 1551
division (A) of section 109.57 of the Revised Code that relates to 1552
the person who is the subject of the criminal records check, 1553

including, if the criminal records check was requested under 1554
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 1555
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 1556
2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 1557
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 1558
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5103.251, 1559
5103.252, 5103.253, 5104.013, 5164.34, 5164.341, 5164.342, 1560
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 1561
information contained in records that have been sealed under 1562
section 2953.32 of the Revised Code; 1563

(2) If the request received by the superintendent asks for 1564
information from the federal bureau of investigation, the 1565
superintendent shall request from the federal bureau of 1566
investigation any information it has with respect to the person 1567
who is the subject of the criminal records check, including 1568
fingerprint-based checks of national crime information databases 1569
as described in 42 U.S.C. 671 if the request is made pursuant to 1570
section 2151.86, 5103.251, 5103.252, 5103.253, or 5104.013 of the 1571
Revised Code or if any other Revised Code section requires 1572
fingerprint-based checks of that nature, and shall review or cause 1573
to be reviewed any information the superintendent receives from 1574
that bureau. If a request under section 3319.39 of the Revised 1575
Code asks only for information from the federal bureau of 1576
investigation, the superintendent shall not conduct the review 1577
prescribed by division (B)(1) of this section. 1578

(3) The superintendent or the superintendent's designee may 1579
request criminal history records from other states or the federal 1580
government pursuant to the national crime prevention and privacy 1581
compact set forth in section 109.571 of the Revised Code. 1582

(4) The superintendent shall include in the results of the 1583
criminal records check a list or description of the offenses 1584
listed or described in the relevant provision of division (A) of 1585

this section. The superintendent shall exclude from the results 1586
any information the dissemination of which is prohibited by 1587
federal law. 1588

(5) The superintendent shall send the results of the criminal 1589
records check to the person to whom it is to be sent not later 1590
than the following number of days after the date the 1591
superintendent receives the request for the criminal records 1592
check, the completed form prescribed under division (C)(1) of this 1593
section, and the set of fingerprint impressions obtained in the 1594
manner described in division (C)(2) of this section: 1595

(a) If the superintendent is required by division (A) of this 1596
section (other than division (A)(3) of this section) to conduct 1597
the criminal records check, thirty; 1598

(b) If the superintendent is required by division (A)(3) of 1599
this section to conduct the criminal records check, sixty. 1600

(C)(1) The superintendent shall prescribe a form to obtain 1601
the information necessary to conduct a criminal records check from 1602
any person for whom a criminal records check is to be conducted 1603
under this section. The form that the superintendent prescribes 1604
pursuant to this division may be in a tangible format, in an 1605
electronic format, or in both tangible and electronic formats. 1606

(2) The superintendent shall prescribe standard impression 1607
sheets to obtain the fingerprint impressions of any person for 1608
whom a criminal records check is to be conducted under this 1609
section. Any person for whom a records check is to be conducted 1610
under this section shall obtain the fingerprint impressions at a 1611
county sheriff's office, municipal police department, or any other 1612
entity with the ability to make fingerprint impressions on the 1613
standard impression sheets prescribed by the superintendent. The 1614
office, department, or entity may charge the person a reasonable 1615
fee for making the impressions. The standard impression sheets the 1616

superintendent prescribes pursuant to this division may be in a 1617
tangible format, in an electronic format, or in both tangible and 1618
electronic formats. 1619

(3) Subject to division (D) of this section, the 1620
superintendent shall prescribe and charge a reasonable fee for 1621
providing a criminal records check under this section. The person 1622
requesting the criminal records check shall pay the fee prescribed 1623
pursuant to this division. In the case of a request under section 1624
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1625
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1626
the manner specified in that section. 1627

(4) The superintendent of the bureau of criminal 1628
identification and investigation may prescribe methods of 1629
forwarding fingerprint impressions and information necessary to 1630
conduct a criminal records check, which methods shall include, but 1631
not be limited to, an electronic method. 1632

(D) The results of a criminal records check conducted under 1633
this section, other than a criminal records check specified in 1634
division (A)(7) of this section, are valid for the person who is 1635
the subject of the criminal records check for a period of one year 1636
from the date upon which the superintendent completes the criminal 1637
records check. If during that period the superintendent receives 1638
another request for a criminal records check to be conducted under 1639
this section for that person, the superintendent shall provide the 1640
results from the previous criminal records check of the person at 1641
a lower fee than the fee prescribed for the initial criminal 1642
records check. 1643

(E) When the superintendent receives a request for 1644
information from a registered private provider, the superintendent 1645
shall proceed as if the request was received from a school 1646
district board of education under section 3319.39 of the Revised 1647
Code. The superintendent shall apply division (A)(1)(c) of this 1648

section to any such request for an applicant who is a teacher. 1649

(F)(1) Subject to division (F)(2) of this section, all 1650
information regarding the results of a criminal records check 1651
conducted under this section that the superintendent reports or 1652
sends under division (A)(7) or (9) of this section to the director 1653
of public safety, the treasurer of state, or the person, board, or 1654
entity that made the request for the criminal records check shall 1655
relate to the conviction of the subject person, or the subject 1656
person's plea of guilty to, a criminal offense. 1657

(2) Division (F)(1) of this section does not limit, restrict, 1658
or preclude the superintendent's release of information that 1659
relates to the arrest of a person who is eighteen years of age or 1660
older, to an adjudication of a child as a delinquent child, or to 1661
a criminal conviction of a person under eighteen years of age in 1662
circumstances in which a release of that nature is authorized 1663
under division (E)(2), (3), or (4) of section 109.57 of the 1664
Revised Code pursuant to a rule adopted under division (E)(1) of 1665
that section. 1666

(G) As used in this section: 1667

(1) "Criminal records check" means any criminal records check 1668
conducted by the superintendent of the bureau of criminal 1669
identification and investigation in accordance with division (B) 1670
of this section. 1671

(2) "Minor drug possession offense" has the same meaning as 1672
in section 2925.01 of the Revised Code. 1673

(3) "OVI or OVUAC violation" means a violation of section 1674
4511.19 of the Revised Code or a violation of an existing or 1675
former law of this state, any other state, or the United States 1676
that is substantially equivalent to section 4511.19 of the Revised 1677
Code. 1678

(4) "Registered private provider" means a nonpublic school or 1679

entity registered with the superintendent of public instruction 1680
under section 3310.41 of the Revised Code to participate in the 1681
autism scholarship program or section 3310.58 of the Revised Code 1682
to participate in the Jon Peterson special needs scholarship 1683
program. 1684

Sec. 109.71. There is hereby created in the office of the 1685
attorney general the Ohio peace officer training commission. The 1686
commission shall consist of ten members appointed by the governor 1687
with the advice and consent of the senate and selected as follows: 1688
one member representing the public; one member who represents a 1689
fraternal organization representing law enforcement officers; two 1690
members who are incumbent sheriffs; two members who are incumbent 1691
chiefs of police; one member from the bureau of criminal 1692
identification and investigation; one member from the state 1693
highway patrol; one member who is the special agent in charge of a 1694
field office of the federal bureau of investigation in this state; 1695
and one member from the department of education, trade and 1696
industrial education services, law enforcement training. 1697

This section does not confer any arrest authority or any 1698
ability or authority to detain a person, write or issue any 1699
citation, or provide any disposition alternative, as granted under 1700
Chapter 2935. of the Revised Code. 1701

Pursuant to division (A)(9) of section 101.82 of the Revised 1702
Code, the commission is exempt from the requirements of sections 1703
101.82 to 101.87 of the Revised Code. 1704

As used in sections 109.71 to 109.801 of the Revised Code: 1705

(A) "Peace officer" means: 1706

(1) A deputy sheriff, marshal, deputy marshal, member of the 1707
organized police department of a township or municipal 1708
corporation, member of a township police district or joint police 1709

district police force, member of a police force employed by a 1710
metropolitan housing authority under division (D) of section 1711
3735.31 of the Revised Code, or township constable, who is 1712
commissioned and employed as a peace officer by a political 1713
subdivision of this state or by a metropolitan housing authority, 1714
and whose primary duties are to preserve the peace, to protect 1715
life and property, and to enforce the laws of this state, 1716
ordinances of a municipal corporation, resolutions of a township, 1717
or regulations of a board of county commissioners or board of 1718
township trustees, or any of those laws, ordinances, resolutions, 1719
or regulations; 1720

(2) A police officer who is employed by a railroad company 1721
and appointed and commissioned by the secretary of state pursuant 1722
to sections 4973.17 to 4973.22 of the Revised Code; 1723

(3) Employees of the department of taxation engaged in the 1724
enforcement of Chapter 5743. of the Revised Code and designated by 1725
the tax commissioner for peace officer training for purposes of 1726
the delegation of investigation powers under section 5743.45 of 1727
the Revised Code; 1728

(4) An undercover drug agent; 1729

(5) Enforcement agents of the department of public safety 1730
whom the director of public safety designates under section 1731
5502.14 of the Revised Code; 1732

(6) An employee of the department of natural resources who is 1733
a natural resources law enforcement staff officer designated 1734
pursuant to section 1501.013, a natural resources officer 1735
appointed pursuant to section 1501.24, a forest-fire investigator 1736
appointed pursuant to section 1503.09, or a wildlife officer 1737
designated pursuant to section 1531.13 of the Revised Code; 1738

(7) An employee of a park district who is designated pursuant 1739
to section 511.232 or 1545.13 of the Revised Code; 1740

(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1741 1742
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	1743 1744 1745 1746 1747
(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	1748 1749
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	1750 1751 1752
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	1753 1754 1755 1756 1757 1758 1759 1760
(13) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	1761 1762 1763 1764
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	1765 1766
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	1767 1768 1769
(16) Investigators appointed by the auditor of state pursuant	1770

to section 117.091 of the Revised Code and engaged in the 1771
enforcement of Chapter 117. of the Revised Code; 1772

(17) A special police officer designated by the 1773
superintendent of the state highway patrol pursuant to section 1774
5503.09 of the Revised Code or a person who was serving as a 1775
special police officer pursuant to that section on a permanent 1776
basis on October 21, 1997, and who has been awarded a certificate 1777
by the executive director of the Ohio peace officer training 1778
commission attesting to the person's satisfactory completion of an 1779
approved state, county, municipal, or department of natural 1780
resources peace officer basic training program; 1781

(18) A special police officer employed by a port authority 1782
under section 4582.04 or 4582.28 of the Revised Code or a person 1783
serving as a special police officer employed by a port authority 1784
on a permanent basis on May 17, 2000, who has been awarded a 1785
certificate by the executive director of the Ohio peace officer 1786
training commission attesting to the person's satisfactory 1787
completion of an approved state, county, municipal, or department 1788
of natural resources peace officer basic training program; 1789

(19) A special police officer employed by a municipal 1790
corporation who has been awarded a certificate by the executive 1791
director of the Ohio peace officer training commission for 1792
satisfactory completion of an approved peace officer basic 1793
training program and who is employed on a permanent basis on or 1794
after March 19, 2003, at a municipal airport, or other municipal 1795
air navigation facility, that has scheduled operations, as defined 1796
in section 119.3 of Title 14 of the Code of Federal Regulations, 1797
14 C.F.R. 119.3, as amended, and that is required to be under a 1798
security program and is governed by aviation security rules of the 1799
transportation security administration of the United States 1800
department of transportation as provided in Parts 1542. and 1544. 1801
of Title 49 of the Code of Federal Regulations, as amended; 1802

(20) A police officer who is employed by an owner or operator 1803
of an amusement park that has an average yearly attendance in 1804
excess of six hundred thousand guests and that employs and 1805
maintains its own proprietary police department or security 1806
department, and who is appointed and commissioned by a judge of 1807
the appropriate municipal court or county court pursuant to 1808
section 4973.17 of the Revised Code; 1809

(21) A police officer who is employed by a bank, savings and 1810
loan association, savings bank, credit union, or association of 1811
banks, savings and loan associations, savings banks, or credit 1812
unions, who has been appointed and commissioned by the secretary 1813
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1814
Code, and who has been awarded a certificate by the executive 1815
director of the Ohio peace officer training commission attesting 1816
to the person's satisfactory completion of a state, county, 1817
municipal, or department of natural resources peace officer basic 1818
training program; 1819

(22) An investigator, as defined in section 109.541 of the 1820
Revised Code, of the bureau of criminal identification and 1821
investigation who is commissioned by the superintendent of the 1822
bureau as a special agent for the purpose of assisting law 1823
enforcement officers or providing emergency assistance to peace 1824
officers pursuant to authority granted under that section; 1825

(23) A state fire marshal law enforcement officer appointed 1826
under section 3737.22 of the Revised Code or a person serving as a 1827
state fire marshal law enforcement officer on a permanent basis on 1828
or after July 1, 1982, who has been awarded a certificate by the 1829
executive director of the Ohio peace officer training commission 1830
attesting to the person's satisfactory completion of an approved 1831
state, county, municipal, or department of natural resources peace 1832
officer basic training program; 1833

(24) A gaming agent employed under section 3772.03 of the 1834

Revised Code; 1835

(25) An employee of the state board of pharmacy designated by 1836
the executive director of the board pursuant to section 4729.04 of 1837
the Revised Code to investigate violations of Chapters 2925., 1838
3715., 3719., 3796., 4729., and 4752. of the Revised Code and 1839
rules adopted thereunder; 1840

(26) The inspector general or a deputy inspector general 1841
appointed pursuant to section 121.48 of the Revised Code while the 1842
inspector general or a deputy inspector general is engaged in the 1843
scope of the inspector general's or deputy inspector general's 1844
duties under sections 121.42 to 121.52 of the Revised Code. 1845

(B) "Undercover drug agent" has the same meaning as in 1846
division (B)(2) of section 109.79 of the Revised Code. 1847

(C) "Crisis intervention training" means training in the use 1848
of interpersonal and communication skills to most effectively and 1849
sensitively interview victims of rape. 1850

(D) "Missing children" has the same meaning as in section 1851
2901.30 of the Revised Code. 1852

(E) "Tactical medical professional" means an EMT, EMT-basic, 1853
AEMT, EMT-I, paramedic, nurse, or physician who is trained and 1854
certified in a nationally recognized tactical medical training 1855
program that is equivalent to "tactical combat casualty care" 1856
(TCCC) and "tactical emergency medical support" (TEMS) and who 1857
functions in the tactical or austere environment while attached to 1858
a law enforcement agency of either this state or a political 1859
subdivision of this state. 1860

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 1861
meanings as in section 4765.01 of the Revised Code and "EMT" and 1862
"AEMT" have the same meanings as in section 4765.011 of the 1863
Revised Code. 1864

(G) "Nurse" means any of the following:	1865
(1) Any person who is licensed to practice nursing as a registered nurse by the board of nursing;	1866 1867
(2) Any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code;	1868 1869 1870 1871
(3) Any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.	1872 1873 1874
(H) "Physician" means a person who is licensed pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	1875 1876 1877
(I) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.	1878 1879
Sec. 109.77. (A) As used in this section:	1880
(1) "Felony" has the same meaning as in section 109.511 of the Revised Code.	1881 1882
(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	1883 1884
(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	1885 1886 1887 1888 1889 1890 1891 1892 1893

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	1894 1895 1896
(b) A natural resources law enforcement staff officer, forest-fire investigator, wildlife officer, or natural resources officer of the department of natural resources;	1897 1898 1899
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	1900 1901
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1902 1903
(e) A state university law enforcement officer;	1904
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	1905 1906 1907 1908
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1909 1910 1911
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	1912 1913
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	1914 1915 1916 1917 1918 1919 1920 1921 1922
(j) A gaming agent employed under section 3772.03 of the	1923

Revised Code;	1924
<u>(k) The inspector general or a deputy inspector general</u>	1925
<u>appointed pursuant to section 121.48 of the Revised Code.</u>	1926
(2) Every person who is appointed on a temporary basis or for	1927
a probationary term or on other than a permanent basis as any of	1928
the following shall forfeit the appointed position unless the	1929
person previously has completed satisfactorily or, within the time	1930
prescribed by rules adopted by the attorney general pursuant to	1931
section 109.74 of the Revised Code, satisfactorily completes a	1932
state, county, municipal, or department of natural resources peace	1933
officer basic training program for temporary or probationary	1934
officers and is awarded a certificate by the director attesting to	1935
the satisfactory completion of the program:	1936
(a) A peace officer of any county, township, municipal	1937
corporation, regional transit authority, or metropolitan housing	1938
authority;	1939
(b) A natural resources law enforcement staff officer, park	1940
officer, forest officer, preserve officer, wildlife officer, or	1941
state watercraft officer of the department of natural resources;	1942
(c) An employee of a park district under section 511.232 or	1943
1545.13 of the Revised Code;	1944
(d) An employee of a conservancy district who is designated	1945
pursuant to section 6101.75 of the Revised Code;	1946
(e) A special police officer employed by the department of	1947
mental health and addiction services pursuant to section 5119.08	1948
of the Revised Code or the department of developmental	1949
disabilities pursuant to section 5123.13 of the Revised Code;	1950
(f) An enforcement agent of the department of public safety	1951
whom the director of public safety designates under section	1952
5502.14 of the Revised Code;	1953

(g) A special police officer employed by a port authority 1954
under section 4582.04 or 4582.28 of the Revised Code; 1955

(h) A special police officer employed by a municipal 1956
corporation at a municipal airport, or other municipal air 1957
navigation facility, that has scheduled operations, as defined in 1958
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1959
C.F.R. 119.3, as amended, and that is required to be under a 1960
security program and is governed by aviation security rules of the 1961
transportation security administration of the United States 1962
department of transportation as provided in Parts 1542. and 1544. 1963
of Title 49 of the Code of Federal Regulations, as amended. 1964

(3) For purposes of division (B) of this section, a state, 1965
county, municipal, or department of natural resources peace 1966
officer basic training program, regardless of whether the program 1967
is to be completed by peace officers appointed on a permanent or 1968
temporary, probationary, or other nonpermanent basis, shall 1969
include training in the handling of the offense of domestic 1970
violence, other types of domestic violence-related offenses and 1971
incidents, protection orders and consent agreements issued or 1972
approved under section 2919.26 or 3113.31 of the Revised Code, 1973
crisis intervention training, and training on companion animal 1974
encounters and companion animal behavior. The requirement to 1975
complete training in the handling of the offense of domestic 1976
violence, other types of domestic violence-related offenses and 1977
incidents, and protection orders and consent agreements issued or 1978
approved under section 2919.26 or 3113.31 of the Revised Code does 1979
not apply to any person serving as a peace officer on March 27, 1980
1979, and the requirement to complete training in crisis 1981
intervention does not apply to any person serving as a peace 1982
officer on April 4, 1985. Any person who is serving as a peace 1983
officer on April 4, 1985, who terminates that employment after 1984
that date, and who subsequently is hired as a peace officer by the 1985

same or another law enforcement agency shall complete training in 1986
crisis intervention as prescribed by rules adopted by the attorney 1987
general pursuant to section 109.742 of the Revised Code. No peace 1988
officer shall have employment as a peace officer terminated and 1989
then be reinstated with intent to circumvent this section. 1990

(4) Division (B) of this section does not apply to any person 1991
serving on a permanent basis on March 28, 1985, as a park officer, 1992
forest officer, preserve officer, wildlife officer, or state 1993
watercraft officer of the department of natural resources or as an 1994
employee of a park district under section 511.232 or 1545.13 of 1995
the Revised Code, to any person serving on a permanent basis on 1996
March 6, 1986, as an employee of a conservancy district designated 1997
pursuant to section 6101.75 of the Revised Code, to any person 1998
serving on a permanent basis on January 10, 1991, as a preserve 1999
officer of the department of natural resources, to any person 2000
employed on a permanent basis on July 2, 1992, as a special police 2001
officer by the department of mental health and addiction services 2002
pursuant to section 5119.08 of the Revised Code or by the 2003
department of developmental disabilities pursuant to section 2004
5123.13 of the Revised Code, to any person serving on a permanent 2005
basis on May 17, 2000, as a special police officer employed by a 2006
port authority under section 4582.04 or 4582.28 of the Revised 2007
Code, to any person serving on a permanent basis on March 19, 2008
2003, as a special police officer employed by a municipal 2009
corporation at a municipal airport or other municipal air 2010
navigation facility described in division (A)(19) of section 2011
109.71 of the Revised Code, to any person serving on a permanent 2012
basis on June 19, 1978, as a state university law enforcement 2013
officer pursuant to section 3345.04 of the Revised Code and who, 2014
immediately prior to June 19, 1978, was serving as a special 2015
police officer designated under authority of that section, or to 2016
any person serving on a permanent basis on September 20, 1984, as 2017
a liquor control investigator, known after June 30, 1999, as an 2018

enforcement agent of the department of public safety, engaged in 2019
the enforcement of Chapters 4301. and 4303. of the Revised Code. 2020

(5) Division (B) of this section does not apply to any person 2021
who is appointed as a regional transit authority police officer 2022
pursuant to division (Y) of section 306.35 of the Revised Code if, 2023
on or before July 1, 1996, the person has completed satisfactorily 2024
an approved state, county, municipal, or department of natural 2025
resources peace officer basic training program and has been 2026
awarded a certificate by the executive director of the Ohio peace 2027
officer training commission attesting to the person's satisfactory 2028
completion of such an approved program and if, on July 1, 1996, 2029
the person is performing peace officer functions for a regional 2030
transit authority. 2031

(C) No person, after September 20, 1984, shall receive an 2032
original appointment on a permanent basis as a veterans' home 2033
police officer designated under section 5907.02 of the Revised 2034
Code unless the person previously has been awarded a certificate 2035
by the executive director of the Ohio peace officer training 2036
commission attesting to the person's satisfactory completion of an 2037
approved police officer basic training program. Every person who 2038
is appointed on a temporary basis or for a probationary term or on 2039
other than a permanent basis as a veterans' home police officer 2040
designated under section 5907.02 of the Revised Code shall forfeit 2041
that position unless the person previously has completed 2042
satisfactorily or, within one year from the time of appointment, 2043
satisfactorily completes an approved police officer basic training 2044
program. 2045

(D) No bailiff or deputy bailiff of a court of record of this 2046
state and no criminal investigator who is employed by the state 2047
public defender shall carry a firearm, as defined in section 2048
2923.11 of the Revised Code, while on duty unless the bailiff, 2049
deputy bailiff, or criminal investigator has done or received one 2050

of the following: 2051

(1) Has been awarded a certificate by the executive director 2052
of the Ohio peace officer training commission, which certificate 2053
attests to satisfactory completion of an approved state, county, 2054
or municipal basic training program for bailiffs and deputy 2055
bailiffs of courts of record and for criminal investigators 2056
employed by the state public defender that has been recommended by 2057
the Ohio peace officer training commission; 2058

(2) Has successfully completed a firearms training program 2059
approved by the Ohio peace officer training commission prior to 2060
employment as a bailiff, deputy bailiff, or criminal investigator; 2061

(3) Prior to June 6, 1986, was authorized to carry a firearm 2062
by the court that employed the bailiff or deputy bailiff or, in 2063
the case of a criminal investigator, by the state public defender 2064
and has received training in the use of firearms that the Ohio 2065
peace officer training commission determines is equivalent to the 2066
training that otherwise is required by division (D) of this 2067
section. 2068

(E)(1) Before a person seeking a certificate completes an 2069
approved peace officer basic training program, the executive 2070
director of the Ohio peace officer training commission shall 2071
request the person to disclose, and the person shall disclose, any 2072
previous criminal conviction of or plea of guilty of that person 2073
to a felony. 2074

(2) Before a person seeking a certificate completes an 2075
approved peace officer basic training program, the executive 2076
director shall request a criminal history records check on the 2077
person. The executive director shall submit the person's 2078
fingerprints to the bureau of criminal identification and 2079
investigation, which shall submit the fingerprints to the federal 2080
bureau of investigation for a national criminal history records 2081

check. 2082

Upon receipt of the executive director's request, the bureau 2083
of criminal identification and investigation and the federal 2084
bureau of investigation shall conduct a criminal history records 2085
check on the person and, upon completion of the check, shall 2086
provide a copy of the criminal history records check to the 2087
executive director. The executive director shall not award any 2088
certificate prescribed in this section unless the executive 2089
director has received a copy of the criminal history records check 2090
on the person to whom the certificate is to be awarded. 2091

(3) The executive director of the commission shall not award 2092
a certificate prescribed in this section to a person who has been 2093
convicted of or has pleaded guilty to a felony or who fails to 2094
disclose any previous criminal conviction of or plea of guilty to 2095
a felony as required under division (E)(1) of this section. 2096

(4) The executive director of the commission shall revoke the 2097
certificate awarded to a person as prescribed in this section, and 2098
that person shall forfeit all of the benefits derived from being 2099
certified as a peace officer under this section, if the person, 2100
before completion of an approved peace officer basic training 2101
program, failed to disclose any previous criminal conviction of or 2102
plea of guilty to a felony as required under division (E)(1) of 2103
this section. 2104

(F)(1) Regardless of whether the person has been awarded the 2105
certificate or has been classified as a peace officer prior to, 2106
on, or after October 16, 1996, the executive director of the Ohio 2107
peace officer training commission shall revoke any certificate 2108
that has been awarded to a person as prescribed in this section if 2109
the person does either of the following: 2110

(a) Pleads guilty to a felony committed on or after January 2111
1, 1997; 2112

(b) Pleads guilty to a misdemeanor committed on or after 2113
January 1, 1997, pursuant to a negotiated plea agreement as 2114
provided in division (D) of section 2929.43 of the Revised Code in 2115
which the person agrees to surrender the certificate awarded to 2116
the person under this section. 2117

(2) The executive director of the commission shall suspend 2118
any certificate that has been awarded to a person as prescribed in 2119
this section if the person is convicted, after trial, of a felony 2120
committed on or after January 1, 1997. The executive director 2121
shall suspend the certificate pursuant to division (F)(2) of this 2122
section pending the outcome of an appeal by the person from that 2123
conviction to the highest court to which the appeal is taken or 2124
until the expiration of the period in which an appeal is required 2125
to be filed. If the person files an appeal that results in that 2126
person's acquittal of the felony or conviction of a misdemeanor, 2127
or in the dismissal of the felony charge against that person, the 2128
executive director shall reinstate the certificate awarded to the 2129
person under this section. If the person files an appeal from that 2130
person's conviction of the felony and the conviction is upheld by 2131
the highest court to which the appeal is taken or if the person 2132
does not file a timely appeal, the executive director shall revoke 2133
the certificate awarded to the person under this section. 2134

(G)(1) If a person is awarded a certificate under this 2135
section and the certificate is revoked pursuant to division (E)(4) 2136
or (F) of this section, the person shall not be eligible to 2137
receive, at any time, a certificate attesting to the person's 2138
satisfactory completion of a peace officer basic training program. 2139

(2) The revocation or suspension of a certificate under 2140
division (E)(4) or (F) of this section shall be in accordance with 2141
Chapter 119. of the Revised Code. 2142

(H)(1) A person who was employed as a peace officer of a 2143
county, township, or municipal corporation of the state on January 2144

1, 1966, and who has completed at least sixteen years of full-time 2145
active service as such a peace officer, or equivalent service as 2146
determined by the executive director of the Ohio peace officer 2147
training commission, may receive an original appointment on a 2148
permanent basis and serve as a peace officer of a county, 2149
township, or municipal corporation, or as a state university law 2150
enforcement officer, without complying with the requirements of 2151
division (B) of this section. 2152

(2) Any person who held an appointment as a state highway 2153
trooper on January 1, 1966, may receive an original appointment on 2154
a permanent basis and serve as a peace officer of a county, 2155
township, or municipal corporation, or as a state university law 2156
enforcement officer, without complying with the requirements of 2157
division (B) of this section. 2158

(I) No person who is appointed as a peace officer of a 2159
county, township, or municipal corporation on or after April 9, 2160
1985, shall serve as a peace officer of that county, township, or 2161
municipal corporation unless the person has received training in 2162
the handling of missing children and child abuse and neglect cases 2163
from an approved state, county, township, or municipal police 2164
officer basic training program or receives the training within the 2165
time prescribed by rules adopted by the attorney general pursuant 2166
to section 109.741 of the Revised Code. 2167

(J) No part of any approved state, county, or municipal basic 2168
training program for bailiffs and deputy bailiffs of courts of 2169
record and no part of any approved state, county, or municipal 2170
basic training program for criminal investigators employed by the 2171
state public defender shall be used as credit toward the 2172
completion by a peace officer of any part of the approved state, 2173
county, or municipal peace officer basic training program that the 2174
peace officer is required by this section to complete 2175
satisfactorily. 2176

(K) This section does not apply to any member of the police 2177
department of a municipal corporation in an adjoining state 2178
serving in this state under a contract pursuant to section 737.04 2179
of the Revised Code. 2180

Sec. 111.15. (A) As used in this section: 2181

(1) "Rule" includes any rule, regulation, bylaw, or standard 2182
having a general and uniform operation adopted by an agency under 2183
the authority of the laws governing the agency; any appendix to a 2184
rule; and any internal management rule. "Rule" does not include 2185
any guideline adopted pursuant to section 3301.0714 of the Revised 2186
Code, any order respecting the duties of employees, any finding, 2187
any determination of a question of law or fact in a matter 2188
presented to an agency, or any rule promulgated pursuant to 2189
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 2190
Revised Code. "Rule" includes any amendment or rescission of a 2191
rule. 2192

(2) "Agency" means any governmental entity of the state and 2193
includes, but is not limited to, any board, department, division, 2194
commission, bureau, society, council, or institution,~~state~~ 2195
~~college or university, community college district, technical~~ 2196
~~college district, or state community college.~~ "Agency" does not 2197
include the general assembly, the controlling board, the adjutant 2198
general's department, a state college or university, a community 2199
college district, a technical college district, a state community 2200
college, or any court. 2201

(3) "Internal management rule" means any rule, regulation, 2202
bylaw, or standard governing the day-to-day staff procedures and 2203
operations within an agency. 2204

(B)(1) Any rule, other than a rule of an emergency nature, 2205
adopted by any agency pursuant to this section shall be effective 2206
on the tenth day after the day on which the rule in final form and 2207

in compliance with division (B)(3) of this section is filed as 2208
follows: 2209

(a) The rule shall be filed in electronic form with both the 2210
secretary of state and the director of the legislative service 2211
commission; 2212

(b) The rule shall be filed in electronic form with the joint 2213
committee on agency rule review. Division (B)(1)(b) of this 2214
section does not apply to any rule to which division (D) of this 2215
section does not apply. 2216

An agency that adopts or amends a rule that is subject to 2217
division (D) of this section shall assign a review date to the 2218
rule that is not later than five years after its effective date. 2219
If a review date assigned to a rule exceeds the five-year maximum, 2220
the review date for the rule is five years after its effective 2221
date. A rule with a review date is subject to review under section 2222
106.03 of the Revised Code. ~~This paragraph does not apply to a 2223
rule of a state college or university, community college district, 2224
technical college district, or state community college.~~ 2225

If an agency in adopting a rule designates an effective date 2226
that is later than the effective date provided for by division 2227
(B)(1) of this section, the rule if filed as required by such 2228
division shall become effective on the later date designated by 2229
the agency. 2230

Any rule that is required to be filed under division (B)(1) 2231
of this section is also subject to division (D) of this section if 2232
not exempted by that division. 2233

If a rule incorporates a text or other material by reference, 2234
the agency shall comply with sections 121.71 to 121.75 of the 2235
Revised Code. 2236

(2) A rule of an emergency nature necessary for the immediate 2237
preservation of the public peace, health, or safety shall state 2238

the reasons for the necessity. The emergency rule, in final form 2239
and in compliance with division (B)(3) of this section, shall be 2240
filed in electronic form with the secretary of state, the director 2241
of the legislative service commission, and the joint committee on 2242
agency rule review. The emergency rule is effective immediately 2243
upon completion of the latest filing, except that if the agency in 2244
adopting the emergency rule designates an effective date, or date 2245
and time of day, that is later than the effective date and time 2246
provided for by division (B)(2) of this section, the emergency 2247
rule if filed as required by such division shall become effective 2248
at the later date, or later date and time of day, designated by 2249
the agency. 2250

Except as provided in section 107.43 of the Revised Code, an 2251
emergency rule becomes invalid at the end of the one hundred 2252
twentieth day it is in effect. Prior to that date, the agency may 2253
file the emergency rule as a nonemergency rule in compliance with 2254
division (B)(1) of this section. The agency may not refile the 2255
emergency rule in compliance with division (B)(2) of this section 2256
so that, upon the emergency rule becoming invalid under such 2257
division, the emergency rule will continue in effect without 2258
interruption for another one hundred twenty-day period. 2259

The adoption of an emergency rule under division (B)(2) of 2260
this section in response to a state of emergency, as defined under 2261
section 107.42 of the Revised Code, may be invalidated by the 2262
general assembly, in whole or in part, by adopting a concurrent 2263
resolution in accordance with section 107.43 of the Revised Code. 2264

(3) An agency shall file a rule under division (B)(1) or (2) 2265
of this section in compliance with the following standards and 2266
procedures: 2267

(a) The rule shall be numbered in accordance with the 2268
numbering system devised by the director for the Ohio 2269
administrative code. 2270

(b) The rule shall be prepared and submitted in compliance 2271
with the rules of the legislative service commission. 2272

(c) The rule shall clearly state the date on which it is to 2273
be effective and the date on which it will expire, if known. 2274

(d) Each rule that amends or rescinds another rule shall 2275
clearly refer to the rule that is amended or rescinded. Each 2276
amendment shall fully restate the rule as amended. 2277

If the director of the legislative service commission or the 2278
director's designee gives an agency notice pursuant to section 2279
103.05 of the Revised Code that a rule filed by the agency is not 2280
in compliance with the rules of the legislative service 2281
commission, the agency shall within thirty days after receipt of 2282
the notice conform the rule to the rules of the commission as 2283
directed in the notice. 2284

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 2285
of this section shall be recorded by the secretary of state and 2286
the director under the title of the agency adopting the rule and 2287
shall be numbered according to the numbering system devised by the 2288
director. The secretary of state and the director shall preserve 2289
the rules in an accessible manner. Each such rule shall be a 2290
public record open to public inspection and may be transmitted to 2291
any law publishing company that wishes to reproduce it. 2292

(D) At least sixty-five days before a board, commission, 2293
department, division, or bureau of the government of the state 2294
files a rule under division (B)(1) of this section, it shall file 2295
the full text of the proposed rule in electronic form with the 2296
joint committee on agency rule review, and the proposed rule is 2297
subject to legislative review and invalidation under section 2298
106.021 of the Revised Code. If a state board, commission, 2299
department, division, or bureau makes a revision in a proposed 2300
rule after it is filed with the joint committee, the state board, 2301

commission, department, division, or bureau shall promptly file 2302
the full text of the proposed rule in its revised form in 2303
electronic form with the joint committee. A state board, 2304
commission, department, division, or bureau shall also file the 2305
rule summary and fiscal analysis prepared under section 106.024 of 2306
the Revised Code in electronic form along with a proposed rule, 2307
and along with a proposed rule in revised form, that is filed 2308
under this division. If a proposed rule has an adverse impact on 2309
businesses, the state board, commission, department, division, or 2310
bureau also shall file the business impact analysis, any 2311
recommendations received from the common sense initiative office, 2312
and the associated memorandum of response, if any, in electronic 2313
form along with the proposed rule, or the proposed rule in revised 2314
form, that is filed under this division. 2315

A proposed rule that is subject to legislative review under 2316
this division may not be adopted and filed in final form under 2317
division (B)(1) of this section unless the proposed rule has been 2318
filed with the joint committee on agency rule review under this 2319
division and the time for the joint committee to review the 2320
proposed rule has expired without recommendation of a concurrent 2321
resolution to invalidate the proposed rule. 2322

If a proposed rule that is subject to legislative review 2323
under this division implements a federal law or rule, the agency 2324
shall provide to the joint committee a citation to the federal law 2325
or rule the proposed rule implements and a statement as to whether 2326
the proposed rule implements the federal law or rule in a manner 2327
that is more or less stringent or burdensome than the federal law 2328
or rule requires. 2329

As used in this division, "commission" includes the public 2330
utilities commission when adopting rules under a federal or state 2331
statute. 2332

This division does not apply to any of the following: 2333

(1) A proposed rule of an emergency nature;	2334
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, <u>4123.345</u> , 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	2335 2336 2337 2338
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	2339 2340 2341
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	2342 2343 2344
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	2345 2346 2347 2348 2349
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	2350 2351
(b) A citation to the federal law or rule that requires verbatim compliance.	2352 2353
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	2354 2355 2356 2357 2358 2359 2360
(7) A rule of the state lottery commission pertaining to instant game rules.	2361 2362
If a rule is exempt from legislative review under division	2363

(D)(5) of this section, and if the federal law or rule pursuant to 2364
which the rule was adopted expires, is repealed or rescinded, or 2365
otherwise terminates, the rule is thereafter subject to 2366
legislative review under division (D) of this section. 2367

Whenever a state board, commission, department, division, or 2368
bureau files a proposed rule or a proposed rule in revised form 2369
under division (D) of this section, it shall also file the full 2370
text of the same proposed rule or proposed rule in revised form in 2371
electronic form with the secretary of state and the director of 2372
the legislative service commission. A state board, commission, 2373
department, division, or bureau shall file the rule summary and 2374
fiscal analysis prepared under section 106.024 of the Revised Code 2375
in electronic form along with a proposed rule or proposed rule in 2376
revised form that is filed with the secretary of state or the 2377
director of the legislative service commission. 2378

Sec. 113.60. (A) As used in this section and sections 113.61 2379
and 113.62 of the Revised Code: 2380

(1) "Service intermediary" means a person or entity that 2381
enters into a pay for success contract under this section and 2382
sections 113.61 and 113.62 of the Revised Code. The service 2383
intermediary may act as the service provider that delivers the 2384
services specified in the contract or may contract with a separate 2385
service provider to deliver those services. 2386

(2) "State agency" and "political subdivision" have the same 2387
meanings as in section 9.23 of the Revised Code. 2388

(B) The treasurer of state shall administer the pay for 2389
success contracting program, shall develop procedures for awarding 2390
pay for success contracts, and may take any action necessary to 2391
implement and administer the program. Under the program, the 2392
treasurer of state may enter into a pay for success contract with 2393
a service intermediary for the delivery of specified services that 2394

benefit the state, a political subdivision, or a group of 2395
political subdivisions, such as programs addressing education, 2396
public health, criminal justice, or natural resource management. 2397
In the case of a contract for the delivery of services that 2398
benefit the state, the treasurer of state shall enter into the 2399
contract jointly with the director of administrative services. The 2400
treasurer of state and, as applicable, the director of 2401
administrative services, may enter into a pay for success contract 2402
under either of the following circumstances: 2403

(1) Upon receiving an appropriation from the general assembly 2404
for the purpose of entering into a pay for success contract; 2405

(2)(a) At the request of a state agency, a political 2406
subdivision, or a group of state agencies or political 2407
subdivisions that the treasurer of state and, as applicable, the 2408
director of administrative services, enter into a pay for success 2409
contract on behalf of the requesting state agency, political 2410
subdivision, or group. The requesting state agency, political 2411
subdivision, or group shall deposit the cost of the contract with 2412
the treasurer of state in the appropriate fund established in 2413
section 113.62 of the Revised Code. 2414

(b) A political subdivision or group of political 2415
subdivisions that requests the treasurer of state to enter into a 2416
pay for success contract on behalf of the political subdivision or 2417
group shall not use state funds to pay the cost of the contract. 2418

(c) The treasurer of state may apply for federal grant moneys 2419
on behalf of a requesting state agency, political subdivision, or 2420
group to pay the cost of all or part of the contract. The 2421
treasurer of state shall not apply for federal grant moneys for 2422
the purpose of entering into a pay for success contract without 2423
first entering into an agreement with a requesting state agency, 2424
political subdivision, or group for the treasurer of state to 2425
apply for those moneys. 2426

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

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

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

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

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

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

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

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

any report of the auditor of state made under this chapter shall 2457
accrue until the report is filed with the officer or legal counsel 2458
whose duty it is to institute civil actions for enforcement. No 2459
statutes of limitations otherwise applicable to the cause of 2460
action shall begin to run until the date of filing. Once a report 2461
is submitted to the attorney general under this chapter, the 2462
amount payable shall be a final, certified claim under section 2463
131.02 of the Revised Code. The amount payable may be satisfied 2464
under the process provided in section 5747.12 of the Revised Code. 2465

Sec. 117.46. Each biennium the auditor of state shall conduct 2466
a minimum of four performance audits under this section. Except as 2467
otherwise provided in this section, at least two of the audits 2468
shall be of state agencies selected from a list comprised of the 2469
administrative departments listed in section 121.02 of the Revised 2470
Code and the department of education and at least two of the 2471
audits shall be of other state agencies. At the auditor of state's 2472
discretion, the auditor of state may also conduct performance 2473
audits of state institutions of higher education. The offices of 2474
the attorney general, auditor of state, governor, secretary of 2475
state, and treasurer of state and agencies of the legislative and 2476
judicial branches are not subject to an audit under this section. 2477

The auditor shall select each agency or institution to be 2479
audited and shall determine whether to audit the entire agency or 2480
institution or a portion of the agency or institution by auditing 2481
one or more programs, offices, boards, councils, or other entities 2482
within that agency or institution. The auditor shall make the 2483
selection and determination in consultation with the governor and 2484
the speaker and minority leader of the house of representatives 2485
and president and minority leader of the senate. 2486

An audit of a portion of an agency or institution shall be 2487

considered an audit of one agency or institution. The authority to 2488
audit a portion of an agency or institution in no way limits the 2489
auditor's ability to audit an entire agency or institution if it 2490
is in the best interest of the state. 2491

The performance audits under this section shall be conducted 2492
pursuant to sections 117.01 and 117.13 of the Revised Code. In 2493
conducting a performance audit, the auditor of state shall 2494
determine the scope of the audit, but shall consider, if 2495
appropriate, supervisory and subordinate level operations in the 2496
agency or institution. A performance audit under this section 2497
shall not include review or evaluation of an institution's 2498
academic performance. 2499

As used in this section and in sections 117.461, 117.462, 2500
117.463, and 117.47, ~~117.471, and 117.472~~ of the Revised Code, 2501
"state institution of higher education" has the meaning defined in 2502
section 3345.011 of the Revised Code. 2503

Sec. 117.47. There is hereby created in the state treasury 2504
the ~~leverage for efficiency, accountability, and performance~~ 2505
auditor's innovation fund. The auditor of state ~~shall~~ may use the 2506
fund ~~to:~~ 2507

~~(A) Make loans to state agencies, local public offices, and 2508
state institutions of higher education that have applied to and 2509
been approved by the auditor of state to receive the loans and to 2510
pay the costs of conducting performance audits incurred by the 2511
auditor of state; or 2512~~

~~(B) Pay the costs the auditor of state or the auditor's 2513
auditing team incurs to conduct a feasibility study requested 2514
under section 117.473 of the Revised Code for innovative audit, 2515
accounting, or local government assistance services that improve 2516
the quality or increase the range of services offered to local 2517
governments and school districts. 2518~~

The fund shall consist of money appropriated to it ~~plus the~~ 2519
~~repayments of principal and interest on loans made from the fund.~~ 2520
~~Interest earned on money in the fund shall be credited to the~~ 2521
~~fund.~~ 2522

~~During a fiscal year, the auditor of state shall use not more~~ 2523
~~than fifty per cent of the fund to make loans under division (A)~~ 2524
~~of this section and not more than fifty per cent to pay costs~~ 2525
~~under division (B) of this section.~~ 2526

Sec. 117.473. A state agency or local public office may 2527
request that the auditor of state conduct a feasibility study to 2528
determine if greater efficiency or cost savings could be realized 2529
by the state agency or local public office sharing services or 2530
facilities with other state agencies or local public offices. In 2531
the request, the requesting state agency or local public office 2532
shall identify for the auditor of state the specific state 2533
agencies or local public offices that may be included within the 2534
proposed plan for sharing services or facilities. The auditor of 2535
state may proceed with a requested feasibility study at the 2536
discretion of the auditor of state. 2537

The auditor of state shall provide written notification to 2538
each state agency and local public office that is identified in a 2539
request. The auditor of state may review only those identified 2540
state agencies or local public offices that do not opt out. To opt 2541
out, a state agency or local public office shall provide an opt 2542
out notice to the auditor of state within sixty days of the date 2543
on which the auditor's notification to the state agency or local 2544
public office is postmarked. If a state agency or local public 2545
office opts out of a requested feasibility study, the auditor of 2546
state, at the auditor's discretion, may cancel the feasibility 2547
study or may proceed to conduct the feasibility study considering 2548
only the identified state agencies and local public offices that 2549

have not opted out. 2550

~~The auditing team that conducts performance audits shall 2551
conduct the feasibility study requested by a state agency or local 2552
public office as funds are allowed and available under section 2553
117.47 of the Revised Code. 2554~~

Not later than ten days before commencing a feasibility study 2555
requested under this section, the auditor of state shall provide 2556
written notice to the requesting state agency or local public 2557
office, and any other state agency or local public office that 2558
consented to being reviewed, of the date the study will be 2559
commenced. 2560

The auditor of state shall pay the costs incurred by the 2561
auditor or the auditing team in conducting feasibility studies 2562
under this section. 2563

Not later than one hundred eighty days after completing a 2564
feasibility study, the auditor of state shall conduct a public 2565
hearing on the feasibility study findings. Not later than ten days 2566
before the date of the public hearing, the auditor shall give 2567
notice of the date, time, and location of the public hearing in 2568
writing to the state agency or local public office that requested 2569
the feasibility study, to any other state agency or local public 2570
office that consented to being reviewed, and on the auditor's web 2571
site. 2572

Sec. 119.01. As used in sections 119.01 to 119.13 of the 2573
Revised Code: 2574

(A)(1) "Agency" means, except as limited by this division, 2575
any official, board, or commission having authority to promulgate 2576
rules or make adjudications in the civil service commission, the 2577
division of liquor control, the department of taxation, the 2578
industrial commission, the bureau of workers' compensation, the 2579

functions of any administrative or executive officer, department, 2580
division, bureau, board, or commission of the government of the 2581
state specifically made subject to sections 119.01 to 119.13 of 2582
the Revised Code, and the licensing functions of any 2583
administrative or executive officer, department, division, bureau, 2584
board, or commission of the government of the state having the 2585
authority or responsibility of issuing, suspending, revoking, or 2586
canceling licenses. 2587

Sections 119.01 to 119.13 of the Revised Code do not apply to 2588
the public utilities commission. Sections 119.01 to 119.13 of the 2589
Revised Code do not apply to the utility radiological safety 2590
board; to the controlling board; to actions of the superintendent 2591
of financial institutions and the superintendent of insurance in 2592
the taking possession of, and rehabilitation or liquidation of, 2593
the business and property of banks, savings and loan associations, 2594
savings banks, credit unions, insurance companies, associations, 2595
reciprocal fraternal benefit societies, and bond investment 2596
companies; to any action taken by the division of securities under 2597
section 1707.201 of the Revised Code; or to any action that may be 2598
taken by the superintendent of financial institutions under 2599
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 2600
1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised 2601
Code. 2602

Sections 119.01 to 119.13 of the Revised Code do not apply to 2603
actions of the industrial commission or the bureau of workers' 2604
compensation under sections 4123.01 to 4123.94 of the Revised Code 2605
with respect to all matters of adjudication, or to the actions of 2606
the industrial commission, bureau of workers' compensation board 2607
of directors, and bureau of workers' compensation under division 2608
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 2609
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, 2610
divisions (B), (C), and (E) of section 4131.04, and divisions (B), 2611

(C), and (E) of section 4131.14 of the Revised Code with respect 2612
to all matters concerning the establishment of premium, 2613
contribution, and assessment rates. 2614

(2) "Agency" also means any official or work unit having 2615
authority to promulgate rules or make adjudications in the 2616
department of job and family services, but only with respect to 2617
both of the following: 2618

(a) The adoption, amendment, or rescission of rules that 2619
section 5101.09 of the Revised Code requires be adopted in 2620
accordance with this chapter; 2621

(b) The issuance, suspension, revocation, or cancellation of 2622
licenses. 2623

(B) "License" means any license, permit, certificate, 2624
commission, or charter issued by any agency. "License" does not 2625
include any arrangement whereby a person or government entity 2626
furnishes medicaid services under a provider agreement with the 2627
department of medicaid. 2628

(C) "Rule" means any rule, regulation, or standard, having a 2629
general and uniform operation, adopted, promulgated, and enforced 2630
by any agency under the authority of the laws governing such 2631
agency, and includes any appendix to a rule. "Rule" does not 2632
include any internal management rule of an agency unless the 2633
internal management rule affects private rights and does not 2634
include any guideline adopted pursuant to section 3301.0714 of the 2635
Revised Code. 2636

(D) "Adjudication" means the determination by the highest or 2637
ultimate authority of an agency of the rights, duties, privileges, 2638
benefits, or legal relationships of a specified person, but does 2639
not include the issuance of a license in response to an 2640
application with respect to which no question is raised, nor other 2641
acts of a ministerial nature. 2642

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

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

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

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

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

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

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

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

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

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

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

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

<u>address;</u>	2672
<u>(4) Personal service at the party's last known address.</u>	2673
<u>(C) Service of a document using a method listed in division</u>	2674
<u>(B) of this section is complete on the following dates:</u>	2675
<u>(1) For electronic mail, the date receipt of the document is</u>	2676
<u>relayed electronically to the agency either by a direct reply from</u>	2677
<u>the recipient or through electronic tracking software</u>	2678
<u>demonstrating that the recipient accessed the document.</u>	2679
<u>(2) For facsimile transmission, the date indicated on the</u>	2680
<u>facsimile transmission confirmation page.</u>	2681
<u>(3) For traceable delivery service, the date of delivery</u>	2682
<u>indicated on the notice of completed delivery provided to the</u>	2683
<u>agency by the United States postal service or domestic commercial</u>	2684
<u>delivery service.</u>	2685
<u>(4) For personal service, the date indicated on a document</u>	2686
<u>confirming physical delivery signed by either the intended</u>	2687
<u>recipient, an adult located at the intended recipient's address,</u>	2688
<u>or delivery personnel.</u>	2689
<u>(D) If an agency fails to complete service under division (C)</u>	2690
<u>of this section using a party's last known address or facsimile</u>	2691
<u>number, the agency may complete service by any method described in</u>	2692
<u>division (B) of this section at an alternative address or</u>	2693
<u>facsimile number. The agency shall verify the alternative address</u>	2694
<u>or number as current before service. If an agency completes</u>	2695
<u>service at an alternative address, the agency is not required to</u>	2696
<u>complete service under division (E) of this section.</u>	2697
<u>(E) If an agency is unable to complete service using a method</u>	2698
<u>described in division (B) of this section, the agency shall</u>	2699
<u>publish a summary of the notice's substantive provisions in a</u>	2700
<u>newspaper of general circulation in the county where the last</u>	2701

known address of the party is located. Notice by publication under 2702
this division is complete on the date of publication. An agency 2703
that completes service by publication under this division shall 2704
send a proof of publication affidavit, with the publication of the 2705
notice set forth in the affidavit, to the party by ordinary mail 2706
at the party's last known address. 2707

Sec. 119.06. No adjudication order of an agency shall be 2708
valid unless the agency is specifically authorized by law to make 2709
such order. 2710

No adjudication order shall be valid unless an opportunity 2711
for a hearing is afforded in accordance with sections 119.01 to 2712
119.13 of the Revised Code. Such opportunity for a hearing shall 2713
be given before making the adjudication order except in those 2714
situations where this section provides otherwise. 2715

The following adjudication orders shall be effective without 2716
a hearing: 2717

(A) Orders revoking a license in cases where an agency is 2718
required by statute to revoke a license pursuant to the judgment 2719
of a court; 2720

(B) Orders suspending a license where a statute specifically 2721
permits the suspension of a license without a hearing; 2722

(C) Orders or decisions of an authority within an agency if 2723
the rules of the agency or the statutes pertaining to such agency 2724
specifically give a right of appeal to a higher authority within 2725
such agency, to another agency, or to the board of tax appeals, 2726
and also give the appellant a right to a hearing on such appeal. 2727

When a statute permits the suspension of a license without a 2728
prior hearing, any agency issuing an order pursuant to such 2729
statute shall afford the person to whom the order is issued a 2730
hearing upon request. 2731

Whenever an agency claims that a person is required by 2732
statute to obtain a license, it shall afford a hearing upon the 2733
request of a person who claims that the law does not impose such a 2734
requirement. 2735

Every agency shall afford a hearing upon the request of any 2736
person who has been refused admission to an examination where such 2737
examination is a prerequisite to the issuance of a license unless 2738
a hearing was held prior to such refusal. 2739

Unless a hearing was held prior to the refusal to issue the 2740
license, every agency shall afford a hearing upon the request of a 2741
person whose application for a license has been rejected and to 2742
whom the agency has refused to issue a license, whether it is a 2743
renewal or a new license, except that the following are not 2744
required to afford a hearing to a person to whom a new license has 2745
been refused because the person failed a licensing examination: 2746
the state medical board, state chiropractic board, architects 2747
board, Ohio landscape architects board, and any section of the 2748
Ohio occupational therapy, physical therapy, and athletic trainers 2749
board. 2750

When periodic registration of licenses is required by law, 2751
the agency shall afford a hearing upon the request of any licensee 2752
whose registration has been denied, unless a hearing was held 2753
prior to such denial. 2754

When periodic registration of licenses or renewal of licenses 2755
is required by law, a licensee who has filed an application for 2756
registration or renewal within the time and in the manner provided 2757
by statute or rule of the agency shall not be required to 2758
discontinue a licensed business or profession merely because of 2759
the failure of the agency to act on the licensee's application. 2760
~~Action of an agency rejecting any such~~ An agency's rejection of an 2761
application for registration or renewal shall not be effective 2762
~~prior to fifteen days~~ until the fifteenth day after the notice of 2763

the rejection is mailed to the licensee. 2764

Sec. 119.062. (A) Notwithstanding section 119.06 of the 2765
Revised Code, the registrar of motor vehicles is not required to 2766
hold any hearing in connection with an order canceling or 2767
suspending a motor vehicle driver's or commercial driver's license 2768
pursuant to section 2903.06, 2903.08, 2921.331, 4549.02, 4549.021, 2769
or 5743.99 or any provision of Chapter 2925., 4509., 4510., or 2770
4511. of the Revised Code or in connection with an out-of-service 2771
order issued under Chapter 4506. of the Revised Code. 2772

(B) Notwithstanding section 119.07 of the Revised Code, the 2773
registrar is not required to ~~use registered mail, return receipt~~ 2774
~~requested,~~ comply with section 119.05 of the Revised Code in 2775
connection with an order canceling or suspending a motor vehicle 2776
driver's or commercial driver's license or a notification to a 2777
person to surrender a certificate of registration and registration 2778
plates. 2779

Sec. 119.07. Except when a statute prescribes a notice and 2780
the persons to whom it shall be given, in all cases in which 2781
section 119.06 of the Revised Code requires an agency to afford an 2782
opportunity for a hearing prior to the issuance of an order, the 2783
agency shall give notice to the party informing the party of the 2784
party's right to a hearing. Notice shall be ~~given by registered~~ 2785
~~mail, return receipt requested,~~ served in accordance with section 2786
119.05 of the Revised Code and shall include the charges or other 2787
reasons for the proposed action, the law or rule directly 2788
involved, and a statement informing the party that the party is 2789
entitled to a hearing if the party requests it within thirty days 2790
of the time of ~~mailing the notice~~ service. The notice shall also 2791
inform the party that at the hearing the party may appear in 2792
person, by the party's attorney, or by such other representative 2793
as is permitted to practice before the agency, or may present the 2794

party's position, arguments, or contentions in writing and that at 2795
the hearing the party may present evidence and examine witnesses 2796
appearing for and against the party. A copy of the notice shall be 2797
~~mailed~~ provided to attorneys or other representatives of record 2798
representing the party. This paragraph does not apply to 2799
situations in which such section provides for a hearing only when 2800
it is requested by the party. 2801

When a statute specifically permits the suspension of a 2802
license without a prior hearing, notice of the agency's order 2803
shall be ~~sent to~~ served on the party ~~by registered mail, return~~ 2804
~~receipt requested,~~ in accordance with section 119.05 of the 2805
Revised Code not later than the business day next succeeding such 2806
order. The notice shall state the reasons for the agency's action, 2807
cite the law or rule directly involved, and state that the party 2808
will be afforded a hearing if the party requests it within thirty 2809
days of the ~~time of mailing the~~ date on which notice is served. A 2810
copy of the notice shall be ~~mailed~~ provided to attorneys or other 2811
representatives of record representing the party. 2812

Whenever a party requests a hearing in accordance with this 2813
section and section 119.06 of the Revised Code, the agency shall 2814
immediately set the date, time, and place for the hearing and 2815
~~forthwith notify~~ serve the party ~~thereof~~ with notice of the 2816
hearing. The date set for the hearing shall be within ~~fifteen~~ 2817
sixty days, but not earlier than seven days, after the party has 2818
requested a hearing, unless otherwise agreed to by both the agency 2819
and the party. 2820

~~When any notice sent by registered mail, as required by~~ 2821
~~sections 119.01 to 119.13 of the Revised Code, is returned because~~ 2822
~~the party fails to claim the notice, the agency shall send the~~ 2823
~~notice by ordinary mail to the party at the party's last known~~ 2824
~~address and shall obtain a certificate of mailing. Service by~~ 2825
~~ordinary mail is complete when the certificate of mailing is~~ 2826

~~obtained unless the notice is returned showing failure of
delivery.~~ 2827
2828

~~If any notice sent by registered or ordinary mail is returned
for failure of delivery, the agency either shall make personal
delivery of the notice by an employee or agent of the agency or
shall cause a summary of the substantive provisions of the notice
to be published once a week for three consecutive weeks in a
newspaper of general circulation in the county where the last
known address of the party is located. When notice is given by
publication, a proof of publication affidavit, with the first
publication of the notice set forth in the affidavit, shall be
mailed by ordinary mail to the party at the party's last known
address and the notice shall be deemed received as of the date of
the last publication. An employee or agent of the agency may make
personal delivery of the notice upon a party at any time.~~ 2829
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~~Refusal of delivery by personal service or by mail is not
failure of delivery and service is deemed to be complete. Failure
of delivery occurs only when a mailed notice is returned by the
postal authorities marked undeliverable, address or addressee
unknown, or forwarding address unknown or expired. A party's last
known address is the mailing address of the party appearing in the
records of the agency.~~ 2842
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The failure of an agency to ~~give~~ serve the notices for any 2849
hearing required by sections 119.01 to 119.13 of the Revised Code 2850
in the manner provided in ~~this~~ section 119.05 of the Revised Code 2851
shall invalidate any order entered pursuant to the hearing. 2852

Sec. 119.09. As used in this section "stenographic record" 2853
means a record provided by stenographic means or by the use of 2854
audio electronic recording devices, as the agency determines. 2855

For the purpose of conducting any adjudication hearing 2856
required by sections 119.01 to 119.13 of the Revised Code, the 2857

agency may require the attendance of such witnesses and the 2858
production of such books, records, and papers as it desires, and 2859
it may take the depositions of witnesses residing within or 2860
without the state in the same manner as is prescribed by law for 2861
the taking of depositions in civil actions in the court of common 2862
pleas, and for that purpose the agency may, and upon the request 2863
of any party receiving notice of the hearing as required by 2864
section 119.07 of the Revised Code shall, issue a subpoena for any 2865
witness or a subpoena duces tecum to compel the production of any 2866
books, records, or papers, directed to the sheriff of the county 2867
where such witness resides or is found, which shall be served and 2868
returned in the same manner as a subpoena in a criminal case is 2869
served and returned. The sheriff shall be paid the same fees for 2870
services as are allowed in the court of common pleas in criminal 2871
cases. Witnesses shall be paid the fees and mileage provided for 2872
under section 119.094 of the Revised Code. Fees and mileage shall 2873
be paid from the fund in the state treasury for the use of the 2874
agency in the same manner as other expenses of the agency are 2875
paid. 2876

An agency may postpone or continue any adjudication hearing 2877
upon the application of any party or upon its own motion. 2878

In any case of disobedience or neglect of any subpoena served 2879
on any person or the refusal of any witness to testify to any 2880
matter regarding which the witness may lawfully be interrogated, 2881
the court of common pleas of any county where such disobedience, 2882
neglect, or refusal occurs or any judge thereof, on application by 2883
the agency shall compel obedience by attachment proceedings for 2884
contempt, as in the case of disobedience of the requirements of a 2885
subpoena issued from such court, or a refusal to testify therein. 2886

At any adjudication hearing required by sections 119.01 to 2887
119.13 of the Revised Code, the record of which may be the basis 2888
of an appeal to court, a stenographic record of the testimony and 2889

other evidence submitted shall be taken at the expense of the 2890
agency. Such record shall include all of the testimony and other 2891
evidence, and rulings on the admissibility thereof presented at 2892
the hearing. This paragraph does not require a stenographic record 2893
at every adjudication hearing. In any situation where an 2894
adjudication hearing is required by sections 119.01 to 119.13 of 2895
the Revised Code, if an adjudication order is made without a 2896
stenographic record of the hearing, the agency shall, on request 2897
of the party, afford a hearing or rehearing for the purpose of 2898
making such a record which may be the basis of an appeal to court. 2899
The rules of an agency may specify the situations in which a 2900
stenographic record will be made only on request of the party; 2901
otherwise such a record shall be made at every adjudication 2902
hearing from which an appeal to court might be taken. 2903

The agency shall pass upon the admissibility of evidence, but 2904
a party may at the time make objection to the rulings of the 2905
agency thereon, and if the agency refuses to admit evidence, the 2906
party offering the same shall make a proffer thereof, and such 2907
proffer shall be made a part of the record of such hearing. 2908

In any adjudication hearing required by sections 119.01 to 2909
119.13 of the Revised Code, the agency may call any party to 2910
testify under oath as upon cross-examination. 2911

The agency, or any one delegated by it to conduct an 2912
adjudication hearing, may administer oaths or affirmations. 2913

In any adjudication hearing required by sections 119.01 to 2914
119.13 of the Revised Code, the agency may appoint a referee or 2915
examiner to conduct the hearing. The referee or examiner shall 2916
have the same powers and authority in conducting the hearing as is 2917
granted to the agency. Such referee or examiner shall have been 2918
admitted to the practice of law in the state and be possessed of 2919
such additional qualifications as the agency requires. The referee 2920
or examiner shall submit to the agency a written report setting 2921

forth the referee's or examiner's findings of fact and conclusions 2922
of law and a recommendation of the action to be taken by the 2923
agency. A copy of such written report and recommendation of the 2924
referee or examiner shall within five days of the date ~~of filing~~ 2925
~~thereof it is submitted to the agency~~, be served upon the party or 2926
the party's attorney or other representative of record, ~~by~~ 2927
~~certified mail in accordance with section 119.05 of the Revised~~ 2928
~~Code~~. The party may, within ten days of ~~receipt of such copy~~ 2929
~~service~~ of such written report and recommendation, file with the 2930
agency written objections to the report and recommendation, which 2931
objections shall be considered by the agency before approving, 2932
modifying, or disapproving the recommendation. The agency may 2933
grant extensions of time to the party within which to file such 2934
objections. No recommendation of the referee or examiner shall be 2935
approved, modified, or disapproved by the agency until after ten 2936
days after service of such report and recommendation ~~as provided~~ 2937
~~in this section~~. The agency may order additional testimony to be 2938
taken or permit the introduction of further documentary evidence. 2939
The recommendation of the referee or examiner may be approved, 2940
modified, or disapproved by the agency, and the order of the 2941
agency based on such report, recommendation, transcript of 2942
testimony and evidence, or objections of the parties, and 2943
additional testimony and evidence shall have the same effect as if 2944
such hearing had been conducted by the agency. No such 2945
recommendation shall be final until confirmed and approved by the 2946
agency as indicated by the order entered on its record of 2947
proceedings, and if the agency modifies or disapproves the 2948
recommendations of the referee or examiner it shall include in the 2949
record of its proceedings the reasons for such modification or 2950
disapproval. 2951

After such order is entered on its journal, the agency shall, 2952
in accordance with section 119.05 of the Revised Code, serve ~~by~~ 2953
~~certified mail, return receipt requested, upon~~ the party affected 2954

thereby, a certified copy of the order and a statement of the time 2955
and method by which an appeal may be perfected. A copy of such 2956
order shall be ~~mailed~~ provided to the attorneys or other 2957
representatives of record representing the party. 2958

Sec. 119.092. (A) As used in this section: 2959

(1) "Eligible party" means a party to an adjudication hearing 2960
other than the following: 2961

(a) The agency; 2962

(b) An individual whose net worth exceeded one million 2963
dollars at the time ~~he~~ the individual received notification of the 2964
hearing; 2965

(c) A sole owner of an unincorporated business that had, or a 2966
partnership, corporation, association, or organization that had, a 2967
net worth exceeding five million dollars at the time the party 2968
received notification of the hearing, except that an organization 2969
that is described in subsection 501(c)(3) and is tax exempt under 2970
subsection 501(a) of the Internal Revenue Code, shall not be 2971
excluded as an eligible party under this division because of its 2972
net worth; 2973

(d) A sole owner of an unincorporated business that employed, 2974
or a partnership, corporation, association, or organization that 2975
employed, more than five hundred persons at the time the party 2976
received notification of the hearing. 2977

(2) "Fees" means reasonable attorney's fees, in an amount not 2978
to exceed seventy-five dollars per hour or a higher hourly fee 2979
that the agency establishes by rule and that is applicable under 2980
the circumstances. 2981

(3) "Internal Revenue Code" means the "Internal Revenue Code 2982
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 2983

(4) "Prevailing eligible party" means an eligible party that 2984

prevails after an adjudication hearing, as reflected in an order 2985
entered in the journal of the agency. 2986

(B)(1) Except as provided in divisions (B)(2) and (F) of this 2987
section, if an agency conducts an adjudication hearing under this 2988
chapter, the prevailing eligible party is entitled, upon filing a 2989
motion in accordance with this division, to compensation for fees 2990
incurred by that party in connection with the hearing. A 2991
prevailing eligible party that desires an award of compensation 2992
for fees shall file a motion requesting the award with the agency 2993
within thirty days after the date that the order of the agency is 2994
entered in its journal. The motion shall do all of the following: 2995

(a) Identify the party; 2996

(b) Indicate that the party is the prevailing eligible party 2997
and is entitled to receive an award of compensation for fees; 2998

(c) Include a statement that the agency's position in 2999
initiating the matter in controversy was not substantially 3000
justified; 3001

(d) Indicate the amount sought as an award; 3002

(e) Itemize all fees sought in the requested award. This 3003
itemization shall include a statement from any attorney who 3004
represented the prevailing eligible party, that indicates the fees 3005
charged, the actual time expended, and the rate at which the fees 3006
were calculated. 3007

(2) Upon the filing of a motion under this section, the 3008
request for the award shall be reviewed by the referee or examiner 3009
who conducted the adjudication hearing or, if none, by the agency 3010
involved. In the review, the referee, examiner, or agency shall 3011
determine whether the fees incurred by the prevailing eligible 3012
party exceeded one hundred dollars, whether the position of the 3013
agency in initiating the matter in controversy was substantially 3014
justified, whether special circumstances make an award unjust, and 3015

whether the prevailing eligible party engaged in conduct during 3016
the course of the hearing that unduly and unreasonably protracted 3017
the final resolution of the matter in controversy. The referee, 3018
examiner, or agency shall issue a determination, in writing, on 3019
the motion of the prevailing eligible party, which determination 3020
shall include a statement indicating whether an award has been 3021
granted, the findings and conclusions underlying it, the reasons 3022
or bases for the findings and conclusions, and, if an award has 3023
been granted, its amount. The determination shall be entered in 3024
the record of the prevailing eligible party's case, and a copy of 3025
it ~~mailed to~~ served on the prevailing eligible party in accordance 3026
with section 119.05 of the Revised Code. 3027

With respect to a motion under this section, the agency 3028
involved, through any representative it designates, has the burden 3029
of proving that its position in initiating the matter in 3030
controversy was substantially justified, that special 3031
circumstances make an award unjust, or that the prevailing 3032
eligible party engaged in conduct during the course of the hearing 3033
that unduly and unreasonably protracted the final resolution of 3034
the matter in controversy. A referee, examiner, or agency 3035
considering a motion under this section may deny an award 3036
entirely, or reduce the amount of an award that otherwise would be 3037
payable, to a prevailing eligible party only as follows: 3038

(a) If the determination is that the agency has sustained its 3039
burden of proof that its position in initiating the matter in 3040
controversy was substantially justified or that special 3041
circumstances make an award unjust, the motion shall be denied; 3042

(b) If the determination is that the agency has sustained its 3043
burden of proof that the prevailing eligible party engaged in 3044
conduct during the course of the hearing that unduly and 3045
unreasonably protracted the final resolution of the matter in 3046
controversy, the referee, examiner, or agency may reduce the 3047

amount of an award, or deny an award, to that party to the extent 3048
of that conduct; 3049

(c) If the determination is that the fees of the prevailing 3050
eligible party were not in excess of one hundred dollars, the 3051
referee, agency, or examiner shall deny the motion. 3052

(3) For purposes of this section, decisions by referees or 3053
examiners upon motions are final and are not subject to review and 3054
approval by an agency. These decisions constitute final 3055
determinations of the agency for purposes of appeals under 3056
division (C) of this section. 3057

(C) A prevailing eligible party that files a motion for an 3058
award of compensation for fees under this section and that is 3059
denied an award or receives a reduced award may appeal the 3060
determination of the referee, examiner, or agency to the same 3061
court, as determined under section 119.12 of the Revised Code, as 3062
the party could have appealed the adjudication order of the agency 3063
had the party been adversely affected by it. An agency may appeal 3064
the grant of an award to this same court if a referee or examiner 3065
made the final determination pursuant to division (B)(3) of this 3066
section. Notices of appeal shall be filed in the manner and within 3067
the period specified in section 119.12 of the Revised Code. 3068

Upon the filing of an appeal under this division, the agency 3069
shall prepare and certify to the court involved a complete record 3070
of the case, and the court shall conduct a hearing on the appeal. 3071
The agency and the court shall do so in accordance with the 3072
procedures established in section 119.12 of the Revised Code for 3073
appeals pursuant to that section, unless otherwise provided in 3074
this division. 3075

The court hearing an appeal under this division may modify 3076
the determination of the referee, examiner, or agency with respect 3077
to the motion for compensation for fees only if the court finds 3078

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

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

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

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

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

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

(F) The provisions of this section do not apply when any of 3110
the following circumstances are involved: 3111

(1) An adjudication hearing was conducted for the purpose of 3112
establishing or fixing a rate; 3113

(2) An adjudication hearing was conducted for the purpose of 3114
determining the eligibility or entitlement of any individual to 3115
benefits; 3116

(3) A prevailing eligible party was represented in an 3117
adjudication hearing by an attorney who was paid pursuant to an 3118
appropriation by the federal or state government or a local 3119
government; 3120

(4) An adjudication hearing was conducted by the state 3121
personnel board of review pursuant to authority conferred by 3122
section 124.03 of the Revised Code, or by the state employment 3123
relations board pursuant to authority conferred by Chapter 4117. 3124
of the Revised Code. 3125

Sec. 119.12. (A)(1) Except as provided in division (A)(2) or 3126
(3) of this section, any party adversely affected by any order of 3127
an agency issued pursuant to an adjudication denying an applicant 3128
admission to an examination, or denying the issuance or renewal of 3129
a license or registration of a licensee, or revoking or suspending 3130
a license, or allowing the payment of a forfeiture under section 3131
4301.252 of the Revised Code may appeal from the order of the 3132
agency to the court of common pleas of the county in which the 3133
place of business of the licensee is located or the county in 3134
which the licensee is a resident. 3135

(2) An appeal from an order described in division (A)(1) of 3136
this section issued by any of the following agencies shall be made 3137
to the court of common pleas of Franklin county: 3138

(a) The liquor control commission; 3139

(b) The Ohio casino control commission 7 <u>i</u>	3140
<u>(c)</u> The state medical board;	3141
(e) <u>(d)</u> The state chiropractic board;	3142
(d) <u>(e)</u> The board of nursing;	3143
(e) <u>(f)</u> The bureau of workers' compensation regarding	3144
participation in the health partnership program created in	3145
sections 4121.44 and 4121.441 of the Revised Code.	3146
(3) If any party appealing from an order described in	3147
division (A)(1) of this section is not a resident of and has no	3148
place of business in this state, the party may appeal to the court	3149
of common pleas of Franklin county.	3150
(B) Any party adversely affected by any order of an agency	3151
issued pursuant to any other adjudication may appeal to the court	3152
of common pleas of Franklin county, except that appeals from	3153
orders of the fire marshal issued under Chapter 3737. of the	3154
Revised Code may be to the court of common pleas of the county in	3155
which the building of the aggrieved person is located and except	3156
that appeals under division (B) of section 124.34 of the Revised	3157
Code from a decision of the state personnel board of review or a	3158
municipal or civil service township civil service commission shall	3159
be taken to the court of common pleas of the county in which the	3160
appointing authority is located or, in the case of an appeal by	3161
the department of rehabilitation and correction, to the court of	3162
common pleas of Franklin county.	3163
(C) This section does not apply to appeals from the	3164
department of taxation.	3165
(D) Any party desiring to appeal shall file a notice of	3166
appeal with the agency setting forth the order appealed from and	3167
stating that the agency's order is not supported by reliable,	3168
probative, and substantial evidence and is not in accordance with	3169

law. The notice of appeal may, but need not, set forth the 3170
specific grounds of the party's appeal beyond the statement that 3171
the agency's order is not supported by reliable, probative, and 3172
substantial evidence and is not in accordance with law. The notice 3173
of appeal shall also be filed by the appellant with the court. In 3174
filing a notice of appeal with the agency or court, the notice 3175
that is filed may be either the original notice or a copy of the 3176
original notice. Unless otherwise provided by law relating to a 3177
particular agency, notices of appeal shall be filed within fifteen 3178
days after the ~~mailing~~ service of the notice of the agency's order 3179
as provided in ~~this~~ section 119.05 of the Revised Code. For 3180
purposes of this paragraph, an order includes a determination 3181
appealed pursuant to division (C) of section 119.092 of the 3182
Revised Code. The amendments made to this paragraph by Sub. H.B. 3183
215 of the 128th general assembly are procedural, and this 3184
paragraph as amended by those amendments shall be applied 3185
retrospectively to all appeals pursuant to this paragraph filed 3186
before September 13, 2010, but not earlier than May 7, 2009, which 3187
was the date the supreme court of Ohio released its opinion and 3188
judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* 3189
(2009), 121 Ohio St.3d 622. 3190

(E) The filing of a notice of appeal shall not automatically 3191
operate as a suspension of the order of an agency. If it appears 3192
to the court that an unusual hardship to the appellant will result 3193
from the execution of the agency's order pending determination of 3194
the appeal, the court may grant a suspension and fix its terms. If 3195
an appeal is taken from the judgment of the court and the court 3196
has previously granted a suspension of the agency's order as 3197
provided in this section, the suspension of the agency's order 3198
shall not be vacated and shall be given full force and effect 3199
until the matter is finally adjudicated. No renewal of a license 3200
or permit shall be denied by reason of the suspended order during 3201
the period of the appeal from the decision of the court of common 3202

pleas. In the case of an appeal from the Ohio casino control 3203
commission, the state medical board, or the state chiropractic 3204
board, the court may grant a suspension and fix its terms if it 3205
appears to the court that an unusual hardship to the appellant 3206
will result from the execution of the agency's order pending 3207
determination of the appeal and the health, safety, and welfare of 3208
the public will not be threatened by suspension of the order. This 3209
provision shall not be construed to limit the factors the court 3210
may consider in determining whether to suspend an order of any 3211
other agency pending determination of an appeal. 3212

(F) The final order of adjudication may apply to any renewal 3213
of a license or permit which has been granted during the period of 3214
the appeal. 3215

(G) Notwithstanding any other provision of this section, any 3216
order issued by a court of common pleas or a court of appeals 3217
suspending the effect of an order of the liquor control commission 3218
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3219
suspends, revokes, or cancels a permit issued under Chapter 4303. 3220
of the Revised Code or that allows the payment of a forfeiture 3221
under section 4301.252 of the Revised Code shall terminate not 3222
more than six months after the date of the filing of the record of 3223
the liquor control commission with the clerk of the court of 3224
common pleas and shall not be extended. The court of common pleas, 3225
or the court of appeals on appeal, shall render a judgment in that 3226
matter within six months after the date of the filing of the 3227
record of the liquor control commission with the clerk of the 3228
court of common pleas. A court of appeals shall not issue an order 3229
suspending the effect of an order of the liquor control commission 3230
that extends beyond six months after the date on which the record 3231
of the liquor control commission is filed with a court of common 3232
pleas. 3233

(H) Notwithstanding any other provision of this section, any 3234

order issued by a court of common pleas or a court of appeals 3235
suspending the effect of an order of the Ohio casino control 3236
commission issued under Chapter 3772. of the Revised Code that 3237
limits, conditions, restricts, suspends, revokes, denies, not 3238
renews, fines, or otherwise penalizes an applicant, licensee, or 3239
person excluded or ejected from a casino facility in accordance 3240
with section 3772.031 of the Revised Code shall terminate not more 3241
than six months after the date of the filing of the record of the 3242
Ohio casino control commission with the clerk of the court of 3243
common pleas and shall not be extended. The court of common pleas, 3244
or the court of appeals on appeal, shall render a judgment in that 3245
matter within six months after the date of the filing of the 3246
record of the Ohio casino control commission with the clerk of the 3247
court of common pleas. A court of appeals shall not issue an order 3248
suspending the effect of an order of the Ohio casino control 3249
commission that extends beyond six months after the date on which 3250
the record of the Ohio casino control commission is filed with the 3251
clerk of a court of common pleas. 3252

(I) Notwithstanding any other provision of this section, any 3253
order issued by a court of common pleas suspending the effect of 3254
an order of the state medical board or state chiropractic board 3255
that limits, revokes, suspends, places on probation, or refuses to 3256
register or reinstate a certificate issued by the board or 3257
reprimands the holder of the certificate shall terminate not more 3258
than fifteen months after the date of the filing of a notice of 3259
appeal in the court of common pleas, or upon the rendering of a 3260
final decision or order in the appeal by the court of common 3261
pleas, whichever occurs first. 3262

~~(I)~~(J) Within thirty days after receipt of a notice of appeal 3263
from an order in any case in which a hearing is required by 3264
sections 119.01 to 119.13 of the Revised Code, the agency shall 3265
prepare and certify to the court a complete record of the 3266

proceedings in the case. Failure of the agency to comply within 3267
the time allowed, upon motion, shall cause the court to enter a 3268
finding in favor of the party adversely affected. Additional time, 3269
however, may be granted by the court, not to exceed thirty days, 3270
when it is shown that the agency has made substantial effort to 3271
comply. The record shall be prepared and transcribed, and the 3272
expense of it shall be taxed as a part of the costs on the appeal. 3273
The appellant shall provide security for costs satisfactory to the 3274
court of common pleas. Upon demand by any interested party, the 3275
agency shall furnish at the cost of the party requesting it a copy 3276
of the stenographic report of testimony offered and evidence 3277
submitted at any hearing and a copy of the complete record. 3278

~~(J)~~(K) Notwithstanding any other provision of this section, 3279
any party desiring to appeal an order or decision of the state 3280
personnel board of review shall, at the time of filing a notice of 3281
appeal with the board, provide a security deposit in an amount and 3282
manner prescribed in rules that the board shall adopt in 3283
accordance with this chapter. In addition, the board is not 3284
required to prepare or transcribe the record of any of its 3285
proceedings unless the appellant has provided the deposit 3286
described above. The failure of the board to prepare or transcribe 3287
a record for an appellant who has not provided a security deposit 3288
shall not cause a court to enter a finding adverse to the board. 3289

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 3290
the appeal, the court is confined to the record as certified to it 3291
by the agency. Unless otherwise provided by law, the court may 3292
grant a request for the admission of additional evidence when 3293
satisfied that the additional evidence is newly discovered and 3294
could not with reasonable diligence have been ascertained prior to 3295
the hearing before the agency. 3296

~~(L)~~(M) The court shall conduct a hearing on the appeal and 3297
shall give preference to all proceedings under sections 119.01 to 3298

119.13 of the Revised Code, over all other civil cases, 3299
irrespective of the position of the proceedings on the calendar of 3300
the court. An appeal from an order of the state medical board 3301
issued pursuant to division (G) of either section 4730.25 or 3302
4731.22 of the Revised Code, the state chiropractic board issued 3303
pursuant to section 4734.37 of the Revised Code, the liquor 3304
control commission issued pursuant to Chapter 4301. or 4303. of 3305
the Revised Code, or the Ohio casino control commission issued 3306
pursuant to Chapter 3772. of the Revised Code shall be set down 3307
for hearing at the earliest possible time and takes precedence 3308
over all other actions. The hearing in the court of common pleas 3309
shall proceed as in the trial of a civil action, and the court 3310
shall determine the rights of the parties in accordance with the 3311
laws applicable to a civil action. At the hearing, counsel may be 3312
heard on oral argument, briefs may be submitted, and evidence may 3313
be introduced if the court has granted a request for the 3314
presentation of additional evidence. 3315

~~(M)~~(N) The court may affirm the order of the agency 3316
complained of in the appeal if it finds, upon consideration of the 3317
entire record and any additional evidence the court has admitted, 3318
that the order is supported by reliable, probative, and 3319
substantial evidence and is in accordance with law. In the absence 3320
of this finding, it may reverse, vacate, or modify the order or 3321
make such other ruling as is supported by reliable, probative, and 3322
substantial evidence and is in accordance with law. The court 3323
shall award compensation for fees in accordance with section 3324
2335.39 of the Revised Code to a prevailing party, other than an 3325
agency, in an appeal filed pursuant to this section. 3326

~~(N)~~(O) The judgment of the court shall be final and 3327
conclusive unless reversed, vacated, or modified on appeal. These 3328
appeals may be taken either by the party or the agency, shall 3329
proceed as in the case of appeals in civil actions, and shall be 3330

pursuant to the Rules of Appellate Procedure and, to the extent 3331
not in conflict with those rules, Chapter 2505. of the Revised 3332
Code. An appeal by the agency shall be taken on questions of law 3333
relating to the constitutionality, construction, or interpretation 3334
of statutes and rules of the agency, and, in the appeal, the court 3335
may also review and determine the correctness of the judgment of 3336
the court of common pleas that the order of the agency is not 3337
supported by any reliable, probative, and substantial evidence in 3338
the entire record. 3339

The court shall certify its judgment to the agency or take 3340
any other action necessary to give its judgment effect. 3341

Sec. 120.04. (A) The state public defender shall serve at the 3342
pleasure of the Ohio public defender commission and shall be an 3343
attorney with a minimum of four years of experience in the 3344
practice of law and be admitted to the practice of law in this 3345
state at least one year prior to appointment. 3346

(B) The state public defender shall do all of the following: 3347

(1) Maintain a central office in Columbus. The central office 3348
shall be provided with a library of adequate size, considering the 3349
needs of the office and the accessibility of other libraries, and 3350
other necessary facilities and equipment. 3351

(2) Appoint assistant state public defenders, all of whom 3352
shall be attorneys admitted to the practice of law in this state, 3353
and other personnel necessary for the operation of the state 3354
public defender office. Assistant state public defenders shall be 3355
appointed on a full-time basis. The state public defender, 3356
assistant state public defenders, and employees appointed by the 3357
state public defender shall not engage in the private practice of 3358
law. 3359

(3) Supervise the compliance of county public defender 3360

offices, joint county public defender offices, and county 3361
appointed counsel systems with standards established by rules of 3362
the Ohio public defender commission pursuant to division (B) of 3363
section 120.03 of the Revised Code; 3364

(4) Keep and maintain financial records of all cases handled 3365
and develop records for use in the calculation of direct and 3366
indirect costs, in the operation of the office, and report 3367
periodically, but not less than annually, to the commission on all 3368
relevant data on the operations of the office, costs, projected 3369
needs, and recommendations for legislation or amendments to court 3370
rules, as may be appropriate to improve the criminal justice 3371
system; 3372

(5) Collect all moneys due the state for reimbursement for 3373
legal services under this chapter and under section 2941.51 of the 3374
Revised Code and institute any actions in court on behalf of the 3375
state for the collection of such sums that the state public 3376
defender considers advisable. Except as provided otherwise in 3377
division (D) of section 120.06 of the Revised Code, all moneys 3378
collected by the state public defender under this chapter and 3379
section 2941.51 of the Revised Code shall be deposited in the 3380
state treasury to the credit of the client payment fund, which is 3381
hereby created. All moneys credited to the fund shall be used by 3382
the state public defender to appoint assistant state public 3383
defenders and to provide other personnel, equipment, and 3384
facilities necessary for the operation of the state public 3385
defender office, to reimburse counties for the operation of county 3386
public defender offices, joint county public defender offices, and 3387
county appointed counsel systems pursuant to sections 120.18, 3388
120.28, and 120.33 of the Revised Code, or to provide assistance 3389
to counties in the operation of county indigent defense systems. 3390

(6) With respect to funds appropriated to the commission to 3391
pay criminal costs, perform the duties imposed by sections 2949.19 3392

and 2949.201 of the Revised Code;	3393
(7) Establish standards and guidelines for the reimbursement,	3394
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19	3395
of the Revised Code, of counties for the operation of county	3396
public defender offices, joint county public defender offices, and	3397
county appointed counsel systems and for other costs related to	3398
felony prosecutions;	3399
(8) Establish maximum amounts that the state will reimburse	3400
the counties pursuant to sections 120.18, 120.28, 120.33, and	3401
2941.51 of the Revised Code;	3402
(9) Establish maximum amounts that the state will reimburse	3403
the counties pursuant to section 120.33 of the Revised Code for	3404
each specific type of legal service performed by a county	3405
appointed counsel system;	3406
(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and	3407
2949.19 of the Revised Code and make reimbursements pursuant to	3408
those sections;	3409
(11) Administer the program established pursuant to sections	3410
120.51 to 120.55 of the Revised Code for the charitable public	3411
purpose of providing financial assistance to legal aid societies.	3412
Neither the state public defender nor any of the state public	3413
defender's employees who is responsible in any way for the	3414
administration of that program and who performs those	3415
administrative responsibilities in good faith is in any manner	3416
liable if a legal aid society that is provided financial	3417
assistance under the program uses the financial assistance other	3418
than in accordance with sections 120.51 to 120.55 of the Revised	3419
Code or fails to comply with the requirements of those sections.	3420
(12) Establish an office for the handling of appeal and	3421
postconviction matters;	3422
(13) Provide technical aid and assistance to county public	3423

defender offices, joint county public defender offices, and other 3424
local counsel providing legal representation to indigent persons, 3425
including representation and assistance on appeals. 3426

(C) The state public defender may do any of the following: 3427

(1) In providing legal representation, conduct 3428
investigations, obtain expert testimony, take depositions, use 3429
other discovery methods, order transcripts, and make all other 3430
preparations which are appropriate and necessary to an adequate 3431
defense or the prosecution of appeals and other legal proceedings; 3432

(2) Seek, solicit, and apply for grants for the operation of 3433
programs for the defense of indigent persons from any public or 3434
private source, and may receive donations, grants, awards, and 3435
similar funds from any lawful source. Such funds shall be 3436
deposited in the state treasury to the credit of the public 3437
defender gifts and grants fund, which is hereby created. 3438

(3) Make all the necessary arrangements to coordinate the 3439
services of the office with any federal, county, or private 3440
programs established to provide legal representation to indigent 3441
persons and others, and to obtain and provide all funds allowable 3442
under any such programs; 3443

(4) Consult and cooperate with professional groups concerned 3444
with the causes of criminal conduct, the reduction of crime, the 3445
rehabilitation and correction of persons convicted of crime, the 3446
administration of criminal justice, and the administration and 3447
operation of the state public defender's office; 3448

(5) Accept the services of volunteer workers and consultants 3449
at no compensation other than reimbursement for actual and 3450
necessary expenses; 3451

(6) Prescribe any forms that are necessary for the uniform 3452
operation of this chapter; 3453

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

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

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

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

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

Sec. 120.06. (A)(1) The state public defender, when 3485
designated by the court or requested by a county public defender 3486
or joint county public defender, may provide legal representation 3487
in all courts throughout the state to indigent adults and 3488
juveniles who are charged with the commission of an offense or act 3489
for which the penalty or any possible adjudication includes the 3490
potential loss of liberty. 3491

(2) The state public defender may provide legal 3492
representation to any indigent person who, while incarcerated in 3493
any state correctional institution, is charged with a felony 3494
offense, for which the penalty or any possible adjudication that 3495
may be imposed by a court upon conviction includes the potential 3496
loss of liberty. 3497

(3) The state public defender may provide legal 3498
representation to any person incarcerated in any correctional 3499
institution of the state, in any matter in which the person 3500
asserts the person is unlawfully imprisoned or detained. 3501

(4) The state public defender, in any case in which the state 3502
public defender has provided legal representation or is requested 3503
to do so by a county public defender or joint county public 3504
defender, may provide legal representation on appeal. 3505

~~(5) The (5)(a) Except as provided in division (A)(5)(b) of 3506
this section, the state public defender, when designated by the 3507
court or requested by a county public defender, joint county 3508
public defender, or the director of rehabilitation and correction, 3509
shall provide legal representation in full board hearings pursuant 3510
to section 5149.101 of the Revised Code, parole eligibility 3511
hearings pursuant to section 2967.132 of the Revised Code, parole 3512
and probation revocation matters, or matters relating to the 3513
revocation of community control or post-release control under a 3514
community control sanction or post-release control sanction, 3515~~

unless the state public defender finds that the person subject to 3516
the full board hearing or parole eligibility hearing, alleged 3517
parole or probation violator, or alleged violator of a community 3518
control sanction or post-release control sanction has the 3519
financial capacity to retain the person's or alleged violator's 3520
own counsel. 3521

(b) If the state public defender determines that it does not 3522
have the capacity to provide the legal representation described in 3523
division (A)(5)(a) of this section, the state public defender may 3524
contract with private counsel to provide the legal representation 3525
described in division (A)(5)(a) of this section. 3526

(6) If the state public defender contracts with a county 3527
public defender commission, a joint county public defender 3528
commission, or a board of county commissioners for the provision 3529
of services, under authority of division (C)(7) of section 120.04 3530
of the Revised Code, the state public defender shall provide legal 3531
representation in accordance with the contract. 3532

(B) The state public defender shall not be required to 3533
prosecute any appeal, postconviction remedy, or other proceeding 3534
pursuant to division (A)(3), (4), or (5) of this section, unless 3535
the state public defender first is satisfied that there is 3536
arguable merit to the proceeding. 3537

(C) A court may appoint counsel or allow an indigent person 3538
to select the indigent's own personal counsel to assist the state 3539
public defender as co-counsel when the interests of justice so 3540
require. When co-counsel is appointed to assist the state public 3541
defender, the co-counsel shall receive any compensation that the 3542
court may approve, not to exceed the amounts provided for in 3543
section 2941.51 of the Revised Code. 3544

(D)(1) When the state public defender is designated by the 3545
court or requested by a county public defender or joint county 3546

public defender to provide legal representation for an indigent 3547
person in any case, other than pursuant to a contract entered into 3548
under authority of division (C)(7) of section 120.04 of the 3549
Revised Code, the state public defender shall send to the county 3550
in which the case is filed a bill detailing the actual cost of the 3551
representation that separately itemizes legal fees and expenses. 3552
The county, upon receipt of an itemized bill from the state public 3553
defender pursuant to this division, shall pay the state public 3554
defender one hundred per cent of the amount identified as legal 3555
fees and expenses in the itemized bill. 3556

(2) Upon payment of the itemized bill under division (D)(1) 3557
of this section, the county may submit the cost of the legal fees 3558
and expenses to the state public defender for reimbursement 3559
pursuant to section 120.33 of the Revised Code. 3560

(3) When the state public defender provides investigation or 3561
mitigation services to private appointed counsel or to a county or 3562
joint county public defender as approved by the appointing court, 3563
other than pursuant to a contract entered into under authority of 3564
division (C)(7) of section 120.04 of the Revised Code, the state 3565
public defender shall send to the county in which the case is 3566
filed a bill itemizing the actual cost of the services provided. 3567
The county, upon receipt of an itemized bill from the state public 3568
defender pursuant to this division, shall pay one hundred per cent 3569
of the amount as set forth in the itemized bill. Upon payment of 3570
the itemized bill received pursuant to this division, the county 3571
may submit the cost of the investigation and mitigation services 3572
to the state public defender for reimbursement pursuant to section 3573
120.33 of the Revised Code. 3574

(4) When the state public defender does not have the capacity 3575
to provide the legal representation described in division 3576
(A)(5)(a) of this section and the state public defender contracts 3577
with private counsel to provide the legal representation described 3578

in division (A)(5)(a) of this section, the state public defender 3579
shall directly pay private counsel's legal fees and expenses from 3580
the indigent defense support fund pursuant to section 120.08 of 3581
the Revised Code. 3582

(5) There is hereby created in the state treasury the county 3583
representation fund for the deposit of moneys received from 3584
counties under this division. All moneys credited to the fund 3585
shall be used by the state public defender to provide legal 3586
representation for indigent persons when designated by the court 3587
or requested by a county or joint county public defender or to 3588
provide investigation or mitigation services, including 3589
investigation or mitigation services to private appointed counsel 3590
or a county or joint county public defender, as approved by the 3591
court. 3592

(E)(1) Notwithstanding any contrary provision of sections 3593
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 3594
that pertains to representation by the attorney general, an 3595
assistant attorney general, or special counsel of an officer or 3596
employee, as defined in section 109.36 of the Revised Code, or of 3597
an entity of state government, the state public defender may elect 3598
to contract with, and to have the state pay pursuant to division 3599
(E)(2) of this section for the services of, private legal counsel 3600
to represent the Ohio public defender commission, the state public 3601
defender, assistant state public defenders, other employees of the 3602
commission or the state public defender, and attorneys described 3603
in division (C) of section 120.41 of the Revised Code in a 3604
malpractice or other civil action or proceeding that arises from 3605
alleged actions or omissions related to responsibilities derived 3606
pursuant to this chapter, or in a civil action that is based upon 3607
alleged violations of the constitution or statutes of the United 3608
States, including section 1983 of Title 42 of the United States 3609
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 3610

arises from alleged actions or omissions related to 3611
responsibilities derived pursuant to this chapter, if the state 3612
public defender determines, in good faith, that the defendant in 3613
the civil action or proceeding did not act manifestly outside the 3614
scope of the defendant's employment or official responsibilities, 3615
with malicious purpose, in bad faith, or in a wanton or reckless 3616
manner. If the state public defender elects not to contract 3617
pursuant to this division for private legal counsel in a civil 3618
action or proceeding, then, in accordance with sections 109.02, 3619
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 3620
attorney general shall represent or provide for the representation 3621
of the Ohio public defender commission, the state public defender, 3622
assistant state public defenders, other employees of the 3623
commission or the state public defender, or attorneys described in 3624
division (C) of section 120.41 of the Revised Code in the civil 3625
action or proceeding. 3626

(2)(a) Subject to division (E)(2)(b) of this section, payment 3627
from the state treasury for the services of private legal counsel 3628
with whom the state public defender has contracted pursuant to 3629
division (E)(1) of this section shall be accomplished only through 3630
the following procedure: 3631

(i) The private legal counsel shall file with the attorney 3632
general a copy of the contract; a request for an award of legal 3633
fees, court costs, and expenses earned or incurred in connection 3634
with the defense of the Ohio public defender commission, the state 3635
public defender, an assistant state public defender, an employee, 3636
or an attorney in a specified civil action or proceeding; a 3637
written itemization of those fees, costs, and expenses, including 3638
the signature of the state public defender and the state public 3639
defender's attestation that the fees, costs, and expenses were 3640
earned or incurred pursuant to division (E)(1) of this section to 3641
the best of the state public defender's knowledge and information; 3642

a written statement whether the fees, costs, and expenses are for 3643
all legal services to be rendered in connection with that defense, 3644
are only for legal services rendered to the date of the request 3645
and additional legal services likely will have to be provided in 3646
connection with that defense, or are for the final legal services 3647
rendered in connection with that defense; a written statement 3648
indicating whether the private legal counsel previously submitted 3649
a request for an award under division (E)(2) of this section in 3650
connection with that defense and, if so, the date and the amount 3651
of each award granted; and, if the fees, costs, and expenses are 3652
for all legal services to be rendered in connection with that 3653
defense or are for the final legal services rendered in connection 3654
with that defense, a certified copy of any judgment entry in the 3655
civil action or proceeding or a signed copy of any settlement 3656
agreement entered into between the parties to the civil action or 3657
proceeding. 3658

(ii) Upon receipt of a request for an award of legal fees, 3659
court costs, and expenses and the requisite supportive 3660
documentation described in division (E)(2)(a)(i) of this section, 3661
the attorney general shall review the request and documentation; 3662
determine whether any of the limitations specified in division 3663
(E)(2)(b) of this section apply to the request; and, if an award 3664
of legal fees, court costs, or expenses is permissible after 3665
applying the limitations, prepare a document awarding legal fees, 3666
court costs, or expenses to the private legal counsel. The 3667
document shall name the private legal counsel as the recipient of 3668
the award; specify the total amount of the award as determined by 3669
the attorney general; itemize the portions of the award that 3670
represent legal fees, court costs, and expenses; specify any 3671
limitation applied pursuant to division (E)(2)(b) of this section 3672
to reduce the amount of the award sought by the private legal 3673
counsel; state that the award is payable from the state treasury 3674
pursuant to division (E)(2)(a)(iii) of this section; and be 3675

approved by the inclusion of the signatures of the attorney 3676
general, the state public defender, and the private legal counsel. 3677

(iii) The attorney general shall forward a copy of the 3678
document prepared pursuant to division (E)(2)(a)(ii) of this 3679
section to the director of budget and management. The award of 3680
legal fees, court costs, or expenses shall be paid out of the 3681
state public defender's appropriations, to the extent there is a 3682
sufficient available balance in those appropriations. If the state 3683
public defender does not have a sufficient available balance in 3684
the state public defender's appropriations to pay the entire award 3685
of legal fees, court costs, or expenses, the director shall make 3686
application for a transfer of appropriations out of the emergency 3687
purposes account or any other appropriation for emergencies or 3688
contingencies in an amount equal to the portion of the award that 3689
exceeds the sufficient available balance in the state public 3690
defender's appropriations. A transfer of appropriations out of the 3691
emergency purposes account or any other appropriation for 3692
emergencies or contingencies shall be authorized if there are 3693
sufficient moneys greater than the sum total of then pending 3694
emergency purposes account requests, or requests for releases from 3695
the other appropriation. If a transfer of appropriations out of 3696
the emergency purposes account or other appropriation for 3697
emergencies or contingencies is made to pay an amount equal to the 3698
portion of the award that exceeds the sufficient available balance 3699
in the state public defender's appropriations, the director shall 3700
cause the payment to be made to the private legal counsel. If 3701
sufficient moneys do not exist in the emergency purposes account 3702
or other appropriation for emergencies or contingencies to pay an 3703
amount equal to the portion of the award that exceeds the 3704
sufficient available balance in the state public defender's 3705
appropriations, the private legal counsel shall request the 3706
general assembly to make an appropriation sufficient to pay an 3707
amount equal to the portion of the award that exceeds the 3708

sufficient available balance in the state public defender's 3709
appropriations, and no payment in that amount shall be made until 3710
the appropriation has been made. The private legal counsel shall 3711
make the request during the current biennium and during each 3712
succeeding biennium until a sufficient appropriation is made. 3713

(b) An award of legal fees, court costs, and expenses 3714
pursuant to division (E) of this section is subject to the 3715
following limitations: 3716

(i) The maximum award or maximum aggregate of a series of 3717
awards of legal fees, court costs, and expenses to the private 3718
legal counsel in connection with the defense of the Ohio public 3719
defender commission, the state public defender, an assistant state 3720
public defender, an employee, or an attorney in a specified civil 3721
action or proceeding shall not exceed fifty thousand dollars. 3722

(ii) The private legal counsel shall not be awarded legal 3723
fees, court costs, or expenses to the extent the fees, costs, or 3724
expenses are covered by a policy of malpractice or other 3725
insurance. 3726

(iii) The private legal counsel shall be awarded legal fees 3727
and expenses only to the extent that the fees and expenses are 3728
reasonable in light of the legal services rendered by the private 3729
legal counsel in connection with the defense of the Ohio public 3730
defender commission, the state public defender, an assistant state 3731
public defender, an employee, or an attorney in a specified civil 3732
action or proceeding. 3733

(c) If, pursuant to division (E)(2)(a) of this section, the 3734
attorney general denies a request for an award of legal fees, 3735
court costs, or expenses to private legal counsel because of the 3736
application of a limitation specified in division (E)(2)(b) of 3737
this section, the attorney general shall notify the private legal 3738
counsel in writing of the denial and of the limitation applied. 3739

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

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

(G)(1) The state public defender may conduct a legal

assistance referral service for children committed to the 3772
department of youth services relative to conditions of confinement 3773
claims. If the legal assistance referral service receives a 3774
request for assistance from a child confined in a facility 3775
operated, or contracted for, by the department of youth services 3776
and the state public defender determines that the child has a 3777
conditions of confinement claim that has merit, the state public 3778
defender may refer the child to a private attorney. If no private 3779
attorney who the child has been referred to by the state public 3780
defender accepts the case within a reasonable time, the state 3781
public defender may prepare, as appropriate, pro se pleadings in 3782
the form of a complaint regarding the conditions of confinement at 3783
the facility where the child is confined with a motion for 3784
appointment of counsel and other applicable pleadings necessary 3785
for sufficient pro se representation. 3786

(2) Division (G)(1) of this section does not authorize the 3787
state public defender to represent a child committed to the 3788
department of youth services in general civil matters arising 3789
solely out of state law. 3790

(3) The state public defender shall not undertake the 3791
representation of a child in court based on a conditions of 3792
confinement claim arising under this division. 3793

(H) A child's right to representation or services under this 3794
section is not affected by the child, or another person on behalf 3795
of the child, previously having paid for similar representation or 3796
services or having waived legal representation. 3797

(I) The state public defender shall have reasonable access to 3798
any child committed to the department of youth services, 3799
department of youth services institution, and department of youth 3800
services record as needed to implement this section. 3801

(J) As used in this section: 3802

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 3803
3804

(2) "Conditions of confinement" means any issue involving a constitutional right or other civil right related to a child's incarceration, including, but not limited to, actions cognizable under 42 U.S.C. 1983. 3805
3806
3807
3808

(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 3809
3810

Sec. 120.08. (A) There is hereby created in the state treasury the indigent defense support fund, consisting of money paid into the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4511.19 of the Revised Code and pursuant to sections 2937.22, 2949.091, and 2949.094 of the Revised Code out of the additional court costs imposed under those sections. ~~The~~ 3811
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(B) ~~The~~ state public defender shall use at least eighty-three per cent of the money in the fund for the following purposes ~~of~~ reimbursing: 3817
3818
3819

(1) Reimbursing county governments for expenses incurred pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code ~~and operating;~~ 3820
3821
3822

(2) Operating its system pursuant to division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code; 3823
3824
3825

(3) Directly paying private counsel's legal fees and expenses pursuant to division (D)(4) of section 120.06 of the Revised Code. ~~Disbursements~~ 3826
3827
3828

(C) Disbursements from the fund to county governments shall be made at least once per year and shall be allocated proportionately so that each county receives an equal percentage of its cost for operating its county public defender system, its 3829
3830
3831
3832

joint county public defender system, its county appointed counsel 3833
system, or its system operated under division (C)(7) of section 3834
120.04 of the Revised Code and division (B) of section 120.33 of 3835
the Revised Code. ~~The~~ 3836

(D) The state public defender may use not more than seventeen 3837
per cent of the money in the fund for the purposes of appointing 3838
assistant state public defenders, providing other personnel, 3839
equipment, and facilities necessary for the operation of the state 3840
public defender office, and providing training, developing and 3841
implementing electronic forms, or establishing and maintaining an 3842
information technology system used for the uniform operation of 3843
this chapter. 3844

Sec. 121.04. Offices are created within the several 3845
departments as follows: 3846

In the department of commerce: 3847
 Commissioner of securities; 3848
 Superintendent of real estate and professional 3849
 licensing;
 Superintendent of financial institutions; 3850
 State fire marshal; 3851
 Superintendent of industrial compliance; 3852
 Superintendent of liquor control; 3853
 Superintendent of unclaimed funds; 3854
 Superintendent of marijuana control. 3855

In the department of administrative services: 3856
 Equal employment opportunity coordinator. 3857

In the department of agriculture: 3858

Chiefs of divisions as follows: 3859
 Administration; 3860
 Animal health; 3861

Livestock environmental permitting;	3862
Soil and water conservation;	3863
Dairy;	3864
Food safety;	3865
Plant health;	3866
Markets;	3867
Meat inspection;	3868
Consumer protection laboratory;	3869
Amusement ride safety;	3870
Enforcement;	3871
Weights and measures.	3872
In the department of natural resources:	3873
Chiefs of divisions as follows:	3874
Mineral resources management;	3875
Oil and gas resources management;	3876
Forestry;	3877
Natural areas and preserves;	3878
Wildlife;	3879
Geological survey;	3880
Parks and	3881
watercraft;	3882
Water resources;	3883
Engineering.	3884
In the department of insurance:	3885
Deputy superintendent of insurance;	3886
Assistant superintendent of insurance, technical;	3887
Assistant superintendent of insurance, administrative;	3888
Assistant superintendent of insurance, research.	3889
Sec. 121.05. Except as otherwise provided in this section, in	3890
each department, there shall be an assistant director designated	3891
by the director of that department. In the department of health,	3892

there shall be two assistant directors, each of whom shall be 3893
designated by the director of health. In the department of 3894
transportation, there shall be an assistant director for business 3895
management, an assistant director for field operations, and an 3896
assistant director for transportation policy, each of whom shall 3897
be designated by the director of transportation. In the department 3898
of insurance, the deputy superintendent of insurance shall be the 3899
assistant director. In the department of administrative services, 3900
there shall be two assistant directors, each of whom shall be 3901
designated by the director of administrative services. In the 3902
department of medicaid, there may be up to two assistant 3903
directors, each of whom shall be designated by the medicaid 3904
director. In the department of commerce, there shall be two 3905
assistant directors, each of whom shall be designated by the 3906
director of commerce. In the department of job and family 3907
services, there may be up to two assistant directors, each of whom 3908
shall be designated by the director of job and family services. In 3909
each department with an assistant director, the assistant director 3910
shall act as director in the absence or disability of the director 3911
and also shall act as director when the position of director is 3912
vacant, except that in the department of transportation, the 3913
department of health, the department of commerce, the department 3914
of administrative services, and the department of job and family 3915
services, the director shall designate which assistant director 3916
shall act as director in the director's absence. In each 3917
department without an assistant director, the director shall 3918
designate a deputy director to act as director in the absence or 3919
disability of the director. 3920

A director may designate any of the director's assistant 3921
directors or a deputy director to serve in the director's place as 3922
a member of any board, committee, authority, or commission of 3923
which the director is, by law, a member. The designee, when 3924
present, shall be counted in determining whether a quorum is 3925

present at any meeting. The designee may vote and participate in 3926
all proceedings and actions of the board, committee, authority, or 3927
commission, provided that the designee shall not execute or cause 3928
a facsimile of the designee's signature to be placed on any 3929
obligation, or execute any trust agreement or indenture. The 3930
designation shall be in writing, executed by the designating 3931
director, filed with the secretary of the board, committee, 3932
authority, or commission, and shall be in effect until withdrawn 3933
or superseded by a new designation. 3934

Sec. 121.08. (A) There is hereby created in the department of 3935
commerce the position of deputy director of administration. This 3936
officer shall be appointed by the director of commerce, serve 3937
under the director's direction, supervision, and control, perform 3938
the duties the director prescribes, and hold office during the 3939
director's pleasure. The director of commerce may designate an 3940
assistant director of commerce to serve as the deputy director of 3941
administration. The deputy director of administration shall 3942
perform the duties prescribed by the director of commerce in 3943
supervising the activities of the division of administration of 3944
the department of commerce. 3945

(B) Except as provided in section 121.07 of the Revised Code, 3946
the department of commerce shall have all powers and perform all 3947
duties vested in the deputy director of administration, the state 3948
fire marshal, the superintendent of financial institutions, the 3949
superintendent of real estate and professional licensing, the 3950
superintendent of liquor control, the superintendent of industrial 3951
compliance, the superintendent of unclaimed funds, the 3952
superintendent of marijuana control, and the commissioner of 3953
securities, and shall have all powers and perform all duties 3954
vested by law in all officers, deputies, and employees of those 3955
offices. Except as provided in section 121.07 of the Revised Code, 3956
wherever powers are conferred or duties imposed upon any of those 3957

officers, the powers and duties shall be construed as vested in 3958
the department of commerce. 3959

(C)(1) There is hereby created in the department of commerce 3960
a division of financial institutions, which shall have all powers 3961
and perform all duties vested by law in the superintendent of 3962
financial institutions. Wherever powers are conferred or duties 3963
imposed upon the superintendent of financial institutions, those 3964
powers and duties shall be construed as vested in the division of 3965
financial institutions. The division of financial institutions 3966
shall be administered by the superintendent of financial 3967
institutions. 3968

(2) All provisions of law governing the superintendent of 3969
financial institutions shall apply to and govern the 3970
superintendent of financial institutions provided for in this 3971
section; all authority vested by law in the superintendent of 3972
financial institutions with respect to the management of the 3973
division of financial institutions shall be construed as vested in 3974
the superintendent of financial institutions created by this 3975
section with respect to the division of financial institutions 3976
provided for in this section; and all rights, privileges, and 3977
emoluments conferred by law upon the superintendent of financial 3978
institutions shall be construed as conferred upon the 3979
superintendent of financial institutions as head of the division 3980
of financial institutions. The director of commerce shall not 3981
transfer from the division of financial institutions any of the 3982
functions specified in division (C)(2) of this section. 3983

(D) There is hereby created in the department of commerce a 3984
division of liquor control, which shall have all powers and 3985
perform all duties vested by law in the superintendent of liquor 3986
control. Wherever powers are conferred or duties are imposed upon 3987
the superintendent of liquor control, those powers and duties 3988
shall be construed as vested in the division of liquor control. 3989

The division of liquor control shall be administered by the 3990
superintendent of liquor control. 3991

(E) The director of commerce shall not be interested, 3992
directly or indirectly, in any firm or corporation which is a 3993
dealer in securities as defined in sections 1707.01 and 1707.14 of 3994
the Revised Code, or in any firm or corporation licensed under 3995
sections 1321.01 to 1321.19 of the Revised Code. 3996

(F) The director of commerce shall not have any official 3997
connection with a savings and loan association, a savings bank, a 3998
bank, a bank holding company, a savings and loan association 3999
holding company, a consumer finance company, or a credit union 4000
that is under the supervision of the division of financial 4001
institutions, or a subsidiary of any of the preceding entities, or 4002
be interested in the business thereof. 4003

(G) There is hereby created in the state treasury the 4004
division of administration fund. The fund shall receive 4005
assessments on the operating funds of the department of commerce 4006
in accordance with procedures prescribed by the director of 4007
commerce. All operating expenses of the division of administration 4008
shall be paid from the division of administration fund. 4009

(H) There is hereby created in the department of commerce a 4010
division of real estate and professional licensing, which shall be 4011
under the control and supervision of the director of commerce. The 4012
division of real estate and professional licensing shall be 4013
administered by the superintendent of real estate and professional 4014
licensing. The superintendent of real estate and professional 4015
licensing shall exercise the powers and perform the functions and 4016
duties delegated to the superintendent under Chapters 4735., 4017
4763., 4764., 4767., and 4768. of the Revised Code. 4018

(I) There is hereby created in the department of commerce a 4019
division of industrial compliance, which shall have all powers and 4020

perform all duties vested by law in the superintendent of 4021
industrial compliance. Wherever powers are conferred or duties 4022
imposed upon the superintendent of industrial compliance, those 4023
powers and duties shall be construed as vested in the division of 4024
industrial compliance. The division of industrial compliance shall 4025
be under the control and supervision of the director of commerce 4026
and be administered by the superintendent of industrial 4027
compliance. 4028

(J) There is hereby created in the department of commerce a 4029
division of unclaimed funds, which shall have all powers and 4030
perform all duties delegated to or vested by law in the 4031
superintendent of unclaimed funds. Wherever powers are conferred 4032
or duties imposed upon the superintendent of unclaimed funds, 4033
those powers and duties shall be construed as vested in the 4034
division of unclaimed funds. The division of unclaimed funds shall 4035
be under the control and supervision of the director of commerce 4036
and shall be administered by the superintendent of unclaimed 4037
funds. The superintendent of unclaimed funds shall exercise the 4038
powers and perform the functions and duties delegated to the 4039
superintendent by the director of commerce under section 121.07 4040
and Chapter 169. of the Revised Code, and as may otherwise be 4041
provided by law. 4042

(K) There is hereby created in the department of commerce a 4043
division of marijuana control, which shall have all powers and 4044
perform all duties vested by law in the superintendent of 4045
marijuana control. Wherever powers are conferred or duties are 4046
imposed upon the superintendent of marijuana control, those powers 4047
and duties shall be construed as vested in the division of 4048
marijuana control. The division of marijuana control shall be 4049
under the control and supervision of the director of commerce and 4050
be administered by the superintendent of marijuana control. 4051

(L) The department of commerce or a division of the 4052

department created by the Revised Code that is acting with 4053
authorization on the department's behalf may request from the 4054
bureau of criminal identification and investigation pursuant to 4055
section 109.572 of the Revised Code, or coordinate with 4056
appropriate federal, state, and local government agencies to 4057
accomplish, criminal records checks for the persons whose 4058
identities are required to be disclosed by an applicant for the 4059
issuance or transfer of a permit, license, certificate of 4060
registration, or certification issued or transferred by the 4061
department or division. At or before the time of making a request 4062
for a criminal records check, the department or division may 4063
require any person whose identity is required to be disclosed by 4064
an applicant for the issuance or transfer of such a license, 4065
permit, certificate of registration, or certification to submit to 4066
the department or division valid fingerprint impressions in a 4067
format and by any media or means acceptable to the bureau of 4068
criminal identification and investigation and, when applicable, 4069
the federal bureau of investigation. The department or division 4070
may cause the bureau of criminal identification and investigation 4071
to conduct a criminal records check through the federal bureau of 4072
investigation only if the person for whom the criminal records 4073
check would be conducted resides or works outside of this state or 4074
has resided or worked outside of this state during the preceding 4075
five years, or if a criminal records check conducted by the bureau 4076
of criminal identification and investigation within this state 4077
indicates that the person may have a criminal record outside of 4078
this state. 4079

In the case of a criminal records check under section 109.572 4080
of the Revised Code, the department or division shall forward to 4081
the bureau of criminal identification and investigation the 4082
requisite form, fingerprint impressions, and fee described in 4083
division (C) of that section. When requested by the department or 4084
division in accordance with this section, the bureau of criminal 4085

identification and investigation shall request from the federal 4086
bureau of investigation any information it has with respect to the 4087
person who is the subject of the requested criminal records check 4088
and shall forward the requisite fingerprint impressions and 4089
information to the federal bureau of investigation for that 4090
criminal records check. After conducting a criminal records check 4091
or receiving the results of a criminal records check from the 4092
federal bureau of investigation, the bureau of criminal 4093
identification and investigation shall provide the results to the 4094
department or division. 4095

The department or division may require any person about whom 4096
a criminal records check is requested to pay to the department or 4097
division the amount necessary to cover the fee charged to the 4098
department or division by the bureau of criminal identification 4099
and investigation under division (C)(3) of section 109.572 of the 4100
Revised Code, including, when applicable, any fee for a criminal 4101
records check conducted by the federal bureau of investigation. 4102

~~(L)~~(M) The director of commerce, or the director's designee, 4103
may adopt rules to enhance compliance with statutes pertaining to, 4104
and rules adopted by, divisions under the direction, supervision, 4105
and control of the department or director by offering 4106
incentive-based programs that ensure safety and soundness while 4107
promoting growth and prosperity in the state. 4108

Sec. 121.37. (A)(1) There is hereby created the Ohio family 4109
and children first cabinet council. The council shall be composed 4110
of the superintendent of public instruction, the executive 4111
director of the opportunities for Ohioans with disabilities 4112
agency, the medicaid director, and the directors of youth 4113
services, job and family services, mental health and addiction 4114
services, health, developmental disabilities, aging, 4115
rehabilitation and correction, and budget and management. The 4116

chairperson of the council shall be the governor or the governor's 4117
designee and shall establish procedures for the council's internal 4118
control and management. 4119

The purpose of the cabinet council is to help families 4120
seeking government services. This section shall not be interpreted 4121
or applied to usurp the role of parents, but solely to streamline 4122
and coordinate existing government services for families seeking 4123
assistance for their children. 4124

(2) In seeking to fulfill its purpose, the council may do any 4125
of the following: 4126

(a) Advise and make recommendations to the governor and 4127
general assembly regarding the provision of services to children; 4128

(b) Advise and assess local governments on the coordination 4129
of service delivery to children; 4130

(c) Hold meetings at such times and places as may be 4131
prescribed by the council's procedures and maintain records of the 4132
meetings, except that records identifying individual children are 4133
confidential and shall be disclosed only as provided by law; 4134

(d) Develop programs and projects, including pilot projects, 4135
to encourage coordinated efforts at the state and local level to 4136
improve the state's social service delivery system; 4137

(e) Enter into contracts with and administer grants to county 4138
family and children first councils, as well as other county or 4139
multicounty organizations to plan and coordinate service delivery 4140
between state agencies and local service providers for families 4141
and children; 4142

(f) Enter into contracts with and apply for grants from 4143
federal agencies or private organizations; 4144

(g) Enter into interagency agreements to encourage 4145
coordinated efforts at the state and local level to improve the 4146

state's social service delivery system. The agreements may include 4147
provisions regarding the receipt, transfer, and expenditure of 4148
funds; 4149

(h) Identify public and private funding sources for services 4150
provided to alleged or adjudicated unruly children and children 4151
who are at risk of being alleged or adjudicated unruly children, 4152
including regulations governing access to and use of the services; 4153

(i) Collect information provided by local communities 4154
regarding successful programs for prevention, intervention, and 4155
treatment of unruly behavior, including evaluations of the 4156
programs; 4157

(j) Identify and disseminate publications regarding alleged 4158
or adjudicated unruly children and children who are at risk of 4159
being alleged or adjudicated unruly children and regarding 4160
programs serving those types of children; 4161

(k) Maintain an inventory of strategic planning facilitators 4162
for use by government or nonprofit entities that serve alleged or 4163
adjudicated unruly children or children who are at risk of being 4164
alleged or adjudicated unruly children. 4165

(3) The cabinet council shall provide for the following: 4166

(a) Reviews of service and treatment plans for children for 4167
which such reviews are requested; 4168

(b) Assistance as the council determines to be necessary to 4169
meet the needs of children referred by county family and children 4170
first councils; 4171

(c) Monitoring and supervision of a statewide, comprehensive, 4172
coordinated, multi-disciplinary, interagency system for infants 4173
and toddlers with developmental disabilities or delays and their 4174
families, as established pursuant to federal grants received and 4175
administered by the department of ~~health~~ developmental 4176

disabilities for early intervention services under the 4177
"Individuals with Disabilities Education Act of 2004," 118 Stat. 4178
2744, 20 U.S.C.A. 1400, as amended; 4179

(d) Establishing and maintaining the Ohio automated service 4180
coordination system pursuant to section 121.376 of the Revised 4181
Code. 4182

(4) The cabinet council shall develop and implement the 4183
following: 4184

(a) An interagency process to select the indicators that will 4185
be used to measure progress toward increasing child well-being in 4186
the state and to update the indicators on an annual basis. ~~The 4187~~
~~indicators shall focus on expectant parents and newborns thriving;~~ 4188
~~infants and toddlers thriving; children being ready for school;~~ 4189
~~children and youth succeeding in school; youth choosing healthy 4190~~
~~behaviors; and youth successfully transitioning into adulthood.~~ 4191

(b) An interagency system to offer guidance and monitor 4192
progress toward increasing child well-being in the state and in 4193
each county; 4194

(c) An annual plan that identifies state-level agency efforts 4195
taken to ensure progress towards increasing child well-being in 4196
the state; 4197

(d) A state appeals process to resolve disputes among the 4198
members of a county council, established under division (B) of 4199
this section, concerning whether reasonable responsibilities are 4200
being shared. The appeals process may be accessed only by a 4201
majority vote of the council members who are required to serve on 4202
the council. Upon appeal, the cabinet council may order that state 4203
funds for services to children and families be redirected to a 4204
county's board of county commissioners. 4205

(5) On an annual basis, the cabinet council shall submit to 4206
the governor and the general assembly a report on the status of 4207

efforts to increase child well-being in the state. This report 4208
shall be made available to any other person on request. 4209

(6) The cabinet council state office may adopt rules 4210
governing the responsibilities of county family and children first 4211
councils established in division (B)(3) of this section. 4212

(B)(1) Each board of county commissioners shall establish a 4213
county family and children first council. The board may invite any 4214
local public or private agency or group that funds, advocates, or 4215
provides services to children and families to have a 4216
representative become a permanent or temporary member of its 4217
county council. Each county council must include the following 4218
individuals: 4219

(a) At least three individuals who are not employed by an 4220
agency represented on the council and whose families are or have 4221
received services from an agency represented on the council or 4222
another county's council. Where possible, the number of members 4223
representing families shall be equal to twenty per cent of the 4224
council's membership. 4225

(b) The director of the board of alcohol, drug addiction, and 4226
mental health services that serves the county, or, in the case of 4227
a county that has a board of alcohol and drug addiction services 4228
and a community mental health board, the directors of both boards. 4229
If a board of alcohol, drug addiction, and mental health services 4230
covers more than one county, the director may designate a person 4231
to participate on the county's council. 4232

(c) The health commissioner, or the commissioner's designee, 4233
of the board of health of each city and general health district in 4234
the county. If the county has two or more health districts, the 4235
health commissioner membership may be limited to the commissioners 4236
of the two districts with the largest populations. 4237

(d) The director of the county department of job and family 4238

services;	4239
(e) The executive director of the public children services agency;	4240 4241
(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;	4242 4243 4244 4245
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	4246 4247 4248 4249 4250
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	4251 4252 4253
(i) A representative of the municipal corporation with the largest population in the county;	4254 4255
(j) The president of the board of county commissioners or an individual designated by the board;	4256 4257
(k) A representative of the department of youth services or an individual designated by the department;	4258 4259
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	4260 4261
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	4262 4263 4264 4265
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	4266 4267
Notwithstanding any other provision of law, the public	4268

members of a county council are not prohibited from serving on the 4269
council and making decisions regarding the duties of the council, 4270
including those involving the funding of joint projects and those 4271
outlined in the county's service coordination mechanism 4272
implemented pursuant to division (C) of this section. 4273

~~The cabinet council shall establish a state appeals process 4274
to resolve disputes among the members of a county council 4275
concerning whether reasonable responsibilities as members are 4276
being shared. The appeals process may be accessed only by a 4277
majority vote of the council members who are required to serve on 4278
the council. Upon appeal, the cabinet council may order that state 4279
funds for services to children and families be redirected to a 4280
county's board of county commissioners. 4281~~

The county's juvenile court judge senior in service or 4282
another judge of the juvenile court designated by the 4283
administrative judge or, where there is no administrative judge, 4284
by the judge senior in service shall serve as the judicial advisor 4285
to the county family and children first council. The judge may 4286
advise the county council on the court's utilization of resources, 4287
services, or programs provided by the entities represented by the 4288
members of the county council and how those resources, services, 4289
or programs assist the court in its administration of justice. 4290
Service of a judge as a judicial advisor pursuant to this section 4291
is a judicial function. 4292

(2) The purpose of the county council is to streamline and 4293
coordinate existing government services for families seeking 4294
services for their children. In seeking to fulfill its purpose, a 4295
county council shall provide for the following: 4296

(a) Referrals to the cabinet council of those children for 4297
whom the county council cannot provide adequate services; 4298

(b) Development and implementation of a process that annually 4299

evaluates and prioritizes services, fills service gaps where 4300
possible, and invents new approaches to achieve better results for 4301
families and children; 4302

(c) Participation in the development of a countywide, 4303
comprehensive, coordinated, multi-disciplinary, interagency system 4304
for infants and toddlers with developmental disabilities or delays 4305
and their families, as established pursuant to federal grants 4306
received and administered by the department of health 4307
developmental disabilities for early intervention services under 4308
the "Individuals with Disabilities Education Act of 2004"; 4309

(d) Maintenance of an accountability system to monitor the 4310
county council's progress in achieving results for families and 4311
children; 4312

(e) Establishment of a mechanism to ensure ongoing input from 4313
a broad representation of families who are receiving services 4314
within the county system. 4315

(3) A county council shall develop and implement the 4316
following: 4317

(a) An interagency process to establish local indicators and 4318
monitor the county's progress toward increasing child well-being 4319
in the county; 4320

(b) An interagency process to identify local priorities to 4321
increase child well-being. ~~The local priorities shall focus on~~ 4322
~~expectant parents and newborns thriving; infants and toddlers~~ 4323
~~thriving; children being ready for school; children and youth~~ 4324
~~succeeding in school; youth choosing healthy behaviors; and youth~~ 4325
~~successfully transitioning into adulthood and take into account~~ 4326
~~the indicators established by the cabinet council under division~~ 4327
~~(A)(4)(a) of this section.~~ 4328

(c) An annual plan that identifies the county's interagency 4329
efforts to increase child well-being in the county. 4330

On an annual basis, the county council shall submit a report 4331
on the status of efforts by the county to increase child 4332
well-being in the county to the county's board of county 4333
commissioners and the cabinet council. This report shall be made 4334
available to any other person on request. 4335

(4)(a) Except as provided in division (B)(4)(b) of this 4336
section, a county council shall comply with the policies, 4337
procedures, and activities prescribed by the rules or interagency 4338
agreements of a state department participating on the cabinet 4339
council whenever the county council performs a function subject to 4340
those rules or agreements. 4341

(b) On application of a county council, the cabinet council 4342
may grant an exemption from any rules or interagency agreements of 4343
a state department participating on the council if an exemption is 4344
necessary for the council to implement an alternative program or 4345
approach for service delivery to families and children. The 4346
application shall describe the proposed program or approach and 4347
specify the rules or interagency agreements from which an 4348
exemption is necessary. The cabinet council shall approve or 4349
disapprove the application in accordance with standards and 4350
procedures it shall adopt. If an application is approved, the 4351
exemption is effective only while the program or approach is being 4352
implemented, including a reasonable period during which the 4353
program or approach is being evaluated for effectiveness. 4354

(5)(a) Each county council shall designate an administrative 4355
agent for the council from among the following public entities: 4356
the board of alcohol, drug addiction, and mental health services, 4357
including a board of alcohol and drug addiction or a community 4358
mental health board if the county is served by separate boards; 4359
the board of county commissioners; any board of health of the 4360
county's city and general health districts; the county department 4361
of job and family services; the county agency responsible for the 4362

administration of children services pursuant to section 5153.15 of 4363
the Revised Code; the county board of developmental disabilities; 4364
any of the county's boards of education or governing boards of 4365
educational service centers; or the county's juvenile court. Any 4366
of the foregoing public entities, other than the board of county 4367
commissioners, may decline to serve as the council's 4368
administrative agent. 4369

A county council's administrative agent shall serve as the 4370
council's appointing authority for any employees of the council. 4371
The council shall file an annual budget with its administrative 4372
agent, with copies filed with the county auditor and with the 4373
board of county commissioners, unless the board is serving as the 4374
council's administrative agent. The council's administrative agent 4375
shall ensure that all expenditures are handled in accordance with 4376
policies, procedures, and activities prescribed by state 4377
departments in rules, grant agreements, or interagency agreements 4378
that are applicable to the council's functions. 4379

The administrative agent of a county council shall send 4380
notice of a member's absence if a member listed in division (B)(1) 4381
of this section has been absent from either three consecutive 4382
meetings of the county council or a county council subcommittee, 4383
or from one-quarter of such meetings in a calendar year, whichever 4384
is less. The notice shall be sent to the board of county 4385
commissioners that establishes the county council and, for the 4386
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 4387
section, to the governing board overseeing the respective entity; 4388
for the member listed in division (B)(1)(f) of this section, to 4389
the county board of developmental disabilities that employs the 4390
superintendent; for a member listed in division (B)(1)(g) or (h) 4391
of this section, to the school board that employs the 4392
superintendent; for the member listed in division (B)(1)(i) of 4393
this section, to the mayor of the municipal corporation; for the 4394

member listed in division (B)(1)(k) of this section, to the 4395
director of youth services; and for the member listed in division 4396
(B)(1)(n) of this section, to that member's board of trustees. 4397

The administrative agent for a county council may do any of 4398
the following on behalf of the council: 4399

(i) Enter into agreements or administer contracts with public 4400
or private entities to fulfill specific council business. Such 4401
agreements and contracts are exempt from the competitive bidding 4402
requirements of section 307.86 of the Revised Code if they have 4403
been approved by the county council and they are for the purchase 4404
of ~~family and child welfare or child protection services or other~~ 4405
~~social or job and family~~ services for families and children. The 4406
approval of the county council is not required to exempt 4407
agreements or contracts entered into under section 5139.34, 4408
5139.41, or 5139.43 of the Revised Code from the competitive 4409
bidding requirements of section 307.86 of the Revised Code. 4410

(ii) As determined by the council, provide financial 4411
stipends, reimbursements, or both, to family representatives for 4412
expenses related to council activity; 4413

(iii) Receive by gift, grant, devise, or bequest any moneys, 4414
lands, or other property for the purposes for which the council is 4415
established. The agent shall hold, apply, and dispose of the 4416
moneys, lands, or other property according to the terms of the 4417
gift, grant, devise, or bequest. Any interest or earnings shall be 4418
treated in the same manner and are subject to the same terms as 4419
the gift, grant, devise, or bequest from which it accrues. 4420

(b)(i) If the county council designates the board of county 4421
commissioners as its administrative agent, the board may, by 4422
resolution, delegate any of its powers and duties as 4423
administrative agent to an executive committee the board 4424
establishes from the membership of the county council. The board 4425

shall name to the executive committee at least the individuals 4426
described in divisions (B)(1)(b) to (h) of this section and may 4427
appoint the president of the board or another individual as the 4428
chair of the executive committee. The executive committee must 4429
include at least one family county council representative who does 4430
not have a family member employed by an agency represented on the 4431
council. 4432

(ii) The executive committee may, with the approval of the 4433
board, hire an executive director to assist the county council in 4434
administering its powers and duties. The executive director shall 4435
serve in the unclassified civil service at the pleasure of the 4436
executive committee. The executive director may, with the approval 4437
of the executive committee, hire other employees as necessary to 4438
properly conduct the county council's business. 4439

(iii) The board may require the executive committee to submit 4440
an annual budget to the board for approval and may amend or repeal 4441
the resolution that delegated to the executive committee its 4442
authority as the county council's administrative agent. 4443

(6) Two or more county councils may enter into an agreement 4444
to administer their county councils jointly by creating a regional 4445
family and children first council. A regional council possesses 4446
the same duties and authority possessed by a county council, 4447
except that the duties and authority apply regionally rather than 4448
to individual counties. Prior to entering into an agreement to 4449
create a regional council, the members of each county council to 4450
be part of the regional council shall meet to determine whether 4451
all or part of the members of each county council will serve as 4452
members of the regional council. 4453

(7) A board of county commissioners may approve a resolution 4454
by a majority vote of the board's members that requires the county 4455
council to submit a statement to the board each time the council 4456
proposes to enter into an agreement, adopt a plan, or make a 4457

decision, other than a decision pursuant to section 121.38 of the Revised Code, that requires the expenditure of funds for two or more families. The statement shall describe the proposed agreement, plan, or decision.

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

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

(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the ~~help me grow program~~ early intervention program, the main provider of service coordination mechanism shall be ~~consistent with rules adopted by the department of health under~~ an early intervention service coordinator to ensure compliance with section ~~3701.61~~ 5123.02 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health; juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and

administration of each county's service coordination mechanism. 4490

Each mechanism shall include all of the following: 4491

(1) A procedure for an agency, including a juvenile court, or 4492
a family voluntarily seeking service coordination, to refer the 4493
child and family to the county council for service coordination in 4494
accordance with the mechanism; 4495

(2) A procedure ensuring that a family and all appropriate 4496
staff from involved agencies, including a representative from the 4497
appropriate school district, are notified of and invited to 4498
participate in all family service coordination plan meetings; 4499

(3) A procedure that permits a family to initiate a meeting 4500
to develop or review the family's service coordination plan and 4501
allows the family to invite a family advocate, mentor, or support 4502
person of the family's choice to participate in any such meeting; 4503

(4) A procedure for ensuring that a family service 4504
coordination plan meeting is conducted for each child who receives 4505
service coordination under the mechanism and for whom an emergency 4506
out-of-home placement has been made or for whom a nonemergency 4507
out-of-home placement is being considered. The meeting shall be 4508
conducted within ten days of an emergency out-of-home placement. 4509
The meeting shall be conducted before a nonemergency out-of-home 4510
placement. The family service coordination plan shall outline how 4511
the county council members will jointly pay for services, where 4512
applicable, and provide services in the least restrictive 4513
environment. 4514

(5) A procedure for monitoring the progress and tracking the 4515
outcomes of each service coordination plan requested in the county 4516
including monitoring and tracking children in out-of-home 4517
placements to assure continued progress, appropriateness of 4518
placement, and continuity of care after discharge from placement 4519
with appropriate arrangements for housing, treatment, and 4520

education; 4521

(6) A procedure for protecting the confidentiality of all 4522
personal family information disclosed during service coordination 4523
meetings or contained in the comprehensive family service 4524
coordination plan; 4525

(7) A procedure for assessing the needs and strengths of any 4526
child or family that has been referred to the council for service 4527
coordination, including a child whose parent or custodian is 4528
voluntarily seeking services, and for ensuring that parents and 4529
custodians are afforded the opportunity to participate; 4530

(8) A procedure for development of a family service 4531
coordination plan described in division (D) of this section; 4532

(9) A local dispute resolution process to serve as the 4533
process that must be used first to resolve disputes among the 4534
agencies represented on the county council concerning the 4535
provision of services to children, including children who are 4536
abused, neglected, dependent, unruly, alleged unruly, or 4537
delinquent children and under the jurisdiction of the juvenile 4538
court and children whose parents or custodians are voluntarily 4539
seeking services. The local dispute resolution process shall 4540
comply with sections 121.38, 121.381, and 121.382 of the Revised 4541
Code. The local dispute resolution process shall be used to 4542
resolve disputes between a child's parents or custodians and the 4543
county council regarding service coordination. The county council 4544
shall inform the parents or custodians of their right to use the 4545
dispute resolution process. Parents or custodians shall use 4546
existing local agency grievance procedures to address disputes not 4547
involving service coordination. The dispute resolution process is 4548
in addition to and does not replace other rights or procedures 4549
that parents or custodians may have under other sections of the 4550
Revised Code. 4551

The cabinet council shall adopt rules in accordance with 4552
Chapter 119. of the Revised Code establishing an administrative 4553
review process to address problems that arise concerning the 4554
operation of a local dispute resolution process. 4555

Nothing in division (C)(4) of this section shall be 4556
interpreted as overriding or affecting decisions of a juvenile 4557
court or public children services agency regarding an out-of-home 4558
placement, long-term placement, or emergency out-of-home 4559
placement. 4560

(D) Each county shall develop a family service coordination 4561
plan that does all of the following: 4562

(1) Designates service responsibilities among the various 4563
state and local agencies that provide services to children and 4564
their families, including children who are abused, neglected, 4565
dependent, unruly, or delinquent children and under the 4566
jurisdiction of the juvenile court and children whose parents or 4567
custodians are voluntarily seeking services; 4568

(2) Designates an individual, approved by the family, to 4569
track the progress of the family service coordination plan, 4570
schedule reviews as necessary, and facilitate the family service 4571
coordination plan meeting process; 4572

(3) Ensures that assistance and services to be provided are 4573
responsive to the strengths and needs of the family, as well as 4574
the family's culture, race, and ethnic group, by allowing the 4575
family to offer information and suggestions and participate in 4576
decisions. Identified assistance and services shall be provided in 4577
the least restrictive environment possible. 4578

(4) Includes a process for dealing with a child who is 4579
alleged to be an unruly child. The process shall include methods 4580
to divert the child from the juvenile court system; 4581

(5) Includes timelines for completion of goals specified in 4582

the plan with regular reviews scheduled to monitor progress toward 4583
those goals; 4584

(6) Includes a plan for dealing with short-term crisis 4585
situations and safety concerns. 4586

(E)(1) The process provided for under division (D)(4) of this 4587
section may include, but is not limited to, the following: 4588

(a) Designation of the person or agency to conduct the 4589
assessment of the child and the child's family as described in 4590
division (C)(7) of this section and designation of the instrument 4591
or instruments to be used to conduct the assessment; 4592

(b) An emphasis on the personal responsibilities of the child 4593
and the parental responsibilities of the parents, guardian, or 4594
custodian of the child; 4595

(c) Involvement of local law enforcement agencies and 4596
officials. 4597

(2) The method to divert a child from the juvenile court 4598
system that must be included in the service coordination process 4599
may include, but is not limited to, the following: 4600

(a) The preparation of a complaint under section 2151.27 of 4601
the Revised Code alleging that the child is an unruly child and 4602
notifying the child and the parents, guardian, or custodian that 4603
the complaint has been prepared to encourage the child and the 4604
parents, guardian, or custodian to comply with other methods to 4605
divert the child from the juvenile court system; 4606

(b) Conducting a meeting with the child, the parents, 4607
guardian, or custodian, and other interested parties to determine 4608
the appropriate methods to divert the child from the juvenile 4609
court system; 4610

(c) A method to provide to the child and the child's family a 4611
short-term respite from a short-term crisis situation involving a 4612

confrontation between the child and the parents, guardian, or 4613
custodian; 4614

(d) A program to provide a mentor to the child or the 4615
parents, guardian, or custodian; 4616

(e) A program to provide parenting education to the parents, 4617
guardian, or custodian; 4618

(f) An alternative school program for children who are truant 4619
from school, repeatedly disruptive in school, or suspended or 4620
expelled from school; 4621

(g) Other appropriate measures, including, but not limited 4622
to, any alternative methods to divert a child from the juvenile 4623
court system that are identified by the Ohio family and children 4624
first cabinet council. 4625

(F) Each county may review and revise the service 4626
coordination process described in division (D) of this section 4627
based on the availability of funds under Title IV-A of the "Social 4628
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4629
or to the extent resources are available from any other federal, 4630
state, or local funds. 4631

(G) As used in this section, "early intervention service 4632
coordinator" means a person who holds an early intervention 4633
service coordinator credential or an early intervention service 4634
coordination supervisor credential issued by the department of 4635
developmental disabilities and who assists and enables an infant 4636
or toddler with a developmental delay or disability and the 4637
child's family to receive the services and rights, including 4638
procedural safeguards, required under part C of the "Individuals 4639
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as 4640
amended. 4641

Sec. 121.376. (A) The Ohio family and children first cabinet 4642

council state office shall establish and maintain the Ohio 4643
automated service coordination information system. The information 4644
system shall contain county family and children first council 4645
records detailing funding sources and information regarding 4646
families seeking services from a county council including: 4647

(1) Demographics including: 4648

(a) Number and relationship of family members; 4649

(b) Genders of youth; 4650

(c) Ages of youth; 4651

(d) Races of youth; 4652

(e) Education of youth. 4653

(2) Youth financial resource eligibility information; 4654

(3) History and desired outcomes; 4655

(4) Youth's physical and behavioral health histories, when 4656
available; 4657

(5) Names of youth's insurers and physicians, when available; 4658

(6) Individualized plans including: 4659

(a) Referrals made to services; 4660

(b) Services and supports received; 4661

(c) Crisis plans; 4662

(d) Safety plans. 4663

(7) All relevant case file documents; 4664

(8) Any other information related to families served, 4665
services provided, or the financial resources used to provide the 4666
services. 4667

(B) Each county family and children first council shall enter 4668
and update information in the Ohio automated service coordination 4669

information system as information becomes available or within five 4670
business days of acquiring new information. Failure to enter 4671
information may result in the withholding of state funding. 4672

(C) The data in the Ohio automated service coordination 4673
information system is confidential, and release of information is 4674
limited to those with whom the county family and children first 4675
council is permitted by law to share the information. Access to 4676
and use of data in the Ohio automated service coordination 4677
information system shall be limited to the extent necessary to 4678
carry out the duties of the family and children first cabinet 4679
council and the county family and children first councils 4680
established in section 121.37 of the Revised Code. 4681

(D) Personnel having access to the Ohio automated service 4682
coordination information system shall be limited to those 4683
individuals who have been educated on the confidentiality 4684
requirements of the Ohio automated service coordination 4685
information system, who are informed of all penalties, who have 4686
been educated in security procedures, and who have provided 4687
acknowledgement of rules developed by the Ohio family and children 4688
first cabinet council. 4689

(E) Each county family and children first council shall do 4690
both of the following: 4691

(1) Establish and implement a policy establishing 4692
administrative penalties, up to and including dismissal from 4693
employment, for unauthorized access to, disclosure of, or use of 4694
data in the Ohio automated service coordination information 4695
system; 4696

(2) Monitor access to and use of the Ohio automated service 4697
coordination information system to prevent and identify 4698
unauthorized use of the system. 4699

(F) No direct access to the Ohio automated service 4700

coordination information system shall be requested by or on behalf 4701
of, nor approved for or granted to, any researcher conducting 4702
research. 4703

(G) The Ohio family and children first cabinet council state 4704
office may adopt rules, in accordance with Chapter 119. Of the 4705
Revised Code, governing county family and children first councils' 4706
access to, entry of, and use of information in the Ohio automated 4707
service coordination information system. 4708

Sec. 121.381. A parent or custodian who disagrees with a 4709
decision rendered by a county family and children first council 4710
regarding services for a child may initiate the dispute resolution 4711
process established in the county service coordination mechanism 4712
pursuant to division ~~(C)(10)~~(C)(9) of section 121.37 of the 4713
Revised Code. 4714

Not later than sixty days after the parent or custodian 4715
initiates the dispute resolution process, the council shall make 4716
findings regarding the dispute and issue a written determination 4717
of its findings. 4718

Sec. 121.483. A The inspector general or a deputy inspector 4719
general appointed under section 121.48 of the Revised Code, who 4720
has been awarded a certificate by the executive director of the 4721
Ohio peace officer training commission attesting to the person's 4722
satisfactory completion of an approved state, county, ~~or~~ 4723
municipal, or department of natural resources peace officer basic 4724
training program, ~~shall, during the term of the deputy inspector~~ 4725
~~general's appointment, be considered a peace officer for the~~ 4726
~~purpose of maintaining a current and valid basic training~~ 4727
~~certificate pursuant to rules adopted under section 109.74 of the~~ 4728
Revised Code under section 109.77 of the Revised Code has the same 4729
arrest authority as a peace officer. The inspector general or a 4730

deputy inspector general may exercise this arrest authority only 4731
while the inspector general or a deputy inspector general is 4732
engaged in the scope of the inspector general's or deputy 4733
inspector general's duties under sections 121.42 to 121.52 of the 4734
Revised Code. 4735

Sec. 121.49. (A) Subject to division (B) of this section, 4736
only an individual who meets one or more of the following 4737
qualifications is eligible to be appointed inspector general: 4738

(1) At least five years experience as a law enforcement 4739
officer in this or any other state; 4740

(2) Admission to the bar of this or any other state; 4741

(3) Certification as a certified public accountant in this or 4742
any other state; 4743

(4) At least five years service as the comptroller or similar 4744
officer of a public or private entity in this or any other state; 4745

(5) At least five years service as a deputy inspector general 4746
in this or any other state. 4747

(B) No individual who has been convicted, in this or any 4748
other state, of a felony or of any crime involving fraud, 4749
dishonesty, or moral turpitude shall be appointed inspector 4750
general. 4751

Sec. 122.07. (A) There is hereby created within the 4752
department of development ~~services agency~~ an office to be known as 4753
the state marketing office of TourismOhio. The office shall be 4754
under the supervision of a director who shall be of equivalent 4755
rank of deputy director of the agency and shall serve at the 4756
pleasure of the director of development ~~services~~. 4757

(B) The office shall do both of the following: 4758

(1) Promote the state as a ~~travel~~ destination for living, 4759

learning, working, and traveling, and provide related services or 4760
otherwise carry out the promotional functions or duties of the 4761
~~agency~~ department, as necessary; 4762

(2) Perform an annual return-on-investment study analyzing 4763
the office's success in promoting Ohio ~~tourism~~. A report 4764
containing the findings of the study shall be submitted to the 4765
governor, the speaker and minority leader of the house of 4766
representatives, and the president and minority leader of the 4767
senate. The report shall also be made available to the public. 4768

Sec. 122.071. (A) The ~~TourismOhio~~ state marketing advisory 4769
board is hereby established to advise the director of development 4770
~~services~~ and the director of the state marketing office of 4771
~~TourismOhio~~ on strategies for promoting tourism in this state. The 4772
board shall consist of the chief investment officer of the 4773
nonprofit corporation formed under section 187.01 of the Revised 4774
Code or the chief investment officer's designee, the director of 4775
the state marketing office of ~~TourismOhio~~, and nine members to be 4776
appointed by the governor as provided in division (B) of this 4777
section. All members of the board, except the director of the 4778
state marketing office of ~~TourismOhio~~, shall be voting members. 4779

(B)(1) The governor shall, ~~within sixty days after September~~ 4780
~~28, 2012,~~ appoint to the ~~TourismOhio~~ state marketing advisory 4781
board one individual who is a representative of convention and 4782
visitors' bureaus, one individual who is a representative of the 4783
lodging industry, one individual who is a representative of the 4784
restaurant industry, one individual who is a representative of 4785
attractions, one individual who is a representative of special 4786
events and festivals, one individual who is a representative of 4787
agritourism, and three individuals who are representatives of the 4788
tourism industry. Of the initial appointments, two individuals 4789
shall serve a term of one year, three individuals shall serve a 4790

term of two years, and the remainder shall serve a term of three 4791
years. Thereafter, terms of office shall be for three years. Each 4792
individual appointed to the board shall be a United States 4793
citizen. 4794

(2) For purposes of division (B)(1) of this section, an 4795
individual is a "representative of the tourism industry" if the 4796
individual possesses five years or more executive-level experience 4797
in the attractions, lodging, restaurant, transportation, or retail 4798
industry or five years or more executive-level experience with a 4799
destination marketing organization. 4800

(C)(1) Each member of the ~~Tourism~~Ohio state marketing 4801
advisory board shall hold office from the date of the member's 4802
appointment until the end of the term for which the member is 4803
appointed. Vacancies that occur on the board shall be filled in 4804
the manner prescribed for regular appointments to the board. A 4805
member appointed to fill a vacancy occurring prior to the 4806
expiration of the term for which the member's predecessor was 4807
appointed shall hold office for the remainder of that 4808
predecessor's term. A member shall continue in office subsequent 4809
to the expiration date of the member's term until the member's 4810
successor takes office or until sixty days have elapsed, whichever 4811
occurs first. Any member appointed to the board is eligible for 4812
reappointment. 4813

(2) The governor shall designate one member of the board as 4814
chairperson. 4815

(3) Members appointed to the board may be reimbursed for 4816
actual and necessary expenses incurred in connection with their 4817
official duties. 4818

Sec. 122.072. There is hereby created in the state treasury 4819
the ~~tourism~~ state marketing fund consisting of money credited or 4820
transferred to it and grants, gifts, and contributions made 4821

directly to it. Money in the fund shall be used to defray costs 4822
incurred by the state marketing office of ~~TourismOhio~~ in promoting 4823
this state ~~as a travel destination~~. 4824

Sec. 122.073. (A) The department of development services 4825
~~agency~~ may do any of the following: 4826

(1) Disseminate information concerning the industrial, 4827
commercial, governmental, educational, cultural, recreational, 4828
agricultural, and other advantages and attractions of the state; 4829

(2) Provide technical assistance to public and private 4830
agencies in the preparation of promotional programs designed to 4831
attract business, industry, and tourists to the state; 4832

(3) Enter into cooperative or contractual agreements, through 4833
the director of development ~~services~~, with any individual, 4834
organization, or business to create, administer, or otherwise be 4835
involved with Ohio tourism-related promotional programs. 4836
Compensation under such agreements shall be determined by the 4837
director and may include deferred compensation. This compensation 4838
is payable from the tourism fund created in section 122.072 of the 4839
Revised Code. Any excess revenue generated under such a 4840
cooperative or contractual agreement shall be remitted to the fund 4841
to be reinvested in ongoing tourism marketing initiatives as 4842
authorized by law. 4843

(B) Records related to tourism market research submitted to 4844
or generated by the state marketing office of ~~TourismOhio~~, and any 4845
information taken for any purpose from such research, are not 4846
public records for the purposes of section 149.43 of the Revised 4847
Code. The ~~agency~~ department may use, however, such tourism market 4848
research in a public report if the director determines that 4849
issuing and distributing the report would promote or market the 4850
state's travel and tourism industry or otherwise advance the 4851
purposes of this section. 4852

Sec. 122.17. (A) As used in this section: 4853

(1) "Payroll" means the total taxable income paid by the 4854
employer during the employer's taxable year, or during the 4855
calendar year that includes the employer's tax period, to each 4856
employee or each home-based employee employed in the project to 4857
the extent such payroll is not used to determine the credit under 4858
section 122.171 of the Revised Code. "Payroll" excludes amounts 4859
paid before the day the taxpayer becomes eligible for the credit 4860
and retirement or other benefits paid or contributed by the 4861
employer to or on behalf of employees. 4862

(2) "Baseline payroll" means Ohio employee payroll, except 4863
that the applicable measurement period is the twelve months 4864
immediately preceding the date the tax credit authority approves 4865
the taxpayer's application or the date the tax credit authority 4866
receives the recommendation described in division (C)(2)(a) of 4867
this section, whichever occurs first, multiplied by the sum of one 4868
plus an annual pay increase factor to be determined by the tax 4869
credit authority. 4870

(3) "Ohio employee payroll" means the amount of compensation 4871
used to determine the withholding obligations in division (A) of 4872
section 5747.06 of the Revised Code and paid by the employer 4873
during the employer's taxable year, or during the calendar year 4874
that includes the employer's tax period, to the following: 4875

(a) An employee employed in the project who is a resident of 4876
this state including a qualifying work-from-home employee not 4877
designated as a home-based employee by an applicant under division 4878
(C)(1) of this section; 4879

(b) An employee employed at the project location who is not a 4880
resident and whose compensation is not exempt from the tax imposed 4881
under section 5747.02 of the Revised Code pursuant to a 4882
reciprocity agreement with another state under division (A)(3) of 4883

section 5747.05 of the Revised Code; 4884

(c) A home-based employee employed in the project. 4885

"Ohio employee payroll" excludes any such compensation to the 4886
extent it is used to determine the credit under section 122.171 of 4887
the Revised Code, and excludes amounts paid before the day the 4888
taxpayer becomes eligible for the credit under this section. 4889

(4) "Excess payroll" means Ohio employee payroll minus 4890
baseline payroll. 4891

(5) "Home-based employee" means an employee whose services 4892
are performed primarily from the employee's residence in this 4893
state exclusively for the benefit of the project and whose rate of 4894
pay is at least one hundred thirty-one per cent of the federal 4895
minimum wage under 29 U.S.C. 206. 4896

(6) "Full-time equivalent employees" means the quotient 4897
obtained by dividing the total number of hours for which employees 4898
were compensated for employment in the project by two thousand 4899
eighty. "Full-time equivalent employees" excludes hours that are 4900
counted for a credit under section 122.171 of the Revised Code. 4901

(7) "Metric evaluation date" means the date by which the 4902
taxpayer must meet all of the commitments included in the 4903
agreement. 4904

(8) "Qualifying work-from-home employee" means an employee 4905
who is a resident of this state and whose services are supervised 4906
from the employer's project location and performed primarily from 4907
a residence of the employee located in this state. 4908

(9) "Resident" or "resident of this state" means an 4909
individual who is a resident as defined in section 5747.01 of the 4910
Revised Code. 4911

(10) "Reporting period" means a period corresponding to the 4912
annual report required under division (D)(6) of this section. 4913

(11) "Megaproject" means a project in this state that meets 4914
all of the following requirements: 4915

(a) At least one of the following applies: 4916

(i) The project requires unique sites, extremely robust 4917
utility service, and a technically skilled workforce. 4918

(ii) The megaproject operator of the project has its 4919
corporate headquarters in the United States, incurs more than 4920
fifty per cent of its research and development expenses in the 4921
United States in the year preceding the date the tax credit 4922
authority approves the project for a credit under this section, 4923
and builds and operates semiconductor wafer manufacturing 4924
factories in this state or intends to do so by the metric 4925
evaluation date applicable to the megaproject operator. 4926

(b) The megaproject operator of the project agrees, in an 4927
agreement with the tax credit authority under division (D) of this 4928
section, that, on and after the metric evaluation date applicable 4929
to the megaproject operator and until the end of the last year for 4930
which the megaproject qualifies for the credit authorized under 4931
this section, the megaproject operator will compensate the 4932
project's employees at an average hourly wage of at least three 4933
hundred per cent of the federal minimum wage under 29 U.S.C. 206, 4934
exclusive of employee benefits, as determined at the time the tax 4935
credit authority approves the project for a credit under this 4936
section. 4937

(c) The megaproject operator agrees, in an agreement with the 4938
tax credit authority under division (D) of this section, to 4939
satisfy either of the following by the metric evaluation date 4940
applicable to the project: 4941

(i) The megaproject operator makes at least one billion 4942
dollars, as adjusted under division (V)(1) of this section, in 4943
fixed-asset investments in the project. 4944

(ii) The megaproject operator creates at least seventy-five million dollars, as adjusted under division (V)(1) of this section, in Ohio employee payroll at the project.

(d) The megaproject operator agrees, in an agreement with the tax credit authority under division (D) of this section, that if the project satisfies division (A)(11)(c)(ii) of this section, then, on and after the metric evaluation date and until the end of the last year for which the megaproject qualifies for the credit authorized under this section, the megaproject operator will maintain at least the amount in Ohio employee payroll at the project required under that division for each year in that period.

(12) "Megaproject operator" means a taxpayer that, separately or collectively with other taxpayers, undertakes and operates a megaproject. Such a taxpayer becomes a megaproject operator effective the first day of the calendar year in which the taxpayer and the tax credit authority enter into an agreement under division (D) of this section with respect to the megaproject. More than one taxpayer may be designated by the tax credit authority as a megaproject operator for the same megaproject.

(13) "Megaproject supplier" means a supplier in this state that meets either or both of the following requirements:

(a) The supplier sells tangible personal property directly to a megaproject operator of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of this section for use at a megaproject site, provided that such property was subject to substantial manufacturing, assembly, or processing in this state at a facility owned or operated by the supplier;

(b) The supplier sells tangible personal property directly to a megaproject operator for use at a megaproject site, provided that the supplier agrees, in an agreement with the tax credit authority under division (D) of this section, to meet all of the

following requirements: 4976

(i) By the metric evaluation date applicable to the supplier, 4977
makes at least one hundred million dollars, as adjusted under 4978
division (V)(2) of this section, in fixed-asset investments in 4979
this state; 4980

(ii) By the metric evaluation date applicable to the 4981
supplier, creates at least ten million dollars, as adjusted under 4982
division (V)(2) of this section, in Ohio employee payroll; 4983

(iii) On and after the metric evaluation date applicable to 4984
the supplier, until the end of the last year for which the 4985
supplier qualifies for the credit authorized under this section, 4986
maintains at least the amount in Ohio employee payroll required 4987
under division (A)(13)(b)(ii) of this section for each year in 4988
that period. 4989

(B) The tax credit authority may make grants under this 4990
section to foster job creation in this state. Such a grant shall 4991
take the form of a refundable credit allowed against the tax 4992
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 4993
5747.02 or levied under Chapter 5751. of the Revised Code. The 4994
credit shall be claimed for the taxable years or tax periods 4995
specified in the taxpayer's agreement with the tax credit 4996
authority under division (D) of this section. With respect to 4997
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 4998
Chapter 5751. of the Revised Code, the credit shall be claimed in 4999
the order required under section 5726.98, 5733.98, 5747.98, or 5000
5751.98 of the Revised Code. The amount of the credit available 5001
for a taxable year or for a calendar year that includes a tax 5002
period equals the excess payroll for that year multiplied by the 5003
percentage specified in the agreement with the tax credit 5004
authority. 5005

(C)(1) A taxpayer or potential taxpayer who proposes a 5006

project to create new jobs in this state may apply to the tax 5007
credit authority to enter into an agreement for a tax credit under 5008
this section. 5009

An application shall not propose to include both home-based 5010
employees and employees who are not home-based employees in the 5011
computation of Ohio employee payroll for the purposes of the same 5012
tax credit agreement, except that a qualifying work-from-home 5013
employee shall not be considered to be a home-based employee 5014
unless so designated by the applicant. If a taxpayer or potential 5015
taxpayer employs both home-based employees and employees who are 5016
not home-based employees in a project, the taxpayer shall submit 5017
separate applications for separate tax credit agreements for the 5018
project, one of which shall include home-based employees in the 5019
computation of Ohio employee payroll and one of which shall 5020
include all other employees in the computation of Ohio employee 5021
payroll. 5022

The director of development shall prescribe the form of the 5023
application. After receipt of an application, the authority may 5024
enter into an agreement with the taxpayer for a credit under this 5025
section if it determines all of the following: 5026

(a) The taxpayer's project will increase payroll; 5027

(b) The taxpayer's project is economically sound and will 5028
benefit the people of this state by increasing opportunities for 5029
employment and strengthening the economy of this state; 5030

(c) Receiving the tax credit is a major factor in the 5031
taxpayer's decision to go forward with the project. 5032

(2)(a) A taxpayer that chooses to begin the project prior to 5033
receiving the determination of the authority may, upon submitting 5034
the taxpayer's application to the authority, request that the 5035
chief investment officer of the nonprofit corporation formed under 5036
section 187.01 of the Revised Code and the director review the 5037

taxpayer's application and recommend to the authority that the 5038
taxpayer's application be considered. As soon as possible after 5039
receiving such a request, the chief investment officer and the 5040
director shall review the taxpayer's application and, if they 5041
determine that the application warrants consideration by the 5042
authority, make that recommendation to the authority not later 5043
than six months after the application is received by the 5044
authority. 5045

(b) The authority shall consider any taxpayer's application 5046
for which it receives a recommendation under division (C)(2)(a) of 5047
this section. If the authority determines that the taxpayer does 5048
not meet all of the criteria set forth in division (C)(1) of this 5049
section, the authority and the department of development shall 5050
proceed in accordance with rules adopted by the director pursuant 5051
to division (I) of this section. 5052

(D) An agreement under this section shall include all of the 5053
following: 5054

(1) A detailed description of the project that is the subject 5055
of the agreement; 5056

(2)(a) The term of the tax credit, which, except as provided 5057
in division (D)(2)(b) or (C) of this section, shall not exceed 5058
fifteen years, and the first taxable year, or first calendar year 5059
that includes a tax period, for which the credit may be claimed; 5060

(b) If the tax credit is computed on the basis of home-based 5061
employees, the term of the credit shall expire on or before the 5062
last day of the taxable or calendar year ending before the 5063
beginning of the seventh year after September 6, 2012, the 5064
effective date of H.B. 327 of the 129th general assembly. 5065

(c) If the taxpayer is a megaproject operator or a 5066
megaproject supplier that meets the requirements described in 5067
division (A)(13)(b) of this section, the term of the tax credit 5068

shall not exceed thirty years. 5069

(3) A requirement that the taxpayer shall maintain operations 5070
at the project location for at least the greater of seven years or 5071
the term of the credit plus three years; 5072

(4) The percentage, as determined by the tax credit 5073
authority, of excess payroll that will be allowed as the amount of 5074
the credit for each taxable year or for each calendar year that 5075
includes a tax period; 5076

(5) The pay increase factor to be applied to the taxpayer's 5077
baseline payroll; 5078

(6) A requirement that the taxpayer annually shall report to 5079
the director of development full-time equivalent employees, 5080
payroll, Ohio employee payroll, investment, the provision of 5081
health care benefits and tuition reimbursement if required in the 5082
agreement, and other information the director needs to perform the 5083
director's duties under this section; 5084

(7) A requirement that the director of development annually 5085
review the information reported under division (D)(6) of this 5086
section and verify compliance with the agreement; if the taxpayer 5087
is in compliance, a requirement that the director issue a 5088
certificate to the taxpayer stating that the information has been 5089
verified and identifying the amount of the credit that may be 5090
claimed for the taxable or calendar year. If the taxpayer is a 5091
megaproject supplier, the director shall issue such a certificate 5092
to the megaproject supplier and to any megaproject operator (a) to 5093
which the megaproject supplier directly sells tangible personal 5094
property and (b) that is authorized to claim the credit pursuant 5095
to division (D)(10) of this section. 5096

(8) A provision providing that the taxpayer may not relocate 5097
a substantial number of employment positions from elsewhere in 5098
this state to the project location unless the director of 5099

development determines that the legislative authority of the 5100
county, township, or municipal corporation from which the 5101
employment positions would be relocated has been notified by the 5102
taxpayer of the relocation. 5103

For purposes of this section, the movement of an employment 5104
position from one political subdivision to another political 5105
subdivision shall be considered a relocation of an employment 5106
position unless the employment position in the first political 5107
subdivision is replaced. The movement of a qualifying 5108
work-from-home employee to a different residence located in this 5109
state or to the project location shall not be considered a 5110
relocation of an employment position. 5111

(9) If the tax credit is computed on the basis of home-based 5112
employees, that the tax credit may not be claimed by the taxpayer 5113
until the taxable year or tax period in which the taxpayer employs 5114
at least two hundred employees more than the number of employees 5115
the taxpayer employed on June 30, 2011; 5116

(10) If the taxpayer is a megaproject supplier, the 5117
percentage of the annual tax credit certified under division 5118
(D)(7) of this section, up to one hundred per cent, that may be 5119
claimed by each megaproject operator to which the megaproject 5120
supplier directly sells tangible personal property, rather than by 5121
that megaproject supplier, on the condition that the megaproject 5122
operator continues to qualify as a megaproject operator; 5123

(11) If the taxpayer is a megaproject operator or megaproject 5124
supplier, a requirement that the taxpayer meet and maintain 5125
compliance with all thresholds and requirements to which the 5126
taxpayer agreed, pursuant to division (A)(11) or (13) of this 5127
section, respectively, as a condition of the operator's project 5128
qualifying as a megaproject or the supplier qualifying as a 5129
megaproject supplier until the end of the last year for which the 5130
taxpayer qualifies for the credit authorized under this section. 5131

In each year that a megaproject operator or megaproject supplier 5132
is subject to an agreement with the tax credit authority under 5133
this section and meets the requirements of this division, the 5134
director of development shall issue a certificate to the 5135
megaproject operator or megaproject supplier stating that the 5136
megaproject operator or megaproject supplier continues to meet 5137
those requirements. 5138

(12) If the taxpayer is a megaproject operator, a requirement 5139
that the megaproject operator submit, in a form acceptable to the 5140
director of development, an economic impact report with respect to 5141
each megaproject for which the megaproject operator is designated, 5142
summarizing all of the following for the reporting year: 5143

(a) The aggregate amount of purchases made by the megaproject 5144
operator for such megaproject from megaproject suppliers; 5145

(b) The aggregate amount of purchases made by the megaproject 5146
operator for such megaproject from suppliers other than 5147
megaproject suppliers; 5148

(c) A summary of the construction activity for any facilities 5149
at the site of the megaproject in that year; 5150

(d) The aggregate amount expended by the megaproject operator 5151
on research and development at the site of the megaproject in that 5152
year; 5153

(e) The number of employees working at the site of the 5154
megaproject and the counties in which those employees reside; 5155

(f) A summary of the supply chain activity in support of the 5156
megaproject, including a list of the twenty-five suppliers with a 5157
physical presence in Ohio from which the megaproject operator made 5158
the most purchases in that year. 5159

The economic impact report shall be due on or before the 5160
first day of July of each year, beginning in the year specified in 5161

the agreement with the tax credit authority. The information 5162
required in the report shall be certified as true and correct by 5163
an officer of the megaproject operator. If there is more than one 5164
megaproject operator designated for a single megaproject, all of 5165
the megaproject operators designated for the megaproject may 5166
jointly submit a single report. Any information contained in the 5167
report is a public record for purposes of section 149.43 of the 5168
Revised Code and shall be published on the department of 5169
development's web site. 5170

(E)(1) If a taxpayer fails to meet or comply with any 5171
condition or requirement set forth in a tax credit agreement, the 5172
tax credit authority may amend the agreement to reduce the 5173
percentage or term of the tax credit. The reduction of the 5174
percentage or term may take effect in the current taxable or 5175
calendar year. 5176

(2) If the tax credit authority determines that a taxpayer 5177
that is a megaproject operator of a megaproject described in 5178
division (A)(11)(a)(ii) of this section is not fully compliant 5179
with the requirements of the agreement, the authority may impose a 5180
recoupment payment on the taxpayer in accordance with the 5181
following: 5182

(a) If, on the metric evaluation date, the taxpayer fails to 5183
substantially meet the capital investment, full-time equivalent 5184
employee, or payroll requirements included in the agreement, an 5185
amount determined at the discretion of the authority, not to 5186
exceed the sum of the following for all years prior to the metric 5187
evaluation date: (i) the amount of taxes that would have been 5188
imposed under Chapters 5739. and 5741. of the Revised Code in the 5189
absence of the agreement, and (ii) the amount of taxes that would 5190
have been imposed under Chapter 5751. of the Revised Code on 5191
receipts realized from sales to the taxpayer in the absence of the 5192
agreement; 5193

(b) If the taxpayer fails to substantially maintain the 5194
capital investment, full-time equivalent employee, or payroll 5195
requirements included in the agreement in any year after the 5196
metric evaluation date, an amount determined at the discretion of 5197
the authority, not to exceed the sum of the following for the 5198
calendar year in which taxpayer failed to meet the requirements: 5199
(i) the amount of taxes that would have been imposed under 5200
Chapters 5739. and 5741. of the Revised Code in the absence of the 5201
agreement, and (ii) the amount of taxes that would have been 5202
imposed under Chapter 5751. of the Revised Code on receipts 5203
realized from sales to the taxpayer in the absence of the 5204
agreement. 5205

(3) The tax credit authority may, subject to any requirements 5206
of the tax credit agreement, take into consideration the 5207
taxpayer's prior performance and any market conditions impacting 5208
the taxpayer when determining the amount of the recoupment payment 5209
described in division (E)(2) of this section. 5210

(F) Projects that consist solely of point-of-final-purchase 5211
retail facilities are not eligible for a tax credit under this 5212
section. If a project consists of both point-of-final-purchase 5213
retail facilities and nonretail facilities, only the portion of 5214
the project consisting of the nonretail facilities is eligible for 5215
a tax credit and only the excess payroll from the nonretail 5216
facilities shall be considered when computing the amount of the 5217
tax credit. If a warehouse facility is part of a 5218
point-of-final-purchase retail facility and supplies only that 5219
facility, the warehouse facility is not eligible for a tax credit. 5220
Catalog distribution centers are not considered 5221
point-of-final-purchase retail facilities for the purposes of this 5222
division, and are eligible for tax credits under this section. 5223

(G) Financial statements and other information submitted to 5224
the department of development or the tax credit authority by an 5225

applicant or recipient of a tax credit under this section, and any 5226
information taken for any purpose from such statements or 5227
information, are not public records subject to section 149.43 of 5228
the Revised Code. However, the chairperson of the authority may 5229
make use of the statements and other information for purposes of 5230
issuing public reports or in connection with court proceedings 5231
concerning tax credit agreements under this section. Upon the 5232
request of the tax commissioner or, if the applicant or recipient 5233
is an insurance company, upon the request of the superintendent of 5234
insurance, the chairperson of the authority shall provide to the 5235
commissioner or superintendent any statement or information 5236
submitted by an applicant or recipient of a tax credit in 5237
connection with the credit. The commissioner or superintendent 5238
shall preserve the confidentiality of the statement or 5239
information. 5240

(H) A taxpayer claiming a credit under this section shall 5241
submit to the tax commissioner or, if the taxpayer is an insurance 5242
company, to the superintendent of insurance, a copy of the 5243
director of development's certificate of verification under 5244
division (D)(7) of this section with the taxpayer's tax report or 5245
return for the taxable year or for the calendar year that includes 5246
the tax period. Failure to submit a copy of the certificate with 5247
the report or return does not invalidate a claim for a credit if 5248
the taxpayer submits a copy of the certificate to the commissioner 5249
or superintendent within the time prescribed by section 5703.0510 5250
of the Revised Code or within thirty days after the commissioner 5251
or superintendent requests it. 5252

(I) The director of development, after consultation with the 5253
tax commissioner and the superintendent of insurance and in 5254
accordance with Chapter 119. of the Revised Code, shall adopt 5255
rules necessary to implement this section, including rules that 5256
establish a procedure to be followed by the tax credit authority 5257

and the department of development in the event the authority 5258
considers a taxpayer's application for which it receives a 5259
recommendation under division (C)(2)(a) of this section but does 5260
not approve it. The rules may provide for recipients of tax 5261
credits under this section to be charged fees to cover 5262
administrative costs of the tax credit program. For the purposes 5263
of these rules, a qualifying work-from-home employee shall be 5264
considered to be an employee employed at the applicant's project 5265
location. The fees collected shall be credited to the tax 5266
incentives operating fund created in section 122.174 of the 5267
Revised Code. At the time the director gives public notice under 5268
division (A) of section 119.03 of the Revised Code of the adoption 5269
of the rules, the director shall submit copies of the proposed 5270
rules to the chairpersons of the standing committees on economic 5271
development in the senate and the house of representatives. 5272

(J) For the purposes of this section, a taxpayer may include 5273
a partnership, a corporation that has made an election under 5274
subchapter S of chapter one of subtitle A of the Internal Revenue 5275
Code, or any other business entity through which income flows as a 5276
distributive share to its owners. A partnership, S-corporation, or 5277
other such business entity may elect to pass the credit received 5278
under this section through to the persons to whom the income or 5279
profit of the partnership, S-corporation, or other entity is 5280
distributed. The election shall be made on the annual report 5281
required under division (D)(6) of this section. The election 5282
applies to and is irrevocable for the credit for which the report 5283
is submitted. If the election is made, the credit shall be 5284
apportioned among those persons in the same proportions as those 5285
in which the income or profit is distributed. 5286

(K)(1) If the director of development determines that a 5287
taxpayer who has received a credit under this section is not 5288
complying with the requirements of the agreement, the director 5289

shall notify the tax credit authority of the noncompliance. After 5290
receiving such a notice, and after giving the taxpayer an 5291
opportunity to explain the noncompliance, the tax credit authority 5292
may require the taxpayer to refund to this state a portion of the 5293
credit in accordance with the following: 5294

(a) If the taxpayer fails to comply with the requirement 5295
under division (D)(3) of this section, an amount determined in 5296
accordance with the following: 5297

(i) If the taxpayer maintained operations at the project 5298
location for a period less than or equal to the term of the 5299
credit, an amount not exceeding one hundred per cent of the sum of 5300
any credits allowed and received under this section; 5301

(ii) If the taxpayer maintained operations at the project 5302
location for a period longer than the term of the credit, but less 5303
than the greater of seven years or the term of the credit plus 5304
three years, an amount not exceeding seventy-five per cent of the 5305
sum of any credits allowed and received under this section. 5306

(b) If, on the metric evaluation date, the taxpayer fails to 5307
substantially meet the job creation, payroll, or investment 5308
requirements included in the agreement, an amount determined at 5309
the discretion of the authority; 5310

(c) If the taxpayer fails to substantially maintain the 5311
number of new full-time equivalent employees or amount of payroll 5312
required under the agreement at any time during the term of the 5313
agreement after the metric evaluation date, an amount determined 5314
at the discretion of the authority. 5315

(2) If a taxpayer files for bankruptcy and fails as described 5316
in division (K)(1)(a), (b), or (c) of this section, the director 5317
may immediately commence an action to recoup an amount not 5318
exceeding one hundred per cent of the sum of any credits received 5319
by the taxpayer under this section. 5320

(3) In determining the portion of the tax credit to be 5321
refunded to this state, the tax credit authority shall consider 5322
the effect of market conditions on the taxpayer's project and 5323
whether the taxpayer continues to maintain other operations in 5324
this state. After making the determination, the authority shall 5325
certify the amount to be refunded to the tax commissioner or 5326
superintendent of insurance, as appropriate. If the amount is 5327
certified to the commissioner, the commissioner shall make an 5328
assessment for that amount against the taxpayer under Chapter 5329
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5330
amount is certified to the superintendent, the superintendent 5331
shall make an assessment for that amount against the taxpayer 5332
under Chapter 5725. or 5729. of the Revised Code. The time 5333
limitations on assessments under those chapters do not apply to an 5334
assessment under this division, but the commissioner or 5335
superintendent, as appropriate, shall make the assessment within 5336
one year after the date the authority certifies to the 5337
commissioner or superintendent the amount to be refunded. Within 5338
ninety days after certifying the amount to be refunded, if 5339
circumstances have changed, the authority may adjust the amount to 5340
be refunded and certify the adjusted amount to the commissioner or 5341
superintendent. The authority may only adjust the amount to be 5342
refunded one time and only if the amount initially certified by 5343
the authority has not been repaid, in whole or in part, by the 5344
taxpayer or certified to the attorney general for collection under 5345
section 131.02 of the Revised Code. 5346

(L) On or before the first day of August each year, the 5347
director of development shall submit a report to the governor, the 5348
president of the senate, and the speaker of the house of 5349
representatives on the tax credit program under this section. The 5350
report shall include information on the number of agreements that 5351
were entered into under this section during the preceding calendar 5352
year, a description of the project that is the subject of each 5353

such agreement, and an update on the status of projects under 5354
agreements entered into before the preceding calendar year. 5355

(M) There is hereby created the tax credit authority, which 5356
consists of the director of development and four other members 5357
appointed as follows: the governor, the president of the senate, 5358
and the speaker of the house of representatives each shall appoint 5359
one member who shall be a specialist in economic development; the 5360
governor also shall appoint a member who is a specialist in 5361
taxation. Terms of office shall be for four years. Each member 5362
shall serve on the authority until the end of the term for which 5363
the member was appointed. Vacancies shall be filled in the same 5364
manner provided for original appointments. Any member appointed to 5365
fill a vacancy occurring prior to the expiration of the term for 5366
which the member's predecessor was appointed shall hold office for 5367
the remainder of that term. Members may be reappointed to the 5368
authority. Members of the authority shall receive their necessary 5369
and actual expenses while engaged in the business of the 5370
authority. The director of development shall serve as chairperson 5371
of the authority, and the members annually shall elect a 5372
vice-chairperson from among themselves. Three members of the 5373
authority constitute a quorum to transact and vote on the business 5374
of the authority. The majority vote of the membership of the 5375
authority is necessary to approve any such business, including the 5376
election of the vice-chairperson. 5377

The director of development may appoint a professional 5378
employee of the department of development to serve as the 5379
director's substitute at a meeting of the authority. The director 5380
shall make the appointment in writing. In the absence of the 5381
director from a meeting of the authority, the appointed substitute 5382
shall serve as chairperson. In the absence of both the director 5383
and the director's substitute from a meeting, the vice-chairperson 5384
shall serve as chairperson. 5385

(N) For purposes of the credits granted by this section 5386
against the taxes imposed under sections 5725.18 and 5729.03 of 5387
the Revised Code, "taxable year" means the period covered by the 5388
taxpayer's annual statement to the superintendent of insurance. 5389

(O) On or before the first day of March of each of the five 5390
calendar years beginning with 2014, each taxpayer subject to an 5391
agreement with the tax credit authority under this section on the 5392
basis of home-based employees shall report the number of 5393
home-based employees and other employees employed by the taxpayer 5394
in this state to the department of development. 5395

(P) On or before the first day of January of 2019, the 5396
director of development shall submit a report to the governor, the 5397
president of the senate, and the speaker of the house of 5398
representatives on the effect of agreements entered into under 5399
this section in which the taxpayer included home-based employees 5400
in the computation of income tax revenue, as that term was defined 5401
in this section prior to the amendment of this section by H.B. 64 5402
of the 131st general assembly. The report shall include 5403
information on the number of such agreements that were entered 5404
into in the preceding six years, a description of the projects 5405
that were the subjects of such agreements, and an analysis of 5406
nationwide home-based employment trends, including the number of 5407
home-based jobs created from July 1, 2011, through June 30, 2017, 5408
and a description of any home-based employment tax incentives 5409
provided by other states during that time. 5410

(Q) The director of development may require any agreement 5411
entered into under this section for a tax credit computed on the 5412
basis of home-based employees to contain a provision that the 5413
taxpayer makes available health care benefits and tuition 5414
reimbursement to all employees. 5415

(R) Original agreements approved by the tax credit authority 5416
under this section in 2014 or 2015 before September 29, 2015, may 5417

be revised at the request of the taxpayer to conform with the 5418
amendments to this section and sections 5733.0610, 5736.50, 5419
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 5420
general assembly, upon mutual agreement of the taxpayer and the 5421
department of development, and approval by the tax credit 5422
authority. 5423

(S)(1) As used in division (S) of this section: 5424

(a) "Eligible agreement" means an agreement approved by the 5425
tax credit authority under this section on or before December 31, 5426
2013. 5427

(b) "Income tax revenue" has the same meaning as under this 5428
section as it existed before September 29, 2015, the effective 5429
date of the amendment of this section by H.B. 64 of the 131st 5430
general assembly. 5431

(2) In calendar year 2016 and thereafter, the tax credit 5432
authority shall annually determine a withholding adjustment factor 5433
to be used in the computation of income tax revenue for eligible 5434
agreements. The withholding adjustment factor shall be a numerical 5435
percentage that equals the percentage that employer income tax 5436
withholding rates have been increased or decreased as a result of 5437
changes in the income tax rates prescribed by section 5747.02 of 5438
the Revised Code by amendment of that section taking effect on or 5439
after June 29, 2013. 5440

(3) Except as provided in division (S)(4) of this section, 5441
for reporting periods ending in 2015 and thereafter for taxpayers 5442
subject to eligible agreements, the tax credit authority shall 5443
adjust the income tax revenue reported on the taxpayer's annual 5444
report by multiplying the withholding adjustment factor by the 5445
taxpayer's income tax revenue and doing one of the following: 5446

(a) If the income tax rates prescribed by section 5747.02 of 5447
the Revised Code have decreased by amendment of that section 5448

taking effect on or after June 29, 2013, add the product to the 5449
taxpayer's income tax revenue. 5450

(b) If the income tax rates prescribed by section 5747.02 of 5451
the Revised Code have increased by amendment of that section 5452
taking effect on or after June 29, 2013, subtract the product from 5453
the taxpayer's income tax revenue. 5454

(4) Division (S)(3) of this section shall not apply unless 5455
all of the following apply for the reporting period with respect 5456
to the eligible agreement: 5457

(a) The taxpayer has achieved one hundred per cent of the new 5458
employment commitment identified in the agreement. 5459

(b) If applicable, the taxpayer has achieved one hundred per 5460
cent of the new payroll commitment identified in the agreement. 5461

(c) If applicable, the taxpayer has achieved one hundred per 5462
cent of the investment commitment identified in the agreement. 5463

(5) Failure by a taxpayer to have achieved any of the 5464
applicable commitments described in divisions (S)(4)(a) to (c) of 5465
this section in a reporting period does not disqualify the 5466
taxpayer for the adjustment under division (S) of this section for 5467
an ensuing reporting period. 5468

(T) For reporting periods ending in calendar year 2020 or 5469
thereafter, any taxpayer may include qualifying work-from-home 5470
employees in its report required under division (D)(6) of this 5471
section, and the compensation of such employees shall qualify as 5472
Ohio employee payroll under division (A)(3)(a) of this section, 5473
even if the taxpayer's application to the tax credit authority to 5474
enter into an agreement for a tax credit under this section was 5475
approved before September 29, 2017, the effective date of the 5476
amendment of this section by H.B. 49 of the 132nd general 5477
assembly. 5478

(U) The director of development ~~services~~ shall notify the tax commissioner if the director determines that a megaproject operator or megaproject supplier is not in compliance with the agreement pursuant to a review conducted under division (D)(11) of this section.

(V) Beginning in 2025 and in each fifth calendar year thereafter, the tax commissioner shall adjust the following amounts in September of that year:

(1) The fixed-asset investment threshold described in division (A)(11)(c)(i) of this section and the Ohio employee payroll threshold described in division (A)(11)(c)(ii) of this section by completing the following calculations:

(a) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the fifth preceding calendar year to the last day of December of the preceding calendar year;

(b) Multiply that percentage increase by the fixed-asset investment threshold and the Ohio employee payroll threshold for the current year;

(c) Add the resulting products to the corresponding fixed-asset investment threshold and Ohio employee payroll threshold for the current year;

(d) Round the resulting fixed-asset investment sum to the nearest multiple of ten million dollars and the Ohio employee payroll sum to the nearest multiple of one million dollars.

(2) The fixed-asset investment threshold described in division (A)(13)(b)(i) of this section and the Ohio employee payroll threshold described in division (A)(13)(b)(ii) of this section by completing the calculations described in divisions (V)(1)(a) to (c) of this section and rounding the resulting

fixed-asset investment sum to the nearest multiple of one million 5510
dollars and the Ohio employee payroll sum to the nearest multiple 5511
of one hundred thousand dollars. 5512

The commissioner shall certify the amount of the adjustments 5513
under divisions (V)(1) and (2) of this section to the director of 5514
development ~~services~~ and to the tax credit authority not later 5515
than the first day of December of the year the commissioner 5516
computes the adjustment. Each certified amount applies to the 5517
ensuing calendar year and each calendar year thereafter until the 5518
tax commissioner makes a new adjustment. The tax commissioner 5519
shall not calculate a new adjustment in any year in which the 5520
resulting amount from the adjustment would be less than the 5521
corresponding amount for the current year. 5522

Sec. 122.171. (A) As used in this section: 5523

(1) "Capital investment project" means a plan of investment 5524
at a project site for the acquisition, construction, renovation, 5525
or repair of buildings, machinery, or equipment, or for 5526
capitalized costs of basic research and new product development 5527
determined in accordance with generally accepted accounting 5528
principles, but does not include any of the following: 5529

(a) Payments made for the acquisition of personal property 5530
through operating leases; 5531

(b) Project costs paid before January 1, 2002; 5532

(c) Payments made to a related member as defined in section 5533
5733.042 of the Revised Code or to a consolidated elected taxpayer 5534
or a combined taxpayer as defined in section 5751.01 of the 5535
Revised Code. 5536

(2) "Eligible business" means a taxpayer and its related 5537
members with Ohio operations that had a capital investment project 5538
reviewed and approved by the tax credit authority as provided in 5539

divisions (C), (D), and (E) of this section and that satisfies 5540
either of the following requirements: 5541

(a) If engaged at the project site primarily in significant 5542
corporate administrative functions, as defined by the director of 5543
development by rule, the taxpayer meets both of the following 5544
criteria: 5545

(i) The taxpayer either is located in a foreign trade zone, 5546
employs at least five hundred full-time equivalent employees, or 5547
has an annual Ohio employee payroll of at least thirty-five 5548
million dollars at the time the tax credit authority grants the 5549
tax credit under this section; 5550

(ii) The taxpayer makes or causes to be made payments for the 5551
capital investment project of at least twenty million dollars in 5552
the aggregate at the project site during a period of three 5553
consecutive calendar years including the calendar year that 5554
includes a day of the taxpayer's taxable year or tax period with 5555
respect to which the credit is granted. 5556

(b) If engaged at the project site primarily as a 5557
manufacturer, the taxpayer makes or causes to be made payments for 5558
the capital investment project at the project site during a period 5559
of three consecutive calendar years, including the calendar year 5560
that includes a day of the taxpayer's taxable year or tax period 5561
with respect to which the credit is granted, in an amount that in 5562
the aggregate equals or exceeds the lesser of the following: 5563

(i) Fifty million dollars; 5564

(ii) Five per cent of the net book value of all tangible 5565
personal property used at the project site as of the last day of 5566
the three-year period in which the capital investment payments are 5567
made. 5568

(3) "Full-time equivalent employees" means the quotient 5569
obtained by dividing the total number of hours for which employees 5570

were compensated for employment in the project by two thousand 5571
eighty. "Full-time equivalent employees" shall exclude hours that 5572
are counted for a credit under section 122.17 of the Revised Code. 5573

(4) "Ohio employee payroll" has the same meaning as in 5574
section 122.17 of the Revised Code. 5575

(5) "Manufacturer" has the same meaning as in section 5576
5739.011 of the Revised Code. 5577

(6) "Project site" means an integrated complex of facilities 5578
in this state, as specified by the tax credit authority under this 5579
section, within a fifteen-mile radius where a taxpayer is 5580
primarily operating as an eligible business. 5581

(7) "Related member" has the same meaning as in section 5582
5733.042 of the Revised Code as that section existed on the 5583
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5584
general assembly, September 29, 1997. 5585

(8) "Taxable year" includes, in the case of a domestic or 5586
foreign insurance company, the calendar year ending on the 5587
thirty-first day of December preceding the day the superintendent 5588
of insurance is required to certify to the treasurer of state 5589
under section 5725.20 or 5729.05 of the Revised Code the amount of 5590
taxes due from insurance companies. 5591

(9) "Foreign trade zone" means a general purpose foreign 5592
trade zone or a special purpose subzone for which, pursuant to 19 5593
U.S.C. 81a, as amended, a permit for foreign trade zone status has 5594
been granted and remains active, including special purpose 5595
subzones for which a permit has been granted and remains active. 5596

(B) The tax credit authority created under section 122.17 of 5597
the Revised Code may grant a nonrefundable tax credit to an 5598
eligible business under this section for the purpose of fostering 5599
job retention in this state. Upon application by an eligible 5600
business and upon consideration of the determination of the 5601

director of budget and management, tax commissioner, and the 5602
superintendent of insurance in the case of an insurance company, 5603
the recommendation and determination of the director of 5604
development under division (C)(1) of this section, and a review of 5605
the criteria described in division (C)(2) of this section, the tax 5606
credit authority may grant the credit against the tax imposed by 5607
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5608
5751.02 of the Revised Code. 5609

The credit authorized in this section may be granted for a 5610
period up to fifteen taxable years or, in the case of the tax 5611
levied by section 5736.02 or 5751.02 of the Revised Code, for a 5612
period of up to fifteen calendar years. The credit amount for a 5613
taxable year or a calendar year that includes the tax period for 5614
which a credit may be claimed equals the Ohio employee payroll for 5615
that year multiplied by the percentage specified in the agreement 5616
with the tax credit authority. The credit shall be claimed in the 5617
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5618
5747.98, or 5751.98 of the Revised Code. In determining the 5619
percentage and term of the credit, the tax credit authority shall 5620
consider both the number of full-time equivalent employees and the 5621
value of the capital investment project. The credit amount may not 5622
be based on the Ohio employee payroll for a calendar year before 5623
the calendar year in which the tax credit authority specifies the 5624
tax credit is to begin, and the credit shall be claimed only for 5625
the taxable years or tax periods specified in the eligible 5626
business' agreement with the tax credit authority. In no event 5627
shall the credit be claimed for a taxable year or tax period 5628
terminating before the date specified in the agreement. 5629

If a credit allowed under this section for a taxable year or 5630
tax period exceeds the taxpayer's tax liability for that year or 5631
period, the excess may be carried forward for the three succeeding 5632
taxable or calendar years, but the amount of any excess credit 5633

allowed in any taxable year or tax period shall be deducted from 5634
the balance carried forward to the succeeding year or period. 5635

(C)(1) A taxpayer that proposes a capital investment project 5636
to retain jobs in this state may apply to the tax credit authority 5637
to enter into an agreement for a tax credit under this section. 5638
The director of development shall prescribe the form of the 5639
application. After receipt of an application, the authority shall 5640
forward copies of the application to the director of budget and 5641
management, the tax commissioner, and the superintendent of 5642
insurance in the case of an insurance company, each of whom shall 5643
review the application to determine the economic impact the 5644
proposed project would have on the state and the affected 5645
political subdivisions and shall submit a summary of their 5646
determinations to the authority. The authority shall also forward 5647
a copy of the application to the director of development, who 5648
shall review the application to determine the economic impact the 5649
proposed project would have on the state and the affected 5650
political subdivisions and shall submit a summary of the 5651
director's determinations and recommendations to the authority. 5652

(2) The director of development, in reviewing applications 5653
and making recommendations to the tax credit authority, and the 5654
authority, in selecting taxpayers with which to enter into an 5655
agreement under division (D) of this section, shall give priority 5656
to applications that meet one or more of the following criteria, 5657
with greater priority given to applications that meet more of the 5658
criteria: 5659

(a) Within the preceding five years, the applicant has not 5660
received a credit under this section or section 122.17 of the 5661
Revised Code for a project at the same project site as that 5662
proposed in the application. 5663

(b) The applicant is not currently receiving a credit under 5664
this section or section 122.17 of the Revised Code. 5665

(c) The applicant has operated at the project site for at least the preceding ten years. 5666
5667

(d) The project involves a significant upgrade of the project site, rather than only routine maintenance of existing facilities, such as an increase in capacity of a facility, new product development, or technology upgrades or other facility modernization. 5668
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(e) The applicant intends to use machinery, equipment, and materials supplied by Ohio businesses in the project when possible. 5673
5674
5675

(D) Upon review and consideration of the determinations, recommendations, and criteria described in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following: 5676
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5679
5680

(1) The taxpayer's capital investment project will result in the retention of employment in this state. 5681
5682

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project. 5683
5684

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years. 5685
5686
5687

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project. 5688
5689

(E) An agreement under this section shall include all of the following: 5690
5691

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and 5692
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the anticipated Ohio employee payroll to be generated. 5696

(2) The term of the credit, the percentage of the tax credit, 5697
the maximum annual value of tax credits that may be allowed each 5698
year, and the first year for which the credit may be claimed. 5699

(3) A requirement that the taxpayer maintain operations at 5700
the project site for at least the greater of (a) the term of the 5701
credit plus three years, or (b) seven years. 5702

(4)(a) If the taxpayer is engaged at the project site 5703
primarily in significant corporate administrative functions, a 5704
requirement that the taxpayer either retain at least five hundred 5705
full-time equivalent employees at the project site and within this 5706
state for the entire term of the credit, maintain an annual Ohio 5707
employee payroll of at least thirty-five million dollars for the 5708
entire term of the credit, or remain located in a foreign trade 5709
zone for the entire term of the credit; 5710

(b) If the taxpayer is engaged at the project site primarily 5711
as a manufacturer, a requirement that the taxpayer maintain at 5712
least the number of full-time equivalent employees specified in 5713
the agreement pursuant to division (E)(1) of this section at the 5714
project site and within this state for the entire term of the 5715
credit. 5716

(5) A requirement that the taxpayer annually report to the 5717
director of development full-time equivalent employees, Ohio 5718
employee payroll, capital investment, and other information the 5719
director needs to perform the director's duties under this 5720
section. 5721

(6) A requirement that the director of development annually 5722
review the annual reports of the taxpayer to verify the 5723
information reported under division (E)(5) of this section and 5724
compliance with the agreement. Upon verification, the director 5725
shall issue a certificate to the taxpayer stating that the 5726

information has been verified and identifying the amount of the 5727
credit for the taxable year or calendar year that includes the tax 5728
period. In determining the number of full-time equivalent 5729
employees, no position shall be counted that is filled by an 5730
employee who is included in the calculation of a tax credit under 5731
section 122.17 of the Revised Code. 5732

(7) A provision providing that the taxpayer may not relocate 5733
a substantial number of employment positions from elsewhere in 5734
this state to the project site unless the director of development 5735
determines that the taxpayer notified the legislative authority of 5736
the county, township, or municipal corporation from which the 5737
employment positions would be relocated. 5738

For purposes of this section, the movement of an employment 5739
position from one political subdivision to another political 5740
subdivision shall be considered a relocation of an employment 5741
position unless the movement is confined to the project site. The 5742
transfer of an employment position from one political subdivision 5743
to another political subdivision shall not be considered a 5744
relocation of an employment position if the employment position in 5745
the first political subdivision is replaced by another employment 5746
position. 5747

(8) A waiver by the taxpayer of any limitations periods 5748
relating to assessments or adjustments resulting from the 5749
taxpayer's failure to comply with the agreement. 5750

(F) If a taxpayer fails to meet or comply with any condition 5751
or requirement set forth in a tax credit agreement, the tax credit 5752
authority may amend the agreement to reduce the percentage or term 5753
of the credit. The reduction of the percentage or term may take 5754
effect in the current taxable or calendar year. 5755

(G) Financial statements and other information submitted to 5756
the department of development or the tax credit authority by an 5757

applicant for or recipient of a tax credit under this section, and 5758
any information taken for any purpose from such statements or 5759
information, are not public records subject to section 149.43 of 5760
the Revised Code. However, the chairperson of the authority may 5761
make use of the statements and other information for purposes of 5762
issuing public reports or in connection with court proceedings 5763
concerning tax credit agreements under this section. Upon the 5764
request of the tax commissioner, or the superintendent of 5765
insurance in the case of an insurance company, the chairperson of 5766
the authority shall provide to the commissioner or superintendent 5767
any statement or other information submitted by an applicant for 5768
or recipient of a tax credit in connection with the credit. The 5769
commissioner or superintendent shall preserve the confidentiality 5770
of the statement or other information. 5771

(H) A taxpayer claiming a tax credit under this section shall 5772
submit to the tax commissioner or, in the case of an insurance 5773
company, to the superintendent of insurance, a copy of the 5774
director of development's certificate of verification under 5775
division (E)(6) of this section with the taxpayer's tax report or 5776
return for the taxable year or for the calendar year that includes 5777
the tax period. Failure to submit a copy of the certificate with 5778
the report or return does not invalidate a claim for a credit if 5779
the taxpayer submits a copy of the certificate to the commissioner 5780
or superintendent within the time prescribed by section 5703.0510 5781
of the Revised Code or within thirty days after the commissioner 5782
or superintendent requests it. 5783

(I) For the purposes of this section, a taxpayer may include 5784
a partnership, a corporation that has made an election under 5785
subchapter S of chapter one of subtitle A of the Internal Revenue 5786
Code, or any other business entity through which income flows as a 5787
distributive share to its owners. A partnership, S-corporation, or 5788
other such business entity may elect to pass the credit received 5789

under this section through to the persons to whom the income or 5790
profit of the partnership, S-corporation, or other entity is 5791
distributed. The election shall be made on the annual report 5792
required under division (E)(5) of this section. The election 5793
applies to and is irrevocable for the credit for which the report 5794
is submitted. If the election is made, the credit shall be 5795
apportioned among those persons in the same proportions as those 5796
in which the income or profit is distributed. 5797

(J)(1) If the director of development determines that a 5798
taxpayer that received a certificate under division (E)(6) of this 5799
section is not complying with the requirements of the agreement, 5800
the director shall notify the tax credit authority of the 5801
noncompliance. After receiving such a notice, and after giving the 5802
taxpayer an opportunity to explain the noncompliance, the 5803
authority may terminate the agreement and require the taxpayer, or 5804
any related member or members that claimed the tax credit under 5805
division (N) of this section, to refund to the state all or a 5806
portion of the credit claimed in previous years, as follows: 5807

(a) If the taxpayer fails to comply with the requirement 5808
under division (E)(3) of this section, an amount determined in 5809
accordance with the following: 5810

(i) If the taxpayer maintained operations at the project site 5811
for less than or equal to the term of the credit, an amount not to 5812
exceed one hundred per cent of the sum of any tax credits allowed 5813
and received under this section. 5814

(ii) If the taxpayer maintained operations at the project 5815
site longer than the term of the credit, but less than the greater 5816
of seven years or the term of the credit plus three years, the 5817
amount required to be refunded shall not exceed seventy-five per 5818
cent of the sum of any tax credits allowed and received under this 5819
section. 5820

(b) If the taxpayer fails to substantially, satisfy the 5821
employment, payroll, or location requirements required under the 5822
agreement, as prescribed under division (E)(4)(a) or (b), as 5823
applicable to the taxpayer, at any time during the term of the 5824
agreement or during the post-term reporting period, an amount 5825
determined at the discretion of the authority. 5826

(2) If a taxpayer files for bankruptcy and fails as described 5827
in division (J)(1)(a) or (b) of this section, the director may 5828
immediately commence an action to recoup an amount not exceeding 5829
one hundred per cent of the sum of any credits received by the 5830
taxpayer under this section. 5831

(3) In determining the portion of the credit to be refunded 5832
to this state, the authority shall consider the effect of market 5833
conditions on the taxpayer's project and whether the taxpayer 5834
continues to maintain other operations in this state. After making 5835
the determination, the authority shall certify the amount to be 5836
refunded to the tax commissioner or the superintendent of 5837
insurance. If the taxpayer, or any related member or members who 5838
claimed the tax credit under division (N) of this section, is not 5839
an insurance company, the commissioner shall make an assessment 5840
for that amount against the taxpayer under Chapter 5726., 5733., 5841
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5842
any related member or members that claimed the tax credit under 5843
division (N) of this section, is an insurance company, the 5844
superintendent of insurance shall make an assessment under section 5845
5725.222 or 5729.102 of the Revised Code. The time limitations on 5846
assessments under those chapters and sections do not apply to an 5847
assessment under this division, but the commissioner or 5848
superintendent shall make the assessment within one year after the 5849
date the authority certifies to the commissioner or superintendent 5850
the amount to be refunded. Within ninety days after certifying the 5851
amount to be refunded, if circumstances have changed, the 5852

authority may adjust the amount to be refunded and certify the 5853
adjusted amount to the commissioner or superintendent. The 5854
authority may only adjust the amount to be refunded one time and 5855
only if the amount initially certified by the authority has not 5856
been repaid, in whole or in part, by the taxpayer or certified to 5857
the attorney general for collection under section 131.02 of the 5858
Revised Code. 5859

(K) The director of development, after consultation with the 5860
tax commissioner and the superintendent of insurance and in 5861
accordance with Chapter 119. of the Revised Code, shall adopt 5862
rules necessary to implement this section. The rules may provide 5863
for recipients of tax credits under this section to be charged 5864
fees to cover administrative costs of the tax credit program. The 5865
fees collected shall be credited to the tax incentives operating 5866
fund created in section 122.174 of the Revised Code. At the time 5867
the director gives public notice under division (A) of section 5868
119.03 of the Revised Code of the adoption of the rules, the 5869
director shall submit copies of the proposed rules to the 5870
chairpersons of the standing committees on economic development in 5871
the senate and the house of representatives. 5872

(L) On or before the first day of August of each year, the 5873
director of development shall submit a report to the governor, the 5874
president of the senate, and the speaker of the house of 5875
representatives on the tax credit program under this section. The 5876
report shall include information on the number of agreements that 5877
were entered into under this section during the preceding calendar 5878
year, a description of the project that is the subject of each 5879
such agreement, and an update on the status of projects under 5880
agreements entered into before the preceding calendar year. 5881

(M) The aggregate amount of nonrefundable tax credits issued 5882
under this section during any calendar year for capital investment 5883
projects reviewed and approved by the tax credit authority may not 5884

exceed the following amounts: 5885

(1) For 2010, thirteen million dollars; 5886

(2) For 2011 through 2023, the amount of the limit for the 5887
preceding calendar year plus thirteen million dollars; 5888

(3) For 2024 and each year thereafter, one hundred 5889
ninety-five million dollars. 5890

The limitations in division (M) of this section do not apply 5891
to credits for capital investment projects approved by the tax 5892
credit authority before July 1, 2009. 5893

(N) This division applies only to an eligible business that 5894
is part of an affiliated group that includes a diversified savings 5895
and loan holding company or a grandfathered unitary savings and 5896
loan holding company, as those terms are defined in section 5897
5726.01 of the Revised Code. Notwithstanding any contrary 5898
provision of the agreement between such an eligible business and 5899
the tax credit authority, any credit granted under this section 5900
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5901
5747.02, or 5751.02 of the Revised Code to the eligible business, 5902
at the election of the eligible business and without any action by 5903
the tax credit authority, may be shared with any member or members 5904
of the affiliated group that includes the eligible business, which 5905
member or members may claim the credit against the taxes imposed 5906
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5907
of the Revised Code. Credits shall be claimed by the eligible 5908
business in sequential order, as applicable, first claiming the 5909
credits to the fullest extent possible against the tax that the 5910
certificate holder is subject to, then against the tax imposed by, 5911
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5912
lastly 5726.02 of the Revised Code. The credits may be allocated 5913
among the members of the affiliated group in such manner as the 5914
eligible business elects, but subject to the sequential order 5915

required under this division. This division applies to credits 5916
granted before, on, or after March 27, 2013, the effective date of 5917
H.B. 510 of the 129th general assembly. Credits granted before 5918
that effective date that are shared and allocated under this 5919
division may be claimed in those calendar years in which the 5920
remaining taxable years specified in the agreement end. 5921

As used in this division, "affiliated group" means a group of 5922
two or more persons with fifty per cent or greater of the value of 5923
each person's ownership interests owned or controlled directly, 5924
indirectly, or constructively through related interests by common 5925
owners during all or any portion of the taxable year, and the 5926
common owners. "Affiliated group" includes, but is not limited to, 5927
any person eligible to be included in a consolidated elected 5928
taxpayer group under section 5751.011 of the Revised Code or a 5929
combined taxpayer group under section 5751.012 of the Revised 5930
Code. 5931

(O)(1) As used in division (O) of this section: 5932

(a) "Eligible agreement" means an agreement approved by the 5933
tax credit authority under this section on or before December 31, 5934
2013. 5935

(b) "Reporting period" means a period corresponding to the 5936
annual report required under division (E)(5) of this section. 5937

(c) "Income tax revenue" has the same meaning as under 5938
division (S) of section 122.17 of the Revised Code. 5939

(2) In calendar year 2016 and thereafter, the tax credit 5940
authority shall annually determine a withholding adjustment factor 5941
to be used in the computation of income tax revenue for eligible 5942
agreements. The withholding adjustment factor shall be a numerical 5943
percentage that equals the percentage that employer income tax 5944
withholding rates have been increased or decreased as a result of 5945
changes in the income tax rates prescribed by section 5747.02 of 5946

the Revised Code by amendment of that section taking effect on or 5947
after June 29, 2013. 5948

(3) Except as provided in division (O)(4) of this section, 5949
for reporting periods ending in 2015 and thereafter for taxpayers 5950
subject to eligible agreements, the tax credit authority shall 5951
adjust the income tax revenue reported on the taxpayer's annual 5952
report by multiplying the withholding adjustment factor by the 5953
taxpayer's income tax revenue and doing one of the following: 5954

(a) If the income tax rates prescribed by section 5747.02 of 5955
the Revised Code have decreased by amendment of this section 5956
taking effect on or after June 29, 2013, add the product to the 5957
taxpayer's income tax revenue. 5958

(b) If the income tax rates prescribed by section 5747.02 of 5959
the Revised Code have increased by amendment of this section 5960
taking effect on or after June 29, 2013, subtract the product from 5961
the taxpayer's income tax revenue. 5962

(4) Division (O)(3) of this section shall not apply unless 5963
all of the following apply with respect to the eligible agreement: 5964

(a) If applicable, the taxpayer has achieved one hundred per 5965
cent of the job retention commitment identified in the agreement. 5966

(b) If applicable, the taxpayer has achieved one hundred per 5967
cent of the payroll retention commitment identified in the 5968
agreement." 5969

(c) If applicable, the taxpayer has achieved one hundred per 5970
cent of the investment commitment identified in the agreement. 5971

(5) Failure by a taxpayer to have achieved any of the 5972
applicable commitments described in divisions (O)(4)(a) to (c) of 5973
this section in a reporting period does not disqualify the 5974
taxpayer for the adjustment under division (O) of this section for 5975
an ensuing reporting period. 5976

Sec. 122.1710. (A) As used in this section:	5977
(1) "Low-income individual" has the same meaning as "low-income person" in section 122.66 of the Revised Code.	5978 5979
(2) "Microcredential" has the same meaning as in section 122.178 of the Revised Code.	5980 5981
(3) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.	5982 5983
(4) "Partially unemployed" and "totally unemployed" have the same meanings as in section 4141.01 of the Revised Code.	5984 5985
(5) "Training provider" means all of the following:	5986
(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;	5987 5988
(b) An Ohio technical center as defined in section 3333.94 of the Revised Code;	5989 5990
(c) A private business or institution that offers training to allow an individual to earn one or more microcredentials.	5991 5992
(B) There is hereby created the individual microcredential assistance program to reimburse training providers for training costs for individuals to earn a microcredential. The <u>department of development services agency</u> , in consultation with the governor's office of workforce transformation, shall administer the program.	5993 5994 5995 5996 5997
(C) A training provider seeking to participate in the program shall submit an application to the director of development services . The training provider shall include in the application all of the following information:	5998 5999 6000 6001
(1) The number of microcredentials the training provider will seek a reimbursement for and the names of the microcredentials;	6002 6003
(2) The cost of the training for each microcredential;	6004

(3) The total amount of the reimbursement the training provider will seek; 6005
6006

(4) The training provider's plan to provide opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential; 6007
6008
6009
6010

(5) Any other information the director requires. 6011

(D)(1) The director shall consider the following factors in determining whether to approve an application submitted under division (C) of this section: 6012
6013
6014

(a) The duration of the training program; 6015

(b) The cost of the training; 6016

(c) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state; 6017
6018
6019

(d) The training provider's commitment to providing opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential. 6020
6021
6022
6023

(2) In determining regional diversity under division (D)(1)(c) of this section, the director shall use the regions established under division (G) of section 122.178 of the Revised Code. 6024
6025
6026
6027

(3) The director shall not approve an application submitted under this section if either of the following apply: 6028
6029

(a) The microcredentials identified in the application are not included in the list the chancellor of higher education establishes under section 122.178 of the Revised Code. 6030
6031
6032

(b) The training provider has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding 6033
6034

the date of application. 6035

(4) The director shall notify a training provider in writing 6036
of the director's decision to approve or deny the training 6037
provider's application to participate in the program. 6038

(E) A participating training provider shall not charge an 6039
individual participating in a training program to earn a 6040
microcredential for which the training provider is seeking a 6041
reimbursement for either of the following: 6042

(1) Any costs associated with the individual's participation 6043
in the training program; 6044

(2) Any costs to the training provider resulting from an 6045
individual not completing the training program. 6046

(F)(1) Each participating training provider seeking 6047
reimbursement for training costs for one or more microcredentials 6048
earned by one or more individuals in a training program shall 6049
submit an application to the director after the individual or 6050
individuals have earned a microcredential. The training provider 6051
shall include in the reimbursement application all of the 6052
following information: 6053

(a) The actual cost for the training provider to provide each 6054
individual with the training; 6055

(b) Evidence that each individual earned a microcredential; 6056

(c) Any demographic information of each individual that the 6057
individual provides to the training provider, including race and 6058
gender. 6059

(2) The amount of the reimbursement shall be not more than 6060
three thousand dollars for each microcredential an individual 6061
receives. A participating training provider may not receive a 6062
reimbursement for any additional individual who earns a 6063
microcredential beyond the number of microcredentials included in 6064

the application under division (C) of this section. A 6065
participating training provider may receive a total reimbursement 6066
of ~~two~~ five hundred ~~fifty~~ thousand dollars in a fiscal year. 6067

(3) A training provider may request that an individual 6068
participating in the training provider's program provide 6069
demographic information to the training provider, including race 6070
and gender. An individual is not required to provide that 6071
information. 6072

(G) The director shall do both of the following regarding the 6073
operation of the program: 6074

(1) Create an application to participate in the program and 6075
an application for reimbursement; 6076

(2) Create and distribute a survey to each individual who 6077
successfully earned a microcredential because of a reimbursement 6078
to a training provider under this section inquiring as to the 6079
individual's occupation and wages at the time of completing the 6080
survey. 6081

(H) The director shall include on the internet web site 6082
maintained by the ~~development services agency~~ department, and the 6083
governor's office of workforce transformation shall include on the 6084
office's internet web site and the OhioMeansJobs web site, all of 6085
the content created under division (G) of this section. 6086

(I) The director may adopt rules in accordance with Chapter 6087
119. of the Revised Code as the director considers necessary to 6088
implement this section, including establishing priority guidelines 6089
for approving applications under division (D) of this section. 6090

(J) Any personal information of an individual the director 6091
receives in connection with the individual microcredential 6092
assistance program created under this section is not a public 6093
record for purposes of section 149.43 of the Revised Code. 6094
However, the director may use the information as necessary to 6095

complete the reports required under section 122.1711 of the Revised Code.

Sec. 122.4017. (A) The broadband expansion program authority shall award program grants under the Ohio residential broadband expansion grant program using funds from the Ohio residential broadband expansion grant program fund created in section 122.4037 of the Revised Code and other funds appropriated by the general assembly.

(B) If an appropriation for the program includes funds that are not state funds or if the director of development receives funds that are in the form of a gift, grant, or contribution to the broadband expansion grant program fund, the broadband expansion program authority shall award those funds as described in sections 122.40 to 122.4077 of the Revised Code, except as provided in division (C) of this section.

(C) If the use of the funds described in division (B) of this section is contingent upon meeting application, scoring, or other requirements that are different from program requirements under sections 122.40 to 122.4077 of the Revised Code, the department of development shall adopt the requirements and publish a description of the different requirements with the program application as required under section 122.4040 of the Revised Code.

Sec. 122.4037. Any gift, grant, and contribution received by the director of development for the Ohio residential broadband expansion grant program and any money collected under section 122.4036 of the Revised Code shall be deposited into the Ohio residential broadband expansion grant program fund, which is hereby created in the state treasury. All amounts in the fund, including interest earned on those amounts, shall be used by the department of development ~~services agency~~ exclusively for grants

under sections 122.40 to 122.4077 of the Revised Code. 6126

Sec. 122.4040. The department of development ~~services~~ agency, 6127
in consultation with the broadband expansion program authority, 6128
shall establish a weighted scoring system to evaluate and select 6129
applications for program grants. The scoring system shall be 6130
available on the ~~agency's~~ department's web site at least thirty 6131
days before the beginning of the application submission period set 6132
by the ~~agency~~ department by rule. A description of any differences 6133
in application, scoring system, or other program requirements 6134
adopted under division (C) of section 122.4017 of the Revised Code 6135
shall be available with the application on the department's web 6136
site at least thirty days before the beginning of the application 6137
submission period. 6138

Sec. 122.85. (A) As used in this section and in sections 6139
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6140

(1) "Tax credit-eligible production" means a motion picture 6141
or Broadway theatrical production certified by the director of 6142
development under division (B) of this section as qualifying the 6143
production company for a tax credit under section 5726.55, 6144
5733.59, 5747.66, or 5751.54 of the Revised Code. 6145

(2) "Certificate owner" means a production company to which a 6146
tax credit certificate is issued. 6147

(3) "Production company" means an individual, corporation, 6148
partnership, limited liability company, or other form of business 6149
association that is registered with the secretary of state and 6150
that is producing a motion picture or Broadway theatrical 6151
production. 6152

(4) "Eligible expenditures" means expenditures made after 6153
June 30, 2009, for goods or services purchased and consumed in 6154

this state by a production company directly for the production of 6155
a tax credit-eligible production, for postproduction activities, 6156
or for advertising and promotion of the production. 6157

"Eligible expenditures" include expenditures for cast and 6158
crew wages, accommodations, costs of set construction and 6159
operations, editing and related services, photography, sound 6160
synchronization, lighting, wardrobe, makeup and accessories, film 6161
processing, transfer, sound mixing, special and visual effects, 6162
music, location fees, and the purchase or rental of facilities and 6163
equipment. 6164

(5) "Motion picture" means entertainment content created in 6165
whole or in part within this state for distribution or exhibition 6166
to the general public, including, but not limited to, 6167
feature-length films; documentaries; long-form, specials, 6168
miniseries, series, and interstitial television programming; 6169
interactive web sites; sound recordings; videos; music videos; 6170
interactive television; interactive games; video games; 6171
commercials; any format of digital media; and any trailer, pilot, 6172
video teaser, or demo created primarily to stimulate the sale, 6173
marketing, promotion, or exploitation of future investment in 6174
either a product or a motion picture by any means and media in any 6175
digital media format, film, or videotape, provided the motion 6176
picture qualifies as a motion picture. "Motion picture" does not 6177
include any television program created primarily as news, weather, 6178
or financial market reports, a production featuring current events 6179
or sporting events, an awards show or other gala event, a 6180
production whose sole purpose is fundraising, a long-form 6181
production that primarily markets a product or service or in-house 6182
corporate advertising or other similar productions, a production 6183
for purposes of political advocacy, or any production for which 6184
records are required to be maintained under 18 U.S.C. 2257 with 6185
respect to sexually explicit content. 6186

(6) "Broadway theatrical production" means a prebroadway production, long run production, or tour launch that is directed, managed, and performed by a professional cast and crew and that is directly associated with New York city's broadway theater district.

(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's broadway theater district after the original or adaptive version is performed in a qualified production facility.

(8) "Long run production" means a live stage production that is scheduled to be performed at a qualified production facility for more than five weeks, with an average of at least six performances per week.

(9) "Tour launch" means a live stage production for which the activities comprising the technical period are conducted at a qualified production facility before a tour of the original or adaptive version of the production begins.

(10) "Qualified production facility" means a facility located in this state that is used in the development or presentation to the public of theater productions.

(B) For the purpose of encouraging and developing strong film and theater industries in this state, the director of development may certify a motion picture or broadway theatrical production produced by a production company as a tax credit-eligible production. In the case of a television series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A production company shall apply for certification of a motion picture or broadway theatrical production as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

(1) The name and telephone number of the production company;	6218
(2) The name and telephone number of the company's contact person;	6219 6220
(3) A list of the first preproduction date through the last production and postproduction dates in Ohio and, in the case of a Broadway theatrical production, a list of each scheduled performance in a qualified production facility;	6221 6222 6223 6224
(4) The Ohio production office or qualified production facility address and telephone number;	6225 6226
(5) The total production budget;	6227
(6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or Broadway theatrical production;	6228 6229 6230
(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;	6231 6232
(8) The level of employment of cast and crew who reside in Ohio;	6233 6234
(9) A synopsis of the script;	6235
(10) In the case of a motion picture, the shooting script;	6236
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	6237 6238
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	6239 6240 6241 6242 6243
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	6244 6245
(14) Estimated amount of state and local taxes to be	6246

generated in this state from the production; 6247

(15) Estimated economic impact of the production in this 6248
state; 6249

(16) Any other information considered necessary by the 6250
director. 6251

Within ninety days after certification of a motion picture or 6252
broadway theatrical production as a tax credit-eligible 6253
production, and any time thereafter upon the request of the 6254
director, the production company shall present to the director 6255
sufficient evidence of reviewable progress. If the production 6256
company fails to present sufficient evidence, the director may 6257
rescind the certification. If the production of a motion picture 6258
or Broadway theatrical production does not begin within ninety 6259
days after the date it is certified as a tax credit-eligible 6260
production, the director shall rescind the certification unless 6261
the director finds that the production company shows good cause 6262
for the delay, meaning that the production was delayed due to 6263
unforeseeable circumstances beyond the production company's 6264
control or due to action or inaction by a government agency. Upon 6265
rescission, the director shall notify the applicant that the 6266
certification has been rescinded. Nothing in this section 6267
prohibits an applicant whose tax credit-eligible production 6268
certification has been rescinded from submitting a subsequent 6269
application for certification. 6270

(C)(1) A production company whose motion picture or Broadway 6271
theatrical production has been certified as a tax credit-eligible 6272
production may apply to the director of development on or after 6273
July 1, 2009, for a refundable credit against the tax imposed by 6274
section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. 6275
The director in consultation with the tax commissioner shall 6276
prescribe the form and manner of the application and the 6277
information or documentation required to be submitted with the 6278

application. 6279

The credit is determined as follows: 6280

(a) If the total budgeted eligible expenditures stated in the 6281
application submitted under division (B) of this section or the 6282
actual eligible expenditures as finally determined under division 6283
(D) of this section, whichever is least, is less than or equal to 6284
three hundred thousand dollars, no credit is allowed; 6285

(b) If the total budgeted eligible expenditures stated in the 6286
application submitted under division (B) of this section or the 6287
actual eligible expenditures as finally determined under division 6288
(D) of this section, whichever is least, is greater than three 6289
hundred thousand dollars, the credit equals thirty per cent of the 6290
least of such budgeted or actual eligible expenditure amounts. 6291

(2) Except as provided in division (C)(4) of this section, if 6292
the director of development approves a production company's 6293
application for a credit, the director shall issue a tax credit 6294
certificate to the company. The director in consultation with the 6295
tax commissioner shall prescribe the form and manner of issuing 6296
certificates. The director shall assign a unique identifying 6297
number to each tax credit certificate and shall record the 6298
certificate in a register devised and maintained by the director 6299
for that purpose. The certificate shall state the amount of the 6300
eligible expenditures on which the credit is based and the amount 6301
of the credit. Upon the issuance of a certificate, the director 6302
shall certify to the tax commissioner the name of the production 6303
company to which the certificate was issued, the amount of 6304
eligible expenditures shown on the certificate, the amount of the 6305
credit, and any other information required by the rules adopted to 6306
administer this section. 6307

(3) The amount of eligible expenditures for which a tax 6308
credit may be claimed is subject to inspection and examination by 6309

the tax commissioner or employees of the commissioner under 6310
section 5703.19 of the Revised Code and any other applicable law. 6311
Once the eligible expenditures are finally determined under 6312
section 5703.19 of the Revised Code and division (D) of this 6313
section, the credit amount is not subject to adjustment unless the 6314
director determines an error was committed in the computation of 6315
the credit amount. 6316

(4) No tax credit certificate may be issued before the 6317
completion of the tax credit-eligible production. Not more than 6318
~~forty~~ seventy-five million dollars of tax credit may be allowed 6319
per fiscal year provided that, for any fiscal year in which the 6320
amount of tax credits allowed under this section is less than that 6321
maximum annual amount, the amount not allowed for that fiscal year 6322
shall be added to the maximum annual amount that may be allowed 6323
for the following fiscal year. 6324

(5) The director shall review and approve applications for 6325
tax credits in two rounds each fiscal year. The first round of 6326
credits shall be awarded not later than the last day of July of 6327
the fiscal year, and the second round of credits shall be awarded 6328
not later than the last day of the ensuing January. The amount of 6329
credits awarded in the first round of applications each fiscal 6330
year shall not exceed ~~twenty~~ thirty-seven and one-half million 6331
dollars plus any credit allotment that was not awarded in the 6332
preceding fiscal year and carried over under division (C)(4) of 6333
this section. For each round, the director shall rank applications 6334
on the basis of the extent of positive economic impact each tax 6335
credit-eligible production is likely to have in this state and the 6336
effect on developing a permanent workforce in motion picture or 6337
theatrical production industries in the state. For the purpose of 6338
such ranking, the director shall give priority to tax-credit 6339
eligible productions that are television series or miniseries due 6340
to the long-term commitment typically associated with such 6341

productions. The economic impact ranking shall be based on the 6342
production company's total expenditures in this state directly 6343
associated with the tax credit-eligible production. The effect on 6344
developing a permanent workforce in the motion picture or 6345
theatrical production industries shall be evaluated first by the 6346
number of new jobs created and second by amount of payroll added 6347
with respect to employees in this state. 6348

The director shall approve productions in the order of their 6349
ranking, from those with the greatest positive economic impact and 6350
workforce development effect to those with the least positive 6351
economic impact and workforce development effect. 6352

(D) A production company whose motion picture or Broadway 6353
theatrical production has been certified as a tax credit-eligible 6354
production shall engage, at the company's expense, an independent 6355
certified public accountant to examine the company's production, 6356
postproduction, and advertising and promotion expenditures to 6357
identify the expenditures that qualify as eligible expenditures. 6358
The certified public accountant shall issue a report to the 6359
company and to the director of development certifying the 6360
company's eligible expenditures and any other information required 6361
by the director. Upon receiving and examining the report, the 6362
director may disallow any expenditure the director determines is 6363
not an eligible expenditure. If the director disallows an 6364
expenditure, the director shall issue a written notice to the 6365
production company stating that the expenditure is disallowed and 6366
the reason for the disallowance. Upon examination of the report 6367
and disallowance of any expenditures, the director shall determine 6368
finally the lesser of the total budgeted eligible expenditures 6369
stated in the application submitted under division (B) of this 6370
section or the actual eligible expenditures for the purpose of 6371
computing the amount of the credit. 6372

(E) No credit shall be allowed under section 5726.55, 6373

5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6374
director has reviewed the report and made the determination 6375
prescribed by division (D) of this section. 6376

(F) This state reserves the right to refuse the use of this 6377
state's name in the credits of any tax credit-eligible motion 6378
picture production or program of any Broadway theatrical 6379
production. 6380

(G)(1) The director of development in consultation with the 6381
tax commissioner shall adopt rules for the administration of this 6382
section, including rules setting forth and governing the criteria 6383
for determining whether a motion picture or Broadway theatrical 6384
production is a tax credit-eligible production; activities that 6385
constitute the production or postproduction of a motion picture or 6386
Broadway theatrical production; reporting sufficient evidence of 6387
reviewable progress; expenditures that qualify as eligible 6388
expenditures; a schedule and deadlines for applications to be 6389
submitted and reviewed; a competitive process for approving 6390
credits based on likely economic impact in this state and 6391
development of a permanent workforce in motion picture or 6392
theatrical production industries in this state; consideration of 6393
geographic distribution of credits; and implementation of the 6394
program described in division (H) of this section. The rules shall 6395
be adopted under Chapter 119. of the Revised Code. 6396

(2) To cover the administrative costs of the program, the 6397
director shall require each applicant to pay an application fee 6398
equal to the lesser of ten thousand dollars or one per cent of the 6399
estimated value of the tax credit as stated in the application. 6400
The fees collected shall be credited to the tax incentives 6401
operating fund created in section 122.174 of the Revised Code. All 6402
grants, gifts, fees, and contributions made to the director for 6403
marketing and promotion of the motion picture industry within this 6404
state shall also be credited to the fund. 6405

(H) The director of development shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from production companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production-;i

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each production company whose application was approved under division (H)(2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 123.01. (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers:

(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;

(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of

which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code;

(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;

(4) To procure, by lease, storage accommodations for a state agency;

(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, unless a longer period is authorized by division (A)(5) of this section, and shall be executed for the state by the director of administrative services. The director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code. The director may grant perpetual easements to public utilities, as defined in section 4905.02 of the Revised Code or described in section 4905.03 of the Revised Code.

(6) To lease space for the use of a state agency;

(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;

(8) To exercise general custodial care of all real property of the state;

(9) To assign and group together state offices in any city in

the state and to establish, in cooperation with the state agencies 6467
involved, rules governing space requirements for office or storage 6468
use; 6469

(10) To lease for a period not to exceed forty years, 6470
pursuant to a contract providing for the construction thereof 6471
under a lease-purchase plan, buildings, structures, and other 6472
improvements for any public purpose, and, in conjunction 6473
therewith, to grant leases, easements, or licenses for lands under 6474
the control of a state agency for a period not to exceed forty 6475
years. The lease-purchase plan shall provide that at the end of 6476
the lease period, the buildings, structures, and related 6477
improvements, together with the land on which they are situated, 6478
shall become the property of the state without cost. 6479

(a) Whenever any building, structure, or other improvement is 6480
to be so leased by a state agency, the department shall retain 6481
either basic plans, specifications, bills of materials, and 6482
estimates of cost with sufficient detail to afford bidders all 6483
needed information or, alternatively, all of the following plans, 6484
details, bills of materials, and specifications: 6485

(i) Full and accurate plans suitable for the use of mechanics 6486
and other builders in the improvement; 6487

(ii) Details to scale and full sized, so drawn and 6488
represented as to be easily understood; 6489

(iii) Accurate bills showing the exact quantity of different 6490
kinds of material necessary to the construction; 6491

(iv) Definite and complete specifications of the work to be 6492
performed, together with such directions as will enable a 6493
competent mechanic or other builder to carry them out and afford 6494
bidders all needed information; 6495

(v) A full and accurate estimate of each item of expense and 6496
of the aggregate cost thereof. 6497

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the

bureau and the secretary of state have made the certifications 6531
required by this section of the builder who has submitted the 6532
lowest and best bid. Within ten days of the completion of the 6533
investigation of the bids, the department shall award the lease 6534
agreement to the builder who has submitted the lowest and best bid 6535
and who has been certified by the bureau and secretary of state as 6536
required by this section. If bidding for the lease agreement has 6537
been conducted upon the basis of basic plans, specifications, 6538
bills of materials, and estimates of costs, upon the award to the 6539
builder the department, or the builder with the approval of the 6540
department, shall appoint an architect or engineer licensed in 6541
this state to prepare such further detailed plans, specifications, 6542
and bills of materials as are required to construct the building, 6543
structure, or improvement. The department shall adopt such rules 6544
as are necessary to give effect to this section. The department 6545
may reject any bid. Where there is reason to believe there is 6546
collusion or combination among bidders, the bids of those 6547
concerned therein shall be rejected. 6548

(11) To acquire by purchase, gift, devise, or grant and to 6549
transfer, lease, or otherwise dispose of all real property 6550
required to assist in the development of a conversion facility as 6551
defined in section 5709.30 of the Revised Code as that section 6552
existed before its repeal by Amended Substitute House Bill 95 of 6553
the 125th general assembly; 6554

(12) To lease for a period not to exceed forty years, 6555
notwithstanding any other division of this section, the 6556
state-owned property located at 408-450 East Town Street, 6557
Columbus, Ohio, formerly the state school for the deaf, to a 6558
developer in accordance with this section. "Developer," as used in 6559
this section, has the same meaning as in section 123.77 of the 6560
Revised Code. 6561

Such a lease shall be for the purpose of development of the 6562

land for use by senior citizens by constructing, altering, 6563
renovating, repairing, expanding, and improving the site as it 6564
existed on June 25, 1982. A developer desiring to lease the land 6565
shall prepare for submission to the department a plan for 6566
development. Plans shall include provisions for roads, sewers, 6567
water lines, waste disposal, water supply, and similar matters to 6568
meet the requirements of state and local laws. The plans shall 6569
also include provision for protection of the property by insurance 6570
or otherwise, and plans for financing the development, and shall 6571
set forth details of the developer's financial responsibility. 6572

The department may employ, as employees or consultants, 6573
persons needed to assist in reviewing the development plans. Those 6574
persons may include attorneys, financial experts, engineers, and 6575
other necessary experts. The department shall review the 6576
development plans and may enter into a lease if it finds all of 6577
the following: 6578

(a) The best interests of the state will be promoted by 6579
entering into a lease with the developer; 6580

(b) The development plans are satisfactory; 6581

(c) The developer has established the developer's financial 6582
responsibility and satisfactory plans for financing the 6583
development. 6584

The lease shall contain a provision that construction or 6585
renovation of the buildings, roads, structures, and other 6586
necessary facilities shall begin within one year after the date of 6587
the lease and shall proceed according to a schedule agreed to 6588
between the department and the developer or the lease will be 6589
terminated. The lease shall contain such conditions and 6590
stipulations as the director considers necessary to preserve the 6591
best interest of the state. Moneys received by the state pursuant 6592
to this lease shall be paid into the general revenue fund. The 6593

lease shall provide that at the end of the lease period the 6594
buildings, structures, and related improvements shall become the 6595
property of the state without cost. 6596

(13) To manage the use of space owned and controlled by the 6597
department by doing all of the following: 6598

(a) Biennially implementing, by state agency location, a 6599
census of agency employees assigned space; 6600

(b) Periodically in the discretion of the director of 6601
administrative services: 6602

(i) Requiring each state agency to categorize the use of 6603
space allotted to the agency between office space, common areas, 6604
storage space, and other uses, and to report its findings to the 6605
department; 6606

(ii) Creating and updating a master space utilization plan 6607
for all space allotted to state agencies. The plan shall 6608
incorporate space utilization metrics. 6609

(iii) Conducting a cost-benefit analysis to determine the 6610
effectiveness of state-owned buildings; 6611

(iv) Assessing the alternatives associated with consolidating 6612
the commercial leases for buildings located in Columbus. 6613

(c) Commissioning a comprehensive space utilization and 6614
capacity study in order to determine the feasibility of 6615
consolidating existing commercially leased space used by state 6616
agencies into a new state-owned facility. 6617

(14) To adopt rules to ensure that energy efficiency and 6618
conservation is considered in the purchase of products and 6619
equipment, except motor vehicles, by any state agency, department, 6620
division, bureau, office, unit, board, commission, authority, 6621
quasi-governmental entity, or institution. The department may 6622
require minimum energy efficiency standards for purchased products 6623

and equipment based on federal testing and labeling if available 6624
or on standards developed by the department. When possible, the 6625
rules shall apply to the competitive selection of energy consuming 6626
systems, components, and equipment under Chapter 125. of the 6627
Revised Code. 6628

(15) To ensure energy efficient and energy conserving 6629
purchasing practices by doing all of the following: 6630

(a) Identifying available energy efficiency and conservation 6631
opportunities; 6632

(b) Providing for interchange of information among purchasing 6633
agencies; 6634

(c) Identifying laws, policies, rules, and procedures that 6635
should be modified; 6636

(d) Monitoring experience with and the cost-effectiveness of 6637
this state's purchase and use of motor vehicles and of major 6638
energy-consuming systems, components, equipment, and products 6639
having a significant impact on energy consumption by the 6640
government; 6641

(e) Providing technical assistance and training to state 6642
employees involved in the purchasing process; 6643

(f) Working with the department of development to make 6644
recommendations regarding planning and implementation of 6645
purchasing policies and procedures that are supportive of energy 6646
efficiency and conservation. 6647

(16) To require all state agencies, departments, divisions, 6648
bureaus, offices, units, commissions, boards, authorities, 6649
quasi-governmental entities, institutions, and state institutions 6650
of higher education to implement procedures to ensure that all of 6651
the passenger automobiles they acquire in each fiscal year, except 6652
for those passenger automobiles acquired for use in law 6653

enforcement or emergency rescue work, achieve a fleet average fuel 6654
economy of not less than the fleet average fuel economy for that 6655
fiscal year as the department shall prescribe by rule. The 6656
department shall adopt the rule prior to the beginning of the 6657
fiscal year, in accordance with the average fuel economy standards 6658
established by federal law for passenger automobiles manufactured 6659
during the model year that begins during the fiscal year. 6660

Each state agency, department, division, bureau, office, 6661
unit, commission, board, authority, quasi-governmental entity, 6662
institution, and state institution of higher education shall 6663
determine its fleet average fuel economy by dividing the total 6664
number of passenger vehicles acquired during the fiscal year, 6665
except for those passenger vehicles acquired for use in law 6666
enforcement or emergency rescue work, by a sum of terms, each of 6667
which is a fraction created by dividing the number of passenger 6668
vehicles of a given make, model, and year, except for passenger 6669
vehicles acquired for use in law enforcement or emergency rescue 6670
work, acquired during the fiscal year by the fuel economy measured 6671
by the administrator of the United States environmental protection 6672
agency, for the given make, model, and year of vehicle, that 6673
constitutes an average fuel economy for combined city and highway 6674
driving. 6675

As used in division (A)(16) of this section, "acquired" means 6676
leased for a period of sixty continuous days or more, or 6677
purchased. 6678

(17) To correct legal descriptions or title defects, or 6679
release fractional interests in real property, as necessary to 6680
cure title clouds reflected in public records, including those 6681
resulting from boundary disputes, ingress or egress issues, title 6682
transfers precipitated through retirement of bond requirements, 6683
and the retention of fractional interests in real estate otherwise 6684
disposed of in previous title transfers. 6685

(18)(a) To, with controlling board approval, sell state-owned real property that is not held for the benefit of an institution of higher education and is appraised at not more than one ~~hundred thousand~~ million dollars by an independent third-party appraiser.

(b) To sell state-owned real property that is held for the benefit of an institution of higher education, provided all of the following are true:

(i) The board of trustees of the institution of higher education, or, in the case of a university branch district, any other managing authority, adopts a resolution approving the sale;

(ii) The real property is appraised at not more than ten million dollars by an independent third-party appraiser;

(iii) The controlling board approves the sale.

Notwithstanding any provision of law to the contrary, net proceeds from any disposition of real property made pursuant to division (A)(18) of this section shall, at the direction of the director of budget and management, be credited to a fund or funds in the state treasury, or to accounts held by an institution of higher education for purposes to be determined by the institution.

As used in division (A)(18) of this section, "institution of higher education" has the same meaning as in section 3345.12 of the Revised Code.

(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following:

(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories;

(2) The power of the director of transportation in acquiring

rights-of-way for the state highway system, or the leasing of 6716
lands for division or resident district offices, or the leasing of 6717
lands or buildings required in the maintenance operations of the 6718
department of transportation, or the purchase of real property for 6719
garage sites or division or resident district offices, or in 6720
preparing plans and specifications for and constructing such 6721
buildings as the director may require in the administration of the 6722
department; 6723

(3) The power of the director of public safety and the 6724
registrar of motor vehicles to purchase or lease real property and 6725
buildings to be used solely as locations to which a deputy 6726
registrar is assigned pursuant to division (B) of section 4507.011 6727
of the Revised Code and from which the deputy registrar is to 6728
conduct the deputy registrar's business, the power of the director 6729
of public safety to purchase or lease real property and buildings 6730
to be used as locations for division or district offices as 6731
required in the maintenance of operations of the department of 6732
public safety, and the power of the superintendent of the state 6733
highway patrol in the purchase or leasing of real property and 6734
buildings needed by the patrol, to negotiate the sale of real 6735
property owned by the patrol, to rent or lease real property owned 6736
or leased by the patrol, and to make or cause to be made repairs 6737
to all property owned or under the control of the patrol; 6738

(4) The power of the division of liquor control in the 6739
leasing or purchasing of retail outlets and warehouse facilities 6740
for the use of the division; 6741

(5) The power of the director of development to enter into 6742
leases of real property, buildings, and office space to be used 6743
solely as locations for the state's foreign offices to carry out 6744
the purposes of section 122.05 of the Revised Code; 6745

(6) The power of the director of environmental protection to 6746
enter into environmental covenants, to grant and accept easements, 6747

or to sell property pursuant to division (G) of section 3745.01 of
the Revised Code;

(7) The power of the department of public safety under
section 5502.01 of the Revised Code to direct security measures
and operations for the Vern Riffe center and the James A. Rhodes
state office tower. The department of administrative services
shall implement all security measures and operations at the Vern
Riffe center and the James A. Rhodes state office tower as
directed by the department of public safety.

(C) Purchases for, and the custody and repair of, buildings
under the management and control of the capitol square review and
advisory board, the opportunities for Ohioans with disabilities
agency, the bureau of workers' compensation, or the departments of
public safety, job and family services, mental health and
addiction services, developmental disabilities, and rehabilitation
and correction; buildings of educational and benevolent
institutions under the management and control of boards of
trustees; and purchases or leases for, and the custody and repair
of, office space used for the purposes of any agency of the
legislative branch of state government are not subject to the
control and jurisdiction of the department of administrative
services.

An agency of the legislative branch of state government that
uses office space in a building under the management and control
of the department of administrative services may exercise the
agency's authority to improve the agency's office space as
authorized under this division only if, upon review, the
department of administrative services concludes the proposed
improvements do not adversely impact the structural integrity of
the building.

If an agency of the legislative branch of state government,
except the capitol square review and advisory board, so requests,

the agency and the director of administrative services may enter 6780
into a contract under which the department of administrative 6781
services agrees to perform any services requested by the agency 6782
that the department is authorized under this section to perform. 6783
In performing such services, the department shall not use 6784
competitive selection. As used in this division, "competitive 6785
selection" has the meaning defined in section 125.01 of the 6786
Revised Code and includes any other type of competitive process 6787
for the selection of persons producing or dealing in the services 6788
to be provided. 6789

(D) Any instrument by which real property is acquired 6790
pursuant to this section shall identify the agency of the state 6791
that has the use and benefit of the real property as specified in 6792
section 5301.012 of the Revised Code. 6793

Sec. 123.211. (A) Notwithstanding any contrary provision of 6794
section 123.21 of the Revised Code, the executive director of the 6795
Ohio facilities construction commission may authorize any of the 6796
following agencies to administer any capital facilities project, 6797
the estimated cost of which, including design fees, construction, 6798
equipment, and contingency amounts, is less than three million 6799
dollars: 6800

- (1) The department of mental health and addiction services; 6801
- (2) The department of developmental disabilities; 6802
- (3) The department of agriculture; 6803
- (4) The department of job and family services; 6804
- (5) The department of rehabilitation and correction; 6805
- (6) The department of youth services; 6806
- (7) The department of public safety; 6807
- (8) The department of transportation; 6808

(9) The department of veterans services;	6809
(10) The bureau of workers' compensation;	6810
(11) The department of administrative services;	6811
(12) The state school for the deaf;	6812
(13) The state school for the blind <u>Ohio deaf and blind</u>	6813
<u>education services.</u>	6814
(B) A state agency that wishes to administer a project under	6815
division (A) of this section shall submit a request for	6816
authorization through the Ohio administrative knowledge system	6817
capital improvements application. Upon the release of funds for	6818
the projects by the controlling board or the director of budget	6819
and management, the agency may administer the capital project or	6820
projects for which agency administration has been authorized	6821
without the supervision, control, or approval of the executive	6822
director of the Ohio facilities construction commission.	6823
(C) A state agency authorized by the executive director of	6824
the Ohio facilities construction commission to administer capital	6825
facilities projects pursuant to this section shall comply with the	6826
applicable procedures and guidelines established in Chapter 153.	6827
of the Revised Code and shall track all project information in the	6828
Ohio administrative knowledge system capital improvements	6829
application pursuant to Ohio facilities construction commission	6830
guidelines.	6831
Sec. 124.136. (A) As used in this section:	6832
(1) "Fetal death" has the same meaning as in section 3705.01	6833
of the Revised Code.	6834
(2) "Stillborn" means that an infant of at least twenty weeks	6835
of gestation suffered a fetal death.	6836
(B)(1) Each permanent full-time and permanent part-time	6837

employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who meets the requirement of division (B)(2)(a) of this section is eligible, upon the birth, stillbirth, or adoption of a child, for a parental leave of absence and parental leave benefits under this section. If the employee takes leave under this section for a stillbirth, the employee is ineligible for leave under section 124.387 of the Revised Code.

(2)(a) To be eligible for leave and benefits under this section, an employee must be one of the following:

(i) A parent, as listed on the birth certificate, of a newly born child;

(ii) A parent, as listed on the fetal death certificate, of a stillborn child;

(iii) A legal guardian of ~~and reside~~ a newly adopted child who resides in the same household as ~~a newly adopted~~ that child.

(b) Employees may elect to receive five thousand dollars for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested upon placement of the child in the employee's home. If the child is already residing in the home, payment may be requested at the time the adoption is approved.

(3) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day parental leave of absence begins shall be used to determine eligibility and benefits under this section for part-time employees, but such benefits shall not exceed forty hours per week. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work

per week during the employee's period of employment shall be used 6869
to determine eligibility and benefits under this section. 6870

(C) Parental leave granted under this section shall not 6871
exceed ~~six~~ twelve consecutive weeks, which shall include four 6872
~~weeks or one hundred sixty~~ eighty hours of paid leave for 6873
permanent full-time employees and a prorated number of hours of 6874
paid leave for permanent part-time employees. Parental leave shall 6875
be taken within one year of the birth of the child, delivery of 6876
the stillborn child, or placement of the child for adoption. ~~All~~ 6877
~~employees granted parental leave shall serve a waiting period of~~ 6878
~~fourteen days that begins on the day parental leave begins and~~ 6879
~~during which they shall not receive paid leave under this section.~~ 6880
~~Employees may choose to work during the waiting period.~~ During the 6881
~~remaining four weeks of the~~ leave period, employees shall receive 6882
paid leave equal to seventy per cent of their base rate of pay. 6883
All of the following apply to employees granted parental leave: 6884

(1) They remain eligible to receive all employer-paid 6885
benefits and continue to accrue all other forms of paid leave as 6886
if they were in active pay status. 6887

(2) They are ineligible to receive overtime pay, and no 6888
portion of their parental leave shall be included in calculating 6889
their overtime pay. 6890

(3) They are ineligible to receive holiday pay. A holiday 6891
occurring during the leave period shall be counted as one day of 6892
parental leave and be paid as such. 6893

(D) Employees receiving parental leave may utilize available 6894
sick leave, personal leave, vacation leave, or compensatory time 6895
balances in order to ~~be paid during the fourteen day waiting~~ 6896
~~period and to~~ supplement the seventy per cent of their base rate 6897
of pay received during the ~~remaining part of their~~ parental leave 6898
period, in an amount sufficient to give them up to one hundred per 6899

cent of their pay for time on parental leave. 6900

Use of parental leave does not affect an employee's 6901
eligibility for other forms of paid leave granted under this 6902
chapter and does not prohibit an employee from taking leave under 6903
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 6904
U.S.C.A. 2601, except that parental leave shall be included in any 6905
leave time provided under that act. An employee may not receive 6906
parental leave under this section after exhausting leave under the 6907
Family and Medical Leave Act of 1993 for the birth of the child, 6908
delivery of the stillborn child, or placement of the child for 6909
adoption. 6910

(E) Employees receiving disability leave benefits under 6911
section 124.385 of the Revised Code prior to becoming eligible for 6912
parental leave shall continue to receive disability leave benefits 6913
for the duration of their disabling condition or as otherwise 6914
provided under the disability leave benefits program. If an 6915
employee is receiving disability leave benefits because of 6916
pregnancy and these benefits expire prior to the expiration date 6917
of any benefits the employee would have been entitled to receive 6918
under this section, the employee shall receive parental leave for 6919
such additional time ~~without being required to serve an additional~~ 6920
~~waiting period if the parental leave is contiguous to the~~ 6921
~~disability leave.~~ 6922

Sec. 124.14. (A)(1) The director of administrative services 6923
shall establish, and may modify or rescind, a job classification 6924
plan for all positions, offices, and employments in the service of 6925
the state. The director shall group jobs within a classification 6926
so that the positions are similar enough in duties and 6927
responsibilities to be described by the same title, to have the 6928
same pay assigned with equity, and to have the same qualifications 6929
for selection applied. The director shall assign a classification 6930

title to each classification within the classification plan. 6931
However, the director shall consider in establishing 6932
classifications, including classifications with parenthetical 6933
titles, and assigning pay ranges such factors as duties performed 6934
only on one shift, special skills in short supply in the labor 6935
market, recruitment problems, separation rates, comparative salary 6936
rates, the amount of training required, and other conditions 6937
affecting employment. The director shall describe the duties and 6938
responsibilities of the class, establish the qualifications for 6939
being employed in each position in the class, and file with the 6940
secretary of state a copy of specifications for all of the 6941
classifications. The director shall file new, additional, or 6942
revised specifications with the secretary of state before they are 6943
used. 6944

The director shall assign each classification, either on a 6945
statewide basis or in particular counties or state institutions, 6946
to a pay range established under section 124.15 or section 124.152 6947
of the Revised Code. The director may assign a classification to a 6948
pay range on a temporary basis for a period of six months. The 6949
director may establish experimental classification plans for some 6950
or all employees paid directly by warrant of the director of 6951
budget and management. Any such experimental classification plan 6952
shall include specifications for each classification within the 6953
plan and shall specifically address compensation ranges, and 6954
methods for advancing within the ranges, for the classifications, 6955
which may be assigned to pay ranges other than the pay ranges 6956
established under section 124.15 or 124.152 of the Revised Code. 6957

(2) The director of administrative services may reassign to a 6958
proper classification those positions that have been assigned to 6959
an improper classification. If the compensation of an employee in 6960
such a reassigned position exceeds the maximum rate of pay for the 6961
employee's new classification, the employee shall be placed in pay 6962

step X and shall not receive an increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) The director may reassign an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the director determines that the bargaining unit classification is the proper classification for that employee. Notwithstanding Chapter 4117. of the Revised Code or instruments and contracts negotiated under it, these placements are at the director's discretion.

(4) The director shall assign related classifications, which form a career progression, to a classification series. The director shall assign each classification in the classification plan a five-digit number, the first four digits of which shall denote the classification series to which the classification is assigned. When a career progression encompasses more than ten classifications, the director shall identify the additional classifications belonging to a classification series. The additional classifications shall be part of the classification series, notwithstanding the fact that the first four digits of the number assigned to the additional classifications do not correspond to the first four digits of the numbers assigned to other classifications in the classification series.

(B) Division (A) of this section and sections 124.15 and 124.152 of the Revised Code do not apply to the following persons, positions, offices, and employments:

(1) Elected officials;

(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary

of state, auditor of state, treasurer of state, and attorney 6994
general, and employees of the supreme court; 6995

(3) Any position for which the authority to determine 6996
compensation is given by law to another individual or entity; 6997

(4) Employees of the bureau of workers' compensation whose 6998
compensation the administrator of workers' compensation 6999
establishes under division (B) of section 4121.121 of the Revised 7000
Code. 7001

(C) The director may employ a consulting agency to aid and 7002
assist the director in carrying out this section. 7003

(D)(1) When the director proposes to modify a classification 7004
or the assignment of classes to appropriate pay ranges, the 7005
director shall notify the appointing authorities of the affected 7006
employees before implementing the modification. The director's 7007
notice shall include the effective date of the modification. The 7008
appointing authorities shall notify the affected employees 7009
regarding the modification. 7010

(2) When the director proposes to reclassify any employee in 7011
the service of the state so that the employee is adversely 7012
affected, the director shall give to the employee affected and to 7013
the employee's appointing authority a written notice setting forth 7014
the proposed new classification, pay range, and salary. Upon the 7015
request of any classified employee in the service of the state who 7016
is not serving in a probationary period, the director shall 7017
perform a job audit to review the classification of the employee's 7018
position to determine whether the position is properly classified. 7019
The director shall give to the employee affected and to the 7020
employee's appointing authority a written notice of the director's 7021
determination whether or not to reclassify the position or to 7022
reassign the employee to another classification. An employee or 7023
appointing authority desiring a hearing shall file a written 7024

request for the hearing with the state personnel board of review 7025
within thirty days after receiving the notice. The board shall set 7026
the matter for a hearing and notify the employee and appointing 7027
authority of the time and place of the hearing. The employee, the 7028
appointing authority, or any authorized representative of the 7029
employee who wishes to submit facts for the consideration of the 7030
board shall be afforded reasonable opportunity to do so. After the 7031
hearing, the board shall consider anew the reclassification and 7032
may order the reclassification of the employee and require the 7033
director to assign the employee to such appropriate classification 7034
as the facts and evidence warrant. As provided in division (A)(1) 7035
of section 124.03 of the Revised Code, the board may determine the 7036
most appropriate classification for the position of any employee 7037
coming before the board, with or without a job audit. The board 7038
shall disallow any reclassification or reassignment classification 7039
of any employee when it finds that changes have been made in the 7040
duties and responsibilities of any particular employee for 7041
political, religious, or other unjust reasons. 7042

(E)(1) Employees of each county department of job and family 7043
services shall be paid a salary or wage established by the board 7044
of county commissioners. The provisions of section 124.18 of the 7045
Revised Code concerning the standard work week apply to employees 7046
of county departments of job and family services. A board of 7047
county commissioners may do either of the following: 7048

(a) Notwithstanding any other section of the Revised Code, 7049
supplement the sick leave, vacation leave, personal leave, and 7050
other benefits of any employee of the county department of job and 7051
family services of that county, if the employee is eligible for 7052
the supplement under a written policy providing for the 7053
supplement; 7054

(b) Notwithstanding any other section of the Revised Code, 7055
establish alternative schedules of sick leave, vacation leave, 7056

personal leave, or other benefits for employees not inconsistent 7057
with the provisions of a collective bargaining agreement covering 7058
the affected employees. 7059

(2) Division (E)(1) of this section does not apply to 7060
employees for whom the state employment relations board 7061
establishes appropriate bargaining units pursuant to section 7062
4117.06 of the Revised Code, except in either of the following 7063
situations: 7064

(a) The employees for whom the state employment relations 7065
board establishes appropriate bargaining units elect no 7066
representative in a board-conducted representation election. 7067

(b) After the state employment relations board establishes 7068
appropriate bargaining units for such employees, all employee 7069
organizations withdraw from a representation election. 7070

(F)(1) Notwithstanding any contrary provision of sections 7071
124.01 to 124.64 of the Revised Code, the board of trustees of 7072
each state university or college, as defined in section 3345.12 of 7073
the Revised Code, shall carry out all matters of governance 7074
involving the officers and employees of the university or college, 7075
including, but not limited to, the powers, duties, and functions 7076
of the department of administrative services and the director of 7077
administrative services specified in this chapter. Officers and 7078
employees of a state university or college shall have the right of 7079
appeal to the state personnel board of review as provided in this 7080
chapter. 7081

(2) Each board of trustees shall adopt rules ~~under section~~ 7082
~~111.15 of the Revised Code~~ to carry out the matters of governance 7083
described in division (F)(1) of this section. Until the board of 7084
trustees adopts those rules, a state university or college shall 7085
continue to operate pursuant to the applicable rules adopted by 7086
the director of administrative services under this chapter. 7087

(G)(1) Each board of county commissioners may, by a 7088
resolution adopted by a majority of its members, establish a 7089
county personnel department to exercise the powers, duties, and 7090
functions specified in division (G) of this section. As used in 7091
division (G) of this section, "county personnel department" means 7092
a county personnel department established by a board of county 7093
commissioners under division (G)(1) of this section. 7094

(2)(a) Each board of county commissioners, by a resolution 7095
adopted by a majority of its members, may designate the county 7096
personnel department of the county to exercise the powers, duties, 7097
and functions specified in sections 124.01 to 124.64 and Chapter 7098
325. of the Revised Code with regard to employees in the service 7099
of the county, except for the powers and duties of the state 7100
personnel board of review, which powers and duties shall not be 7101
construed as having been modified or diminished in any manner by 7102
division (G)(2) of this section, with respect to the employees for 7103
whom the board of county commissioners is the appointing authority 7104
or co-appointing authority. 7105

(b) Nothing in division (G)(2) of this section shall be 7106
construed to limit the right of any employee who possesses the 7107
right of appeal to the state personnel board of review to continue 7108
to possess that right of appeal. 7109

(c) Any board of county commissioners that has established a 7110
county personnel department may contract with the department of 7111
administrative services, in accordance with division (H) of this 7112
section, another political subdivision, or an appropriate public 7113
or private entity to provide competitive testing services or other 7114
appropriate services. 7115

(3) After the county personnel department of a county has 7116
been established as described in division (G)(2) of this section, 7117
any elected official, board, agency, or other appointing authority 7118
of that county, upon written notification to the county personnel 7119

department, may elect to use the services and facilities of the 7120
county personnel department. Upon receipt of the notification by 7121
the county personnel department, the county personnel department 7122
shall exercise the powers, duties, and functions as described in 7123
division (G)(2) of this section with respect to the employees of 7124
that elected official, board, agency, or other appointing 7125
authority. 7126

(4) Each board of county commissioners, by a resolution 7127
adopted by a majority of its members, may disband the county 7128
personnel department. 7129

(5) Any elected official, board, agency, or appointing 7130
authority of a county may end its involvement with a county 7131
personnel department upon actual receipt by the department of a 7132
certified copy of the notification that contains the decision to 7133
no longer participate. 7134

(6) A county personnel department, in carrying out its 7135
duties, shall adhere to merit system principles with regard to 7136
employees of county departments of job and family services, child 7137
support enforcement agencies, and public child welfare agencies so 7138
that there is no threatened loss of federal funding for these 7139
agencies, and the county is financially liable to the state for 7140
any loss of federal funds due to the action or inaction of the 7141
county personnel department. 7142

(H) County agencies may contract with the department of 7143
administrative services for any human resources services, 7144
including, but not limited to, establishment and modification of 7145
job classification plans, competitive testing services, and 7146
periodic audits and reviews of the county's uniform application of 7147
the powers, duties, and functions specified in sections 124.01 to 7148
124.64 and Chapter 325. of the Revised Code with regard to 7149
employees in the service of the county. Nothing in this division 7150
modifies the powers and duties of the state personnel board of 7151

review with respect to employees in the service of the county. 7152
Nothing in this division limits the right of any employee who 7153
possesses the right of appeal to the state personnel board of 7154
review to continue to possess that right of appeal. 7155

(I) The director of administrative services shall establish 7156
the rate and method of compensation for all employees who are paid 7157
directly by warrant of the director of budget and management and 7158
who are serving in positions that the director of administrative 7159
services has determined impracticable to include in the state job 7160
classification plan. This division does not apply to elected 7161
officials, legislative employees, employees of the legislative 7162
service commission, employees who are in the unclassified civil 7163
service and exempt from collective bargaining coverage in the 7164
office of the secretary of state, auditor of state, treasurer of 7165
state, and attorney general, employees of the courts, employees of 7166
the bureau of workers' compensation whose compensation the 7167
administrator of workers' compensation establishes under division 7168
(B) of section 4121.121 of the Revised Code, or employees of an 7169
appointing authority authorized by law to fix the compensation of 7170
those employees. 7171

(J) The director of administrative services shall set the 7172
rate of compensation for all intermittent, seasonal, temporary, 7173
emergency, and casual employees in the service of the state who 7174
are not considered public employees under section 4117.01 of the 7175
Revised Code. Those employees are not entitled to receive employee 7176
benefits, unless otherwise required by law. This rate of 7177
compensation shall be equitable in terms of the rate of employees 7178
serving in the same or similar classifications. This division does 7179
not apply to elected officials, legislative employees, employees 7180
of the legislative service commission, employees who are in the 7181
unclassified civil service and exempt from collective bargaining 7182
coverage in the office of the secretary of state, auditor of 7183

state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

Sec. 124.15. (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B

Pay Ranges and Step Values

Range	Step 1	Step 2	Step 3	Step 4
23 Hourly	5.72	5.91	6.10	6.31
Annually	11897.60	12292.80	12688.00	13124.80
	Step 5	Step 6		
Hourly	6.52	6.75		
Annually	13561.60	14040.00		
	Step 1	Step 2	Step 3	Step 4
24 Hourly	6.00	6.20	6.41	6.63
Annually	12480.00	12896.00	13332.80	13790.40
	Step 5	Step 6		
Hourly	6.87	7.10		
Annually	14289.60	14768.00		
	Step 1	Step 2	Step 3	Step 4
25 Hourly	6.31	6.52	6.75	6.99
Annually	13124.80	13561.60	14040.00	14539.20
	Step 5	Step 6		
Hourly	7.23	7.41		
Annually	15038.40	15412.80		
	Step 1	Step 2	Step 3	Step 4
26 Hourly	6.63	6.87	7.10	7.32

	Annually	13790.40	14289.60	14768.00	15225.60	7215
		Step 5	Step 6			7216
	Hourly	7.53	7.77			7217
	Annually	15662.40	16161.60			7218
		Step 1	Step 2	Step 3	Step 4	7219
27	Hourly	6.99	7.23	7.41	7.64	7220
	Annually	14534.20	15038.40	15412.80	15891.20	7221
		Step 5	Step 6	Step 7		7222
	Hourly	7.88	8.15	8.46		7223
	Annually	16390.40	16952.00	17596.80		7224
		Step 1	Step 2	Step 3	Step 4	7225
28	Hourly	7.41	7.64	7.88	8.15	7226
	Annually	15412.80	15891.20	16390.40	16952.00	7227
		Step 5	Step 6	Step 7		7228
	Hourly	8.46	8.79	9.15		7229
	Annually	17596.80	18283.20	19032.00		7230
		Step 1	Step 2	Step 3	Step 4	7231
29	Hourly	7.88	8.15	8.46	8.79	7232
	Annually	16390.40	16952.00	17596.80	18283.20	7233
		Step 5	Step 6	Step 7		7234
	Hourly	9.15	9.58	10.01		7235
	Annually	19032.00	19926.40	20820.80		7236
		Step 1	Step 2	Step 3	Step 4	7237
30	Hourly	8.46	8.79	9.15	9.58	7238
	Annually	17596.80	18283.20	19032.00	19926.40	7239
		Step 5	Step 6	Step 7		7240
	Hourly	10.01	10.46	10.99		7241
	Annually	20820.80	21756.80	22859.20		7242
		Step 1	Step 2	Step 3	Step 4	7243
31	Hourly	9.15	9.58	10.01	10.46	7244
	Annually	19032.00	19962.40	20820.80	21756.80	7245
		Step 5	Step 6	Step 7		7246
	Hourly	10.99	11.52	12.09		7247

	Annually	22859.20	23961.60	25147.20		7248
		Step 1	Step 2	Step 3	Step 4	7249
32	Hourly	10.01	10.46	10.99	11.52	7250
	Annually	20820.80	21756.80	22859.20	23961.60	7251
		Step 5	Step 6	Step 7	Step 8	7252
	Hourly	12.09	12.68	13.29	13.94	7253
	Annually	25147.20	26374.40	27643.20	28995.20	7254
		Step 1	Step 2	Step 3	Step 4	7255
33	Hourly	10.99	11.52	12.09	12.68	7256
	Annually	22859.20	23961.60	25147.20	26374.40	7257
		Step 5	Step 6	Step 7	Step 8	7258
	Hourly	13.29	13.94	14.63	15.35	7259
	Annually	27643.20	28995.20	30430.40	31928.00	7260
		Step 1	Step 2	Step 3	Step 4	7261
34	Hourly	12.09	12.68	13.29	13.94	7262
	Annually	25147.20	26374.40	27643.20	28995.20	7263
		Step 5	Step 6	Step 7	Step 8	7264
	Hourly	14.63	15.35	16.11	16.91	7265
	Annually	30430.40	31928.00	33508.80	35172.80	7266
		Step 1	Step 2	Step 3	Step 4	7267
35	Hourly	13.29	13.94	14.63	15.35	7268
	Annually	27643.20	28995.20	30430.40	31928.00	7269
		Step 5	Step 6	Step 7	Step 8	7270
	Hourly	16.11	16.91	17.73	18.62	7271
	Annually	33508.80	35172.80	36878.40	38729.60	7272
		Step 1	Step 2	Step 3	Step 4	7273
36	Hourly	14.63	15.35	16.11	16.91	7274
	Annually	30430.40	31928.00	33508.80	35172.80	7275
		Step 5	Step 6	Step 7	Step 8	7276
	Hourly	17.73	18.62	19.54	20.51	7277
	Annually	36878.40	38729.60	40643.20	42660.80	7278
	Schedule C					7279
	Pay Range and Values					7280

Range	Minimum	Maximum	
41 Hourly	10.44	15.72	7281
Annually	21715.20	32697.60	7282
42 Hourly	11.51	17.35	7283
Annually	23940.80	36088.00	7284
43 Hourly	12.68	19.12	7285
Annually	26374.40	39769.60	7286
44 Hourly	13.99	20.87	7287
Annually	29099.20	43409.60	7288
45 Hourly	15.44	22.80	7289
Annually	32115.20	47424.00	7290
46 Hourly	17.01	24.90	7291
Annually	35380.80	51792.00	7292
47 Hourly	18.75	27.18	7293
Annually	39000.00	56534.40	7294
48 Hourly	20.67	29.69	7295
Annually	42993.60	61755.20	7296
49 Hourly	22.80	32.06	7297
Annually	47424.00	66684.80	7298

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 7300
7301

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 7302
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7304

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative 7305
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services and approved by the director of budget and management, 7313
and those personal services shall not be considered as a part of 7314
the employee's compensation. An appointing authority that appoints 7315
employees in the service of the state, with the approval of the 7316
director of administrative services and the director of budget and 7317
management, may establish payments to employees for uniforms, 7318
tools, equipment, and other requirements of the department and 7319
payments for the maintenance of them. 7320

The director of administrative services may review collective 7321
bargaining agreements entered into under Chapter 4117. of the 7322
Revised Code that cover employees in the service of the state and 7323
determine whether certain benefits or payments provided to the 7324
employees covered by those agreements should also be provided to 7325
employees in the service of the state who are exempt from 7326
collective bargaining coverage and are paid in accordance with 7327
section 124.152 of the Revised Code or are listed in division 7328
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 7329
the review, the director of administrative services, with the 7330
approval of the director of budget and management, may provide to 7331
some or all of these employees any payment or benefit, except for 7332
salary, contained in such a collective bargaining agreement even 7333
if it is similar to a payment or benefit already provided by law 7334
to some or all of these employees. Any payment or benefit so 7335
provided shall not exceed the highest level for that payment or 7336
benefit specified in such a collective bargaining agreement. The 7337
director of administrative services shall not provide, and the 7338
director of budget and management shall not approve, any payment 7339
or benefit to such an employee under this division unless the 7340
payment or benefit is provided pursuant to a collective bargaining 7341
agreement to a state employee who is in a position with similar 7342
duties as, is supervised by, or is employed by the same appointing 7343
authority as, the employee to whom the benefit or payment is to be 7344
provided. 7345

As used in this division, "payment or benefit already 7346
provided by law" includes, but is not limited to, bereavement, 7347
personal, vacation, administrative, and sick leave, disability 7348
benefits, holiday pay, and pay supplements provided under the 7349
Revised Code, but does not include wages or salary. 7350

(E) New employees paid in accordance with schedule B of 7351
division (A) of this section or schedule E-1 of section 124.152 of 7352
the Revised Code shall be employed at the minimum rate established 7353
for the range unless otherwise provided. Employees with 7354
qualifications that are beyond the minimum normally required for 7355
the position and that are determined by the director to be 7356
exceptional may be employed in, or may be transferred or promoted 7357
to, a position at an advanced step of the range. Further, in time 7358
of a serious labor market condition when it is relatively 7359
impossible to recruit employees at the minimum rate for a 7360
particular classification, the entrance rate may be set at an 7361
advanced step in the range by the director of administrative 7362
services. This rate may be limited to geographical regions of the 7363
state. Appointments made to an advanced step under the provision 7364
regarding exceptional qualifications shall not affect the step 7365
assignment of employees already serving. However, anytime the 7366
hiring rate of an entire classification is advanced to a higher 7367
step, all incumbents of that classification being paid at a step 7368
lower than that being used for hiring, shall be advanced beginning 7369
at the start of the first pay period thereafter to the new hiring 7370
rate, and any time accrued at the lower step will be used to 7371
calculate advancement to a succeeding step. If the hiring rate of 7372
a classification is increased for only a geographical region of 7373
the state, only incumbents who work in that geographical region 7374
shall be advanced to a higher step. When an employee in the 7375
unclassified service changes from one state position to another or 7376
is appointed to a position in the classified service, or if an 7377
employee in the classified service is appointed to a position in 7378

the unclassified service, the employee's salary or wage in the new 7379
position shall be determined in the same manner as if the employee 7380
were an employee in the classified service. When an employee in 7381
the unclassified service who is not eligible for step increases is 7382
appointed to a classification in the classified service under 7383
which step increases are provided, future step increases shall be 7384
based on the date on which the employee last received a pay 7385
increase. If the employee has not received an increase during the 7386
previous year, the date of the appointment to the classified 7387
service shall be used to determine the employee's annual step 7388
advancement eligibility date. In reassigning any employee to a 7389
classification resulting in a pay range increase or to a new pay 7390
range as a result of a promotion, an increase pay range 7391
adjustment, or other classification change resulting in a pay 7392
range increase, the director shall assign such employee to the 7393
step in the new pay range that will provide an increase of 7394
approximately four per cent if the new pay range can accommodate 7395
the increase. When an employee is being assigned to a 7396
classification or new pay range as the result of a class plan 7397
change, if the employee has completed a probationary period, the 7398
employee shall be placed in a step no lower than step two of the 7399
new pay range. If the employee has not completed a probationary 7400
period, the employee may be placed in step one of the new pay 7401
range. Such new salary or wage shall become effective on such date 7402
as the director determines. 7403

(F) If employment conditions and the urgency of the work 7404
require such action, the director of administrative services may, 7405
upon the application of a department head, authorize payment at 7406
any rate established within the range for the class of work, for 7407
work of a casual or intermittent nature or on a project basis. 7408
Payment at such rates shall not be made to the same individual for 7409
more than three calendar months in any one calendar year. Any such 7410
action shall be subject to the approval of the director of budget 7411

and management as to the availability of funds. This section and 7412
sections 124.14 and 124.152 of the Revised Code do not repeal any 7413
authority of any department or public official to contract with or 7414
fix the compensation of professional persons who may be employed 7415
temporarily for work of a casual nature or for work on a project 7416
basis. 7417

(G)(1) Except as provided in divisions (G)(2) and (3) of this 7418
section, each state employee paid in accordance with schedule B of 7419
this section or schedule E-1 of section 124.152 of the Revised 7420
Code shall be eligible for advancement to succeeding steps in the 7421
range for the employee's class or grade according to the schedule 7422
established in this division. Beginning on the first day of the 7423
pay period within which the employee completes the prescribed 7424
probationary period in the employee's classification with the 7425
state, each employee shall receive an automatic salary adjustment 7426
equivalent to the next higher step within the pay range for the 7427
employee's class or grade. 7428

Except as provided in divisions (G)(2) and (3) of this 7429
section, each employee paid in accordance with schedule E-1 of 7430
section 124.152 of the Revised Code shall be eligible to advance 7431
to the next higher step until the employee reaches the top step in 7432
the range for the employee's class or grade, if the employee has 7433
maintained satisfactory performance in accordance with criteria 7434
established by the employee's appointing authority. Those step 7435
advancements shall not occur more frequently than once in any 7436
twelve-month period. 7437

When an employee is promoted, the step entry date shall be 7438
set to account for a probationary period. When an employee is 7439
reassigned to a higher pay range, the step entry date shall be set 7440
to allow an employee who is not at the highest step of the range 7441
to receive a step advancement one year from the reassignment date. 7442
Step advancement shall not be affected by demotion. A promoted 7443

employee shall advance to the next higher step of the pay range on 7444
the first day of the pay period in which the required probationary 7445
period is completed. Step advancement shall become effective at 7446
the beginning of the pay period within which the employee attains 7447
the necessary length of service. Time spent on authorized leave of 7448
absence shall be counted for this purpose. 7449

If determined to be in the best interest of the state 7450
service, the director of administrative services may, either 7451
statewide or in selected agencies, adjust the dates on which 7452
annual step advancements are received by employees paid in 7453
accordance with schedule E-1 of section 124.152 of the Revised 7454
Code. 7455

(2)(a) There shall be a moratorium on annual step 7456
advancements under division (G)(1) of this section beginning June 7457
21, 2009, through June 20, 2011. Step advancements shall resume 7458
with the pay period beginning June 21, 2011. Upon the resumption 7459
of step advancements, there shall be no retroactive step 7460
advancements for the period the moratorium was in effect. The 7461
moratorium shall not affect an employee's performance evaluation 7462
schedule. 7463

An employee who begins a probationary period before June 21, 7464
2009, shall advance to the next step in the employee's pay range 7465
at the end of probation, and then become subject to the 7466
moratorium. An employee who is hired, promoted, or reassigned to a 7467
higher pay range between June 21, 2009, through June 20, 2011, 7468
shall not advance to the next step in the employee's pay range 7469
until the next anniversary of the employee's date of hire, 7470
promotion, or reassignment that occurs on or after June 21, 2011. 7471

(b) The moratorium under division (G)(2)(a) of this section 7472
shall apply to the employees of the secretary of state, the 7473
auditor of state, the treasurer of state, and the attorney 7474
general, who are subject to this section unless the secretary of 7475

state, the auditor of state, the treasurer of state, or the 7476
attorney general decides to exempt the office's employees from the 7477
moratorium and so notifies the director of administrative services 7478
in writing on or before July 1, 2009. 7479

(3) Employees in intermittent positions shall be employed at 7480
the minimum rate established for the pay range for their 7481
classification and are not eligible for step advancements. 7482

(H) Employees in appointive managerial or professional 7483
positions paid in accordance with schedule C of this section or 7484
schedule E-2 of section 124.152 of the Revised Code may be 7485
appointed at any rate within the appropriate pay range. This rate 7486
of pay may be adjusted higher or lower within the respective pay 7487
range at any time the appointing authority so desires as long as 7488
the adjustment is based on the employee's ability to successfully 7489
administer those duties assigned to the employee. Salary 7490
adjustments shall not be made more frequently than once in any 7491
six-month period under this provision to incumbents holding the 7492
same position and classification. 7493

(I) When an employee is assigned to duty outside this state, 7494
the employee may be compensated, upon request of the department 7495
head and with the approval of the director of administrative 7496
services, at a rate not to exceed fifty per cent in excess of the 7497
employee's current base rate for the period of time spent on that 7498
duty. 7499

(J) Unless compensation for members of a board or commission 7500
is otherwise specifically provided by law, the director of 7501
administrative services shall establish the rate and method of 7502
payment for members of boards and commissions pursuant to the pay 7503
schedules listed in section 124.152 of the Revised Code. 7504

(K) Regular full-time employees in positions assigned to 7505
classes within the instruction and education administration series 7506

under the job classification plans of the director of 7507
administrative services, except certificated employees on the 7508
instructional staff of ~~the state school for the blind or the state~~ 7509
~~school for the deaf~~ Ohio deaf and blind education services, whose 7510
positions are scheduled to work on the basis of an academic year 7511
rather than a full calendar year, shall be paid according to the 7512
pay range assigned by the applicable job classification plan, but 7513
only during those pay periods included in the academic year of the 7514
school where the employee is located. 7515

(1) Part-time or substitute teachers or those whose period of 7516
employment is other than the full academic year shall be 7517
compensated for the actual time worked at the rate established by 7518
this section. 7519

(2) Employees governed by this division are exempt from 7520
sections 124.13 and 124.19 of the Revised Code. 7521

(3) Length of service for the purpose of determining 7522
eligibility for step advancements as provided by division (G) of 7523
this section and for the purpose of determining eligibility for 7524
longevity pay supplements as provided by division (E) of section 7525
124.181 of the Revised Code shall be computed on the basis of one 7526
full year of service for the completion of each academic year. 7527

(L) The superintendent of ~~the state school for the deaf and~~ 7528
~~the superintendent of the state school for the blind~~ Ohio deaf and 7529
blind education services shall, subject to the approval of the 7530
superintendent of public instruction, carry out both of the 7531
following: 7532

(1) Annually, between the first day of April and the last day 7533
of June, establish for the ensuing fiscal year a schedule of 7534
hourly rates for the compensation of each certificated employee on 7535
the instructional staff of that superintendent's respective school 7536
constructed as follows: 7537

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;

(d) Multiply each per cent determined in division (L)(1)(a) of this section by the quotient obtained in division (L)(1)(c) of this section;

(e) One hundred five per cent of each product thus obtained shall be the hourly rate for the corresponding level of training, experience, or other professional qualification in the schedule for the ensuing fiscal year.

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an

academic year, the employee's annual salary shall be calculated in 7569
accordance with the following formula: 7570

(a) Multiply the number of days the employee is required to 7571
work pursuant to the employee's contract by eight; 7572

(b) Multiply the product of division (L)(2)(a) of this 7573
section by the employee's assigned hourly rate. 7574

Each employee shall be paid an annual salary in biweekly 7575
installments. The amount of each installment shall be calculated 7576
by dividing the employee's annual salary by the number of biweekly 7577
installments to be paid during the year. 7578

Sections 124.13 and 124.19 of the Revised Code do not apply 7579
to an employee who is paid under this division. 7580

As used in this division, "academic year" means the number of 7581
days in each school year that the schools are required to be open 7582
for instruction with pupils in attendance. Upon completing an 7583
academic year, an employee paid under this division shall be 7584
deemed to have completed one year of service. An employee paid 7585
under this division is eligible to receive a pay supplement under 7586
division (L)(1), (2), or (3) of section 124.181 of the Revised 7587
Code for which the employee qualifies, but is not eligible to 7588
receive a pay supplement under division (L)(4) or (5) of that 7589
section. An employee paid under this division is eligible to 7590
receive a pay supplement under division (L)(6) of section 124.181 7591
of the Revised Code for which the employee qualifies, except that 7592
the supplement is not limited to a maximum of five per cent of the 7593
employee's regular base salary in a calendar year. 7594

(M) Division (A) of this section does not apply to "exempt 7595
employees," as defined in section 124.152 of the Revised Code, who 7596
are paid under that section. 7597

Notwithstanding any other provisions of this chapter, when an 7598
employee transfers between bargaining units or transfers out of or 7599

into a bargaining unit, the director of administrative services 7600
shall establish the employee's compensation and adjust the maximum 7601
leave accrual schedule as the director deems equitable. 7602

Sec. 124.387. (A) As used in this section, "stillborn" has 7603
the same meaning as in section 124.136 of the Revised Code. 7604

(B) Each full-time permanent and part-time permanent employee 7605
whose salary or wage is paid directly by warrant of the director 7606
of budget and management shall be granted three days of 7607
bereavement leave with pay ~~upon~~ due to the death of a member of 7608
the employee's immediate family. 7609

(C) Except as provided in division (E) of this section, an 7610
employee described in division (B) of this section may use 7611
bereavement leave under this section when the employee is the 7612
parent of a miscarried or stillborn child. An employee using 7613
bereavement leave based on a miscarriage shall provide appropriate 7614
medical documentation of the miscarriage. An employee using 7615
bereavement leave based on a stillbirth shall provide a copy of 7616
the fetal death certificate. 7617

(D) The bereavement leave described in this section begins 7618
within one of the following time periods: 7619

(1) Not more than five calendar days after the immediate 7620
family member's death; 7621

(2) Not more than five days before or five days after the 7622
date of the immediate family member's funeral. 7623

(E) An employee who takes bereavement leave granted under 7624
this section on the basis of a stillbirth is ineligible for 7625
parental leave or benefits under section 124.136 of the Revised 7626
Code based on the same stillbirth. 7627

(F) Compensation for bereavement leave shall be equal to the 7628
employee's base rate of pay. 7629

Sec. 125.01. As used in this chapter: 7630

(A) "Order" means a copy of a contract or a statement of the 7631
nature of a contemplated expenditure, a description of the 7632
property or supplies to be purchased or service to be performed, 7633
other than a service performed by officers and regular employees 7634
of the state, and per diem of the national guard, and the total 7635
sum of the expenditure to be made therefor, if the sum is fixed 7636
and ascertained, otherwise the estimated sum thereof, and an 7637
authorization to pay for the contemplated expenditure, signed by 7638
the person instructed and authorized to pay upon receipt of a 7639
proper invoice. 7640

(B) "Invoice" means an itemized listing showing delivery of 7641
the supplies or performance of the service described in the order 7642
including all of the following: 7643

(1) The date of the purchase or rendering of the service; 7644

(2) An itemization of the things done, material supplied, or 7645
labor furnished; 7646

(3) The sum due pursuant to the contract or obligation. 7647

(C) "Products" means materials, ~~manufacturer's~~ supplies, 7648
merchandise, goods, wares, and foodstuffs. 7649

(D) "Produced" means the manufacturing, processing, mining, 7650
developing, and making of a thing into a new article with a 7651
distinct character in use through the application of input, within 7652
the state or a state bordering Ohio, of Buy Ohio products, labor, 7653
skill, or other services. "Produced" does not include the mere 7654
assembling or putting together of ~~non-Ohio~~ products or materials 7655
from outside of Ohio or a state bordering Ohio. 7656

(E) "Buy Ohio products" means products that are mined, 7657
excavated, produced, manufactured, raised, or grown in the state 7658
~~by a person~~ or a state bordering Ohio where the input of Buy Ohio 7659

products, labor, skill, or other services constitutes no less than 7660
twenty-five per cent of the manufactured cost. With respect to 7661
mined products, such products shall be mined or excavated in this 7662
state or a state bordering Ohio. 7663

(F) "Purchase" means to buy, rent, lease, lease purchase, or 7664
otherwise acquire supplies or services. "Purchase" also includes 7665
all functions that pertain to the obtaining of supplies or 7666
services, including description of requirements, selection and 7667
solicitation of sources, preparation and award of contracts, all 7668
phases of contract administration, and receipt and acceptance of 7669
the supplies and services and payment or revenue received for 7670
them. 7671

(G) "Services" means the furnishing of labor, time, or effort 7672
by a person, not involving the delivery of a specific end product 7673
other than a report which, if provided, is merely incidental to 7674
the required performance. "Services" does not include services 7675
furnished pursuant to employment agreements or collective 7676
bargaining agreements. 7677

(H) "Supplies" means all property, including, but not limited 7678
to, equipment, materials, and other tangible assets, ~~and~~ 7679
~~insurance~~, but excluding real property or an interest in real 7680
property. 7681

(I) "Competitive selection" means any of the following 7682
procedures for making purchases: 7683

(1) Competitive sealed bidding under section 125.07 of the 7684
Revised Code; 7685

(2) Competitive sealed proposals under section 125.071 of the 7686
Revised Code; 7687

(3) Reverse auctions under section 125.072 of the Revised 7688
Code; 7689

(4) Electronic procurement under section 125.073 of the Revised Code. 7690
7691

(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code. 7692
7693
7694

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination ~~from the department of administrative services~~ that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request ~~to~~ in a manner and form as prescribed by the department of administrative services unless the department has determined the request does not require a review. 7695
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The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section. 7705
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7707
7708

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request: 7709
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7711

(1) Ohio penal industries within the department of rehabilitation and correction; and 7712
7713

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code. 7714
7715
7716

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so: 7717
7718
7719

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;	7720 7721 7722
(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;	7723 7724 7725
(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;	7726 7727 7728
(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;	7729 7730 7731
(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and	7732 7733
(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.	7734 7735 7736
(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the applicable representative of the first and second requisite procurement programs shall review the request to determine whether the request can be fulfilled based on the products and services the requisite procurement program can provide. When the department representative has made its a determination, it <u>the representative</u> shall <u>do one of the following</u> :	7737 7738 7739 7740 7741 7742 7743 7744 7745 7746 7747 7748
(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite	7749 7750

procurement program; 7751

(2) Provide the agency with a waiver from the use of the 7752
applicable ~~first~~ requisite procurement ~~programs under sections~~ 7753
~~125.609 or 5147.07 of the Revised Code; or~~ 7754

~~(3) Determine whether the purchase can be fulfilled through a~~ 7755
~~second requisite procurement program under division (E) of this~~ 7756
~~section.~~ 7757

(E) ~~In making the determination that a purchase is subject to~~ 7758
~~a second requisite procurement program, the department shall~~ 7759
~~identify potentially applicable programs and notify each program~~ 7760
~~of the requested purchase. The notified second requisite~~ 7761
~~procurement program shall respond to the department within two~~ 7762
~~business days with regard to its ability to provide the requested~~ 7763
~~purchase. If the second requisite procurement program can provide~~ 7764
~~the requested purchase, the department shall direct the requesting~~ 7765
~~agency to make the requested purchase from the appropriate second~~ 7766
~~requisite procurement program. If the department has not received~~ 7767
~~notification from a second requisite procurement program within~~ 7768
~~two business days and the department has made the determination~~ 7769
~~that the purchase is not subject to a second requisite procurement~~ 7770
~~program, the department shall provide a waiver to the requesting~~ 7771
~~agency.~~ 7772

~~(F)~~ Within five business days after receipt of a request, the 7773
department applicable representative of the requisite procurement 7774
program shall notify the requesting agency of its determination 7775
and provide any waiver under divisions division (D) ~~or (E)~~ of this 7776
section. If the department representative fails to respond within 7777
five business days or fails to provide an explanation for any 7778
further delay within that time, the requesting agency may use 7779
direct purchasing authority to make the requested purchase, 7780
subject to the requirements of division (G)(F) of this section, 7781
division (E)(F) of section 125.05, and section 127.16 of the 7782

Revised Code. 7783

~~(G)~~(F) As provided in sections 125.02 and 125.05 of the 7784
Revised Code and subject to such rules as the director of 7785
administrative services may adopt, the department may issue a 7786
release and permit to the agency to secure supplies or services. A 7787
release and permit shall specify the supplies or services to which 7788
it applies, the time during which it is operative, and the reason 7789
for its issuance. A release and permit for telephone, other 7790
telecommunications, and computer services shall be provided in 7791
accordance with section 125.18 of the Revised Code and shall 7792
specify the type of services to be rendered, the number and type 7793
of hardware to be used, and may specify the amount of such 7794
services to be performed. No requesting agency shall proceed with 7795
such purchase until it has received an approved release and permit 7796
from the director of administrative services or the director's 7797
designee. 7798

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 7799
125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of 7800
the Revised Code shall be construed as limiting the attorney 7801
general, auditor of state, secretary of state, or treasurer of 7802
state in any of the following: 7803

(1) Purchases for less than the dollar amounts for the 7804
purchase of supplies or services determined under section 125.05 7805
of the Revised Code; 7806

(2) Purchases that equal or exceed the dollar amounts for the 7807
purchase of supplies or services determined under section 125.05 7808
of the Revised Code with the approval of the controlling board, if 7809
that approval is required by section 127.16 of the Revised Code; 7810

(3) The final determination of the nature or quantity of any 7811
purchase of supplies or services under division (B) of section 7812
125.02 or under division ~~(G)~~(F) of section 125.035 of the Revised 7813

Code;	7814
(4) The final determination and disposal of excess and surplus supplies;	7815 7816
(5) The inventory of state property;	7817
(6) The purchase of printing;	7818
(7) Activities related to information technology development and use;	7819 7820
(8) The fleet management program.	7821
(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.	7822 7823 7824 7825 7826
Sec. 125.05. Except as provided in division (D) or (E) of this section, no No state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section and section 127.16 of the Revised Code. When exercising direct purchasing authority the agency shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.	7827 7828 7829 7830 7831 7832 7833
(A) A state agency may, without competitive selection, make any purchase of supplies or services that cost less than fifty thousand dollars <u>in payment and revenue would amount to less than the purchasing and leasing amount established in division (B) of section 127.16 of the Revised Code</u> after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall	7834 7835 7836 7837 7838 7839 7840 7841 7842 7843

use those procedures when making purchases under this division. 7844

Section 127.16 of the Revised Code does not apply to 7845
purchases made under this division. 7846

(B) A state agency shall make purchases of supplies and 7847
services that ~~cost fifty thousand dollars or more in payment and~~ 7848
revenue would equal or exceed the purchasing and leasing amount 7849
established in division (B) of section 127.16 of the Revised Code 7850
through the department of administrative services and the process 7851
provided in section 125.035 of the Revised Code, unless the 7852
department grants a waiver ~~under division (D) or (E) of that~~ 7853
~~section~~ and a release and permit under ~~division (G) of that~~ 7854
section. 7855

(C) An agency that has been granted a release and permit 7856
under ~~division (G) of~~ section 125.035 of the Revised Code to make 7857
a purchase may make the purchase without competitive selection if 7858
after making the purchase the cumulative purchase threshold as 7859
computed under division (E) of section 127.16 of the Revised Code 7860
would: 7861

(1) Be exceeded and the controlling board approves the 7862
purchase; 7863

(2) Not be exceeded and the department of administrative 7864
services approves the purchase. 7865

(D) An agency that has been granted a release and permit 7866
under division (G) of section 125.035 of the Revised Code to make 7867
a purchase may make the purchase by utilizing the electronic 7868
procurement system established by the department of administrative 7869
services under section 125.073 of the Revised Code. Such purchases 7870
constitute a competitive selection through the department. 7871

(E) If the department of education or the Ohio education 7872
computer network determines that it can purchase software services 7873
or supplies for specified school districts at a ~~price~~ cost in 7874

payment and revenue less than the price cost in payment and 7875
revenue for which the districts could purchase the same software 7876
services or supplies for themselves, the department or network 7877
shall certify that fact to the department of administrative 7878
services and, acting as an agent for the specified school 7879
districts, shall make that purchase without following the 7880
provisions in divisions (A) to (D) of this section. 7881

~~(E)~~(F) When the purchase cost of personal protective 7882
equipment is less than fifty thousand dollars, a state agency 7883
shall comply with ~~divisions (A) to (E)~~ of section 125.035 of the 7884
Revised Code. If the purchase is not subject to the requirements 7885
of an applicable first or second requisite procurement program, 7886
the agency shall apply the same preferences in section 125.09 of 7887
the Revised Code when making the purchase. As used in this 7888
division, "personal protective equipment" means equipment worn to 7889
minimize exposure to hazards that cause workplace injuries and 7890
illnesses. 7891

Sec. 125.071. (A) In accordance with rules the director of 7892
administrative services shall adopt, the director may make 7893
purchases by competitive sealed proposal whenever the director 7894
determines that the use of competitive sealed bidding is not 7895
possible or not advantageous to the state. 7896

(B) Proposals shall be solicited through a request for 7897
proposals. The request for proposals shall state the relative 7898
importance of price and other evaluation factors. Notice of the 7899
request for proposals shall be given in accordance with rules the 7900
director shall adopt. 7901

(C) Proposals shall be opened so as to avoid disclosure of 7902
contents to competing offerors. 7903

In order to ensure fair and impartial evaluation, proposals 7904
and related documents submitted in response to a request for 7905

proposals are not available for public inspection and copying 7906
under section 149.43 of the Revised Code until after the award of 7907
the contract. 7908

(D) As provided in the request for proposals, and under rules 7909
the director shall adopt, discussions may be conducted with 7910
responsible offerors who submit proposals determined to be 7911
reasonably susceptible of being selected for award for the purpose 7912
of ensuring full understanding of, and responsiveness to, 7913
solicitation requirements. Offerors shall be accorded fair and 7914
equal treatment with respect to any opportunity for discussion 7915
regarding any clarification, correction, or revision of proposals. 7916
No disclosure of any information derived from proposals submitted 7917
by competing offerors shall occur when discussions are conducted. 7918

(E) Award may be made to the ~~offeror~~ offerors whose ~~proposal~~ 7919
~~is~~ proposals are determined to be the most advantageous to this 7920
state, taking into consideration factors such as price and the 7921
evaluation criteria set forth in the request for proposals. The 7922
contract file shall contain the basis on which the award is made. 7923

Sec. 125.073. ~~(A)~~ The department of administrative services 7924
shall actively promote and accelerate the use of electronic 7925
procurement, including reverse auctions as defined by section 7926
125.072 of the Revised Code, ~~by implementing the relevant~~ 7927
~~recommendations concerning electronic procurement from the "2000~~ 7928
~~Management Improvement Commission Report to the Governor"~~ when 7929
exercising its statutory powers. 7930

~~(B) Beginning July 1, 2004, the department shall annually on~~ 7931
~~or before the first day of July report to the committees in each~~ 7932
~~house of the general assembly dealing with finance indicating the~~ 7933
~~effectiveness of electronic procurement.~~ 7934

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 7935

125.072 of the Revised Code, the department of administrative 7936
services may prescribe such conditions under which competitive 7937
sealed bids, competitive sealed proposals, and bids in reverse 7938
auctions will be received and terms of the proposed purchase as it 7939
considers necessary; provided, that all such conditions and terms 7940
shall be reasonable and shall not unreasonably restrict 7941
competition, and bidders may bid and offerors may propose upon all 7942
or any item of the products, ~~supplies,~~ or services listed in such 7943
notice. Those bidders and offerors claiming the preference 7944
outlined in this chapter shall designate in their bid or offer 7945
~~either that~~ whether the product ~~or supply~~ is ~~produced or~~ mined, 7946
excavated, produced, manufactured, raised, or grown in the United 7947
States and is either ~~an~~ a Buy Ohio product or that the product, 7948
~~supply,~~ or service is provided by a bidder or offeror that 7949
qualifies as having a significant ~~Ohio~~ economic presence in the 7950
state or a state bordering Ohio, under the rules established by 7951
the director of administrative services, and whether the bidder or 7952
offeror is a certified veteran-friendly business enterprise under 7953
section 122.925 of the Revised Code. 7954

(B) ~~The department may require that each bidder or offeror~~ 7955
~~provide sufficient information about the energy efficiency or~~ 7956
~~energy usage of the bidder's or offeror's product, supply, or~~ 7957
~~service.~~ 7958

~~(C)~~ The director of administrative services shall, by rule 7959
adopted pursuant to Chapter 119. of the Revised Code, prescribe 7960
criteria and procedures for use by all state agencies in giving 7961
preference under this section as required by division (B) of 7962
section 125.11 of the Revised Code. The rules shall extend to: 7963

(1) Criteria for determining that a product is ~~produced or~~ 7964
mined, excavated, produced, manufactured, raised, or grown in the 7965
United States rather than in another country or territory; 7966

(2) Criteria for determining that a product is ~~produced or~~ 7967

~~mined in a Buy Ohio product;~~ 7968

(3) Information to be submitted by bidders or offerors as to 7969
the nature of a product and the location where it is ~~produced or~~ 7970
mined, excavated, produced, manufactured, raised, or grown; 7971

(4) Criteria and procedures to be used by the director to 7972
qualify bidders or offerors located in states bordering Ohio who 7973
might otherwise be excluded from being awarded a contract by 7974
operation of this section and section 125.11 of the Revised Code. 7975
The criteria and procedures shall recognize the level and 7976
regularity of interstate commerce between Ohio and the border 7977
states and provide that the non-Ohio businesses may qualify for 7978
award of a contract as long as they are located in a state that 7979
imposes no greater restrictions than are contained in this section 7980
and section 125.11 of the Revised Code upon persons located in 7981
Ohio selling products or services to agencies of that state. The 7982
criteria and procedures shall also provide that a non-Ohio 7983
business shall not bid on a contract for state printing in this 7984
state if the business is located in a state that excludes Ohio 7985
businesses from bidding on state printing contracts in that state. 7986

(5) Criteria and procedures to be used to qualify bidders and 7987
offerors whose manufactured products, except for mined products, 7988
are produced in other states or in North America, but the bidders 7989
or offerors have a significant Ohio economic presence in terms of 7990
the number of employees or capital investment a bidder or offeror 7991
has in this state. Bidders and offerors with a significant Ohio 7992
economic presence shall qualify for award of a contract on the 7993
same basis as if their products were produced in this state or as 7994
if the bidder or offeror was domiciled in this state. 7995

(6) Criteria and procedures for the director to grant waivers 7996
of the requirements of division (B) of section 125.11 of the 7997
Revised Code on a contract-by-contract basis where compliance with 7998
those requirements would ~~result in the state agency paying an~~ 7999

~~excessive price for the product or acquiring a disproportionately~~ 8000
~~inferior product not be in the best interest of the state or is~~ 8001
~~otherwise prohibited;~~ 8002

(7) Criteria for applying a preference to bids and offers 8003
received from a certified veteran-friendly business enterprise; 8004

(8) Such other requirements or procedures reasonably 8005
necessary to implement the system of preferences established 8006
pursuant to division (B) of section 125.11 of the Revised Code. 8007

In adopting the rules required under this division, the 8008
director shall, to the maximum extent possible, conform to the 8009
requirements of the federal "Buy ~~America~~ American Act," ~~47 Stat.~~ 8010
~~1520, (1933),~~ 41 U.S.C.A. ~~10a-10d~~ U.S.C. 8301-8305, as amended, 8011
and to the regulations adopted thereunder. 8012

Sec. 125.10. (A) The department of administrative services 8013
may require that all competitive sealed bids, competitive sealed 8014
proposals, and bids received in a reverse auction be accompanied 8015
by a performance bond or other financial assurance acceptable to 8016
the director of administrative services, in the sum and with the 8017
sureties it prescribes, payable to the state, and conditioned that 8018
the person submitting the bid or proposal, if that person's bid or 8019
proposal is accepted, will faithfully execute the terms of the 8020
contract and promptly make deliveries of the supplies purchased. 8021

(B) A sealed copy of each competitive sealed bid or 8022
competitive sealed proposal shall be filed with the department 8023
prior to the time specified in the notice for opening of the bids 8024
or proposals. All competitive sealed bids and competitive sealed 8025
proposals shall be ~~publicly~~ opened in the ~~office of~~ standardized 8026
system of electronic procurement by the department at the time 8027
specified in the notice. ~~A representative of the auditor of state~~ 8028
~~shall be present at the opening of all competitive sealed bids and~~ 8029
~~competitive sealed proposals, and shall certify the opening of~~ 8030

~~each competitive sealed bid and competitive sealed proposal. No 8031
competitive sealed bid or competitive sealed proposal shall be 8032
considered valid unless it is so certified. 8033~~

Sec. 125.11. (A) Subject to division (B) of this section, 8034
contracts awarded pursuant to a reverse auction under section 8035
125.072 of the Revised Code or pursuant to competitive sealed 8036
bidding, including contracts awarded under section 125.081 of the 8037
Revised Code, shall be awarded to the lowest responsive and 8038
responsible bidder in accordance with section 9.312 of the Revised 8039
Code. ~~When the contract is for meat products as defined in section 8040
918.01 of the Revised Code or poultry products as defined in 8041
section 918.21 of the Revised Code, only those bids received from 8042
vendors under inspection of the United States department of 8043
agriculture or who are licensed by the Ohio department of 8044
agriculture shall be eligible for acceptance. The department of 8045
administrative services may accept or reject any or all bids in 8046
whole or by items, except that when the contract is for services 8047
or products available from a qualified nonprofit agency pursuant 8048
to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the 8049
Revised Code, the contract shall be awarded to that agency and 8050
contracts awarded pursuant to a competitive sealed proposal shall 8051
be awarded to the offeror determined to be the most advantageous 8052
to this state. 8053~~

(B) Prior to awarding a contract under division (A) of this 8054
section, the department of administrative services or the state 8055
agency responsible for evaluating a contract for the purchase of 8056
products or services shall evaluate the bids and offers received 8057
according to the criteria and procedures established pursuant to 8058
~~divisions (C)(1) and (2)~~ division (B) of section 125.09 of the 8059
Revised Code for determining if a product is ~~produced or mined,~~ 8060
excavated, produced, manufactured, raised, or grown in the United 8061
States ~~and, if a product is produced or mined in this state, or in~~ 8062

~~a state bordering Ohio, whether the bid or offer was received from
a Buy Ohio supplier, and whether the bid or offer was received
from a certified veteran-friendly business enterprise. The
department or other state agency shall first consider bids that
offer products that have been or that will be produced or mined in
the United States. From among the remaining bids, the department
or other state agency shall select the lowest responsive and
responsible bid, in accordance with section 9.312 of the Revised
Code, from among the bids that offer products that have been
produced or mined in this state These requirements shall be
applied where sufficient competition can be generated ~~within this
state~~ to ensure that compliance with these requirements will ~~not
result in an excessive price for the product or acquiring a
disproportionately inferior product~~ be in the best interest of the
state unless otherwise prohibited.~~

(C) Division (B) of this section applies to contracts for
which competitive ~~bidding~~ selection is waived by the controlling
board.

(D) Division (B) of this section does not apply to the
purchase by the division of liquor control of spirituous liquor.

~~(E) The director of administrative services shall publish in
the form of a model act for use by counties, townships, municipal
corporations, or any other political subdivision described in
division (B) of section 125.04 of the Revised Code, a system of
preferences for products mined and produced in this state and in
the United States and for Ohio based contractors. The model act
shall reflect substantial equivalence to the system of preferences
in purchasing and public improvement contracting procedures under
which the state operates pursuant to this chapter and section
153.012 of the Revised Code. To the maximum extent possible,
consistent with the Ohio system of preferences in purchasing and
public improvement contracting procedures, the model act shall~~

~~incorporate all of the requirements of the federal "Buy America Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and the rules adopted under that act.~~ 8095
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~~Before and during the development and promulgation of the model act, the director shall consult with appropriate statewide organizations representing counties, townships, and municipal corporations so as to identify the special requirements and concerns these political subdivisions have in their purchasing and public improvement contracting procedures. The director shall promulgate the model act by rule adopted pursuant to Chapter 119 of the Revised Code and shall revise the act as necessary to reflect changes in this chapter or section 153.012 of the Revised Code.~~ 8098
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~~The director shall make available copies of the model act, supporting information, and technical assistance to any township, county, or municipal corporation wishing to incorporate the provisions of the act into its purchasing or public improvement contracting procedure.~~ 8108
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Sec. 125.112. (A) As used in this section: 8114

(1) "Agency" means a department created under section 121.02 of the Revised Code. 8115
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(2) "Entity" means, whether for profit or nonprofit, a corporation, association, partnership, limited liability company, sole proprietorship, or other business entity. "Entity" does not include an individual who receives state assistance that is not related to the individual's business. 8117
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(3)(a) "State award" means a contract awarded by the state costing over twenty-five thousand dollars. 8122
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(b) "State award" does not include compensation received as an employee of the state or any state financial assistance and 8124
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expenditure received from the general assembly or any legislative 8126
agency, any court or judicial agency, the secretary of state, 8127
auditor of state, treasurer of state, or attorney general and 8128
their respective offices. 8129

(B) The department of administrative services shall establish 8130
and maintain a single searchable web site, accessible by the 8131
public at no cost, that includes all of the following information 8132
for each state award: 8133

(1) The name of the entity receiving the award; 8134

(2) The amount of the award; 8135

(3) Information on the award, the agency or other 8136
instrumentality of the state that is providing the award, and the 8137
commodity code; 8138

(4) Any other relevant information determined by the 8139
department of administrative services. 8140

(C) The department of administrative services may consult 8141
with other state agencies in the development, establishment, 8142
operation, and support of the web site required by division (B) of 8143
this section. State awards shall be posted on the web site within 8144
thirty days after being made. The department of administrative 8145
services shall provide an opportunity for public comment as to the 8146
utility of the web site required by division (B) of this section 8147
and any suggested improvements. 8148

(D) The web site required by division (B) of this section 8149
shall be fully operational not later than one year after December 8150
30, 2008, and shall include information on state awards made in 8151
fiscal year 2008 and thereafter. It shall also provide an 8152
electronic link to the daily journals of the senate and house of 8153
representatives. 8154

~~(E) The director of administrative services shall submit to 8155~~

~~the general assembly an annual report regarding the implementation 8156
of the web site established pursuant to division (B) of this 8157
section. The report shall include data regarding the usage of the 8158
web site and any public comments on the utility of the site, 8159
including recommendations for improving data quality and 8160
collection. The director shall post each report on the web site. 8161~~

~~(F) Each agency awarding a grant to an entity in fiscal year 8162
2008 and thereafter shall establish and maintain a separate web 8163
site listing the name of the entity receiving each grant, the 8164
grant amount, information on each grant, and any other relevant 8165
information determined by the department of administrative 8166
services. Each agency shall provide the link to such a web site to 8167
the department of administrative services within a reasonable time 8168
after December 30, 2008, and shall thereafter update its web site 8169
within thirty days of awarding a new grant. Not later than one 8170
year after December 30, 2008, the department of administrative 8171
services shall establish and maintain a separate web site, 8172
accessible to the public at no cost, which contains the links to 8173
the agency web sites required by this division. 8174~~

~~(G) Nothing in this section shall be construed as requiring 8175
the disclosure of information that is not a public record under 8176
section 149.43 of the Revised Code. 8177~~

Sec. 125.18. (A) There is hereby established the office of 8178
information technology within the department of administrative 8179
services. The office shall be under the supervision of a state 8180
chief information officer to be appointed by the director of 8181
administrative services and subject to removal at the pleasure of 8182
the director. The chief information officer is an assistant 8183
director of administrative services. 8184

(B) Under the direction of the director of administrative 8185
services, the state chief information officer shall lead, oversee, 8186

and direct state agency activities related to information 8187
technology development and use. In that regard, the state chief 8188
information officer shall do all of the following: 8189

(1) Coordinate and superintend statewide efforts to promote 8190
common use and development of technology by state agencies. The 8191
office of information technology shall establish policies and 8192
standards that govern and direct state agency participation in 8193
statewide programs and initiatives. 8194

(2) Coordinate with the office of procurement services to 8195
establish policies and standards for state agency acquisition of 8196
information technology supplies and services; 8197

(3) Establish policies and standards for the use of common 8198
information technology by state agencies, including, but not 8199
limited to, hardware, software, technology services, and security, 8200
and the extension of the service life of information technology 8201
systems, with which state agencies shall comply; 8202

(4) Establish criteria and review processes to identify state 8203
agency information technology projects or purchases that require 8204
alignment or oversight. As appropriate, the department of 8205
administrative services shall provide the governor and the 8206
director of budget and management with notice and advice regarding 8207
the appropriate allocation of resources for those projects. The 8208
state chief information officer may require state agencies to 8209
provide, and may prescribe the form and manner by which they must 8210
provide, information to fulfill the state chief information 8211
officer's alignment and oversight role; 8212

(5) Establish policies and procedures for the security of 8213
personal information that is maintained and destroyed by state 8214
agencies; 8215

(6) Employ a chief information security officer who is 8216
responsible for the implementation of the policies and procedures 8217

described in division (B)(5) of this section and for coordinating 8218
the implementation of those policies and procedures in all of the 8219
state agencies; 8220

(7) Employ a chief privacy officer who is responsible for 8221
advising state agencies when establishing policies and procedures 8222
for the security of personal information and developing education 8223
and training programs regarding the state's security procedures; 8224

(8) Establish policies on the purchasing, use, and 8225
reimbursement for use of handheld computing and telecommunications 8226
devices by state agency employees; 8227

(9) Establish policies for the reduction of printing and for 8228
the increased use of electronic records by state agencies; 8229

(10) Establish policies for the reduction of energy 8230
consumption by state agencies; 8231

(11) Compute the amount of revenue attributable to the 8232
amortization of all equipment purchases and capitalized systems 8233
from information technology service delivery and major information 8234
technology purchases, MARCS administration, and enterprise 8235
applications, ~~and the professions licensing system~~ operating 8236
appropriation items and major computer purchases capital 8237
appropriation items that is recovered as part of the information 8238
technology services rates the department of administrative 8239
services charges and deposits into the information technology fund 8240
created in section 125.15 of the Revised Code, and the user fees 8241
the department of administrative services charges and deposits in 8242
the MARCS administration fund created in section 4501.29 of the 8243
Revised Code, the rates the department of administrative services 8244
charges to benefiting agencies for the operation and management of 8245
information technology applications and deposits in the enterprise 8246
applications fund, ~~and the rates the department of administrative~~ 8247
~~services charges for the cost of ongoing maintenance of the~~ 8248

~~professions licensing system and deposits in the professions
licensing system fund.~~ The enterprise applications fund is hereby
created in the state treasury.

(12) Regularly review and make recommendations regarding
improving the infrastructure of the state's cybersecurity
operations with existing resources and through partnerships
between government, business, and institutions of higher
education;

(13) Assist, as needed, with general state efforts to grow
the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist
each state agency with the development of an information
technology security strategic plan and review that plan, and each
state agency shall submit that plan to the state chief information
officer. The chief information security officer may require that
each state agency update its information technology security
strategic plan annually as determined by the state chief
information officer.

(2) Prior to the implementation of any information technology
data system, a state agency shall prepare or have prepared a
privacy impact statement for that system.

(D) When a state agency requests a purchase of information
technology supplies or services under Chapter 125. of the Revised
Code, the state chief information officer may review and reject
the requested purchase for noncompliance with information
technology direction, plans, policies, standards, or
project-alignment criteria.

(E) The office of information technology may operate
technology services for state agencies in accordance with this
chapter.

Notwithstanding any provision of the Revised Code to the

contrary, the office of information technology may assess a 8280
transaction fee on each license or registration issued as part of 8281
an electronic licensing system operated by the office in an amount 8282
determined by the office not to exceed three dollars and fifty 8283
cents. The transaction fee shall apply to all transactions, 8284
regardless of form, that immediately precede the issuance, 8285
renewal, reinstatement, reactivation of, or other activity that 8286
results in, a license or registration to operate as a regulated 8287
professional or entity. Each license or registration is a separate 8288
transaction to which a fee under this division applies. 8289
Notwithstanding any provision of the Revised Code to the contrary, 8290
if a fee is assessed under this section, no agency, board, or 8291
commission shall issue a license or registration unless a fee 8292
required by this division has been received. The director of 8293
administrative services may collect the fee or require a state 8294
agency, board, or commission for which the system is being 8295
operated to collect the fee. Amounts received under this division 8296
shall be deposited in or transferred to the ~~professions licensing~~ 8297
~~system~~ occupational licensing and regulatory fund created in 8298
~~division (H) of this section 4743.05 or the Revised Code.~~ 8299

(F) With the approval of the director of administrative 8300
services, the office of information technology may establish 8301
cooperative agreements with federal and local government agencies 8302
and state agencies that are not under the authority of the 8303
governor for the provision of technology services and the 8304
development of technology projects. 8305

(G) The office of information technology may operate a 8306
program to make information technology purchases. The director of 8307
administrative services may recover the cost of operating the 8308
program from all participating government entities by issuing 8309
intrastate transfer voucher billings for the procured technology 8310
or through any pass-through billing method agreed to by the 8311

director of administrative services, the director of budget and 8312
management, and the participating government entities that will 8313
receive the procured technology. 8314

If the director of administrative services chooses to recover 8315
the program costs through intrastate transfer voucher billings, 8316
the participating government entities shall process the intrastate 8317
transfer vouchers to pay for the cost. Amounts received under this 8318
section for the information technology purchase program shall be 8319
deposited to the credit of the information technology governance 8320
fund created in section 125.15 of the Revised Code. 8321

(H) Upon request from the director of administrative 8322
services, the director of budget and management may transfer cash 8323
from the information technology fund created in section 125.15 of 8324
the Revised Code, the MARCS administration fund created in section 8325
4501.29 of the Revised Code, or the enterprise applications fund 8326
created in division (B)(11) of this section, ~~or the professions~~ 8327
~~licensing system fund created in division (I) of this section~~ to 8328
the major information technology purchases fund in an amount not 8329
to exceed the amount computed under division (B)(11) of this 8330
section. The major information technology purchases fund is hereby 8331
created in the state treasury. 8332

~~(I) There is hereby created in the state treasury the 8333
professions licensing system fund. The fund shall be used to 8334
operate the electronic licensing system referenced in division (E)~~ 8335
~~of this section.~~ 8336

~~(J)~~ As used in this section: 8337

(1) "Personal information" has the same meaning as in section 8338
149.45 of the Revised Code. 8339

(2) "State agency" means every organized body, office, or 8340
agency established by the laws of the state for the exercise of 8341
any function of state government, other than any state-supported 8342

institution of higher education, the office of the auditor of 8343
state, treasurer of state, secretary of state, or attorney 8344
general, the adjutant general's department, the bureau of workers' 8345
compensation, the industrial commission, the public employees 8346
retirement system, the Ohio police and fire pension fund, the 8347
state teachers retirement system, the school employees retirement 8348
system, the state highway patrol retirement system, the general 8349
assembly or any legislative agency, the capitol square review 8350
advisory board, or the courts or any judicial agency. 8351

Sec. 125.901. (A) There is hereby established the Ohio 8352
geographically referenced information program council within the 8353
department of administrative services to coordinate the property 8354
owned by the state. The department of administrative services 8355
shall provide administrative support for the council. 8356

(B) The council shall consist of the following ~~fifteen~~ 8357
fourteen members: 8358

(1) The state chief information officer, or the officer's 8359
designee, who shall serve as the council chair; 8360

(2) The director of natural resources, or the director's 8361
designee; 8362

(3) The director of transportation, or the director's 8363
designee; 8364

(4) The director of environmental protection, or the 8365
director's designee; 8366

(5) The director of development ~~services~~, or the director's 8367
designee; 8368

(6) ~~The treasurer of state, or the treasurer of state's~~ 8369
~~designee;~~ 8370

~~(7)~~ The attorney general, or the attorney general's designee; 8371

(8) (7) The chancellor of higher education or the chancellor's designee;	8372 8373
(9) (8) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;	8374 8375 8376
(10) (9) The director of public safety or the director's designee;	8377 8378
(11) (10) The executive director of the county auditors' association or the executive director's designee;	8379 8380
(12) (11) The executive director of the county commissioners' association or the executive director's designee;	8381 8382
(13) (12) The executive director of the county engineers' association or the executive director's designee;	8383 8384
(14) (13) The executive director of the Ohio municipal league or the executive director's designee;	8385 8386
(15) (14) The executive director of the Ohio townships association or the executive director's designee.	8387 8388
(C) Members of the council shall serve without compensation.	8389
Sec. 113.41 125.903. (A) The treasurer <u>department of state administrative services</u> shall develop and maintain a comprehensive and descriptive database of all real property under the custody and control of the state, except when otherwise required for reasons of homeland security. <u>The database shall adequately describe, when known, the location, boundary, and acreage of the property, the use and name of the property, and the contact information and name of the state agency managing the property.</u> The information in the database shall be available to the public free of charge through a searchable internet web site. The treasurer of state shall allow for public comment on property owned by the state.	8390 8391 8392 8393 8394 8395 8396 8397 8398 8399 8400 8401

(B) ~~For purposes of the database, Each landholding state agency shall collect and maintain a geographic information systems database of its respective landholdings, and shall provide the database to the Ohio geographically referenced information program council established in section 125.901 of the Revised Code shall provide to the treasurer of state, and the treasurer of state shall collect, information, in a format prescribed by the treasurer of state, that adequately describes, when known, the location, acreage, and use of state owned property. The council shall make its best efforts to obtain the required information on the state owned property and shall submit updated information to the treasurer of state as it becomes available.~~ 8402
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(C) As used in this section, "state-owned property" does not include state property owned or under the control of the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices. 8414
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Sec. 126.21. (A) The director of budget and management shall do all of the following: 8419
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(1) Keep all necessary accounting records; 8421

(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts; 8422
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(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving and reviewing payment vouchers; 8425
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(4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the legislative service commission, 8428
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totals so as to correspond in the aggregate with the total 8432
appropriation. In the case of a conflict between the item and the 8433
total of which it is a part, the item shall be considered the 8434
intended appropriation. 8435

(5) Evaluate on an ongoing basis and, if necessary, recommend 8436
improvements to the internal controls used in state agencies; 8437

(6) Authorize the establishment of petty cash accounts. The 8438
director may withdraw approval for any petty cash account and 8439
require the officer in charge to return to the state treasury any 8440
unexpended balance shown by the officer's accounts to be on hand. 8441
Any officer who is issued a warrant for petty cash shall render a 8442
detailed account of the expenditures of the petty cash and shall 8443
report when requested the balance of petty cash on hand at any 8444
time. 8445

(7) Process orders, invoices, vouchers, claims, and payrolls 8446
and prepare financial reports and statements; 8447

(8) Perform extensions, reviews, and compliance checks prior 8448
to or after approving a payment as the director considers 8449
necessary; 8450

(9) Issue the official annual comprehensive ~~annual~~ financial 8451
report of the state. The report shall cover all funds of the state 8452
reporting entity and shall include basic financial statements and 8453
required supplementary information prepared in accordance with 8454
generally accepted accounting principles and other information as 8455
the director provides. All state agencies, authorities, 8456
institutions, offices, retirement systems, and other component 8457
units of the state reporting entity as determined by the director 8458
shall furnish the director whatever financial statements and other 8459
information the director requests for the report, in the form, at 8460
the times, covering the periods, and with the attestation the 8461
director prescribes. The information for state institutions of 8462

higher education, as defined in section 3345.011 of the Revised Code, shall be submitted to the chancellor of higher education by the ~~Ohio board~~ department of ~~regents~~ higher education. The ~~board~~ chancellor shall establish a due date by which each such institution shall submit the information to the ~~board~~ department, but no such date shall be later than one hundred twenty days after the end of the state fiscal year unless a later date is approved by the director.

(B) In addition to the director's duties under division (A) of this section, the director may establish and administer one or more payment card programs that permit state agencies and political subdivisions to use a payment card to purchase equipment, materials, supplies, or services in accordance with guidelines issued by the director. The chief administrative officer of a state agency or political subdivision that uses a payment card for such purposes shall ensure that purchases made with the card are made in accordance with the guidelines issued by the director. State agencies may participate in only those payment card programs that the director establishes pursuant to this section.

(C) In addition to the director's duties under divisions (A) and (B) of this section, the director may enter into any contract or agreement necessary for and incidental to the performance of the director's duties or the duties of the office of budget and management.

(D) In addition to the director's duties under divisions (A), (B), and (C) of this section, the director may operate a shared services center within the office of budget and management for the purpose of consolidating common business functions and transactional processes. The services offered by the shared services center may be provided to any state agency or political subdivision. In consultation with the director of administrative

services, the director may appoint and fix the compensation of 8495
employees of the office whose primary duties include the 8496
consolidation of common business functions and transactional 8497
processes. 8498

(E) The director may transfer cash between funds other than 8499
the general revenue fund in order to correct an erroneous payment 8500
or deposit regardless of the fiscal year during which the 8501
erroneous payment or deposit occurred. 8502

(F) As used in divisions (B) and (D) of this section: 8503

(1) "Political subdivision" has the same meaning as in 8504
section 2744.01 of the Revised Code. 8505

(2) "State agency" has the same meaning as in section 9.482 8506
of the Revised Code. 8507

Sec. 126.25. The services provided by the director of budget 8508
and management under ~~section~~ sections 126.21 and 126.42 of the 8509
Revised Code shall be supported by charges. The director shall 8510
determine a rate that is sufficient to defray the expense of those 8511
services and the manner by which those charges shall be collected. 8512
All money collected from the charges shall be deposited in the 8513
state treasury to the credit of the accounting and budgeting fund, 8514
which is hereby created. Rebates or revenue shares received from 8515
any payment card program established under division (B) of section 8516
126.21 of the Revised Code and miscellaneous payments that 8517
reimburse expenses paid from the accounting and budgeting fund may 8518
be deposited into the accounting and budgeting fund and used to 8519
support the services provided by the director. 8520

Sec. 126.30. (A) Any state agency that purchases, leases, or 8521
otherwise acquires any equipment, materials, goods, supplies, or 8522
services from any person and fails to make payment for the 8523
equipment, materials, goods, supplies, or services by the required 8524

payment date shall pay an interest charge to the person in 8525
accordance with division (E) of this section, unless the amount of 8526
the interest charge is less than ten dollars. Except as otherwise 8527
provided in division (B), (C), or (D) of this section, the 8528
required payment date shall be the date on which payment is due 8529
under the terms of a written agreement between the state agency 8530
and the person or, if a specific payment date is not established 8531
by such a written agreement, the required payment date shall be 8532
thirty days after the state agency receives a proper invoice for 8533
the amount of the payment due. 8534

(B) If the invoice submitted to the state agency contains a 8535
defect or impropriety, the agency shall send written notification 8536
to the person within fifteen days after receipt of the invoice. 8537
The notice shall contain a description of the defect or 8538
impropriety and any additional information necessary to correct 8539
the defect or impropriety. If the agency sends such written 8540
notification to the person, the required payment date shall be 8541
thirty days after the state agency receives a proper invoice. 8542

(C) In applying this section to claims submitted to the 8543
department of job and family services by providers of equipment, 8544
materials, goods, supplies, or services, the required payment date 8545
shall be the date on which payment is due under the terms of a 8546
written agreement between the department and the provider. If a 8547
specific payment date is not established by a written agreement, 8548
the required payment date shall be thirty days after the 8549
department receives a proper claim. If the department determines 8550
that the claim is improperly executed or that additional evidence 8551
of the validity of the claim is required, the department shall 8552
notify the claimant in writing or by telephone within fifteen days 8553
after receipt of the claim. The notice shall state that the claim 8554
is improperly executed and needs correction or that additional 8555
information is necessary to establish the validity of the claim. 8556

If the department makes such notification to the provider, the 8557
required payment date shall be thirty days after the department 8558
receives the corrected claim or such additional information as may 8559
be necessary to establish the validity of the claim. 8560

(D) In applying this section to invoices submitted to the 8561
bureau of workers' compensation for equipment, materials, goods, 8562
supplies, or services provided to employees in connection with an 8563
employee's claim against the state insurance fund, the public 8564
work-relief employees' compensation fund, the coal-workers 8565
pneumoconiosis fund, or the marine industry fund as compensation 8566
for injuries or occupational disease pursuant to Chapter 4123., 8567
4127., or 4131. of the Revised Code, the required payment date 8568
shall be the date on which payment is due under the terms of a 8569
written agreement between the bureau and the provider. If a 8570
specific payment date is not established by a written agreement, 8571
the required payment date shall be thirty days after the bureau 8572
receives a proper invoice for the amount of the payment due or 8573
thirty days after the final adjudication allowing payment of an 8574
award to the employee, whichever is later. Nothing in this section 8575
shall supersede any faster timetable for payments to health care 8576
providers contained in sections 4121.44 and 4123.512 of the 8577
Revised Code. 8578

For purposes of this division, a "proper invoice" includes 8579
the claimant's name, claim number and date of injury, employer's 8580
name, the provider's name and address, the provider's assigned 8581
payee number, a description of the equipment, materials, goods, 8582
supplies, or services provided by the provider to the claimant, 8583
the date provided, and the amount of the charge. If more than one 8584
item of equipment, materials, goods, supplies, or services is 8585
listed by a provider on a single application for payment, each 8586
item shall be considered separately in determining if it is a 8587
proper invoice. 8588

If prior to a final adjudication the bureau determines that 8589
the invoice contains a defect, the bureau shall notify the 8590
provider in writing at least fifteen days prior to what would be 8591
the required payment date if the invoice did not contain a defect. 8592
The notice shall contain a description of the defect and any 8593
additional information necessary to correct the defect. If the 8594
bureau sends a notification to the provider, the required payment 8595
date shall be redetermined in accordance with this division after 8596
the bureau receives a proper invoice. 8597

For purposes of this division, "final adjudication" means the 8598
later of the date of the decision or other action by the bureau, 8599
the industrial commission, or a court allowing payment of the 8600
award to the employee from which there is no further right to 8601
reconsideration or appeal that would require the bureau to 8602
withhold compensation and benefits, or the date on which the 8603
rights to reconsideration or appeal have expired without an 8604
application therefor having been filed or, if later, the date on 8605
which an application for reconsideration or appeal is withdrawn. 8606
If after final adjudication, the administrator of the bureau of 8607
workers' compensation or the industrial commission makes a 8608
modification with respect to former findings or orders, pursuant 8609
to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant 8610
to court order, the adjudication process shall no longer be 8611
considered final for purposes of determining the required payment 8612
date for invoices for equipment, materials, goods, supplies, or 8613
services provided after the date of the modification when the 8614
propriety of the invoices is affected by the modification. 8615

(E) The interest charge on amounts due shall be paid to the 8616
person for the period beginning on the day after the required 8617
payment date and ending on the day that payment of the amount due 8618
is made. The amount of the interest charge that remains unpaid at 8619
the end of any thirty-day period after the required payment date, 8620

including amounts under ten dollars, shall be added to the 8621
principal amount of the debt and thereafter the interest charge 8622
shall accrue on the principal amount of the debt plus the added 8623
interest charge. The interest charge shall be at the rate per 8624
calendar month that equals one-twelfth of the rate per annum 8625
prescribed by section 5703.47 of the Revised Code for the calendar 8626
year that includes the month for which the interest charge 8627
accrues. 8628

(F) No appropriations shall be made for the payment of any 8629
interest charges required by this section. Any state agency 8630
required to pay interest charges under this section shall make the 8631
payments from moneys available for the administration of agency 8632
programs. 8633

If a state agency pays interest charges under this section, 8634
but determines that all or part of the interest charges should 8635
have been paid by another state agency, the state agency that paid 8636
the interest charges may request the attorney general to determine 8637
the amount of the interest charges that each state agency should 8638
have paid under this section. If the attorney general determines 8639
that the state agency that paid the interest charges should have 8640
paid none or only a part of the interest charges, the attorney 8641
general shall notify the state agency that paid the interest 8642
charges, any other state agency that should have paid all or part 8643
of the interest charges, and the director of budget and management 8644
of the attorney general's decision, stating the amount of interest 8645
charges that each state agency should have paid. The director 8646
shall transfer from the appropriate funds of any other state 8647
agency that should have paid all or part of the interest charges 8648
to the appropriate funds of the state agency that paid the 8649
interest charges an amount necessary to implement the attorney 8650
general's decision. 8651

(G) ~~Not later than forty five days after the end of each~~ 8652

~~fiscal year, each state agency shall file with the The director of 8653
budget and management a detailed report concerning the interest 8654
charges the agency paid under this section during the previous 8655
fiscal year. The report shall include the number, amounts, and 8656
frequency of interest charges the agency incurred during the 8657
previous fiscal year and the reasons why the interest charges were 8658
not avoided by payment prior to the required payment date. The 8659
director shall compile a summary of all the reports submitted 8660
under this division interest charges paid under this section 8661
during the previous fiscal year and shall submit a copy of the 8662
summary to the president and minority leader of the senate and to 8663
the speaker and minority leader of the house of representatives no 8664
later than the thirtieth day of September of each year. 8665~~

Sec. ~~125.22~~ 126.42. (A) ~~The department of administrative 8666
services Notwithstanding any provision of law to the contrary, the 8667
office of budget and management shall establish the central 8668
~~service agency to~~ perform routine support for the following boards 8669
and commissions: 8670~~

(1) Architects board; 8671

(2) State chiropractic board; 8672

(3) State cosmetology and barber board; 8673

(4) Accountancy board; 8674

(5) State dental board; 8675

(6) Ohio occupational therapy, physical therapy, and athletic 8676
trainers board; 8677

(7) State board of registration for professional engineers 8678
and surveyors; 8679

(8) Board of embalmers and funeral directors; 8680

(9) State board of psychology; 8681

(10) Counselor, social worker, and marriage and family therapist board;	8682
	8683
(11) State veterinary medical licensing board;	8684
(12) Commission on Hispanic-Latino affairs;	8685
(13) Ohio commission on African-American males;	8686
(14) Chemical dependency professionals board;	8687
(15) State vision professionals board;	8688
(16) State speech and hearing professionals board.	8689
(B)(1) Notwithstanding any other <u>For purposes of this</u> section	8690
of the Revised Code, the agency shall perform the following	8691
routine support services for the boards and commissions named in	8692
division (A) of this section unless the controlling board exempts	8693
a board or commission from this requirement on the recommendation	8694
of the director of administrative services <u>include the following:</u>	8695
(a) Preparing and processing payroll and other personnel documents;	8696
	8697
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	8698
	8699
(c) Maintaining ledgers of accounts and balances;	8700
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	8701
	8702
(e) <u>Routine human resources and personnel services;</u>	8703
(f) <u>Other routine support services that the director of</u>	8704
administrative services <u>budget and management</u> considers	8705
appropriate to achieve efficiency.	8706
(2) The agency <u>In addition to the routine support services</u>	8707
<u>listed in division (B)(1) of this section, the office of budget</u>	8708
<u>and management</u> may perform other services which a board or	8709
commission named in division (A) of this section delegates to the	8710

agency office and the agency office accepts. 8711

(3) The agency office of budget and management may perform 8712
~~any service~~ routine support services for any professional or 8713
occupational licensing board or commission not named in division 8714
(A) of this section ~~or any commission if at the request of the~~ 8715
board or commission ~~requests such service and the agency accepts.~~ 8716

~~(C) The director of administrative services shall be the~~ 8717
~~appointing authority for the agency.~~ 8718

~~(D) The agency office of budget and management shall~~ 8719
determine the fees to be charged to the boards and commissions, 8720
which shall be in proportion to the services performed for each 8721
board or commission. 8722

~~(E) Each board or commission named in division (A) of this~~ 8723
~~section and any other board or commission requesting services from~~ 8724
~~the agency shall pay these fees to the agency from the general~~ 8725
~~revenue fund maintenance account of the board or commission or~~ 8726
~~from such other fund as the operating expenses of the board or~~ 8727
~~commission are paid. Any amounts set aside for a fiscal year by a~~ 8728
~~board or commission to allow for the payment of fees shall be used~~ 8729
~~only for the services performed by the agency in that fiscal year.~~ 8730
~~All receipts collected by the agency shall be deposited in the~~ 8731
~~state treasury to the credit of the central service agency fund,~~ 8732
~~which is hereby created. All expenses incurred by the agency in~~ 8733
~~performing services for the boards or commissions shall be paid~~ 8734
~~from the fund.~~ 8735

~~(F) Nothing in this section shall be construed as a grant of~~ 8736
~~authority for the central service agency to initiate or deny~~ 8737
~~personnel or fiscal actions for the boards and commissions.~~ 8738

Sec. 126.46. (A)(1) There is hereby created the state audit 8739
committee, consisting of the following five members: one public 8740

member appointed by the governor; two public members appointed by 8741
the speaker of the house of representatives, one of which may be a 8742
person who is recommended by the minority leader of the house of 8743
representatives; and two public members appointed by the president 8744
of the senate, one of which may be a person who is recommended by 8745
the minority leader of the senate. Not more than two of the four 8746
members appointed by the speaker of the house of representatives 8747
and the president of the senate shall belong to or be affiliated 8748
with the same political party. The member appointed by the 8749
governor shall have the program and management expertise required 8750
to perform the duties of the committee's chairperson. 8751

Each member of the committee shall be external to the 8752
management structure of state government and shall serve a 8753
three-year term. Each term shall commence on the first day of July 8754
and end on the thirtieth day of June. Any member may continue in 8755
office subsequent to the expiration date of the member's term 8756
until the member's successor takes office or until a period of 8757
ninety days has elapsed, whichever occurs first. Members may be 8758
reappointed to serve one additional term. 8759

On September 29, 2011, the terms of the members shall be 8760
altered as follows: 8761

(a) The terms of the members appointed by the president shall 8762
expire on June 30, 2012. 8763

(b) The term of the member appointed by the speaker scheduled 8764
to expire on November 17, 2012, shall expire on June 30, 2013. 8765

(c) The term of the other member appointed by the speaker 8766
shall expire on June 30, 2014. 8767

(d) The term of the member appointed by the governor shall 8768
expire on June 30, 2014. 8769

The committee shall include at least one member who is a 8770
financial expert; at least one member who is an active, inactive, 8771

or retired certified public accountant; at least one member who is 8772
familiar with governmental financial accounting; at least one 8773
member who is familiar with information technology systems and 8774
services; and at least one member who is a representative of the 8775
public. 8776

Any vacancy on the committee shall be filled in the same 8777
manner as provided in this division, and, when applicable, the 8778
person appointed to fill a vacancy shall serve the remainder of 8779
the predecessor's term. 8780

(2) Members of the committee shall receive reimbursement for 8781
actual and necessary expenses incurred in the discharge of their 8782
duties. 8783

(3) The member of the committee appointed by the governor 8784
shall serve as the committee's chairperson. 8785

(4) Members of the committee shall be subject to the 8786
disclosure statement requirements of section 102.02 of the Revised 8787
Code. 8788

(B) The state audit committee shall do all of the following: 8789

(1) Evaluate whether the internal audits directed by the 8790
office of internal audit in the office of budget and management 8791
conform to the institute of internal auditors' international 8792
professional practices framework for internal auditing and to the 8793
institute of internal auditors' code of ethics; 8794

(2) Review and comment on the process used by the office of 8795
budget and management to prepare the state's annual comprehensive 8796
~~annual~~ financial report required under division (A)(9) of section 8797
126.21 of the Revised Code; 8798

(3) Review and comment on unaudited financial statements 8799
submitted to the auditor of state and communicate with external 8800
auditors as required by government auditing standards; 8801

(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code. 8802
8803

(C) As used in this section, "financial expert" means a person who has all of the following: 8804
8805

(1) An understanding of generally accepted accounting principles and financial statements; 8806
8807

(2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves; 8808
8809
8810

(3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities; 8811
8812
8813
8814
8815
8816

(4) An understanding of internal controls and procedures for financial reporting; and 8817
8818

(5) An understanding of audit committee functions. 8819

Sec. 126.62. (A) The investing in all Ohio future fund is hereby created in the state treasury. Moneys The fund shall consist of money credited to it and any donations, gifts, bequests, or other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. Money in the fund shall be used to provide financial assistance through loans, grants, or other incentives that promote economic development throughout the state, including, but not limited to, the following activities: 8820
8821
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(1) Projects to prepare sites for economic development by supporting necessary infrastructure improvements, wetland mitigation measures, and other one-time site enhancements; 8829
8830
8831

(2) Efforts to attract new business, workforce, and residents 8832
to the state; 8833

(3) Efforts to expand and advance business, workforce, and 8834
community and economic development opportunities across the state. 8835

(B) Notwithstanding section 4313.02 of the Revised Code or 8836
any other provision of law to the contrary, the director of budget 8837
and management may credit the all Ohio future fund with a portion 8838
or all of any deferred payments, as defined in the transfer 8839
agreement entered into pursuant to section 4313.02 of the Revised 8840
Code by the state and the nonprofit corporation formed under 8841
section 187.01 of the Revised Code. 8842

(C) Notwithstanding section 1509.02 of the Revised Code, if 8843
the director determines that sufficient cash is available in the 8844
oil and gas well fund created in that section, the director may 8845
transfer the cash that is in excess of need to the all Ohio future 8846
fund. Any money transferred from the oil and gas well fund shall 8847
be used for the purposes enumerated in division (A) of this 8848
section within the geographical regions of oil and gas production 8849
in the state. 8850

(D) Notwithstanding section 131.35 of the Revised Code, the 8851
controlling board may exceed the limitation in division (E) of 8852
that section to increase appropriation to the all Ohio future 8853
fund, provided that there is a sufficient cash balance in the fund 8854
to support the requested increase. 8855

(E) No money shall be expended from the all Ohio future fund, 8856
pursuant to appropriation, until it has been released by the 8857
controlling board. 8858

Sec. 127.16. (A) Upon the request of either a state agency or 8859
the director of budget and management and after the controlling 8860
board determines that an emergency or a sufficient economic reason 8861

exists, the controlling board may approve the making of a purchase 8862
without competitive selection as provided in division (B) of this 8863
section. 8864

(B) Except as otherwise provided in this section, no state 8865
agency, using money that has been appropriated to it directly, 8866
shall: 8867

~~(1) Make make any purchase or lease real estate from a 8868
particular supplier, that would amount to fifty thousand dollars 8869
or more when combined with both the amount of all disbursements to 8870
the supplier during the fiscal year for purchases made or real 8871
estate leases by the agency and the amount of all outstanding 8872
encumbrances for purchases made by the agency from the supplier 8873
would equal or exceed the following amount, unless the purchase is 8874
made by competitive selection or with the approval of the 8875
controlling board:~~ 8876

~~(2) Lease real estate from a particular supplier, if the 8877
lease would amount to seventy five thousand dollars or more when 8878
combined with both the amount of all disbursements to the supplier 8879
during the fiscal year for real estate leases made by the agency 8880
and the amount of all outstanding encumbrances for real estate 8881
leases made by the agency from the supplier, unless the lease is 8882
made by competitive selection or with the approval of the 8883
controlling board:~~ 8884

(1) For fiscal year 2024, one hundred thousand dollars; 8885

(2) For each fiscal year thereafter, the amount for the 8886
previous fiscal year increased by either three and one-half per 8887
cent or the rate of inflation, whichever is greater. 8888

(C) Any person who authorizes a purchase in violation of 8889
division (B) of this section shall be liable to the state for any 8890
state funds spent on the purchase, and the attorney general shall 8891

collect the amount from the person. 8892

(D) Nothing in division (B) of this section shall be 8893
construed as: 8894

(1) A limitation upon the authority of the director of 8895
transportation as granted in sections 5501.17, 5517.02, and 8896
5525.14 of the Revised Code; 8897

(2) Applying to medicaid provider agreements under the 8898
medicaid program; 8899

(3) Applying to the purchase of examinations from a sole 8900
supplier by a state licensing board under Title XLVII of the 8901
Revised Code; 8902

(4) Applying to entertainment contracts for the Ohio state 8903
fair entered into by the Ohio expositions commission, provided 8904
that the controlling board has given its approval to the 8905
commission to enter into such contracts and has approved a total 8906
budget amount for such contracts as agreed upon by commission 8907
action, and that the commission causes to be kept itemized records 8908
of the amounts of money spent under each contract and annually 8909
files those records with the clerk of the house of representatives 8910
and the clerk of the senate following the close of the fair; 8911

(5) Limiting the authority of the chief of the division of 8912
mineral resources management to contract for reclamation work with 8913
an operator mining adjacent land as provided in section 1513.27 of 8914
the Revised Code; 8915

(6) Applying to investment transactions and procedures of any 8916
state agency, except that the agency shall file with the board the 8917
name of any person with whom the agency contracts to make, broker, 8918
service, or otherwise manage its investments, as well as the 8919
commission, rate, or schedule of charges of such person with 8920
respect to any investment transactions to be undertaken on behalf 8921
of the agency. The filing shall be in a form and at such times as 8922

the board considers appropriate.	8923
(7) Applying to purchases made with money for the per cent	8924
for arts program established by section 3379.10 of the Revised	8925
Code;	8926
(8) Applying to purchases made by the opportunities for	8927
Ohioans with disabilities agency of services, or supplies, that	8928
are provided to persons with disabilities, or to purchases made by	8929
the agency in connection with the eligibility determinations it	8930
makes for applicants of programs administered by the social	8931
security administration;	8932
(9) Applying to payments by the department of medicaid under	8933
section 5164.85 of the Revised Code for group health plan	8934
premiums, deductibles, coinsurance, and other cost-sharing	8935
expenses;	8936
(10) Applying to any agency of the legislative branch of the	8937
state government;	8938
(11) Applying to agreements or contracts entered into under	8939
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	8940
Revised Code;	8941
(12) Applying to purchases of services by the adult parole	8942
authority under section 2967.14 of the Revised Code or by the	8943
department of youth services under section 5139.08 of the Revised	8944
Code;	8945
(13) Applying to dues or fees paid for membership in an	8946
organization or association;	8947
(14) Applying to purchases of utility services pursuant to	8948
section 9.30 of the Revised Code;	8949
(15) Applying to purchases made in accordance with rules	8950
adopted by the department of administrative services of motor	8951
vehicle, aviation, or watercraft fuel, or emergency repairs of	8952

such vehicles;	8953
(16) Applying to purchases of tickets for passenger air transportation;	8954 8955
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	8956 8957 8958
(18) Applying to the judicial branch of state government;	8959
(19) Applying to purchases of liquor for resale by the division of liquor control;	8960 8961
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	8962 8963 8964
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	8965 8966 8967 8968
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	8969 8970 8971
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;	8972 8973 8974
(24) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	8975 8976 8977
(25) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	8978 8979 8980 8981 8982

(26) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;	8983 8984 8985
(27) Applying to payments made by the department of mental health and addiction services under a physician recruitment program authorized by section 5119.185 of the Revised Code;	8986 8987 8988
(28) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (G) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	8989 8990 8991 8992 8993 8994
(29) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	8995 8996 8997 8998 8999
(30) Applying to the department of medicaid's purchases of health assistance services under the children's health insurance program;	9000 9001 9002
(31) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	9003 9004 9005 9006
(32) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	9007 9008 9009
(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	9010 9011 9012 9013

(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	9014 9015 9016 9017
(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	9018 9019
(36) Applying to contracts entered into under section 5160.12 of the Revised Code;	9020 9021
(37) Applying to payments to the Ohio history connection from other state agencies;	9022 9023
<u>(38) Applying to the renewed or maintenance of a previous purchase of information technology supplies or services made within the last six fiscal years by competitive selection or with the approval of the controlling board;</u>	9024 9025 9026 9027
<u>(39) Applying to purchases made by the department of education from an educational service center.</u>	9028 9029
(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, all of the following purchases by such agency shall not be considered:	9030 9031 9032 9033
(1) Purchases made through competitive selection or with controlling board approval;	9034 9035
(2) Purchases listed in division (D) of this section;	9036
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.	9037 9038
(F) <u>A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.</u>	9039 9040 9041 9042
<u>(G) As used in this section, "competitive:</u>	9043

(1) "Competitive selection," "direct purchasing authority," 9044
"purchase," "supplies," and "services" have the same meanings as 9045
in section 125.01 of the Revised Code. 9046

(2) "Rate of inflation" has the same meaning as in section 9047
107.032 of the Revised Code. 9048

Sec. 131.02. (A) Except as otherwise provided in section 9049
4123.37, section 5703.061, and division (K) of section 4123.511 of 9050
the Revised Code, whenever any amount is payable to the state, the 9051
officer, employee, or agent responsible for administering the law 9052
under which the amount is payable shall immediately proceed to 9053
collect the amount or cause the amount to be collected and shall 9054
pay the amount into the state treasury or into the appropriate 9055
custodial fund in the manner set forth pursuant to section 113.08 9056
of the Revised Code. Except as otherwise provided in this 9057
division, if the amount is not paid within forty-five days after 9058
payment is due, the officer, employee, or agent shall certify the 9059
amount due to the attorney general, in the form and manner 9060
~~prescribed by the attorney general, and notify the director of~~ 9061
~~budget and management thereof.~~ In the case of an amount payable by 9062
a student enrolled in a state institution of higher education, the 9063
amount shall be certified within the later of forty-five days 9064
after the amount is due or the tenth day after the beginning of 9065
the next academic semester, quarter, or other session following 9066
the session for which the payment is payable. The attorney general 9067
may assess the collection cost to the amount certified in such 9068
manner and amount as prescribed by the attorney general. If an 9069
amount payable to a political subdivision is past due, the 9070
political subdivision may, with the approval of the attorney 9071
general, certify the amount to the attorney general pursuant to 9072
this section. 9073

For the purposes of this section, the attorney general and 9074

the officer, employee, or agent responsible for administering the 9075
law under which the amount is payable shall agree on the time a 9076
payment is due, and that agreed upon time shall be one of the 9077
following times: 9078

(1) If a law, including an administrative rule, of this state 9079
prescribes the time a payment is required to be made or reported, 9080
when the payment is required by that law to be paid or reported. 9081

(2) If the payment is for services rendered, when the 9082
rendering of the services is completed. 9083

(3) If the payment is reimbursement for a loss, when the loss 9084
is incurred. 9085

(4) In the case of a fine or penalty for which a law or 9086
administrative rule does not prescribe a time for payment, when 9087
the fine or penalty is first assessed. 9088

(5) If the payment arises from a legal finding, judgment, or 9089
adjudication order, when the finding, judgment, or order is 9090
rendered or issued. 9091

(6) If the payment arises from an overpayment of money by the 9092
state to another person, when the overpayment is discovered. 9093

(7) The date on which the amount for which an individual is 9094
personally liable under section 5735.35, section 5739.33, or 9095
division (G) of section 5747.07 of the Revised Code is determined. 9096

(8) Upon proof of claim being filed in a bankruptcy case. 9097

(9) Any other appropriate time determined by the attorney 9098
general and the officer, employee, or agent responsible for 9099
administering the law under which the amount is payable on the 9100
basis of statutory requirements or ordinary business processes of 9101
the agency, institution, or political subdivision to which the 9102
payment is owed. 9103

(B)(1) The attorney general shall give immediate notice by 9104

mail or otherwise to the party indebted of the nature and amount 9105
of the indebtedness. 9106

(2) If the amount payable to this state arises from a tax 9107
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 9108
Revised Code, the notice also shall specify all of the following: 9109

(a) The assessment or case number; 9110

(b) The tax pursuant to which the assessment is made; 9111

(c) The reason for the liability, including, if applicable, 9112
that a penalty or interest is due; 9113

(d) An explanation of how and when interest will be added to 9114
the amount assessed; 9115

(e) That the attorney general and tax commissioner, acting 9116
together, have the authority, but are not required, to compromise 9117
the claim and accept payment over a reasonable time, if such 9118
actions are in the best interest of the state. 9119

(C) The attorney general shall collect the claim or secure a 9120
judgment and issue an execution for its collection. 9121

(D) Each claim shall bear interest, from the day on which the 9122
claim became due, at the rate per annum required by section 9123
5703.47 of the Revised Code. 9124

(E) The attorney general and the chief officer of the agency 9125
reporting a claim, acting together, may do any of the following if 9126
such action is in the best interests of the state: 9127

(1) Compromise the claim; 9128

(2) Extend for a reasonable period the time for payment of 9129
the claim by agreeing to accept monthly or other periodic 9130
payments. The agreement may require security for payment of the 9131
claim. 9132

(3) Add fees to recover the cost of processing checks or 9133

other draft instruments returned for insufficient funds and the 9134
cost of providing electronic payment options. 9135

(F)(1) Except as provided in division (F)(2) of this section, 9136
if the attorney general finds, after investigation, that any claim 9137
due and owing to the state is uncollectible, the attorney general, 9138
with the consent of the chief officer of the agency reporting the 9139
claim, may do the following: 9140

(a) Sell, convey, or otherwise transfer the claim to one or 9141
more private entities for collection; 9142

(b) Cancel the claim or cause it to be canceled. 9143

(2) The attorney general shall cancel or cause to be canceled 9144
an unsatisfied claim on the date that is forty years after the 9145
date the claim is certified, unless the attorney general has 9146
adopted a rule under division (F)(5) of this section shortening 9147
this time frame with respect to a subset of claims. 9148

(3) No initial action shall be commenced to collect any tax 9149
payable to the state that is administered by the tax commissioner, 9150
whether or not such tax is subject to division (B) of this 9151
section, or any penalty, interest, or additional charge on such 9152
tax, after the expiration of the period ending on the later of the 9153
dates specified in divisions (F)(3)(a) and (b) of this section, 9154
provided that such period shall be extended by the period of any 9155
stay to such collection or by any other period to which the 9156
parties mutually agree. If the initial action in aid of execution 9157
is commenced before the later of the dates specified in divisions 9158
(F)(3)(a) and (b) of this section, any and all subsequent actions 9159
may be pursued in aid of execution of judgment for as long as the 9160
debt exists. 9161

(a) Seven years after the assessment of the tax, penalty, 9162
interest, or additional charge is issued. 9163

(b) Four years after the assessment of the tax, penalty, 9164

interest, or additional charge becomes final. For the purposes of 9165
division (F)(3)(b) of this section, the assessment becomes final 9166
at the latest of the following: upon expiration of the period to 9167
petition for reassessment, or if applicable, to appeal a final 9168
determination of the commissioner or decision of the board of tax 9169
appeals or a court, or, if applicable, upon decision of the United 9170
States supreme court. 9171

For the purposes of division (F)(3) of this section, an 9172
initial action to collect a tax debt is commenced at the time when 9173
a certified copy of the tax commissioner's entry making an 9174
assessment final has been filed in the office of the clerk of 9175
court of common pleas in the county in which the taxpayer resides 9176
or has its principal place of business in this state, or in the 9177
office of the clerk of court of common pleas of Franklin county, 9178
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 9179
the Revised Code or in any other applicable law requiring such a 9180
filing. If an assessment has not been issued and there is no time 9181
limitation on the issuance of an assessment under applicable law, 9182
an action to collect a tax debt commences when the action is filed 9183
in the courts of this state to collect the liability. 9184

(4) If information contained in a claim that is sold, 9185
conveyed, or transferred to a private entity pursuant to this 9186
section is confidential pursuant to federal law or a section of 9187
the Revised Code that implements a federal law governing 9188
confidentiality, such information remains subject to that law 9189
during and following the sale, conveyance, or transfer. 9190

(5) The attorney general may adopt rules to aid in the 9191
implementation of this section. 9192

Sec. 131.51. (A) On or before the seventh day of each month, 9193
the director of budget and management shall credit to the local 9194
government fund one and ~~sixty-six one hundredths~~ seven-tenths per 9195

cent of the total tax revenue credited to the general revenue fund 9196
during the preceding month. In determining the total tax revenue 9197
credited to the general revenue fund during the preceding month, 9198
the director shall include amounts transferred from the fund 9199
during the preceding month under this division and division (B) of 9200
this section. Money shall be distributed from the local government 9201
fund as required under sections 5747.50 and 5747.503 of the 9202
Revised Code during the same month in which it is credited to the 9203
fund. 9204

(B) On or before the seventh day of each month, the director 9205
of budget and management shall credit to the public library fund 9206
one and ~~sixty-six one-hundredths~~ seven-tenths per cent of the 9207
total tax revenue credited to the general revenue fund during the 9208
preceding month. In determining the total tax revenue credited to 9209
the general revenue fund during the preceding month, the director 9210
shall include amounts transferred from the fund during the 9211
preceding month under this division and division (A) of this 9212
section. Money shall be distributed from the public library fund 9213
as required under section 5747.47 of the Revised Code during the 9214
same month in which it is credited to the fund. 9215

(C) The director of budget and management shall develop a 9216
schedule identifying the specific tax revenue sources to be used 9217
to make the monthly transfers required under divisions (A) and (B) 9218
of this section. The director may, from time to time, revise the 9219
schedule as the director considers necessary. 9220

Sec. 145.201. (A) Subject to the limit described in division 9221
(C) of this section, any member who is or has been an elected 9222
official of the state or any political subdivision thereof or has 9223
been appointed either by the governor with the advice and consent 9224
of the senate or directly by the speaker of the house of 9225
representatives or president of the senate to serve full-time as a 9226

member of a board, commission, or other public body may at any 9227
time prior to retirement purchase additional service credit in an 9228
amount not to exceed thirty-five per cent of the service credit 9229
allowed the member for the period of service as an elected or 9230
appointed official subsequent to January 1, 1935, other than 9231
credit for military service, part-time service, and service 9232
subject to the tax on wages imposed by the "Federal Insurance 9233
Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as 9234
amended. 9235

For each year of additional service credit purchased under 9236
this section, the member shall pay into the employees' savings 9237
fund an amount specified by the public employees retirement board 9238
that is equal to one hundred per cent of the additional liability 9239
resulting from the purchase of that year or portion of a year of 9240
credit as determined by an actuary employed by the board. The 9241
member shall receive full credit for such additional elective 9242
service in computing an allowance or benefit under section 145.33, 9243
145.331, 145.332, 145.36, 145.361, or 145.46 of the Revised Code, 9244
notwithstanding any other provision of this chapter. The payment 9245
to the employees' savings fund, and payments made to the 9246
employers' accumulation fund prior to ~~the effective date of this~~ 9247
~~amendment~~ January 7, 2013, for such additional elective service 9248
credit shall, in the event of death or withdrawal from service, be 9249
considered as accumulated contributions of the member. 9250

The board may determine by rule what constitutes full- or 9251
part-time service for purposes of this section. 9252

(B) Notwithstanding division (A) of this section, a member 9253
who purchased service credit under this section prior to January 9254
1, 1980, on the basis of part-time service shall be permitted to 9255
retain the credit and shall be given full credit for it in 9256
computing an allowance or benefit under section 145.33, 145.331, 9257
145.332, 145.36, 145.361, or 145.46 of the Revised Code. The 9258

public employees retirement board has no authority to cancel or 9259
rescind such credit. 9260

(C) A purchase made under this section shall not exceed the 9261
limits established by division (n) of section 415 of the "Internal 9262
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 9263
amended. 9264

(D) Subject to rules adopted by the public employees 9265
retirement board, a member who has purchased service credit under 9266
this section is entitled to be refunded all or a portion of the 9267
actual amount the member paid for the service credit if, in 9268
computing an age and service retirement allowance under division 9269
(A) of section 145.33 or section 145.332 of Revised Code, the 9270
allowance exceeds a limit established by either of those sections. 9271

A refund under this division cancels the equivalent amount of 9272
service credit. 9273

Sec. 149.309. (A) The Ohio commission for the United States 9274
semiquincentennial is established to plan, encourage, develop, and 9275
coordinate the commemoration of the two hundred fiftieth 9276
anniversary of the founding of the United States and the impact of 9277
Ohioans on the nation's past, present, and future. 9278

(B) The commission shall consist of the following twenty-nine 9279
members: 9280

(1) Two members of the senate appointed by the president of 9281
the senate, one of whom shall be recommended by the minority 9282
leader of the senate; 9283

(2) Two members of the house of representatives appointed by 9284
the speaker of the house of representatives, one of whom shall be 9285
recommended by the minority leader of the house of 9286
representatives; 9287

(3) The governor or the governor's designee; 9288

(4) The chief justice of the supreme court of Ohio;	9289
(5) The president of the board of trustees of the Ohio history connection;	9290 9291
(6) The president of the Ohio local history alliance's designee;	9292 9293
(7) The president of the Ohio county commissioners association's designee;	9294 9295
(8) The chairperson of the board of the Ohio arts council;	9296
(9) The director of TourismOhio <u>the state marketing office in the department of development</u> ;	9297 9298
(10) The executive director of the Ohio travel association;	9299
(11) Seventeen members who are private citizens, of whom:	9300
(a) Eight shall be appointed by the governor;	9301
(b) Four shall be appointed by the president of the senate, two of whom shall be recommended by the minority leader of the senate;	9302 9303 9304
(c) Four shall be appointed by the speaker of the house of representatives, two of whom shall be recommended by the minority leader of the house of representatives;	9305 9306 9307
(d) One shall be appointed by the chief justice of the supreme court of Ohio.	9308 9309
(C) The governor shall designate one of the private citizen members as the chairperson of the commission and a different private citizen member as the vice chairperson of the commission.	9310 9311 9312
The executive director or the deputy executive director of the Ohio history connection shall serve as the secretary of the commission and shall be an ex officio, nonvoting member of the commission.	9313 9314 9315 9316
(D) A member shall be appointed for the duration of the	9317

commission, so long as the member continues to hold the office 9318
that entitled the member to the position on the commission. A 9319
vacancy on the commission shall be filled in the same manner as 9320
the original appointment. The members of the commission shall 9321
receive no compensation for service on the commission, except for 9322
reimbursement for reasonable travel expenses. 9323

(E) Meetings of the commission shall be held throughout this 9324
state at times and locations determined by the chairperson. A 9325
majority of the members of the commission shall constitute a 9326
quorum, but a lesser number of members may hold hearings or 9327
meetings for the purpose of furthering the commission's work. 9328

(F) The commission shall do all of the following: 9329

(1) Plan, coordinate, and implement an overall program to 9330
build public awareness and foster public participation to 9331
celebrate and commemorate the two hundred fiftieth anniversary of 9332
the independence and founding of the United States; 9333

(2) Coordinate with all federal, state, and local agencies 9334
and private organizations on infrastructural improvements and 9335
projects or programs to welcome and encourage regional, national, 9336
and international tourists; 9337

(3) Establish and maintain an official web site that is 9338
available and accessible to the public. 9339

(G) In preparing plans and an overall program, the commission 9340
shall do all of the following: 9341

(1) Give due consideration to related plans and programs 9342
developed by federal, other state, local, and private groups; 9343

(2) Conduct extensive public engagement throughout this state 9344
to develop programs of its own or with or by other agencies, 9345
communities, or organizations that may take place to mark the 9346
semiquincentennial by December 31, 2026; 9347

(3) Aim to involve and showcase all counties in this state; 9348

(4) Draw attention to the achievements, struggles, honors, 9349
innovations, and significance of all people in this state since 9350
before its founding to the present day. 9351

(H) The commission may designate special committees with 9352
representatives from stakeholding groups to plan, develop, and 9353
coordinate specific activities. 9354

(I)(1) Not later than September 30, 2022, the commission 9355
shall submit to the governor and the general assembly a 9356
comprehensive report that includes the specific recommendations of 9357
the commission for the commemoration of the two hundred fiftieth 9358
anniversary of the independence and founding of the United States 9359
and related events, as well as a timeline of the plans and overall 9360
program and estimates of all costs associated with the plans and 9361
overall program. 9362

(2) The report may include recommendations for the following: 9363

(a) Improvements to the infrastructure of the state or for 9364
capital projects necessary for the successful delivery of the 9365
commission's plan and overall program; 9366

(b) Legislation needed to effectuate the plan and overall 9367
program. 9368

(3) The report shall be available on the commission's 9369
official web site. 9370

(4) The commission may, from time to time, expand upon or 9371
revise its initial report as events warrant. 9372

(J) The commission may secure directly from a state agency 9373
information as the commission considers necessary to carry out its 9374
duties. On the request of the chairperson of the commission or the 9375
commission's executive director, the head of a state agency shall 9376
provide the information to the commission. 9377

(K) The commission may accept, use, and dispose of gifts and 9378
donations of money, property, or personal services and may request 9379
personnel or other supportive resources from state agencies, local 9380
governments, and public universities. 9381

(L) As determined necessary by the commission, the commission 9382
may do any of the following: 9383

(1) Procure supplies, services, and property; 9384

(2) Take actions as are necessary to enable the commission to 9385
carry out efficiently and in the public interest the purpose of 9386
this section. 9387

(M)(1) The chairperson of the commission shall appoint an 9388
executive director who may, in turn, hire personnel as are 9389
necessary to enable the commission to perform its powers and 9390
duties. With approval from the commission, the executive director 9391
may authorize the Ohio history connection to enter into contracts 9392
with ~~venders~~ vendors and consultants to undertake work 9393
commensurate with the commission's public functions. All 9394
commission employees shall be employees of the Ohio history 9395
connection and shall be subject to its customary personnel 9396
policies and procedures. 9397

(2) The employment of an executive director shall be subject 9398
to confirmation by majority vote of the commission. 9399

(3) The commission, from time to time, may request operating 9400
and capital appropriations from the general assembly. Such 9401
appropriated money shall be received by the Ohio history 9402
connection and held for the use of the commission. Such money 9403
shall be audited annually in the ordinary manner and commensurate 9404
with the Ohio history connection's audit by the auditor of state. 9405

(N) Once each year on or before the thirty-first day of 9406
December, during the period beginning on ~~the effective date of~~ 9407
~~this section~~ September 30, 2021, through December 31, 2026, the 9408

commission shall submit to the governor and the general assembly a 9409
report of the activities of the commission, including a summary of 9410
funds received and expended during the year covered by the report, 9411
the outputs and outcomes achieved, and whether those achievements 9412
meet the commission's plan and overall program. The report shall 9413
be available on the commission's official web site. The commission 9414
shall publish a final report of its activities on or before June 9415
30, 2027. 9416

(O) The commission terminates on June 30, 2027. 9417

Sec. 149.311. (A) As used in this section: 9418

(1) "Historic building" means a building, including its 9419
structural components, that is located in this state and that is 9420
either individually listed on the national register of historic 9421
places under 16 U.S.C. 470a, located in a registered historic 9422
district, and certified by the state historic preservation officer 9423
as being of historic significance to the district, or is 9424
individually listed as an historic landmark designated by a local 9425
government certified under 16 U.S.C. 470a(c). 9426

(2) "Qualified rehabilitation expenditures" means 9427
expenditures paid or incurred during the rehabilitation period, 9428
and before and after that period as determined under 26 U.S.C. 47, 9429
by an owner or qualified lessee of an historic building to 9430
rehabilitate the building. "Qualified rehabilitation expenditures" 9431
includes architectural or engineering fees paid or incurred in 9432
connection with the rehabilitation, and expenses incurred in the 9433
preparation of nomination forms for listing on the national 9434
register of historic places. "Qualified rehabilitation 9435
expenditures" does not include any of the following: 9436

(a) The cost of acquiring, expanding, or enlarging an 9437
historic building; 9438

(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;	9439 9440 9441
(c) New building construction costs.	9442
(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.	9443 9444 9445 9446
(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.	9447 9448 9449 9450 9451
(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.	9452 9453 9454
(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.	9455 9456 9457 9458 9459
(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.	9460 9461 9462 9463 9464
(8) "Rehabilitation period" means one of the following:	9465
(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which	9466 9467 9468

rehabilitation occurs; 9469

(b) If the rehabilitation initially was planned to be 9470
completed in stages, a period chosen by the owner or qualified 9471
lessee not to exceed sixty months during which rehabilitation 9472
occurs. Each stage shall be reviewed as a phase of a 9473
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 9474
successor to that section. 9475

(9) "State historic preservation officer" or "officer" means 9476
the state historic preservation officer appointed by the governor 9477
under 16 U.S.C. 470a. 9478

(10) "Catalytic project" means the rehabilitation of an 9479
historic building, the rehabilitation of which will foster 9480
economic development within two thousand five hundred feet of the 9481
historic building. 9482

(B) The owner or qualified lessee of an historic building may 9483
apply to the director of development for a rehabilitation tax 9484
credit certificate for qualified rehabilitation expenditures paid 9485
or incurred by such owner or qualified lessee after April 4, 2007, 9486
for rehabilitation of an historic building. If the owner of an 9487
historic building enters a pass-through agreement with a qualified 9488
lessee for the purposes of the federal rehabilitation tax credit 9489
under 26 U.S.C. 47, the qualified rehabilitation expenditures paid 9490
or incurred by the owner after April 4, 2007, may be attributed to 9491
the qualified lessee. 9492

The form and manner of filing such applications shall be 9493
prescribed by rule of the director. Each application shall state 9494
the amount of qualified rehabilitation expenditures the applicant 9495
estimates will be paid or incurred and shall indicate whether the 9496
historic building was used as a theater before, and is intended to 9497
be used as a theater after, the rehabilitation. The director may 9498
require applicants to furnish documentation of such estimates. 9499

The director, after consultation with the tax commissioner 9500
and in accordance with Chapter 119. of the Revised Code, shall 9501
adopt rules that establish all of the following: 9502

(1) Forms and procedures by which applicants may apply for 9503
rehabilitation tax credit certificates; 9504

(2) Criteria for reviewing, evaluating, and approving 9505
applications for certificates within the limitations under 9506
division (D) of this section, criteria for assuring that the 9507
certificates issued encompass a mixture of high and low qualified 9508
rehabilitation expenditures, and criteria for issuing certificates 9509
under division (C)(3)(b) of this section; 9510

(3) Eligibility requirements for obtaining a certificate 9511
under this section; 9512

(4) The form of rehabilitation tax credit certificates; 9513

(5) Reporting requirements and monitoring procedures; 9514

(6) Procedures and criteria for conducting cost-benefit 9515
analyses of historic buildings that are the subjects of 9516
applications filed under this section. The purpose of a 9517
cost-benefit analysis shall be to determine whether rehabilitation 9518
of the historic building will result in a net revenue gain in 9519
state and local taxes once the building is used. 9520

(7) Any other rules necessary to implement and administer 9521
this section. 9522

(C) The director shall review the applications with the 9523
assistance of the state historic preservation officer and 9524
determine whether all of the following criteria are met: 9525

(1) That the building that is the subject of the application 9526
is an historic building and the applicant is the owner or 9527
qualified lessee of the building; 9528

(2) That the rehabilitation will satisfy standards prescribed 9529

by the United States secretary of the interior under 16 U.S.C. 9530
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 9531
that section; 9532

(3) That receiving a rehabilitation tax credit certificate 9533
under this section is a major factor in: 9534

(a) The applicant's decision to rehabilitate the historic 9535
building; or 9536

(b) To increase the level of investment in such 9537
rehabilitation. 9538

(4) The historic building that is the subject of the 9539
application is not, and will not upon completion of the 9540
rehabilitation project be, part of a qualified low-income housing 9541
project allocated a tax credit pursuant to section 42 of the 9542
Internal Revenue Code. 9543

An applicant shall demonstrate to the satisfaction of the 9544
state historic preservation officer and director that the 9545
rehabilitation will satisfy the standards described in division 9546
(C)(2) of this section before the applicant begins the physical 9547
rehabilitation of the historic building. 9548

(D)(1) If the director determines that an application meets 9549
the criteria in division (C) of this section, the director shall 9550
conduct a cost-benefit analysis for the historic building that is 9551
the subject of the application to determine whether rehabilitation 9552
of the historic building will result in a net revenue gain in 9553
state and local taxes once the building is used. The director 9554
shall consider the results of the cost-benefit analysis in 9555
determining whether to approve the application. The director shall 9556
also consider the potential economic impact and the regional 9557
distributive balance of the credits throughout the state. The 9558
director may approve an application only after completion of the 9559
cost-benefit analysis. 9560

(2) A rehabilitation tax credit certificate shall not be 9561
issued for an amount greater than the estimated amount furnished 9562
by the applicant on the application for such certificate and 9563
approved by the director. The director shall not approve more than 9564
a total of one hundred twenty million dollars of rehabilitation 9565
tax credits for each of fiscal years 2023 ~~and~~, 2024, and 2025, and 9566
sixty million dollars of rehabilitation tax credits for each 9567
fiscal year thereafter but the director may reallocate unused tax 9568
credits from a prior fiscal year for new applicants and such 9569
reallocated credits shall not apply toward the dollar limit of 9570
this division. 9571

(3) For rehabilitations with a rehabilitation period not 9572
exceeding twenty-four months as provided in division (A)(8)(a) of 9573
this section, a rehabilitation tax credit certificate shall not be 9574
issued before the rehabilitation of the historic building is 9575
completed. 9576

(4) For rehabilitations with a rehabilitation period not 9577
exceeding sixty months as provided in division (A)(8)(b) of this 9578
section, a rehabilitation tax credit certificate shall not be 9579
issued before a stage of rehabilitation is completed. After all 9580
stages of rehabilitation are completed, if the director cannot 9581
determine that the criteria in division (C) of this section are 9582
satisfied for all stages of rehabilitations, the director shall 9583
certify this finding to the tax commissioner, and any 9584
rehabilitation tax credits received by the applicant shall be 9585
repaid by the applicant and may be collected by assessment as 9586
unpaid tax by the commissioner. 9587

(5) The director shall require the applicant to provide a 9588
third-party cost certification by a certified public accountant of 9589
the actual costs attributed to the rehabilitation of the historic 9590
building when qualified rehabilitation expenditures exceed two 9591
hundred thousand dollars. 9592

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate fails to provide to the director sufficient evidence of reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant received notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval has been rescinded. Credits that would have been available to an applicant whose approval was rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval has been rescinded from submitting a new application for a rehabilitation tax credit certificate.

(6) The director may approve the application of, and issue a rehabilitation tax credit certificate to, the owner of a catalytic project, provided the application otherwise meets the criteria described in divisions (C) and (D) of this section. The director may not approve more than one application for a rehabilitation tax credit certificate under division (D)(6) of this section during each state fiscal biennium. The director shall not approve an application for a rehabilitation tax credit certificate under division (D)(6) of this section during the state fiscal biennium beginning July 1, 2017, or during any state fiscal biennium thereafter. The director shall consider the following criteria in determining whether to approve an application for a certificate under division (D)(6) of this section:

- (a) Whether the historic building is a catalytic project;
- (b) The effect issuance of the certificate would have on the

availability of credits for other applicants that qualify for a 9625
credit certificate within the credit dollar limit described in 9626
division (D)(2) of this section; 9627

(c) The number of jobs, if any, the catalytic project will 9628
create. 9629

(7)(a) The owner or qualified lessee of a historic building 9630
may apply for a rehabilitation tax credit certificate under both 9631
divisions (B) and (D)(6) of this section. In such a case, the 9632
director shall consider each application at the time the 9633
application is submitted. 9634

(b) The director shall not issue more than one certificate 9635
under this section with respect to the same qualified 9636
rehabilitation expenditures. 9637

(8) The director shall give consideration for tax credits 9638
awarded under this section to rehabilitations of historic 9639
buildings used as a theater before, and intended to be used as a 9640
theater after, the rehabilitation. In determining whether to 9641
approve an application for such a rehabilitation, the director 9642
shall consider the extent to which the rehabilitation will 9643
increase attendance at the theater and increase the theater's 9644
gross revenue. 9645

(9) The director shall rescind the approval of any 9646
application if the building that is the subject of the application 9647
is part of a qualified low-income housing project allocated a tax 9648
credit pursuant to section 42 of the Internal Revenue Code at any 9649
time before the building's rehabilitation is complete. 9650

(E) Issuance of a certificate represents a finding by the 9651
director of the matters described in divisions (C)(1), (2), and 9652
(3) of this section only; issuance of a certificate does not 9653
represent a verification or certification by the director of the 9654
amount of qualified rehabilitation expenditures for which a tax 9655

credit may be claimed under section 5725.151, 5725.34, 5726.52, 9656
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 9657
qualified rehabilitation expenditures for which a tax credit may 9658
be claimed is subject to inspection and examination by the tax 9659
commissioner or employees of the commissioner under section 9660
5703.19 of the Revised Code and any other applicable law. Upon the 9661
issuance of a certificate, the director shall certify to the tax 9662
commissioner, in the form and manner requested by the tax 9663
commissioner, the name of the applicant, the amount of qualified 9664
rehabilitation expenditures shown on the certificate, and any 9665
other information required by the rules adopted under this 9666
section. 9667

(F)(1) On or before the first day of August each year, the 9668
director and tax commissioner jointly shall submit to the 9669
president of the senate and the speaker of the house of 9670
representatives a report on the tax credit program established 9671
under this section and sections 5725.151, 5725.34, 5726.52, 9672
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 9673
shall present an overview of the program and shall include 9674
information on the number of rehabilitation tax credit 9675
certificates issued under this section during the preceding fiscal 9676
year, an update on the status of each historic building for which 9677
an application was approved under this section, the dollar amount 9678
of the tax credits granted under sections 5725.151, 5725.34, 9679
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 9680
any other information the director and commissioner consider 9681
relevant to the topics addressed in the report. 9682

(2) On or before December 1, 2015, the director and tax 9683
commissioner jointly shall submit to the president of the senate 9684
and the speaker of the house of representatives a comprehensive 9685
report that includes the information required by division (F)(1) 9686
of this section and a detailed analysis of the effectiveness of 9687

issuing tax credits for rehabilitating historic buildings. The 9688
report shall be prepared with the assistance of an economic 9689
research organization jointly chosen by the director and 9690
commissioner. 9691

(G) There is hereby created in the state treasury the 9692
historic rehabilitation tax credit operating fund. The director is 9693
authorized to charge reasonable application and other fees in 9694
connection with the administration of tax credits authorized by 9695
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 9696
5733.47, and 5747.76 of the Revised Code. Any such fees collected 9697
shall be credited to the fund and used to pay reasonable costs 9698
incurred by the department of development in administering this 9699
section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, 9700
and 5747.76 of the Revised Code. 9701

The Ohio historic preservation office is authorized to charge 9702
reasonable fees in connection with its review and approval of 9703
applications under this section. Any such fees collected shall be 9704
credited to the fund and used to pay administrative costs incurred 9705
by the Ohio historic preservation office pursuant to this section. 9706

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 9707
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 9708
owner of a tax credit certificate issued under division (D)(6) of 9709
this section may claim a tax credit equal to twenty-five per cent 9710
of the dollar amount indicated on the certificate for a total 9711
credit of not more than twenty-five million dollars. The credit 9712
claimed by such a certificate owner for any calendar year, tax 9713
year, or taxable year under section 5725.151, 5725.34, 5726.52, 9714
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 9715
five million dollars. If the certificate owner is eligible for 9716
more than five million dollars in total credits, the certificate 9717
owner may carry forward the balance of the credit in excess of the 9718
amount claimed for that year for not more than five ensuing 9719

calendar years, tax years, or taxable years. If the credit claimed 9720
in any calendar year, tax year, or taxable year exceeds the tax 9721
otherwise due, the excess shall be refunded to the taxpayer. 9722

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 9723
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 9724
apply to a tax credit approved under this section after September 9725
13, 2022, and before July 1, 2024: 9726

(1) The certificate holder may claim a tax credit equal to 9727
thirty-five per cent of the dollar amount indicated on the tax 9728
credit certificate if any county, township, or municipal 9729
corporation within which the project is located has a population 9730
of less than three hundred thousand according to the 2020 9731
decennial census. The tax credit equals twenty-five per cent of 9732
the dollar amount indicated on the certificate if the project is 9733
not located within such a county, township, or municipal 9734
corporation. 9735

(2) The total tax credit claimed under section 5725.151, 9736
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code 9737
for any one project shall not exceed ten million dollars for any 9738
calendar year, tax year, or taxable year. 9739

(3) If the credit claimed in any calendar year, tax year, or 9740
taxable year exceeds the tax otherwise due, the excess shall be 9741
refunded to the taxpayer, subject to division (I)(2) of this 9742
section. 9743

(J) The director of development, in consultation with the 9744
director of budget and management, shall develop and adopt a 9745
system of tracking any information necessary to anticipate the 9746
impact of credits issued under this section on tax revenues for 9747
current and future fiscal years. Such information may include the 9748
number of applications approved, the estimated rehabilitation 9749
expenditures and rehabilitation period associated with such 9750

applications, the number and amount of tax credit certificates 9751
issued, and any other information the director of budget and 9752
management requires for the purposes of this division. 9753

(K) For purposes of this section and Chapter 122:19-1 of the 9754
Ohio Administrative Code, a tax credit certificate issued under 9755
this section is effective on the date that all historic buildings 9756
rehabilitated by the project are "placed in service," as that term 9757
is used in section 47 of the Internal Revenue Code. 9758

Sec. 149.43. (A) As used in this section: 9759

(1) "Public record" means records kept by any public office, 9760
including, but not limited to, state, county, city, village, 9761
township, and school district units, and records pertaining to the 9762
delivery of educational services by an alternative school in this 9763
state kept by the nonprofit or for-profit entity operating the 9764
alternative school pursuant to section 3313.533 of the Revised 9765
Code. "Public record" does not mean any of the following: 9766

(a) Medical records; 9767

(b) Records pertaining to probation and parole proceedings, 9768
to proceedings related to the imposition of community control 9769
sanctions and post-release control sanctions, or to proceedings 9770
related to determinations under section 2967.271 of the Revised 9771
Code regarding the release or maintained incarceration of an 9772
offender to whom that section applies; 9773

(c) Records pertaining to actions under section 2151.85 and 9774
division (C) of section 2919.121 of the Revised Code and to 9775
appeals of actions arising under those sections; 9776

(d) Records pertaining to adoption proceedings, including the 9777
contents of an adoption file maintained by the department of 9778
health under sections 3705.12 to 3705.124 of the Revised Code; 9779

(e) Information in a record contained in the putative father 9780

registry established by section 3107.062 of the Revised Code, 9781
regardless of whether the information is held by the department of 9782
job and family services or, pursuant to section 3111.69 of the 9783
Revised Code, the office of child support in the department or a 9784
child support enforcement agency; 9785

(f) Records specified in division (A) of section 3107.52 of 9786
the Revised Code; 9787

(g) Trial preparation records; 9788

(h) Confidential law enforcement investigatory records; 9789

(i) Records containing information that is confidential under 9790
section 2710.03 or 4112.05 of the Revised Code; 9791

(j) DNA records stored in the DNA database pursuant to 9792
section 109.573 of the Revised Code; 9793

(k) Inmate records released by the department of 9794
rehabilitation and correction to the department of youth services 9795
or a court of record pursuant to division (E) of section 5120.21 9796
of the Revised Code; 9797

(l) Records maintained by the department of youth services 9798
pertaining to children in its custody released by the department 9799
of youth services to the department of rehabilitation and 9800
correction pursuant to section 5139.05 of the Revised Code; 9801

(m) Intellectual property records; 9802

(n) Donor profile records; 9803

(o) Records maintained by the department of job and family 9804
services pursuant to section 3121.894 of the Revised Code; 9805

(p) Designated public service worker residential and familial 9806
information; 9807

(q) In the case of a county hospital operated pursuant to 9808
Chapter 339. of the Revised Code or a municipal hospital operated 9809

pursuant to Chapter 749. of the Revised Code, information that 9810
constitutes a trade secret, as defined in section 1333.61 of the 9811
Revised Code; 9812

(r) Information pertaining to the recreational activities of 9813
a person under the age of eighteen; 9814

(s) In the case of a child fatality review board acting under 9815
sections 307.621 to 307.629 of the Revised Code or a review 9816
conducted pursuant to guidelines established by the director of 9817
health under section 3701.70 of the Revised Code, records provided 9818
to the board or director, statements made by board members during 9819
meetings of the board or by persons participating in the 9820
director's review, and all work products of the board or director, 9821
and in the case of a child fatality review board, child fatality 9822
review data submitted by the board to the department of health or 9823
a national child death review database, other than the report 9824
prepared pursuant to division (A) of section 307.626 of the 9825
Revised Code; 9826

(t) Records provided to and statements made by the executive 9827
director of a public children services agency or a prosecuting 9828
attorney acting pursuant to section 5153.171 of the Revised Code 9829
other than the information released under that section; 9830

(u) Test materials, examinations, or evaluation tools used in 9831
an examination for licensure as a nursing home administrator that 9832
the board of executives of long-term services and supports 9833
administers under section 4751.15 of the Revised Code or contracts 9834
under that section with a private or government entity to 9835
administer; 9836

(v) Records the release of which is prohibited by state or 9837
federal law; 9838

(w) Proprietary information of or relating to any person that 9839
is submitted to or compiled by the Ohio venture capital authority 9840

created under section 150.01 of the Revised Code;	9841
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	9842 9843 9844 9845 9846 9847
(y) Records listed in section 5101.29 of the Revised Code;	9848
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	9849 9850 9851
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	9852 9853 9854
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	9855 9856 9857
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	9858 9859 9860
(dd) Personal information, as defined in section 149.45 of the Revised Code;	9861 9862
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of	9863 9864 9865 9866 9867 9868 9869 9870

records pertaining to that program that identify the number of 9871
program participants that reside within a precinct, ward, 9872
township, municipal corporation, county, or any other geographic 9873
area smaller than the state; and any real property confidentiality 9874
notice filed under section 111.431 of the Revised Code and the 9875
information described in division (C) of that section. As used in 9876
this division, "confidential address" and "program participant" 9877
have the meaning defined in section 111.41 of the Revised Code. 9878

(ff) Orders for active military service of an individual 9879
serving or with previous service in the armed forces of the United 9880
States, including a reserve component, or the Ohio organized 9881
militia, except that, such order becomes a public record on the 9882
day that is fifteen years after the published date or effective 9883
date of the call to order; 9884

(gg) The name, address, contact information, or other 9885
personal information of an individual who is less than eighteen 9886
years of age that is included in any record related to a traffic 9887
accident involving a school vehicle in which the individual was an 9888
occupant at the time of the accident; 9889

(hh) Protected health information, as defined in 45 C.F.R. 9890
160.103, that is in a claim for payment for a health care product, 9891
service, or procedure, as well as any other health claims data in 9892
another document that reveals the identity of an individual who is 9893
the subject of the data or could be used to reveal that 9894
individual's identity; 9895

(ii) Any depiction by photograph, film, videotape, or printed 9896
or digital image under either of the following circumstances: 9897

(i) The depiction is that of a victim of an offense the 9898
release of which would be, to a reasonable person of ordinary 9899
sensibilities, an offensive and objectionable intrusion into the 9900
victim's expectation of bodily privacy and integrity. 9901

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;

(mm) Except as otherwise provided in division (A)(1)(oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.

(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section

4717.41 of the Revised Code. 9933

(oo) Telephone numbers for a party to a motor vehicle 9934
accident subject to the requirements of section 5502.11 of the 9935
Revised Code that are listed on any law enforcement record or 9936
report, except that the telephone numbers described in this 9937
division are not excluded from the definition of "public record" 9938
under this division on and after the thirtieth day after the 9939
occurrence of the motor vehicle accident. 9940

(pp) Records pertaining to individuals who complete training 9941
under section 5502.703 of the Revised Code to be permitted by a 9942
school district board of education or governing body of a 9943
community school established under Chapter 3314. of the Revised 9944
Code, a STEM school established under Chapter 3326. of the Revised 9945
Code, or a chartered nonpublic school to convey deadly weapons or 9946
dangerous ordnance into a school safety zone. 9947

A record that is not a public record under division (A)(1) of 9948
this section and that, under law, is permanently retained becomes 9949
a public record on the day that is seventy-five years after the 9950
day on which the record was created, except for any record 9951
protected by the attorney-client privilege, a trial preparation 9952
record as defined in this section, a statement prohibiting the 9953
release of identifying information signed under section 3107.083 9954
of the Revised Code, a denial of release form filed pursuant to 9955
section 3107.46 of the Revised Code, or any record that is exempt 9956
from release or disclosure under section 149.433 of the Revised 9957
Code. If the record is a birth certificate and a biological 9958
parent's name redaction request form has been accepted under 9959
section 3107.391 of the Revised Code, the name of that parent 9960
shall be redacted from the birth certificate before it is released 9961
under this paragraph. If any other section of the Revised Code 9962
establishes a time period for disclosure of a record that 9963
conflicts with the time period specified in this section, the time 9964

period in the other section prevails. 9965

~~(2)(a)~~ "Confidential law enforcement investigatory record" 9966
means any record that pertains to a law enforcement matter of a 9967
criminal, quasi-criminal, civil, or administrative nature, but 9968
only to the extent that the release of the record would create a 9969
high probability of disclosure of any of the following: 9970

~~(a)(i)~~ The identity of a suspect who has not been charged 9971
with the offense to which the record pertains, or of an 9972
information source or witness to whom confidentiality has been 9973
reasonably promised; 9974

~~(b)(ii)~~ Information provided by an information source or 9975
witness to whom confidentiality has been reasonably promised, 9976
which information would reasonably tend to disclose the source's 9977
or witness's identity; 9978

~~(c)(iii)~~ Specific confidential investigatory techniques or 9979
procedures or specific investigatory work product; 9980

~~(d)(iv)~~ Information that would endanger the life or physical 9981
safety of law enforcement personnel, a crime victim, a witness, or 9982
a confidential information source. 9983

(b) As used in division (A)(2) of this section, "specific 9984
investigatory work product" means any record, thing, or item that 9985
documents the independent thought processes, factual findings, 9986
mental impressions, theories, strategies, opinions, or analyses of 9987
an investigating officer or an agent of an investigative agency or 9988
prosecuting attorney and also includes any documents and evidence 9989
collected, written or recorded interviews or statements, interview 9990
notes, test results, lab results, preliminary lab results, and 9991
other internal memoranda, things, or items created during any 9992
point of an investigation. "Specific investigatory work product" 9993
does not include basic information regarding date, time, address, 9994
and type of incident. 9995

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal

identification and investigation, emergency service	10028
telecommunicator, forensic mental health provider, mental health	10029
evaluation provider, regional psychiatric hospital employee,	10030
judge, magistrate, or federal law enforcement officer.	10031
(8) "Designated public service worker residential and	10032
familial information" means any information that discloses any of	10033
the following about a designated public service worker:	10034
(a) The address of the actual personal residence of a	10035
designated public service worker, except for the following	10036
information:	10037
(i) The address of the actual personal residence of a	10038
prosecuting attorney or judge; and	10039
(ii) The state or political subdivision in which a designated	10040
public service worker resides.	10041
(b) Information compiled from referral to or participation in	10042
an employee assistance program;	10043
(c) The social security number, the residential telephone	10044
number, any bank account, debit card, charge card, or credit card	10045
number, or the emergency telephone number of, or any medical	10046
information pertaining to, a designated public service worker;	10047
(d) The name of any beneficiary of employment benefits,	10048
including, but not limited to, life insurance benefits, provided	10049
to a designated public service worker by the designated public	10050
service worker's employer;	10051
(e) The identity and amount of any charitable or employment	10052
benefit deduction made by the designated public service worker's	10053
employer from the designated public service worker's compensation,	10054
unless the amount of the deduction is required by state or federal	10055
law;	10056
(f) The name, the residential address, the name of the	10057

employer, the address of the employer, the social security number, 10058
the residential telephone number, any bank account, debit card, 10059
charge card, or credit card number, or the emergency telephone 10060
number of the spouse, a former spouse, or any child of a 10061
designated public service worker; 10062

(g) A photograph of a peace officer who holds a position or 10063
has an assignment that may include undercover or plain clothes 10064
positions or assignments as determined by the peace officer's 10065
appointing authority. 10066

(9) As used in divisions (A)(7) and (15) to (17) of this 10067
section: 10068

"Peace officer" has the meaning defined in section 109.71 of 10069
the Revised Code and also includes the superintendent and troopers 10070
of the state highway patrol; it does not include the sheriff of a 10071
county or a supervisory employee who, in the absence of the 10072
sheriff, is authorized to stand in for, exercise the authority of, 10073
and perform the duties of the sheriff. 10074

"Correctional employee" means any employee of the department 10075
of rehabilitation and correction who in the course of performing 10076
the employee's job duties has or has had contact with inmates and 10077
persons under supervision. 10078

"County or multicounty corrections officer" means any 10079
corrections officer employed by any county or multicounty 10080
correctional facility. 10081

"Designated Ohio national guard member" means a member of the 10082
Ohio national guard who is participating in duties related to 10083
remotely piloted aircraft, including, but not limited to, pilots, 10084
sensor operators, and mission intelligence personnel, duties 10085
related to special forces operations, or duties related to 10086
cybersecurity, and is designated by the adjutant general as a 10087
designated public service worker for those purposes. 10088

"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services. 10089
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"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services. 10092
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"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village. 10096
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"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code. 10099
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"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 10104
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"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code. 10107
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"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code. 10109
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"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the 10116
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probate court the respondent's mental condition. 10120

"Regional psychiatric hospital employee" means any employee 10121
of the department of mental health and addiction services who, in 10122
the course of performing the employee's duties, has contact with 10123
patients committed to the department of mental health and 10124
addiction services by a court order pursuant to section 2945.38, 10125
2945.39, 2945.40, or 2945.402 of the Revised Code. 10126

"Federal law enforcement officer" has the meaning defined in 10127
section 9.88 of the Revised Code. 10128

(10) "Information pertaining to the recreational activities 10129
of a person under the age of eighteen" means information that is 10130
kept in the ordinary course of business by a public office, that 10131
pertains to the recreational activities of a person under the age 10132
of eighteen years, and that discloses any of the following: 10133

(a) The address or telephone number of a person under the age 10134
of eighteen or the address or telephone number of that person's 10135
parent, guardian, custodian, or emergency contact person; 10136

(b) The social security number, birth date, or photographic 10137
image of a person under the age of eighteen; 10138

(c) Any medical record, history, or information pertaining to 10139
a person under the age of eighteen; 10140

(d) Any additional information sought or required about a 10141
person under the age of eighteen for the purpose of allowing that 10142
person to participate in any recreational activity conducted or 10143
sponsored by a public office or to use or obtain admission 10144
privileges to any recreational facility owned or operated by a 10145
public office. 10146

(11) "Community control sanction" has the meaning defined in 10147
section 2929.01 of the Revised Code. 10148

(12) "Post-release control sanction" has the meaning defined 10149

in section 2967.01 of the Revised Code. 10150

(13) "Redaction" means obscuring or deleting any information 10151
that is exempt from the duty to permit public inspection or 10152
copying from an item that otherwise meets the definition of a 10153
"record" in section 149.011 of the Revised Code. 10154

(14) "Designee," "elected official," and "future official" 10155
have the meanings defined in section 109.43 of the Revised Code. 10156

(15) "Body-worn camera" means a visual and audio recording 10157
device worn on the person of a peace officer while the peace 10158
officer is engaged in the performance of the peace officer's 10159
duties. 10160

(16) "Dashboard camera" means a visual and audio recording 10161
device mounted on a peace officer's vehicle or vessel that is used 10162
while the peace officer is engaged in the performance of the peace 10163
officer's duties. 10164

(17) "Restricted portions of a body-worn camera or dashboard 10165
camera recording" means any visual or audio portion of a body-worn 10166
camera or dashboard camera recording that shows, communicates, or 10167
discloses any of the following: 10168

(a) The image or identity of a child or information that 10169
could lead to the identification of a child who is a primary 10170
subject of the recording when the law enforcement agency knows or 10171
has reason to know the person is a child based on the law 10172
enforcement agency's records or the content of the recording; 10173

(b) The death of a person or a deceased person's body, unless 10174
the death was caused by a peace officer or, subject to division 10175
(H)(1) of this section, the consent of the decedent's executor or 10176
administrator has been obtained; 10177

(c) The death of a peace officer, firefighter, paramedic, or 10178
other first responder, occurring while the decedent was engaged in 10179

the performance of official duties, unless, subject to division 10180
(H)(1) of this section, the consent of the decedent's executor or 10181
administrator has been obtained; 10182

(d) Grievous bodily harm, unless the injury was effected by a 10183
peace officer or, subject to division (H)(1) of this section, the 10184
consent of the injured person or the injured person's guardian has 10185
been obtained; 10186

(e) An act of severe violence against a person that results 10187
in serious physical harm to the person, unless the act and injury 10188
was effected by a peace officer or, subject to division (H)(1) of 10189
this section, the consent of the injured person or the injured 10190
person's guardian has been obtained; 10191

(f) Grievous bodily harm to a peace officer, firefighter, 10192
paramedic, or other first responder, occurring while the injured 10193
person was engaged in the performance of official duties, unless, 10194
subject to division (H)(1) of this section, the consent of the 10195
injured person or the injured person's guardian has been obtained; 10196

(g) An act of severe violence resulting in serious physical 10197
harm against a peace officer, firefighter, paramedic, or other 10198
first responder, occurring while the injured person was engaged in 10199
the performance of official duties, unless, subject to division 10200
(H)(1) of this section, the consent of the injured person or the 10201
injured person's guardian has been obtained; 10202

(h) A person's nude body, unless, subject to division (H)(1) 10203
of this section, the person's consent has been obtained; 10204

(i) Protected health information, the identity of a person in 10205
a health care facility who is not the subject of a correctional, 10206
youth services, or law enforcement encounter, or any other 10207
information in a health care facility that could identify a person 10208
who is not the subject of a correctional, youth services, or law 10209
enforcement encounter; 10210

- (j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 10211
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- (k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 10213
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- (l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 10220
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- (m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety; 10222
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- (n) A personal conversation unrelated to work between correctional employees, youth service employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency; 10225
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- (o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities; 10229
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- (p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer; 10233
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- (q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location. 10237
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As used in division (A)(17) of this section: 10241

"Grievous bodily harm" has the same meaning as in section 10242
5924.120 of the Revised Code. 10243

"Health care facility" has the same meaning as in section 10244
1337.11 of the Revised Code. 10245

"Protected health information" has the same meaning as in 45 10246
C.F.R. 160.103. 10247

"Law enforcement agency" has the same meaning as in section 10248
2925.61 of the Revised Code. 10249

"Personal information" means any government-issued 10250
identification number, date of birth, address, financial 10251
information, or criminal justice information from the law 10252
enforcement automated data system or similar databases. 10253

"Sex offense" has the same meaning as in section 2907.10 of 10254
the Revised Code. 10255

"Firefighter," "paramedic," and "first responder" have the 10256
same meanings as in section 4765.01 of the Revised Code. 10257

(B)(1) Upon request by any person and subject to division 10258
(B)(8) of this section, all public records responsive to the 10259
request shall be promptly prepared and made available for 10260
inspection to the requester at all reasonable times during regular 10261
business hours. Subject to division (B)(8) of this section, upon 10262
request by any person, a public office or person responsible for 10263
public records shall make copies of the requested public record 10264
available to the requester at cost and within a reasonable period 10265
of time. If a public record contains information that is exempt 10266
from the duty to permit public inspection or to copy the public 10267
record, the public office or the person responsible for the public 10268
record shall make available all of the information within the 10269
public record that is not exempt. When making that public record 10270

available for public inspection or copying that public record, the 10271
public office or the person responsible for the public record 10272
shall notify the requester of any redaction or make the redaction 10273
plainly visible. A redaction shall be deemed a denial of a request 10274
to inspect or copy the redacted information, except if federal or 10275
state law authorizes or requires a public office to make the 10276
redaction. 10277

(2) To facilitate broader access to public records, a public 10278
office or the person responsible for public records shall organize 10279
and maintain public records in a manner that they can be made 10280
available for inspection or copying in accordance with division 10281
(B) of this section. A public office also shall have available a 10282
copy of its current records retention schedule at a location 10283
readily available to the public. If a requester makes an ambiguous 10284
or overly broad request or has difficulty in making a request for 10285
copies or inspection of public records under this section such 10286
that the public office or the person responsible for the requested 10287
public record cannot reasonably identify what public records are 10288
being requested, the public office or the person responsible for 10289
the requested public record may deny the request but shall provide 10290
the requester with an opportunity to revise the request by 10291
informing the requester of the manner in which records are 10292
maintained by the public office and accessed in the ordinary 10293
course of the public office's or person's duties. 10294

(3) If a request is ultimately denied, in part or in whole, 10295
the public office or the person responsible for the requested 10296
public record shall provide the requester with an explanation, 10297
including legal authority, setting forth why the request was 10298
denied. If the initial request was provided in writing, the 10299
explanation also shall be provided to the requester in writing. 10300
The explanation shall not preclude the public office or the person 10301
responsible for the requested public record from relying upon 10302

additional reasons or legal authority in defending an action 10303
commenced under division (C) of this section. 10304

(4) Unless specifically required or authorized by state or 10305
federal law or in accordance with division (B) of this section, no 10306
public office or person responsible for public records may limit 10307
or condition the availability of public records by requiring 10308
disclosure of the requester's identity or the intended use of the 10309
requested public record. Any requirement that the requester 10310
disclose the requester's identity or the intended use of the 10311
requested public record constitutes a denial of the request. 10312

(5) A public office or person responsible for public records 10313
may ask a requester to make the request in writing, may ask for 10314
the requester's identity, and may inquire about the intended use 10315
of the information requested, but may do so only after disclosing 10316
to the requester that a written request is not mandatory, that the 10317
requester may decline to reveal the requester's identity or the 10318
intended use, and when a written request or disclosure of the 10319
identity or intended use would benefit the requester by enhancing 10320
the ability of the public office or person responsible for public 10321
records to identify, locate, or deliver the public records sought 10322
by the requester. 10323

(6) If any person requests a copy of a public record in 10324
accordance with division (B) of this section, the public office or 10325
person responsible for the public record may require the requester 10326
to pay in advance the cost involved in providing the copy of the 10327
public record in accordance with the choice made by the requester 10328
under this division. The public office or the person responsible 10329
for the public record shall permit the requester to choose to have 10330
the public record duplicated upon paper, upon the same medium upon 10331
which the public office or person responsible for the public 10332
record keeps it, or upon any other medium upon which the public 10333
office or person responsible for the public record determines that 10334

it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

(7)(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested

by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence

or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A)(1)(gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a

similar medium, for the purpose of gathering, processing, 10430
transmitting, compiling, editing, or disseminating information for 10431
the general public. 10432

(10) Upon a request made by a victim, victim's attorney, or 10433
victim's representative, as that term is used in section 2930.02 10434
of the Revised Code, a public office or person responsible for 10435
public records shall transmit a copy of a depiction of the victim 10436
as described in division (A)(1)(ii) of this section to the victim, 10437
victim's attorney, or victim's representative. 10438

(C)(1) If a person allegedly is aggrieved by the failure of a 10439
public office or the person responsible for public records to 10440
promptly prepare a public record and to make it available to the 10441
person for inspection in accordance with division (B) of this 10442
section or by any other failure of a public office or the person 10443
responsible for public records to comply with an obligation in 10444
accordance with division (B) of this section, the person allegedly 10445
aggrieved may do only one of the following, and not both: 10446

(a) File a complaint with the clerk of the court of claims or 10447
the clerk of the court of common pleas under section 2743.75 of 10448
the Revised Code; 10449

(b) Commence a mandamus action to obtain a judgment that 10450
orders the public office or the person responsible for the public 10451
record to comply with division (B) of this section, that awards 10452
court costs and reasonable attorney's fees to the person that 10453
instituted the mandamus action, and, if applicable, that includes 10454
an order fixing statutory damages under division (C)(2) of this 10455
section. The mandamus action may be commenced in the court of 10456
common pleas of the county in which division (B) of this section 10457
allegedly was not complied with, in the supreme court pursuant to 10458
its original jurisdiction under Section 2 of Article IV, Ohio 10459
Constitution, or in the court of appeals for the appellate 10460
district in which division (B) of this section allegedly was not 10461

complied with pursuant to its original jurisdiction under Section 10462
3 of Article IV, Ohio Constitution. 10463

(2) If a requester transmits a written request by hand 10464
delivery, electronic submission, or certified mail to inspect or 10465
receive copies of any public record in a manner that fairly 10466
describes the public record or class of public records to the 10467
public office or person responsible for the requested public 10468
records, except as otherwise provided in this section, the 10469
requester shall be entitled to recover the amount of statutory 10470
damages set forth in this division if a court determines that the 10471
public office or the person responsible for public records failed 10472
to comply with an obligation in accordance with division (B) of 10473
this section. 10474

The amount of statutory damages shall be fixed at one hundred 10475
dollars for each business day during which the public office or 10476
person responsible for the requested public records failed to 10477
comply with an obligation in accordance with division (B) of this 10478
section, beginning with the day on which the requester files a 10479
mandamus action to recover statutory damages, up to a maximum of 10480
one thousand dollars. The award of statutory damages shall not be 10481
construed as a penalty, but as compensation for injury arising 10482
from lost use of the requested information. The existence of this 10483
injury shall be conclusively presumed. The award of statutory 10484
damages shall be in addition to all other remedies authorized by 10485
this section. 10486

The court may reduce an award of statutory damages or not 10487
award statutory damages if the court determines both of the 10488
following: 10489

(a) That, based on the ordinary application of statutory law 10490
and case law as it existed at the time of the conduct or 10491
threatened conduct of the public office or person responsible for 10492
the requested public records that allegedly constitutes a failure 10493

to comply with an obligation in accordance with division (B) of 10494
this section and that was the basis of the mandamus action, a 10495
well-informed public office or person responsible for the 10496
requested public records reasonably would believe that the conduct 10497
or threatened conduct of the public office or person responsible 10498
for the requested public records did not constitute a failure to 10499
comply with an obligation in accordance with division (B) of this 10500
section; 10501

(b) That a well-informed public office or person responsible 10502
for the requested public records reasonably would believe that the 10503
conduct or threatened conduct of the public office or person 10504
responsible for the requested public records would serve the 10505
public policy that underlies the authority that is asserted as 10506
permitting that conduct or threatened conduct. 10507

(3) In a mandamus action filed under division (C)(1) of this 10508
section, the following apply: 10509

(a)(i) If the court orders the public office or the person 10510
responsible for the public record to comply with division (B) of 10511
this section, the court shall determine and award to the relator 10512
all court costs, which shall be construed as remedial and not 10513
punitive. 10514

(ii) If the court makes a determination described in division 10515
(C)(3)(b)(iii) of this section, the court shall determine and 10516
award to the relator all court costs, which shall be construed as 10517
remedial and not punitive. 10518

(b) If the court renders a judgment that orders the public 10519
office or the person responsible for the public record to comply 10520
with division (B) of this section or if the court determines any 10521
of the following, the court may award reasonable attorney's fees 10522
to the relator, subject to division (C)(4) of this section: 10523

(i) The public office or the person responsible for the 10524

public records failed to respond affirmatively or negatively to 10525
the public records request in accordance with the time allowed 10526
under division (B) of this section. 10527

(ii) The public office or the person responsible for the 10528
public records promised to permit the relator to inspect or 10529
receive copies of the public records requested within a specified 10530
period of time but failed to fulfill that promise within that 10531
specified period of time. 10532

(iii) The public office or the person responsible for the 10533
public records acted in bad faith when the office or person 10534
voluntarily made the public records available to the relator for 10535
the first time after the relator commenced the mandamus action, 10536
but before the court issued any order concluding whether or not 10537
the public office or person was required to comply with division 10538
(B) of this section. No discovery may be conducted on the issue of 10539
the alleged bad faith of the public office or person responsible 10540
for the public records. This division shall not be construed as 10541
creating a presumption that the public office or the person 10542
responsible for the public records acted in bad faith when the 10543
office or person voluntarily made the public records available to 10544
the relator for the first time after the relator commenced the 10545
mandamus action, but before the court issued any order described 10546
in this division. 10547

(c) The court shall not award attorney's fees to the relator 10548
if the court determines both of the following: 10549

(i) That, based on the ordinary application of statutory law 10550
and case law as it existed at the time of the conduct or 10551
threatened conduct of the public office or person responsible for 10552
the requested public records that allegedly constitutes a failure 10553
to comply with an obligation in accordance with division (B) of 10554
this section and that was the basis of the mandamus action, a 10555
well-informed public office or person responsible for the 10556

requested public records reasonably would believe that the conduct 10557
or threatened conduct of the public office or person responsible 10558
for the requested public records did not constitute a failure to 10559
comply with an obligation in accordance with division (B) of this 10560
section; 10561

(ii) That a well-informed public office or person responsible 10562
for the requested public records reasonably would believe that the 10563
conduct or threatened conduct of the public office or person 10564
responsible for the requested public records would serve the 10565
public policy that underlies the authority that is asserted as 10566
permitting that conduct or threatened conduct. 10567

(4) All of the following apply to any award of reasonable 10568
attorney's fees awarded under division (C)(3)(b) of this section: 10569

(a) The fees shall be construed as remedial and not punitive. 10570

(b) The fees awarded shall not exceed the total of the 10571
reasonable attorney's fees incurred before the public record was 10572
made available to the relator and the fees described in division 10573
(C)(4)(c) of this section. 10574

(c) Reasonable attorney's fees shall include reasonable fees 10575
incurred to produce proof of the reasonableness and amount of the 10576
fees and to otherwise litigate entitlement to the fees. 10577

(d) The court may reduce the amount of fees awarded if the 10578
court determines that, given the factual circumstances involved 10579
with the specific public records request, an alternative means 10580
should have been pursued to more effectively and efficiently 10581
resolve the dispute that was subject to the mandamus action filed 10582
under division (C)(1) of this section. 10583

(5) If the court does not issue a writ of mandamus under 10584
division (C) of this section and the court determines at that time 10585
that the bringing of the mandamus action was frivolous conduct as 10586
defined in division (A) of section 2323.51 of the Revised Code, 10587

the court may award to the public office all court costs, 10588
expenses, and reasonable attorney's fees, as determined by the 10589
court. 10590

(D) Chapter 1347. of the Revised Code does not limit the 10591
provisions of this section. 10592

(E)(1) To ensure that all employees of public offices are 10593
appropriately educated about a public office's obligations under 10594
division (B) of this section, all elected officials or their 10595
appropriate designees shall attend training approved by the 10596
attorney general as provided in section 109.43 of the Revised 10597
Code. A future official may satisfy the requirements of this 10598
division by attending the training before taking office, provided 10599
that the future official may not send a designee in the future 10600
official's place. 10601

(2) All public offices shall adopt a public records policy in 10602
compliance with this section for responding to public records 10603
requests. In adopting a public records policy under this division, 10604
a public office may obtain guidance from the model public records 10605
policy developed and provided to the public office by the attorney 10606
general under section 109.43 of the Revised Code. Except as 10607
otherwise provided in this section, the policy may not limit the 10608
number of public records that the public office will make 10609
available to a single person, may not limit the number of public 10610
records that it will make available during a fixed period of time, 10611
and may not establish a fixed period of time before it will 10612
respond to a request for inspection or copying of public records, 10613
unless that period is less than eight hours. 10614

The public office shall distribute the public records policy 10615
adopted by the public office under this division to the employee 10616
of the public office who is the records custodian or records 10617
manager or otherwise has custody of the records of that office. 10618
The public office shall require that employee to acknowledge 10619

receipt of the copy of the public records policy. The public 10620
office shall create a poster that describes its public records 10621
policy and shall post the poster in a conspicuous place in the 10622
public office and in all locations where the public office has 10623
branch offices. The public office may post its public records 10624
policy on the internet web site of the public office if the public 10625
office maintains an internet web site. A public office that has 10626
established a manual or handbook of its general policies and 10627
procedures for all employees of the public office shall include 10628
the public records policy of the public office in the manual or 10629
handbook. 10630

(F)(1) The bureau of motor vehicles may adopt rules pursuant 10631
to Chapter 119. of the Revised Code to reasonably limit the number 10632
of bulk commercial special extraction requests made by a person 10633
for the same records or for updated records during a calendar 10634
year. The rules may include provisions for charges to be made for 10635
bulk commercial special extraction requests for the actual cost of 10636
the bureau, plus special extraction costs, plus ten per cent. The 10637
bureau may charge for expenses for redacting information, the 10638
release of which is prohibited by law. 10639

(2) As used in division (F)(1) of this section: 10640

(a) "Actual cost" means the cost of depleted supplies, 10641
records storage media costs, actual mailing and alternative 10642
delivery costs, or other transmitting costs, and any direct 10643
equipment operating and maintenance costs, including actual costs 10644
paid to private contractors for copying services. 10645

(b) "Bulk commercial special extraction request" means a 10646
request for copies of a record for information in a format other 10647
than the format already available, or information that cannot be 10648
extracted without examination of all items in a records series, 10649
class of records, or database by a person who intends to use or 10650
forward the copies for surveys, marketing, solicitation, or resale 10651

for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)(1) Any portion of a body-worn camera or dashboard camera

recording described in divisions (A)(17)(b) to (h) of this section 10683
may be released by consent of the subject of the recording or a 10684
representative of that person, as specified in those divisions, 10685
only if either of the following applies: 10686

(a) The recording will not be used in connection with any 10687
probable or pending criminal proceedings; 10688

(b) The recording has been used in connection with a criminal 10689
proceeding that was dismissed or for which a judgment has been 10690
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 10691
and will not be used again in connection with any probable or 10692
pending criminal proceedings. 10693

(2) If a public office denies a request to release a 10694
restricted portion of a body-worn camera or dashboard camera 10695
recording, as defined in division (A)(17) of this section, any 10696
person may file a mandamus action pursuant to this section or a 10697
complaint with the clerk of the court of claims pursuant to 10698
section 2743.75 of the Revised Code, requesting the court to order 10699
the release of all or portions of the recording. If the court 10700
considering the request determines that the filing articulates by 10701
clear and convincing evidence that the public interest in the 10702
recording substantially outweighs privacy interests and other 10703
interests asserted to deny release, the court shall order the 10704
public office to release the recording. 10705

Sec. 153.17. (A) When in the opinion of the owner referred to 10706
in section 153.01 of the Revised Code, the work under any contract 10707
made under any law of the state is neglected by the contractor or 10708
such work is not prosecuted with the diligence and force specified 10709
or intended in the contract, such owner may make requisition upon 10710
the contractor for such additional specific force or materials to 10711
be brought into the work under such contract or to remove improper 10712
materials from the grounds as in their judgment the contract and 10713

its faithful fulfillment requires. 10714

Not less than five days' notice in writing of such action 10715
shall be served upon the contractor or the contractor's agent in 10716
charge of the work. If the contractor fails to comply with such 10717
requisition within fifteen days, such owner with the written 10718
consent of the Ohio facilities construction commission, may employ 10719
upon the work the additional force, or supply the special 10720
materials or such part of either as is considered proper, and may 10721
remove improper materials from the grounds. 10722

(B) When the original contractor has defaulted on a contract 10723
and the surety has declined to take over the project, the owner 10724
may contract with one or more takeover contractors to complete 10725
work that was not finished because of the default of the original 10726
contractor. The owner may enter into a contract with a takeover 10727
contractor without competitive bidding or controlling board 10728
approval. ~~Upon execution of a takeover contract, the owner shall~~ 10729
~~notify the director of budget and management.~~ 10730

When the owner has taken over a project after a default has 10731
occurred, any moneys that the owner receives from the surety as a 10732
settlement for completion of the project shall be deposited in the 10733
original fund from which the capital appropriation for the project 10734
was made. The executive director, without controlling board 10735
approval, may authorize specified additional uses for the moneys 10736
related to completion of the project and may increase the 10737
appropriation authority in the appropriation line item used to 10738
fund the project by an amount equal to the moneys received from 10739
the surety. 10740

Sec. 153.54. (A) Except with respect to a contract described 10741
in section 9.334 or 153.693 of the Revised Code, each person 10742
bidding for a contract with the state or any political 10743
subdivision, district, institution, or other agency thereof, 10744

excluding therefrom the department of transportation, for any 10745
public improvement shall file with the bid, a bid guaranty in the 10746
form of either: 10747

(1) A bond in accordance with division (B) of this section 10748
for the full amount of the bid; 10749

(2) A certified check, cashier's check, or letter of credit 10750
pursuant to Chapter 1305. of the Revised Code, in accordance with 10751
division (C) of this section. Any such letter of credit is 10752
revocable only at the option of the beneficiary state, political 10753
subdivision, district, institution, or agency. The amount of the 10754
certified check, cashier's check, or letter of credit shall be 10755
equal to ten per cent of the bid. 10756

(B) A bid guaranty filed pursuant to division (A)(1) of this 10757
section shall be conditioned to: 10758

(1) Provide that, if the bid is accepted, the bidder, after 10759
the awarding or the recommendation for the award of the contract, 10760
whichever the contracting authority designates, will enter into a 10761
proper contract in accordance with the bid, plans, details, and 10762
specifications. If for any reason, other than as authorized by 10763
section 9.31 of the Revised Code or division (G) of this section, 10764
the bidder fails to enter into the contract, and the contracting 10765
authority awards the contract to the next lowest bidder, the 10766
bidder and the surety on the bidder's bond are liable to the 10767
state, political subdivision, district, institution, or agency for 10768
the difference between the bid and that of the next lowest bidder, 10769
or for a penal sum not to exceed ten per cent of the amount of the 10770
bond, whichever is less. If the state, political subdivision, 10771
district, institution, or agency does not award the contract to 10772
the next lowest bidder but resubmits the project for bidding, the 10773
bidder failing to enter into the contract and the surety on the 10774
bidder's bond, except as provided in division (G) of this section, 10775
are liable to the state, political subdivision, district, 10776

institution, or agency for a penal sum not to exceed ten per cent 10777
of the amount of the bid or the costs in connection with the 10778
resubmission of printing new contract documents, required 10779
advertising, and printing and mailing notices to prospective 10780
bidders, whichever is less. 10781

(2) Indemnify the state, political subdivision, district, 10782
institution, or agency against all damage suffered by failure to 10783
perform the contract according to its provisions and in accordance 10784
with the plans, details, and specifications therefor and to pay 10785
all lawful claims of subcontractors, material suppliers, and 10786
laborers for labor performed or material furnished in carrying 10787
forward, performing, or completing the contract; and agree and 10788
assent that this undertaking is for the benefit of any 10789
subcontractor, material supplier, or laborer having a just claim, 10790
as well as for the state, political subdivision, district, 10791
institution, or agency. 10792

(C)(1) A bid guaranty filed pursuant to division (A)(2) of 10793
this section shall be conditioned to provide that if the bid is 10794
accepted, the bidder, after the awarding or the recommendation for 10795
the award of the contract, whichever the contracting authority 10796
designates, will enter into a proper contract in accordance with 10797
the bid, plans, details, specifications, and bills of material. If 10798
for any reason, other than as authorized by section 9.31 of the 10799
Revised Code or division (G) of this section, the bidder fails to 10800
enter into the contract, and the contracting authority awards the 10801
contract to the next lowest bidder, the bidder is liable to the 10802
state, political subdivision, district, institution, or agency for 10803
the difference between the bidder's bid and that of the next 10804
lowest bidder, or for a penal sum not to exceed ten per cent of 10805
the amount of the bid, whichever is less. If the state, political 10806
subdivision, district, institution, or agency does not award the 10807
contract to the next lowest bidder but resubmits the project for 10808

bidding, the bidder failing to enter into the contract, except as 10809
provided in division (G) of this section, is liable to the state, 10810
political subdivision, district, institution, or agency for a 10811
penal sum not to exceed ten per cent of the amount of the bid or 10812
the costs in connection with the resubmission, of printing new 10813
contract documents, required advertising, and printing and mailing 10814
notices to prospective bidders, whichever is less. 10815

If the bidder enters into the contract, the bidder, at the 10816
time the contract is entered to, shall file a bond for the amount 10817
of the contract to indemnify the state, political subdivision, 10818
district, institution, or agency against all damage suffered by 10819
failure to perform the contract according to its provisions and in 10820
accordance with the plans, details, and specifications and to pay 10821
all lawful claims of subcontractors, material suppliers, and 10822
laborers for labor performed or material furnished in carrying 10823
forward, performing, or completing the contract; and agree and 10824
assent that this undertaking is for the benefit of any 10825
subcontractor, material supplier, or laborer having a just claim, 10826
as well as for the state, political subdivision, district, 10827
institution, or agency. 10828

(2) A construction manager who enters into a contract 10829
pursuant to sections 9.33 to 9.333 of the Revised Code, if 10830
required by the public authority at the time the construction 10831
manager enters into the contract, shall file a letter of credit 10832
pursuant to Chapter 1305. of the Revised Code, bond, certified 10833
check, or cashier's check, for the value of the construction 10834
management contract to indemnify the state, political subdivision, 10835
district, institution, or agency against all damage suffered by 10836
the construction manager's failure to perform the contract 10837
according to its provisions, and shall agree and assent that this 10838
undertaking is for the benefit of the state, political 10839
subdivision, district, institution, or agency. A letter of credit 10840

provided by the construction manager is revocable only at the 10841
option of the beneficiary state, political subdivision, district, 10842
institution, or agency. 10843

(D) Where the state, political subdivision, district, 10844
institution, or agency accepts a bid but the bidder fails or 10845
refuses to enter into a proper contract in accordance with the 10846
bid, plans, details, and specifications within ten days after the 10847
awarding of the contract, the bidder and the surety on any bond, 10848
except as provided in division (G) of this section, are liable for 10849
the amount of the difference between the bidder's bid and that of 10850
the next lowest bidder, but not in excess of the liability 10851
specified in division (B)(1) or (C) of this section. Where the 10852
state, political subdivision, district, institution, or agency 10853
then awards the bid to such next lowest bidder and such next 10854
lowest bidder also fails or refuses to enter into a proper 10855
contract in accordance with the bid, plans, details, and 10856
specifications within ten days after the awarding of the contract, 10857
the liability of such next lowest bidder, except as provided in 10858
division (G) of this section, is the amount of the difference 10859
between the bids of such next lowest bidder and the third lowest 10860
bidder, but not in excess of the liability specified in division 10861
(B)(1) or (C) of this section. Liability on account of an award to 10862
any lowest bidder beyond the third lowest bidder shall be 10863
determined in like manner. 10864

(E) Notwithstanding division (C) of this section, where the 10865
state, political subdivision, district, institution, or agency 10866
resubmits the project for bidding, each bidder whose bid was 10867
accepted but who failed or refused to enter into a proper 10868
contract, except as provided in division (G) of this section, is 10869
liable for an equal share of a penal sum in connection with the 10870
resubmission, of printing new contract documents, required 10871
advertising, and printing and mailing notices to prospective 10872

bidder's liability shall exceed the amount of the 10873
bidder's bid guaranty. 10874

(F) All bid guaranties filed pursuant to this section shall 10875
be payable to the state, political subdivision, district, 10876
institution, or agency, be for the benefit of the state, political 10877
subdivision, district, institution, or agency or any person having 10878
a right of action thereon, and be deposited with, and held by, the 10879
board, officer, or agent contracting on behalf of the state, 10880
political subdivision, district, institution, or agency. All bonds 10881
filed pursuant to this section shall be issued by a surety company 10882
authorized to do business in this state as surety approved by the 10883
board, officer, or agent awarding the contract on behalf of the 10884
state, political subdivision, district, institution, or agency. 10885

(G) A bidder for a contract with the state or any political 10886
subdivision, district, institution, or other agency thereof, 10887
excluding therefrom the Ohio department of transportation, for a 10888
public improvement costing less than one-half million dollars may 10889
withdraw the bid from consideration if the bidder's bid for some 10890
other contract with the state or any political subdivision, 10891
district, institution, or other agency thereof, excluding 10892
therefrom the department of transportation, for the public 10893
improvement costing less than one-half million dollars has already 10894
been accepted, if the bidder certifies in good faith that the 10895
total amount of all the bidder's current contracts is less than 10896
one-half million dollars, and if the surety certifies in good 10897
faith that the bidder is unable to perform the subsequent contract 10898
because to do so would exceed the bidder's bonding capacity. If a 10899
bid is withdrawn under authority of this division, the contracting 10900
authority may award the contract to the next lowest bidder or 10901
reject all bids and resubmit the project for bidding, and neither 10902
the bidder nor the surety on the bidder's bond are liable for the 10903
difference between the bidder's bid and that of the next lowest 10904

bidder, for a penal sum, or for the costs of printing new contract 10905
documents, required advertising, and printing and mailing notices 10906
to prospective bidders. 10907

(H) Bid guaranties filed pursuant to division (A) of this 10908
section shall be returned to all unsuccessful bidders immediately 10909
after the contract is executed. The bid guaranty filed pursuant to 10910
division (A)(2) of this section shall be returned to the 10911
successful bidder upon filing of the bond required in division (C) 10912
of this section. 10913

~~(I) For the purposes of this section, "next lowest bidder" 10914
means, in the case of a political subdivision that has adopted the 10915
model Ohio and United States preference requirements promulgated 10916
pursuant to division (E) of section 125.11 of the Revised Code, 10917
the next lowest bidder that qualifies under those preference 10918
requirements. 10919~~

~~(J)~~ For the purposes of this section and sections 153.56, 10920
153.57, and 153.571 of the Revised Code, "public improvement," 10921
"subcontractor," "material supplier," "laborer," and "materials" 10922
have the same meanings as in section 1311.25 of the Revised Code. 10923

Sec. 173.03. (A) There is hereby created the Ohio advisory 10924
council for the aging, which shall consist of twelve members to be 10925
appointed by the governor with the advice and consent of the 10926
senate. Two ex officio members of the council shall be members of 10927
the house of representatives appointed by the speaker of the house 10928
of representatives and shall be members of two different political 10929
parties. Two ex officio members of the council shall be members of 10930
the senate appointed by the president of the senate and shall be 10931
members of two different political parties. The medicaid director 10932
and directors of mental health and addiction services, 10933
developmental disabilities, health, and job and family services, 10934
or their designees, shall serve as ex officio members of the 10935

council. The ~~purpose of the~~ council shall carry out its role as 10936
~~defined under~~ is to advise the department of aging on the 10937
objectives of the "Older Americans Act of 1965," 79 Stat. 219, 42 10938
U.S.C. 3001, ~~as amended~~ and as directed by the governor. 10939

~~At the first meeting of the council, and annually thereafter~~ 10940
Annually, the members shall select one of their members to serve 10941
as chairperson and one of their members to serve as 10942
vice-chairperson. 10943

(B) Members of the council appointed by the governor shall be 10944
appointed for a term of three years, ~~except that for the first~~ 10945
~~appointment members of the Ohio commission on aging who were~~ 10946
~~serving on the commission immediately prior to July 26, 1984,~~ 10947
~~shall become members of the council for the remainder of their~~ 10948
~~unexpired terms. Thereafter, appointment to the council shall be~~ 10949
~~for a three year term by the governor.~~ Each member shall hold 10950
office from the date of appointment until the end of the term for 10951
which the member was appointed. Any member appointed to fill a 10952
vacancy occurring prior to the expiration of the term for which 10953
the member's predecessor was appointed shall hold office for the 10954
remainder of the term. No member shall continue in office 10955
subsequent to the expiration date of the member's term unless 10956
reappointed under the provisions of this section, and no member 10957
shall serve more than three consecutive terms on the council. 10958

(C) Membership of the council shall represent all areas of 10959
Ohio and shall be as follows: 10960

(1) A majority of members of the council shall have attained 10961
the age of fifty and have a knowledge of and continuing interest 10962
in the affairs and welfare of the older citizens of Ohio. The 10963
fields of business, labor, health, law, and human services shall 10964
be represented in the membership. 10965

(2) No more than seven members shall be of the same political 10966

party. 10967

(D) Any member of the council may be removed from office by 10968
the governor for neglect of duty, misconduct, or malfeasance in 10969
office after being informed in writing of the charges and afforded 10970
an opportunity for a hearing. Two consecutive unexcused absences 10971
from regularly scheduled meetings constitute neglect of duty. 10972

(E) The director of aging may reimburse a member for actual 10973
and necessary traveling and other expenses incurred in the 10974
discharge of official duties. But reimbursement shall be made in 10975
the manner and at rates that do not exceed those prescribed by the 10976
director of budget and management for any officer, member, or 10977
employee of, or consultant to, any state agency. 10978

(F) Council members are not limited as to the number of terms 10979
they may serve. 10980

(G)(1) The department of aging may award grants to or enter 10981
into contracts with a member of the advisory council or an entity 10982
that the member represents if any of the following apply: 10983

(a) The department determines that the member or the entity 10984
the member represents is capable of providing the goods or 10985
services specified under the terms of the grant or contract. 10986

(b) The member has not taken part in any discussion or vote 10987
of the council related to whether the council should recommend 10988
that the department of aging award the grant to or enter into the 10989
contract with the member of the advisory council or the entity 10990
that the member represents. 10991

(2) A member of the advisory council is not in violation of 10992
Chapter 102. or section 2921.42 of the Revised Code with regard to 10993
receiving a grant or entering into a contract under this section 10994
if the conditions of division (G)(1)(a) and (b) of this section 10995
have been met. 10996

Sec. 173.06. (A) The director of aging shall establish a 10997
golden buckeye card program and provide a golden buckeye card to 10998
any resident of this state who applies to the director for a card 10999
and is sixty years of age or older or is a person with a 11000
disability and is eighteen years of age or older. ~~The A golden~~ 11001
buckeye card may be physical or electronic and may be an 11002
individual card or an endorsement on a card for one or more other 11003
programs. 11004

The director shall devise programs to provide benefits of any 11005
kind to card holders, and encourage support and participation in 11006
them by all persons, including governmental organizations. Card 11007
holders ~~shall be~~ are entitled to any benefits granted to them by 11008
private persons or organizations, the laws of this state, or 11009
ordinances or resolutions of political subdivisions. This section 11010
does not require any person or organization to provide benefits to 11011
any card holder. The department of aging shall bear all costs of 11012
the program. 11013

(B) Before issuing a golden buckeye card to any person, the 11014
director shall establish the identity of any person who applies 11015
for a card and shall ascertain that such person is sixty years of 11016
age or older or is a person with a disability and is eighteen 11017
years of age or older. The director shall adopt rules under 11018
Chapter 119. of the Revised Code to prevent the issuance of cards 11019
to persons not qualified to have them. Cards shall contain ~~the~~ 11020
~~signature of the card holder and any other~~ information the 11021
director considers necessary to carry out the purposes of the 11022
golden buckeye card program under this section. Any card that the 11023
director issues shall be held in perpetuity by the original card 11024
holder and shall not be transferable to any other person. A person 11025
who loses the person's card may obtain another card from the 11026
director ~~upon~~ on providing the same information to the director as 11027
was required for the issuance of the original card. 11028

(C) No person shall use a golden buckeye card except to obtain a benefit for the holder of the card to which the holder is entitled under the conditions of the offer.

(D) As used in this section, "person with a disability" means a person who has some impairment of body or mind and has been certified as permanently and totally disabled by an agency of this state or the United States having the function of so classifying persons.

Sec. 173.21. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification ~~program~~ in accordance with this section and to meet ~~the~~ any continuing education requirements that may be established ~~under~~ in rules adopted under division (B) of this section.

(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the content of training ~~programs~~ for representatives of the office of the state long-term care ombudsman program. Training for representatives other than those who are volunteers providing services through regional long-term care ombudsman programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department ~~and shall consist.~~ All of the following apply to training for representatives other than volunteers:

(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ thirty-six hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the supervision of a representative of the office certified under this

section; 11060

(2) ~~An additional sixty clock~~ Additional hours of 11061
instruction, ~~which shall be completed within the first fifteen~~ 11062
~~months of employment~~ may include an internship, in-service 11063
training, and continuing education requirements as may be required 11064
in rules adopted under division (B) of this section; 11065

(3) ~~An internship of twenty clock hours, which shall be~~ 11066
~~completed within the first twenty four months of employment,~~ 11067
~~including instruction in, and observation of, basic nursing care~~ 11068
~~and long term care provider operations and procedures. The~~ 11069
~~internship shall be performed at a site that has been approved as~~ 11070
~~an internship site by the state long term care ombudsman.~~ 11071

(4) ~~One of the following, which shall be completed within the~~ 11072
~~first twenty four months of employment:~~ 11073

(a) ~~Observation of a survey conducted by the director of~~ 11074
~~health to certify a nursing facility to participate in the~~ 11075
~~medicaid program;~~ 11076

(b) ~~Observation of an inspection conducted by the director of~~ 11077
~~mental health and addiction services to license a residential~~ 11078
~~facility under section 5119.34 of the Revised Code that provides~~ 11079
~~accommodations, supervision, and personal care services for three~~ 11080
~~to sixteen unrelated adults.~~ 11081

(5) ~~Any~~ Representatives may be required to complete any other 11082
~~training considered appropriate by the department.~~ 11083

(C) ~~Any person who for a period of at least six months prior~~ 11084
~~to June 11, 1990, served as an ombudsman through the long term~~ 11085
~~care ombudsman program established by the department of aging~~ 11086
~~under section 173.01 of the Revised Code shall not be required to~~ 11087
~~complete a training program. Such a person and persons who~~ 11088
~~complete a training program shall take an examination administered~~ 11089
~~by the department of aging. On attainment of a passing score, the~~ 11090

~~person shall be certified by the department as a representative of 11091
the office. The department shall issue the person an 11092
identification card, which the representative shall show at the 11093
request of any person with whom the representative deals while 11094
performing the representative's duties and which shall be 11095
surrendered at the time the representative separates from the 11096
office. 11097~~

~~(D)~~ The state ombudsman and each regional program shall 11098
~~conduct training programs for~~ train volunteers on their respective 11099
staffs in accordance with the rules ~~of the department of aging~~ 11100
adopted under division (B) of this section. ~~Training programs~~ 11101
Volunteers may be ~~conducted that train volunteers~~ trained to 11102
complete some, but not all, of the duties of a representative of 11103
the office. Each regional office shall bear the cost of training 11104
its representatives who are volunteers. On completion of a 11105
training ~~program~~, the representative shall take an examination 11106
administered by the department of aging. On attainment of a 11107
passing score, a volunteer shall be certified by the department as 11108
a representative authorized to perform services specified in the 11109
certification. The department shall issue an identification card, 11110
which the representative shall show at the request of any person 11111
with whom the representative deals while performing the 11112
representative's duties and which shall be surrendered at the time 11113
the representative separates from the office. Except as a 11114
supervised part of a training ~~program~~, no volunteer shall perform 11115
any duty unless the volunteer is certified as a representative 11116
having received appropriate training for that duty. 11117

~~(E)~~(D) The state ombudsman shall provide technical assistance 11118
to regional programs conducting training ~~programs~~ for volunteers 11119
and shall monitor the training ~~programs~~. 11120

~~(F)~~ Prior to scheduling an observation of a certification 11121
~~survey or licensing inspection for purposes of division (B)(4) of~~ 11122

~~this section, the state ombudsman shall obtain permission to have 11123
the survey or inspection observed from both the long term care 11124
facility at which the survey or inspection is to take place and, 11125
as the case may be, the director of health or director of mental 11126
health and addiction services. 11127~~

~~(G) The department of aging shall establish continuing 11128
education requirements for representatives of the office. 11129~~

Sec. 173.51. As used in sections 173.51 to 173.56 of the 11130
Revised Code: 11131

"Area agency on aging" has the same meaning as in section 11132
173.14 of the Revised Code. 11133

"Assisted living program" means the program that consists of 11134
a medicaid-funded component created under section 173.54 of the 11135
Revised Code and a state-funded component created under section 11136
173.543 of the Revised Code and provides assisted living services 11137
to individuals who meet the program's applicable eligibility 11138
requirements. 11139

"Assisted living services" means the following home and 11140
community-based services: personal care, homemaker, chore, 11141
attendant care, companion, medication oversight, and therapeutic 11142
social and recreational programming. 11143

"Assisted living waiver" means the federal medicaid waiver 11144
granted by the United States secretary of health and human 11145
services that authorizes the medicaid-funded component of the 11146
assisted living program. 11147

"County or district home" means a county or district home 11148
operated under Chapter 5155. of the Revised Code. 11149

"Long-term care consultation program" means the program the 11150
department of aging is required to develop under section 173.42 of 11151
the Revised Code. 11152

"Long-term care consultation program administrator" or 11153
"administrator" means the department of aging or, if the 11154
department contracts with an area agency on aging or other entity 11155
to administer the long-term care consultation program for a 11156
particular area, that agency or entity. 11157

"Medicaid waiver component" has the same meaning as in 11158
section 5166.01 of the Revised Code. 11159

"Nursing facility" has the same meaning as in section 5165.01 11160
of the Revised Code. 11161

"PASSPORT program" means the preadmission screening system 11162
providing options and resources today program (PASSPORT) that 11163
consists of a medicaid-funded component created under section 11164
173.52 of the Revised Code and a state-funded component created 11165
under section 173.522 of the Revised Code and provides home and 11166
community-based services as an alternative to nursing facility 11167
placement for individuals who are aged and disabled and meet the 11168
program's applicable eligibility requirements. 11169

"PASSPORT waiver" means the federal medicaid waiver granted 11170
by the United States secretary of health and human services that 11171
authorizes the medicaid-funded component of the PASSPORT program. 11172

"Representative" means a person acting on behalf of an 11173
applicant for the medicaid-funded component or state-funded 11174
component of the assisted living program. A representative may be 11175
a family member, attorney, hospital social worker, or any other 11176
person chosen to act on behalf of an applicant. 11177

"Residential care facility" has the same meaning as in 11178
section 3721.01 of the Revised Code. 11179

~~"Unified long term services and support medicaid waiver 11180
component" means the medicaid waiver component authorized by 11181
section 5166.14 of the Revised Code. 11182~~

Sec. 173.52. (A) The department of medicaid shall create the 11183
medicaid-funded component of the PASSPORT program. In creating the 11184
medicaid-funded component, the department of medicaid shall 11185
collaborate with the department of aging. 11186

(B) ~~Unless the medicaid funded component of the PASSPORT~~ 11187
~~program is terminated under division (C) of this section, all~~ All 11188
of the following apply to the medicaid-funded component of the 11189
PASSPORT program: 11190

(1) The department of aging shall administer the 11191
medicaid-funded component through a contract entered into with the 11192
department of medicaid under section 5162.35 of the Revised Code. 11193

(2) The medicaid-funded component shall be operated as a 11194
separate medicaid waiver component. 11195

(3) For an individual to be eligible for the medicaid-funded 11196
component, the individual must be a medicaid recipient and meet 11197
the additional eligibility requirements applicable to the 11198
individual established in rules adopted under division (B)(4) of 11199
this section. 11200

(4) To the extent authorized by rules ~~authorization~~ 11201
authorized by section 5162.021 of the Revised Code, the director 11202
of aging shall adopt rules in accordance with Chapter 119. of the 11203
Revised Code to implement the medicaid-funded component. 11204

~~(C) If the unified long term services and support medicaid~~ 11205
~~waiver component is created, the departments of aging and medicaid~~ 11206
~~shall work together to determine whether the medicaid funded~~ 11207
~~component of the PASSPORT program should continue to operate as a~~ 11208
~~separate medicaid waiver component or be terminated. If the~~ 11209
~~departments determine that the medicaid funded component of the~~ 11210
~~PASSPORT program should be terminated, the medicaid funded~~ 11211
~~component shall cease to exist on a date the departments shall~~ 11212

~~specify.~~ 11213

Sec. 173.521. (A) ~~Unless the medicaid funded component of the~~ 11214
~~PASSPORT program is terminated pursuant to division (C) of section~~ 11215
~~173.52 of the Revised Code, the~~ The department shall establish a 11216
home first component of the PASSPORT program under which eligible 11217
individuals may be enrolled in the medicaid-funded component of 11218
the PASSPORT program in accordance with this section. An 11219
individual is eligible for the PASSPORT program's home first 11220
component if both of the following apply: 11221

(1) The individual has been determined to be eligible for the 11222
medicaid-funded component of the PASSPORT program. 11223

(2) At least one of the following applies: 11224

(a) The individual has been admitted to a nursing facility. 11225

(b) A physician has determined and documented in writing that 11226
the individual has a medical condition that, unless the individual 11227
is enrolled in home and community-based services such as the 11228
PASSPORT program, will require the individual to be admitted to a 11229
nursing facility within thirty days of the physician's 11230
determination. 11231

(c) The individual has been hospitalized and a physician has 11232
determined and documented in writing that, unless the individual 11233
is enrolled in home and community-based services such as the 11234
PASSPORT program, the individual is to be transported directly 11235
from the hospital to a nursing facility and admitted. 11236

(d) Both of the following apply: 11237

(i) The individual is the subject of a report made under 11238
section 5101.63 of the Revised Code regarding abuse, neglect, or 11239
exploitation or such a report referred to a county department of 11240
job and family services under section 5126.31 of the Revised Code 11241
or has made a request to a county department for protective 11242

services as defined in section 5101.60 of the Revised Code. 11243

(ii) A county department of job and family services and an 11244
area agency on aging have jointly documented in writing that, 11245
unless the individual is enrolled in home and community-based 11246
services such as the PASSPORT program, the individual should be 11247
admitted to a nursing facility. 11248

(B) Each month, each area agency on aging shall identify 11249
individuals residing in the area that the agency serves who are 11250
eligible for the home first component of the PASSPORT program. 11251
When an area agency on aging identifies such an individual, the 11252
agency shall notify the long-term care consultation program 11253
administrator serving the area in which the individual resides. 11254
The administrator shall determine whether the PASSPORT program is 11255
appropriate for the individual and whether the individual would 11256
rather participate in the PASSPORT program than continue or begin 11257
to reside in a nursing facility. If the administrator determines 11258
that the PASSPORT program is appropriate for the individual and 11259
the individual would rather participate in the PASSPORT program 11260
than continue or begin to reside in a nursing facility, the 11261
administrator shall so notify the department of aging. On receipt 11262
of the notice from the administrator, the department shall approve 11263
the individual's enrollment in the medicaid-funded component of 11264
the PASSPORT program regardless of the unified waiting list 11265
established under section 173.55 of the Revised Code, unless the 11266
enrollment would cause the component to exceed any limit on the 11267
number of individuals who may be enrolled in the component as set 11268
by the United States secretary of health and human services in the 11269
PASSPORT waiver. 11270

Sec. 173.522. (A) The department of aging shall create and 11271
administer the state-funded component of the PASSPORT program. The 11272
state-funded component shall not be administered as part of the 11273

medicaid program. 11274

(B) For an individual to be eligible for the state-funded 11275
component of the PASSPORT program, the individual must meet one of 11276
the following requirements and meet the additional eligibility 11277
requirements applicable to the individual established in rules 11278
adopted under division (D) of this section: 11279

(1) The individual must have been enrolled in the 11280
state-funded component on September 1, 1991, (as the state-funded 11281
component was authorized by uncodified law in effect at that time) 11282
and have had one or more applications for enrollment in the 11283
medicaid-funded component of the PASSPORT program ~~(or, if the~~ 11284
~~medicaid-funded component is terminated under division (C) of~~ 11285
~~section 173.52 of the Revised Code, the unified long term services~~ 11286
~~and support medicaid waiver component)~~ denied. 11287

(2) The individual must have an application for the 11288
medicaid-funded component of the PASSPORT program ~~(or, if the~~ 11289
~~medicaid-funded component is terminated under division (C) of~~ 11290
~~section 173.52 of the Revised Code, the unified long term services~~ 11291
~~and support medicaid waiver component)~~ pending and the department 11292
or the department's designee must have determined that the 11293
individual meets the nonfinancial eligibility requirements of the 11294
medicaid-funded component ~~(or, if the medicaid-funded component is~~ 11295
~~terminated under division (C) of section 173.52 of the Revised~~ 11296
~~Code, the unified long term services and support medicaid waiver~~ 11297
~~component)~~ and not have reason to doubt that the individual meets 11298
the financial eligibility requirements of the medicaid-funded 11299
component ~~(or, if the medicaid-funded component is terminated~~ 11300
~~under division (C) of section 173.52 of the Revised Code, the~~ 11301
~~unified long term services and support medicaid waiver component).~~ 11302

(C) An individual who is eligible for the state-funded 11303
component of the PASSPORT program because the individual meets the 11304

requirement of division (B)(2) of this section may participate in 11305
the component on that basis for a period of time specified in 11306
rules adopted under division (D) of this section. 11307

(D)(1) The director of aging shall adopt rules in accordance 11308
with section 111.15 of the Revised Code to implement the 11309
state-funded component of the PASSPORT program. 11310

The rules shall include all of the following: 11311

(a) Additional eligibility requirements for an individual to 11312
be eligible for the state-funded component of the PASSPORT 11313
program; 11314

(b) The duration that an individual eligible for the 11315
state-funded component of the PASSPORT program under division 11316
(B)(2) of this section may participate in that component; 11317

(c) Any other rules the director considers appropriate to 11318
implement the state-funded component of the PASSPORT program. 11319

(2) The additional eligibility requirements established in 11320
the rules may vary for the different groups of individuals 11321
specified in divisions (B)(1) and (2) of this section. 11322

Sec. 173.54. (A) The department of medicaid shall create the 11323
medicaid-funded component of the assisted living program. In 11324
creating the medicaid-funded component, the department of medicaid 11325
shall collaborate with the department of aging. 11326

(B) Unless the medicaid-funded component of the assisted 11327
living program is terminated under division (C) of this section, 11328
all of the following apply: 11329

(1) The department of aging shall administer the 11330
medicaid-funded component through a contract entered into with the 11331
department of medicaid under section 5162.35 of the Revised Code. 11332

(2) The contract shall include an estimate of the 11333

medicaid-funded component's costs. 11334

(3) The medicaid-funded component shall be operated as a 11335
separate medicaid waiver component. 11336

(4) The medicaid-funded component may not serve more 11337
individuals than is set by the United States secretary of health 11338
and human services in the assisted living waiver. 11339

(5) To the extent authorized by rules authorized by section 11340
5162.021 of the Revised Code, the director of aging may adopt 11341
rules under Chapter 119. of the Revised Code regarding the 11342
medicaid-funded component. 11343

~~(C) If the unified long term services and support medicaid 11344
waiver component is created, the departments of aging and medicaid 11345
shall collaborate to determine whether the medicaid funded 11346
component of the assisted living program should continue to 11347
operate as a separate medicaid waiver component or be terminated. 11348
If the departments determine that the medicaid funded component of 11349
the assisted living program should be terminated, the 11350
medicaid funded component shall cease to exist on a date the 11351
departments shall specify. 11352~~

Sec. 173.542. (A) ~~Unless the medicaid funded component of the 11353
assisted living program is terminated pursuant to division (C) of 11354
section 173.54 of the Revised Code, the The department of aging 11355
shall establish a home first component of the assisted living 11356
program under which eligible individuals may be enrolled in the 11357
medicaid-funded component of the assisted living program in 11358
accordance with this section. An individual is eligible for the 11359
assisted living program's home first component if both of the 11360
following apply: 11361~~

(1) The individual has been determined to be eligible for the 11362
medicaid-funded component of the assisted living program. 11363

(2) At least one of the following applies: 11364

(a) The individual has been admitted to a nursing facility. 11365

(b) A physician has determined and documented in writing that 11366
the individual has a medical condition that, unless the individual 11367
is enrolled in home and community-based services such as the 11368
assisted living program, will require the individual to be 11369
admitted to a nursing facility within thirty days of the 11370
physician's determination. 11371

(c) The individual has been hospitalized and a physician has 11372
determined and documented in writing that, unless the individual 11373
is enrolled in home and community-based services such as the 11374
assisted living program, the individual is to be transported 11375
directly from the hospital to a nursing facility and admitted. 11376

(d) Both of the following apply: 11377

(i) The individual is the subject of a report made under 11378
section 5101.63 of the Revised Code regarding abuse, neglect, or 11379
exploitation or such a report referred to a county department of 11380
job and family services under section 5126.31 of the Revised Code 11381
or has made a request to a county department for protective 11382
services as defined in section 5101.60 of the Revised Code. 11383

(ii) A county department of job and family services and an 11384
area agency on aging have jointly documented in writing that, 11385
unless the individual is enrolled in home and community-based 11386
services such as the assisted living program, the individual 11387
should be admitted to a nursing facility. 11388

(B) Each month, each area agency on aging shall identify 11389
individuals residing in the area that the area agency on aging 11390
serves who are eligible for the home first component of the 11391
assisted living program. When an area agency on aging identifies 11392
such an individual and determines that there is a vacancy in a 11393
residential care facility participating in the medicaid-funded 11394

component of the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the assisted living program is appropriate for the individual and whether the individual would rather participate in the assisted living program than continue or begin to reside in a nursing facility. If the administrator determines that the assisted living program is appropriate for the individual and the individual would rather participate in the assisted living program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the assisted living program regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the enrollment would cause the component to exceed any limit on the number of individuals who may participate in the component as set by the United States secretary of health and human services in the assisted living waiver.

Sec. 173.544. To be eligible for the state-funded component of the assisted living program, an individual must meet all of the following requirements:

(A) The individual must need an intermediate level of care as determined by an assessment conducted under section 173.546 of the Revised Code.

(B) The individual must have an application for the medicaid-funded component of the assisted living program ~~(or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component)~~ pending and the department

or the department's designee must have determined that the 11426
individual meets the nonfinancial eligibility requirements of the 11427
medicaid-funded component ~~(or, if the medicaid-funded component is~~ 11428
~~terminated under division (C) of section 173.54 of the Revised~~ 11429
~~Code, the unified long term services and support medicaid waiver~~ 11430
~~component)~~ and not have reason to doubt that the individual meets 11431
the financial eligibility requirements of the medicaid-funded 11432
component ~~(or, if the medicaid-funded component is terminated~~ 11433
~~under division (C) of section 173.54 of the Revised Code, the~~ 11434
~~unified long term services and support medicaid waiver component).~~ 11435

(C) While receiving assisted living services under the 11436
state-funded component, the individual must reside in a 11437
residential care facility that is authorized by a valid provider 11438
agreement to participate in the component, including both of the 11439
following: 11440

(1) A residential care facility that is owned or operated by 11441
a metropolitan housing authority that has a contract with the 11442
United States department of housing and urban development to 11443
receive an operating subsidy or rental assistance for the 11444
residents of the facility; 11445

(2) A county or district home licensed as a residential care 11446
facility. 11447

(D) The individual must meet all other eligibility 11448
requirements for the state-funded component established in rules 11449
adopted under section 173.543 of the Revised Code. 11450

Sec. 173.60. (A) As used in this section: 11451

(1) "Nursing home" has the same meaning as in section 3721.01 11452
of the Revised Code. 11453

(2) "Person-centered care" means a relationship-based 11454
approach to care that honors and respects the opinions of 11455

individuals receiving care and those working closely with them. 11456

(B) The department of aging shall implement a nursing home 11457
quality initiative to improve the provision of person-centered 11458
care in nursing homes. The office of the state long-term care 11459
ombudsman program shall assist the department with the initiative. 11460
The initiative shall include quality improvement projects that 11461
provide nursing homes with resources and on-site education 11462
promoting person-centered care strategies and positive resident 11463
outcomes, as well as other assistance designed to improve the 11464
quality of nursing home services. The department may offer any of 11465
the projects. 11466

~~(C)(1)~~ The department shall make available a list of 11467
quality improvement projects that may be used by nursing homes in 11468
meeting the requirements of section 3721.072 of the Revised Code. 11469
In addition to any of the projects offered by the department 11470
pursuant to division (B) of this section, the list may include 11471
projects offered by any of the following: 11472

~~(1)(a)~~ Other state agencies; 11473

~~(2)(b)~~ A quality improvement organization under contract with 11474
the United States secretary of health and human services to carry 11475
out in this state the functions described in the "Social Security 11476
Act," section 1154, 42 U.S.C. 1320c-3; 11477

~~(3)(c)~~ The Ohio person-centered care coalition; 11478

~~(4)(d)~~ Any other academic, research, or health care entity 11479
identified by the department. 11480

(2) The department shall offer to nursing homes and other 11481
long-term care facility settings infection prevention and control 11482
and facility technical assistance, including services, programs, 11483
and content expertise, as a project authorized under division 11484
(C)(1) of this section to improve quality of care and quality of 11485
life, subject to the availability of funds. 11486

(D) The director of aging may adopt rules in accordance with 11487
Chapter 119. of the Revised Code as necessary to implement this 11488
section. 11489

Sec. 175.12. (A) This chapter, being necessary for the 11490
welfare of the state and its inhabitants, shall be liberally 11491
construed to effect its purposes and the purposes of Section 14, 11492
of Article VIII and Section 16, Article VIII, Ohio Constitution. 11493

(B) The following are not public records subject to section 11494
149.43 of the Revised Code: 11495

(1) Financial statements and data submitted for any purpose 11496
to the Ohio housing finance agency or the controlling board by any 11497
person in connection with applying for, receiving, or accounting 11498
for financial assistance the agency provides; 11499

(2) Information that identifies any individual who benefits 11500
directly or indirectly from financial assistance the agency 11501
provides; 11502

(3) Information provided to the tax commissioner under 11503
section 175.16 or 175.17 of the Revised Code, information provided 11504
under divisions (I)(1) and (2) of section 175.16 of the Revised 11505
Code, and information provided under divisions (H)(1) and (2) of 11506
section 175.17 of the Revised Code. 11507

(C)(1) The agencies of this state shall cooperate fully with 11508
the Ohio housing finance agency and shall provide information the 11509
Ohio housing finance agency determines is necessary or helpful for 11510
its operation. 11511

(2) The Ohio housing finance agency may arrange with and 11512
enter into contracts with other entities to perform functions this 11513
chapter authorizes the agency to perform and compensate those 11514
entities for performing those functions. 11515

(3) The agency may enter into contracts with state entities 11516

as described in this chapter. 11517

(D) Any state agency that provides supplies, equipment, or 11518
services directly related to the mission of the Ohio housing 11519
finance agency as described in section 175.02 of the Revised Code 11520
may enter into an agreement with the Ohio housing finance agency 11521
to furnish those supplies, equipment, or services pursuant to 11522
terms both agencies agree upon for remuneration to the state 11523
agency. 11524

(E) The Ohio housing finance agency is exempt from the 11525
requirements of Chapters 123. and 125. and sections 127.16 and 11526
5147.07 of the Revised Code. 11527

Sec. 175.16. (A) As used in this section: 11528

(1) "Federal low-income housing tax credit" and "federal 11529
credit" mean the tax credit authorized under section 42 of the 11530
Internal Revenue Code. 11531

(2) "Credit period," "qualified low-income building," and 11532
"qualified basis" have the same meanings as in section 42 of the 11533
Internal Revenue Code. 11534

(3) "Qualified project" means a qualified low-income building 11535
that is located in Ohio, is placed in service on or after July 1, 11536
2023, and for which the director of the Ohio housing finance 11537
agency reserves a tax credit under division (B) of this section 11538
before June 30, 2027. 11539

(4) "Pass-through entity" has the same meaning as in section 11540
5733.04 of the Revised Code. 11541

(5) "Owner" means a person or persons holding a fee simple 11542
interest or a leasehold interest pursuant to a ground lease in a 11543
qualified project. 11544

(6) "Reserved credit amount" means the amount determined by 11545
the director and stipulated in the notice sent to each owner of a 11546

qualified project under division (B) of this section. 11547

(7) "Annual credit amount" means the amount computed by the 11548
director under division (D) of this section prior to issuing an 11549
eligibility certificate. 11550

(8) "Equity owner" means any person who, directly or 11551
indirectly through one or more pass-through entities, is a member, 11552
partner, or shareholder of a pass-through entity, as determined 11553
under applicable state law governing such entity. 11554

(9) "Person" has the same meaning as in section 5701.01 of 11555
the Revised Code. 11556

(10) "Eligibility certificate" means a certificate issued by 11557
the director to each owner of a qualified project under division 11558
(D) of this section stating the amount of credit that may be 11559
claimed for each year of the credit period. 11560

(11) "Qualified allocation plan" means the plan developed by 11561
the Ohio housing finance agency, as required under section 175.06 11562
of the Revised Code, for evaluating and selecting projects for the 11563
federal low-income housing tax credit pursuant to the mandates and 11564
requirements within section 42 of the Internal Revenue Code. 11565

(12) "Internal Revenue Code" has the same meaning as in 11566
section 5747.01 of the Revised Code. 11567

(13) "Designated reporter" means, as designated by an owner, 11568
the owner or one of the owner's direct or indirect partners, 11569
members, or shareholders that will provide information to the 11570
director of the Ohio housing finance agency regarding the 11571
allocation of tax credits under division (I) of this section. 11572

(14) "Director" means the executive director of the Ohio 11573
housing finance agency. 11574

(B) Except as otherwise provided by this division, the 11575
director of the Ohio housing finance agency, upon allocating a 11576

federal low-income housing tax credit and issuing a binding reservation or letter of eligibility, pursuant to the agency's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after July 1, 2023, may reserve a tax credit under this section for the owners of the qualified low-income building so long as doing so will not result in exceeding the annual credit allotment prescribed by division (C) of this section. The director shall not reserve a tax credit under this section after June 30, 2027.

The director shall send written notice of the reservation to each owner of the qualified project. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate and filing the information described in division (I) of this section. Upon receipt of that notice, the owner shall provide the identity of the owner's designated reporter to the director.

The director shall determine the credit amount reserved for each qualified project. The reserved credit amount shall not exceed the amount necessary, when combined with the federal credit, to ensure the financial feasibility of the qualified project.

The director shall reserve credits in a manner that ensures the qualified project is creating additional housing units that would not have otherwise been created with other state or federal or private financing. The director may assess application, processing, and reporting fees to cover the cost of administering the tax credit authorized under this section.

(C) The amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (1) one hundred million dollars, (2) the amount, if any, by which the credit allocation prescribed by this division for the

preceding fiscal year exceeds the credits reserved by the director 11609
in that year, and (3) the amount of tax credits recaptured or 11610
otherwise disallowed under division (G) of this section in the 11611
preceding fiscal year. 11612

For the purpose of computing and determining compliance with 11613
the credit allocation prescribed by this division, the credit 11614
amount reserved for the owners of a qualified project is the full 11615
amount for all years of the qualified project's credit period. 11616

(D) Immediately after approving the final cost certification 11617
for a qualified project for which a tax credit under this section 11618
is reserved, or upon otherwise determining the qualified basis of 11619
the qualified project and the date it was placed into service as 11620
required by section 42(m) of the Internal Revenue Code, the 11621
director shall compute the annual credit amount and issue an 11622
eligibility certificate to each owner of the qualified project. 11623

The annual credit amount shall equal the lesser of the 11624
following: 11625

(1) The amount of the federal credit that would be awarded to 11626
the owners of the qualified project for the first year of the 11627
credit period if not for the adjustment required under section 11628
42(f)(2) of the Internal Revenue Code; 11629

(2) One-tenth of the reserved credit amount stated in the 11630
notice issued under division (B) of this section. 11631

(E) Each eligibility certificate shall state the annual 11632
credit amount, the years that comprise the credit period, the 11633
name, address, and tax identification number of each owner of the 11634
qualified project, each owner's designated reporter, the date the 11635
certificate is issued, a unique identifying number, and any 11636
additional information prescribed by a rule adopted under division 11637
(H) of this section. The director shall send a copy of each 11638
eligibility certificate to the tax commissioner and the 11639

superintendent of insurance. If the owner of the qualified project 11640
that receives an eligibility certificate under this section is a 11641
pass-through entity and the credit has been allocated to one or 11642
more of its equity owners, the pass-through entity shall provide 11643
the equity owner entitled to claim the credit under this section 11644
with a copy of the eligibility certificate and a copy of the 11645
information described in division (I) of this section that has 11646
been provided to the director, if requested. 11647

(F)(1) For each year of a qualified project's credit period, 11648
an owner of the qualified project or an equity owner of such an 11649
owner that is a pass-through entity may claim a nonrefundable 11650
credit against the tax imposed by section 5725.18, 5726.02, 11651
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a 11652
portion of the annual credit amount stated on the eligibility 11653
certificate. The credit shall be claimed in the manner prescribed 11654
by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised 11655
Code, as applicable. 11656

(2) The annual credit amount for any year of a qualified 11657
project's credit period may be allocated by the owners among 11658
multiple other equity owners, and may be applied by those equity 11659
owners or equity owners against more than one tax, as applicable, 11660
but the total credits claimed in connection with that year of the 11661
qualified project's credit period by all equity owners against all 11662
taxes, as applicable, shall not exceed the annual credit amount 11663
stated on the eligibility certificate. 11664

(3) An owner of a qualified project or the equity owner of 11665
such an owner that is a pass-through entity may claim the credit 11666
authorized by this section after the date the qualified project is 11667
placed into service but not before the date the director issues 11668
each owner of the qualified project an eligibility certificate 11669
under division (D) of this section and the applicable report 11670
required by division (I) of this section is filed by the 11671

designated reporter. 11672

(4) An owner or equity owner that claims a tax credit under 11673
division (F)(1) of this section shall submit a copy of the 11674
eligibility certificate along with the owner's or equity owner's 11675
tax return or report. Upon request of the tax commissioner or the 11676
superintendent of insurance, any owner or equity owner claiming a 11677
tax credit under this section shall provide the commissioner or 11678
superintendent other documentation that may be necessary to verify 11679
that the owner or equity owner is entitled to the credit. 11680

(5) An owner or equity owner that is a pass-through entity 11681
may allocate the credit authorized by this section to its equity 11682
owners in any manner agreed to by such persons regardless of 11683
whether such equity owners are eligible for an allocation of the 11684
federal credit, whether the allocation of the credit under the 11685
terms of the agreement has substantial economic effect within the 11686
meaning of section 704(b) of the Internal Revenue Code, and 11687
whether any such person is deemed a partner for federal income tax 11688
purposes as long as the equity owner would be considered an equity 11689
owner under applicable state law governing such entity and 11690
acquired its ownership interest prior to claiming the credit. The 11691
allocation shall be allowed without regard to any provision of the 11692
Internal Revenue Code, or regulation promulgated pursuant to it, 11693
that may be interpreted as contrary to the allocation, including, 11694
without limitation, the treatment of the allocation as a disguised 11695
sale. Such equity owner may assign all or any part of its 11696
interest, including its interest in the credits, to one or more 11697
equity owners, and each assignee shall be able to claim the credit 11698
so long as its interest is acquired prior to the filing of its tax 11699
return or amended return claiming the credit and the assignee's 11700
annual credit allocation is identified in the report required by 11701
division (I) of this section. 11702

(6) An insurance company shall not be required to pay any 11703

additional tax levied under section 5729.06 of the Revised Code as 11704
a result of claiming the tax credit authorized by this section. 11705

(7) Nothing in this section or section 5725.36, 5726.58, 11706
5729.19, or 5747.83 of the Revised Code allows the assignment or 11707
transfer of any carryforward of the credit authorized under this 11708
section once the annual credit amount is claimed. 11709

(G) If any portion of the federal low-income housing tax 11710
credit allocated to a qualified project is recaptured under 11711
section 42(j) of the Internal Revenue Code or is otherwise 11712
disallowed, the director shall recapture a proportionate amount of 11713
the tax credits claimed pursuant to this section in connection 11714
with the same qualified project. 11715

If the director determines to recapture such a tax credit, 11716
the director shall certify the name of each owner of the qualified 11717
project to the tax commissioner and to the superintendent of 11718
insurance. The commissioner or superintendent shall determine the 11719
taxpayer that claimed the credit, the tax against which the credit 11720
was claimed, and the amount to be recaptured and make an 11721
assessment under Chapter 5725., 5726., 5729., or 5747. of the 11722
Revised Code, as applicable, for the amount to be recaptured. The 11723
time limitations on assessments under those chapters do not apply 11724
to an assessment made under this division. 11725

(H) The director, in consultation with the tax commissioner 11726
and the superintendent of insurance, may adopt any rules necessary 11727
to implement this section in accordance with Chapter 119. of the 11728
Revised Code. Notwithstanding any provision of section 121.95 of 11729
the Revised Code to the contrary, a regulatory restriction 11730
contained in a rule adopted under this division is not subject to 11731
sections 121.95 to 121.953 of the Revised Code. 11732

(I) For each calendar year, the designated reporter for each 11733
qualified project shall provide all of the following to the 11734

director, on a form prescribed by the director in consultation 11735
with the tax commissioner and the superintendent of insurance: 11736

(1) A list of each owner or equity owner that has been 11737
allocated a portion of the annual credit awarded in an eligibility 11738
certificate for such year, including the owner's name, address, 11739
taxpayer identification number, and the tax against which the 11740
credit will be claimed; 11741

(2) For each owner or equity owner described in division 11742
(I)(1) of this section, the amount of annual credit that has been 11743
allocated for such year; 11744

(3) An aggregate list of the credit amount allocated related 11745
to a qualified project demonstrating that the aggregate annual 11746
amount of the credits allocated do not exceed the aggregate annual 11747
credit awarded in the eligibility certificate. 11748

A designated reporter shall notify the director of any 11749
changes to any information required by divisions (I)(1) to (3) of 11750
this section in the time and manner prescribed by the director. 11751

No credit may be claimed under this section by a person 11752
unless the person is listed on the report required under division 11753
(I) of this section. 11754

Sec. 175.17. (A) As used in this section: 11755

(1) "Qualified project" means a project to develop 11756
single-family dwellings in this state that satisfies any 11757
qualifications established by the director under division (I) of 11758
this section. 11759

(2) "Pass-through entity" has the same meaning as in section 11760
5733.04 of the Revised Code. 11761

(3) "Reserved credit amount" means the amount determined by 11762
the director and stipulated in the notice sent under division (B) 11763
of this section. 11764

- (4) "Annual credit amount" means the amount computed by the director under division (D) of this section before issuing an eligibility certificate. 11765
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- (5) "Equity owner" means any person who directly or indirectly, through one or more pass-through entities, is a member, partner, or shareholder of a pass-through entity. 11768
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- (6) "Person" has the same meaning as in section 5701.01 of the Revised Code. 11771
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- (7) "Eligibility certificate" means a certificate issued by the director to a project development owner under division (D) of this section. 11773
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- (8) "Project development owner" means a unit of government that owns a qualified project. 11776
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- (9) "Affordability period" means the period that commences on the date of sale of a single-family dwelling constructed as part of a qualified project to the initial qualified buyer and continues through subsequent qualified buyers for ten years. 11778
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- (10) "Designated reporter" means the project development owner or one of the owner's direct or indirect partners, members, or shareholders, as selected by the owner under division (B) of this section. 11782
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- (11) "Project development investor" means any person that contributes capital to a qualified project in exchange for an allocation of a tax credit under this section. 11786
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- (12) "Credit period" means the ten-year period that begins in the year the eligibility certificate is issued. 11789
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- (13) "Director" means the executive director of the Ohio housing finance agency. 11791
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- (14) "Unit of government" means a county, township, municipal corporation, regional planning commission, community improvement 11793
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corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority. 11795
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(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner. 11798
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(B)(1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following: 11802
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(a) The name and address of the project development owner's designated reporter; 11807
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(b) The names and addresses of all members of the project development team; 11809
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(c) An estimate of the qualified project's development costs; 11811

(d) Any other information as the director may require pursuant to division (I) of this section. 11812
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The director shall competitively evaluate and approve applications and award tax credit reservations under this section for a qualified project in accordance with the plan adopted under division (I)(1) of this section. The director shall determine the credit amount reserved for each qualified project, which shall not exceed the difference between the total estimated development costs included with the application and the appraised market value of all homes in the finished project, as estimated by the director. The director shall not reserve a credit under this section if doing so would exceed the annual limit prescribed by division (B)(3) of this section. 11814
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(2) The director shall send written notice of the tax credit reservation to the project development owner of an approved qualified project. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate and filing the information required by division (H) of this section. 11825
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(3) The amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (a) fifty million dollars, (b) the amount, if any, by which the credit allocation prescribed by this division for the preceding fiscal year exceeds the credits reserved by the director in that year, and (c) the amount of tax credits recaptured, assessed, and collected by the tax commissioner or superintendent of insurance, and disallowed or subject to reduction under this section in the preceding fiscal year. For the purpose of computing and determining compliance with the credit allocation prescribed by division (B)(3) of this section, the credit amount reserved for the project development owner is the full amount for all years of the qualified project's credit period. 11832
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(4) The director shall not reserve a tax credit under this section after June 30, 2027. 11845
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(C) The project development owner shall maintain ownership of a qualified project and associated single-family dwellings until the dwellings are sold to qualified buyers. The project development team shall service the associated properties of a qualified project for the duration of the applicable affordability period. 11847
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The qualified buyer of a single-family home constructed as part of a qualified project for which a tax credit was reserved under this section shall occupy the home as the buyer's primary residence during the affordability period. 11853
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(D) Upon completion of a qualified project for which a tax credit was reserved under this section, the project development owner shall notify the director and provide a final development cost certification for approval. After receipt of this notice, the director shall appraise the project's dwellings. Immediately after approving the final cost certification, the director shall compute the amount of the tax credit that may be claimed in each year and issue an eligibility certificate to the project development owner. That annual amount, which shall be stated on the certificate, shall equal one-tenth of the reserved credit amount stated in the notice issued under division (B) of this section, subject to any reduction or increase as the result of the approval of the final cost certification and the appraisal conducted under this division. 11857
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(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and the taxpayer identification number of the project development owner, the project development owner's designated reporter, and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director may require by rule. The director shall certify a copy of each eligibility certificate to the tax commissioner and the superintendent of insurance. 11871
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(F)(1) For each year of a qualified project's credit period, a project development owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount listed on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.37, 5726.59, 5729.20, or 5747.84 of the Revised Code. 11881
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(2) A project development owner may or, if the owner is not 11888

subject to any tax against which the credit authorized under this 11889
section may be claimed, shall allocate all or a portion of the 11890
annual credit amount for any year of a qualified project's credit 11891
period among one or more project development investors. Such 11892
allocated credits may be applied by those project development 11893
investors or the equity owners of such an investor that is a 11894
pass-through entity against more than one tax, as applicable, but 11895
the total credits claimed for that year of the qualified project's 11896
credit period by all project development investors and equity 11897
owners shall not exceed the annual credit amount stated on the 11898
eligibility certificate. 11899

(3) A project development investor or the equity owner of 11900
such an investor that is a pass-through entity may claim the 11901
credit authorized by this section after the date the director 11902
issues an eligibility certificate under division (D) of this 11903
section and the applicable annual report required by division (H) 11904
of this section is filed by the designated reporter. 11905

(4) A project development investor or equity owner that 11906
claims a tax credit under division (F)(2) of this section shall 11907
submit a copy of the eligibility certificate with the investor's 11908
or equity owner's tax return. Upon request of the tax commissioner 11909
or the superintendent of insurance, any project development 11910
investor or equity owner claiming a tax credit under that division 11911
shall provide the tax commissioner or superintendent other 11912
documentation that may be necessary to verify that the project 11913
development investor or equity owner is entitled to claim the 11914
credit. 11915

(G) The director may disallow or recapture any portion of a 11916
credit if the project development owner or the project development 11917
owner's qualified project does not or ceases to qualify for the 11918
credit. If the director determines to recapture such a tax credit, 11919
the director shall certify the name of the project development 11920

owner, and the amount to be recaptured to the tax commissioner and 11921
to the superintendent of insurance. The tax commissioner or 11922
superintendent shall determine the taxpayer or taxpayers that 11923
claimed the credit, the tax against which the credit was claimed, 11924
and the amount to be recaptured and make an assessment against the 11925
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. 11926
of the Revised Code, as applicable, for the amount to be 11927
recaptured. The time limitations on assessments under those 11928
chapters do not bar an assessment made under this division. 11929

(H) For each calendar year, a designated reporter shall 11930
provide the following information to the director on a form 11931
prescribed by the director in consultation with the tax 11932
commissioner and the superintendent of insurance: 11933

(1) A list of each project development investor or equity 11934
owner that has been allocated a portion of the annual credit 11935
awarded in an eligibility certificate for that year, including the 11936
investor or owner's name, address, taxpayer identification number, 11937
and the tax against which the credit will be claimed by each. 11938

(2) For each project development investor or equity owner, 11939
the amount of annual credit that has been allocated for that year. 11940

(3) An aggregate list of the credit amount allocated for a 11941
qualified project demonstrating that the aggregate annual amount 11942
of the credits allocated does not exceed the aggregate annual 11943
credit awarded in the eligibility certificate. 11944

A designated reporter shall notify the director of any 11945
changes to the information reported under division (H) of this 11946
section in the time and manner prescribed by the director. 11947

No credits allocated under this section may be claimed unless 11948
the credits are listed on the report required by division (H) of 11949
this section. 11950

(I)(1) The director shall adopt a plan for competitively 11951

awarding tax credits under this section. The plan shall establish 11952
the criteria and metrics under which projects will be assessed for 11953
qualification and may allocate tax credits in a pooled manner. 11954

(2) The director may assess application, processing, and 11955
reporting fees to cover the cost of administering this section. 11956

(3) The director, in consultation with the tax commissioner 11957
and the superintendent of insurance, shall adopt any rules 11958
necessary to implement this section in accordance with Chapter 11959
119. of the Revised Code. Such rules may include all of the 11960
following: 11961

(a) Supplementary definitions as may be necessary to 11962
administer this section. 11963

(b) Underwriting criteria to assess the risk associated with 11964
any application and determine appropriate criteria to deny an 11965
application based upon risk. 11966

(c) Criteria by which a project development owner shall be 11967
responsible for any or all risk associated with a qualified 11968
project such as homeowner abandonment, default, foreclosure, or 11969
other such risks. 11970

(d) Criteria to maintain the affordability of each of a 11971
qualified project's single-family dwellings during the 11972
affordability period, which may include a deed restriction held by 11973
the project development owner for some or all of the amount of the 11974
tax credit or any appreciated value of the property. 11975

(e) Requirements that the project development owner provide 11976
certain capital assets or other investments that contribute to the 11977
affordability of the project. 11978

(f) Criteria to be used in determining whether an individual 11979
is a qualified buyer. 11980

(g) Criteria regarding the purchase, ownership, and sale of 11981

<u>completed qualified project single-family dwellings.</u>	11982
<u>(h) The manner of determining the project's development costs</u>	11983
<u>and the appraised market value of qualified project single-family</u>	11984
<u>dwellings.</u>	11985
<u>(i) Any other qualifications a project must meet to qualify</u>	11986
<u>as a qualified project.</u>	11987
<u>Notwithstanding any provision of section 121.95 of the</u>	11988
<u>Revised Code to the contrary, a regulatory restriction contained</u>	11989
<u>in a rule adopted under this section is not subject to sections</u>	11990
<u>121.95 to 121.953 of the Revised Code.</u>	11991
Sec. 307.515. (A) All fines and penalties collected by, and	11992
moneys arising from forfeited bail in, a municipal court for	11993
offenses and misdemeanors brought for prosecution in the name of a	11994
municipal corporation under one of its penal ordinances, where	11995
there is in force a state statute under which the offense might be	11996
prosecuted, or brought for prosecution in the name of the state,	11997
except a portion of those fines, penalties, and moneys that, plus	11998
all costs collected monthly in those state cases, equal the	11999
compensation allowed by the board of county commissioners to the	12000
judges of the municipal court, its clerk, and the prosecuting	12001
attorney of that court in state cases, shall be retained by the	12002
clerk of that municipal court and shall be deposited by the clerk	12003
each month in the county law library resources fund that is	12004
created under section 307.514 of the Revised Code in the county in	12005
which that municipal corporation is located. The sum that the	12006
clerk of the municipal court deposits in the county law library	12007
resources fund shall in no month be less than twenty-five per cent	12008
of the amount of such fines, penalties, and moneys received in	12009
that month, without deducting the amount of the allowance of the	12010
board of county commissioners to the judges, clerk, and	12011
prosecuting attorney.	12012

The total amount paid under this section in any one calendar year by the clerks of all municipal courts in any one county to the county law library resources fund shall in no event exceed the following amounts:

(1) In counties having a population of fifty thousand or less, seventy-five hundred dollars and the maximum amount paid by any of such courts shall not exceed four thousand dollars in any calendar year.

(2) In counties having a population in excess of fifty thousand but not in excess of one hundred thousand, eight thousand dollars and the maximum amount paid by any of such courts shall not exceed five thousand five hundred dollars in any calendar year.

(3) In counties having a population in excess of one hundred thousand but not in excess of one hundred fifty thousand, ten thousand dollars and the maximum amount paid by any of such courts shall not exceed seven thousand dollars in any calendar year.

(4) In counties having a population of in excess of one hundred fifty thousand, fifteen thousand dollars in any calendar year. The maximum amount to be paid by each clerk shall be determined by the county auditor in December of each year for the next succeeding calendar year and shall bear the same ratio to the total amount payable under this section from the clerks of all municipal courts in such county as the total fines, costs, and forfeitures received by the corresponding municipal court, bear to the total fines, costs, and forfeitures received by all the municipal courts in the county, as shown for the last complete year of actual receipts, on the latest available budgets of such municipal courts. Payments in the full amounts provided in this section shall be made monthly by each clerk in each calendar year until the maximum amount for such year has been paid. When that amount, so determined by the auditor, has been paid to the county

law library resources fund, then no further payments shall be 12045
required in that calendar year from the clerk of that court. 12046

(5) This section does not apply to fines collected by a 12047
municipal court for violations of division (B) of section 4513.263 12048
of the Revised Code, or for violations of any municipal ordinance 12049
that is substantively comparable to that division, all of which 12050
shall be forwarded to the treasurer of state as provided in 12051
~~division (E) of~~ section 4513.263 of the Revised Code. 12052

(B) The county treasurer, upon the voucher of the county 12053
auditor, shall deposit fifty per cent of all moneys collected by a 12054
county court accruing from fines, penalties, and forfeited bail, 12055
unless otherwise distributed by law, in the county law library 12056
resources fund in that county that is created under section 12057
307.514 of the Revised Code. The county treasurer shall deposit 12058
those moneys into that fund within thirty days after those moneys 12059
have been paid into the county treasury by the clerk of the county 12060
court. 12061

This section does not apply to fines collected by a county 12062
court for violations of division (B) of section 4513.263 of the 12063
Revised Code, or for violations of any municipal ordinance that is 12064
substantively comparable to that division, all of which shall be 12065
forwarded to the treasurer of state as provided in ~~division (E) of~~ 12066
section 4513.263 of the Revised Code. 12067

(C) In each county of the state, the clerk of the court of 12068
common pleas and the clerk of the probate court shall retain all 12069
fines and penalties collected by, and moneys arising from 12070
forfeited bail in, the court of common pleas and the probate court 12071
of that county for offenses and misdemeanors brought for 12072
prosecution in those courts in the name of the state and monthly 12073
shall deposit those moneys in the county law library resources 12074
fund in that county that is created under section 307.514 of the 12075
Revised Code. The total sums so deposited shall not exceed twelve 12076

hundred fifty dollars per annum, and when that amount has been 12077
deposited in the fund in accordance with this section then no 12078
further payments shall be required under this section in that 12079
calendar year from the clerks of those respective courts. 12080

This section does not apply to fines collected by a court of 12081
common pleas for violations of division (B) of section 4513.263 of 12082
the Revised Code, all of which shall be forwarded to the treasurer 12083
of state as provided in ~~division (E)~~ of that section. 12084

This section does not apply to fines imposed under division 12085
(B)(9) of section 2929.18 of the Revised Code and collected by a 12086
court of common pleas, all of which shall be forwarded by the 12087
court to the treasurer of state not later than the twentieth day 12088
of the month after the month in which they are collected for 12089
deposit into the state treasury to the credit of the rape crisis 12090
program trust fund created by section 109.921 of the Revised Code. 12091

(D) In each county, the treasurer of the county or the 12092
treasurer of the municipal corporation shall deposit monthly fifty 12093
per cent of all fines and penalties collected by, and fifty per 12094
cent of moneys arising from forfeited bail in, any court in that 12095
county for offenses brought for prosecution under Chapters 4301. 12096
and 4303. of the Revised Code and the state traffic laws in the 12097
county legal resources fund in that county that is created under 12098
section 307.514 of the Revised Code. The sum so deposited in that 12099
fund by each treasurer shall not exceed twelve hundred dollars per 12100
annum under Chapters 4301. and 4303. of the Revised Code, and when 12101
that amount has been deposited in that fund in accordance with 12102
this section, then no further deposits shall be required under 12103
this section in that calendar year from those treasurers. 12104

As used in this section, "state traffic laws" does not 12105
include division (B) of section 4513.263 of the Revised Code. 12106

Sec. 307.87. Where competitive bidding is required by section 12107

307.86 of the Revised Code, notice thereof shall be given in the 12108
following manner: 12109

(A) Notice shall be published once a week for not less than 12110
two consecutive weeks preceding the day of the opening of bids in 12111
a newspaper of general circulation within the county for any 12112
purchase, lease, lease with option or agreement to purchase, or 12113
construction contract in excess of fifty thousand dollars. The 12114
contracting authority may also cause notice to be inserted in 12115
trade papers or other publications designated by it or to be 12116
distributed by electronic means, including posting the notice on 12117
the contracting authority's internet site on the world wide web. 12118
If the contracting authority posts the notice on that location on 12119
the world wide web, it may eliminate the second notice otherwise 12120
required to be published in a newspaper of general circulation 12121
within the county, provided that the first notice published in 12122
such a newspaper meets all of the following requirements: 12123

(1) It is published at least two weeks before the opening of 12124
bids. 12125

(2) It includes a statement that the notice is posted on the 12126
contracting authority's internet site on the world wide web. 12127

(3) It includes the internet address of the contracting 12128
authority's internet site on the world wide web. 12129

(4) It includes instructions describing how the notice may be 12130
accessed on the contracting authority's internet site on the world 12131
wide web. 12132

(B) Notices shall state all of the following: 12133

(1) A general description of the subject of the proposed 12134
contract and the time and place where the plans and specifications 12135
or itemized list of supplies, facilities, or equipment and 12136
estimated quantities can be obtained or examined; 12137

(2) The time and place where bids will be opened;	12138
(3) The time and place for filing bids;	12139
(4) The terms of the proposed purchase;	12140
(5) Conditions under which bids will be received;	12141
(6) The existence of a system of preference, if any, for	12142
products mined and produced in Ohio and the United States adopted	12143
pursuant to section 307.90 of the Revised Code.	12144
(C) The contracting authority shall also maintain in a public	12145
place in its office or other suitable public place a bulletin	12146
board upon which it shall post and maintain a copy of such notice	12147
for at least two weeks preceding the day of the opening of the	12148
bids.	12149
Sec. 307.90. (A) The award of all contracts subject to	12150
sections 307.86 to 307.92 of the Revised Code shall be made to the	12151
lowest and best bidder. The bond or bid guaranty of all	12152
unsuccessful bidders shall be returned to them by the contracting	12153
authority immediately upon awarding the contract or rejection of	12154
all bids. The contracting authority may reject all bids.	12155
(B) With respect to any contract for the purchase of	12156
equipment, materials, supplies, insurance, services, or a public	12157
improvement into which a county or its officers may enter, a board	12158
of county commissioners, by resolution, may adopt the model system	12159
of preferences for products mined or produced in Ohio and the	12160
United States and for Ohio-based contractors promulgated pursuant	12161
to division (E) of section 125.11 of the Revised Code. The	12162
resolution shall specify the class or classes of contracts to	12163
which the system of preferences apply, and once adopted, operates	12164
to modify the awarding of such contracts accordingly. While the	12165
system of preferences is in effect, no county officer or employee	12166
with the responsibility for doing so shall award a contract to	12167

~~which the system applies in violation of the preference system.~~ 12168

Sec. 319.202. Before the county auditor indorses any real 12169
property conveyance or manufactured or mobile home conveyance 12170
presented to the auditor pursuant to section 319.20 of the Revised 12171
Code or registers any manufactured or mobile home conveyance 12172
pursuant to section 4503.061 of the Revised Code, the grantee or 12173
the grantee's representative shall submit ~~in triplicate, either~~ 12174
electronically or three written copies of, a statement, in the 12175
form prescribed by the tax commissioner, and other information as 12176
the county auditor may require, declaring the value of real 12177
property or manufactured or mobile home conveyed, except that when 12178
the transfer is exempt under division (G)(3) of section 319.54 of 12179
the Revised Code only a statement of the reason for the exemption 12180
shall be required. Each statement submitted under this section 12181
shall contain the information required under divisions (A) and (B) 12182
of this section. 12183

(A) Each statement submitted under this section shall either: 12184

(1) Contain an affirmation by the grantee that the grantor 12185
has been asked by the grantee or the grantee's representative 12186
whether to the best of the grantor's knowledge either the 12187
preceding or the current year's taxes on the real property or the 12188
current or following year's taxes on the manufactured or mobile 12189
home conveyed will be reduced under division (A) of section 12190
323.152 or under section 4503.065 of the Revised Code and that the 12191
grantor indicated that to the best of the grantor's knowledge the 12192
taxes will not be so reduced; or 12193

(2) Be accompanied by a sworn or affirmed instrument stating: 12194

(a) To the best of the grantor's knowledge the real property 12195
or the manufactured or mobile home that is the subject of the 12196
conveyance is eligible for and will receive a reduction in taxes 12197
for or payable in the current year under division (A) of section 12198

323.152 or under section 4503.065 of the Revised Code and that the 12199
reduction or reductions will be reflected in the grantee's taxes; 12200

(b) The estimated amount of such reductions that will be 12201
reflected in the grantee's taxes; 12202

(c) That the grantor and the grantee have considered and 12203
accounted for the total estimated amount of such reductions to the 12204
satisfaction of both the grantee and the grantor. The auditor 12205
shall indorse the instrument, return it to the grantee or the 12206
grantee's representative, and provide a copy of the indorsed 12207
instrument to the grantor or the grantor's representative. 12208

(B) Each statement submitted under this section shall either: 12209

(1) Contain an affirmation by the grantee that the grantor 12210
has been asked by the grantee or the grantee's representative 12211
whether to the best of the grantor's knowledge the real property 12212
conveyed qualified for the current agricultural use valuation 12213
under section 5713.30 of the Revised Code either for the preceding 12214
or the current year and that the grantor indicated that to the 12215
best of the grantor's knowledge the property conveyed was not so 12216
qualified; or 12217

(2) Be accompanied by a sworn or affirmed instrument stating: 12218

(a) To the best of the grantor's knowledge the real property 12219
conveyed was qualified for the current agricultural use valuation 12220
under section 5713.30 of the Revised Code either for the preceding 12221
or the current year; 12222

(b) To the extent that the property will not continue to 12223
qualify for the current agricultural use valuation either for the 12224
current or the succeeding year, that the property will be subject 12225
to a recoupment charge equal to the tax savings in accordance with 12226
section 5713.34 of the Revised Code; 12227

(c) That the grantor and the grantee have considered and 12228

accounted for the total estimated amount of such recoupment, if 12229
any, to the satisfaction of both the grantee and the grantor. The 12230
auditor shall indorse the instrument, forward it to the grantee or 12231
the grantee's representative, and provide a copy of the indorsed 12232
instrument to the grantor or the grantor's representative. 12233

(C) The grantor shall pay the fee required by division (G)(3) 12234
of section 319.54 of the Revised Code; and, in the event the board 12235
of county commissioners of the county has levied a real property 12236
or a manufactured home transfer tax pursuant to Chapter 322. of 12237
the Revised Code, the amount required by the real property or 12238
manufactured home transfer tax so levied. If the conveyance is 12239
exempt from the fee provided for in division (G)(3) of section 12240
319.54 of the Revised Code and the tax, if any, levied pursuant to 12241
Chapter 322. of the Revised Code, the reason for such exemption 12242
shall be shown on the statement. "Value" means, in the case of any 12243
deed or certificate of title not a gift in whole or part, the 12244
amount of the full consideration therefor, paid or to be paid for 12245
the real estate or manufactured or mobile home described in the 12246
deed or title, including the amount of any mortgage or vendor's 12247
lien thereon. If property sold under a land installment contract 12248
is conveyed by the seller under such contract to a third party and 12249
the contract has been of record at least twelve months prior to 12250
the date of conveyance, "value" means the unpaid balance owed to 12251
the seller under the contract at the time of the conveyance, but 12252
the statement shall set forth the amount paid under such contract 12253
prior to the date of conveyance. In the case of a gift in whole or 12254
part, "value" means the estimated price the real estate or 12255
manufactured or mobile home described in the deed or certificate 12256
of title would bring in the open market and under the then 12257
existing and prevailing market conditions in a sale between a 12258
willing seller and a willing buyer, both conversant with the 12259
property and with prevailing general price levels. No person shall 12260
willfully falsify the value of property conveyed. 12261

(D) The auditor shall indorse each conveyance on its face to indicate the amount of the conveyance fee and compliance with this section and if the property is residential rental property include a statement that the grantee shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code. The auditor shall retain the original copy of the statement of value, forward to the tax commissioner one copy on which shall be noted the most recent assessed value of the property, and furnish one copy to the grantee or the grantee's representative.

(E) In order to achieve uniform administration and collection of the transfer fee required by division (G)(3) of section 319.54 of the Revised Code, the tax commissioner shall adopt and promulgate rules for the administration and enforcement of the levy and collection of such fee.

(F) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

Sec. 340.01. (A) As used in this chapter:

(1) "Addiction," "addiction services," "alcohol and drug addiction services," ~~"alcoholism,"~~ "alcohol use disorder," "certifiable services and supports," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "included opioid and co-occurring drug addiction services and recovery supports," "mental health services," "mental illness," "recovery housing residence," and "recovery supports" have the same meanings as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of ~~alcoholism~~ alcohol use disorder or drug addiction, prevention

of relapse of ~~alcoholism or drug addiction~~, or both. 12293

~~(3) "Recovery housing" means housing for individuals 12294
recovering from alcoholism or drug addiction that provides an 12295
alcohol and drug free living environment, peer support, assistance 12296
with obtaining alcohol and drug addiction services, and other 12297
alcoholism and drug addiction recovery assistance. 12298~~

(B) An alcohol, drug addiction, and mental health service 12299
district shall be established in any county or combination of 12300
counties having a population of at least fifty thousand. With the 12301
approval of the director of mental health and addiction services, 12302
any county or combination of counties having a population of less 12303
than fifty thousand may establish such a district. Districts 12304
comprising more than one county shall be known as joint-county 12305
districts. 12306

The board of county commissioners of any county participating 12307
in a joint-county district may submit a resolution requesting 12308
withdrawal from the district together with a comprehensive plan or 12309
plans that are in compliance with rules adopted by the director of 12310
mental health and addiction services under section 5119.22 of the 12311
Revised Code, and that provide for the equitable adjustment and 12312
division of all services, assets, property, debts, and 12313
obligations, if any, of the joint-county district to the board of 12314
alcohol, drug addiction, and mental health services, to the boards 12315
of county commissioners of each county in the district, and to the 12316
director. No county participating in a joint-county service 12317
district may withdraw from the district without the consent of the 12318
director of mental health and addiction services nor earlier than 12319
one year after the submission of such resolution unless all of the 12320
participating counties agree to an earlier withdrawal. Any county 12321
withdrawing from a joint-county district shall continue to have 12322
levied against its tax list and duplicate any tax levied by the 12323
district during the period in which the county was a member of the 12324

district until such time as the levy expires or is renewed or replaced. 12325
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(C) For any tax levied under section 5705.19 of the Revised Code by a board of a joint-county district formed on or after ~~the effective date of this amendment~~ April 3, 2023, revenue from the tax shall only be expended for the benefit of the residents of the county from which the revenue is derived. For the purpose of this division, a joint-county district is not formed by virtue of a county joining or withdrawing from a district or if a joint-county service district merges with another joint-county district. 12327
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Sec. 340.032. Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following: 12335
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(A) Establish, to the extent resources are available, a community-based continuum of care that includes all of the following as essential elements: 12341
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(1) Prevention and wellness management services; 12344

(2) At least both of the following outreach and engagement activities: 12345
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(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports; 12347
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(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income. 12351
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(3) Assessment services;	12355
(4) Care coordination;	12356
(5) Residential services;	12357
(6) At least the following outpatient services:	12358
(a) Nonintensive;	12359
(b) Intensive, such as partial hospitalization and assertive community treatment;	12360 12361
(c) Withdrawal management;	12362
(d) Emergency and crisis.	12363
(7) Where appropriate, at least the following inpatient services:	12364 12365
(a) Psychiatric care;	12366
(b) Medically managed alcohol or drug treatment.	12367
(8) At least all of the following recovery supports:	12368
(a) Peer support;	12369
(b) A wide range of housing and support services, including recovery housing <u>residences</u> ;	12370 12371
(c) Employment, vocational, and educational opportunities;	12372
(d) Assistance with social, personal, and living skills;	12373
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	12374 12375
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	12376 12377 12378
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	12379 12380 12381

(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care. 12382
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(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected; 12386
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(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements. 12388
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Sec. 340.033. The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing residences pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, except as provided by either of the following: 12391
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(A) Sub-acute detoxification and residential services may be made available through a contract with one or more providers of sub-acute detoxification or residential services located in other service districts. 12404
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(B) To the extent authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, ambulatory detoxification and medication-assisted treatment may be made available through a contract with one or more community addiction services providers located not more than thirty miles beyond the 12408
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borders of the board's service district. 12413

The services and supports shall be made available in a manner 12414
that ensures that recipients are able to access the services and 12415
supports they need for opioid and co-occurring drug addiction in 12416
an integrated manner and in accordance with their assessed needs 12417
when changing or obtaining additional addiction services or 12418
recovery supports for such addiction. An individual seeking a 12419
service or support for opioid and co-occurring drug addiction 12420
included in a community-based continuum of care shall not be 12421
denied the service or support on the basis of the individual's 12422
prior experience with the service or support. 12423

Sec. 340.034. All of the following apply to ~~the~~ recovery 12424
housing residences required by section 340.033 of the Revised Code 12425
to be part of included opioid and co-occurring drug addiction 12426
services and recovery supports: 12427

(A) ~~The~~ A recovery housing residence shall comply with the 12428
requirements of being monitored by the department of mental health 12429
and addiction services under sections 5119.39 to 5119.396 of the 12430
Revised Code and any rules adopted under section 5119.397 of the 12431
Revised Code, but the residence is not ~~be~~ subject to residential 12432
facility licensure by the department ~~of mental health and~~ 12433
~~addiction services~~ under section 5119.34 of the Revised Code. 12434

(B) ~~The recovery housing shall not be subject to~~ 12435
~~certification as a recovery support under section 5119.36 of the~~ 12436
~~Revised Code.~~ 12437

~~(C) The~~ A recovery housing residence shall not be ~~owned and~~ 12438
operated by a board of alcohol, drug addiction, and mental health 12439
services unless any of the following applies: 12440

(1) The board ~~owns and operates~~ operated the recovery housing 12441
residence on July 1, 2017. 12442

(2) The board utilizes local funds in the development, 12443
~~purchase,~~ or operation of the recovery housing residence. 12444

(3) The board determines that there is a need for the board 12445
to assume ~~the ownership and~~ operation of the recovery housing 12446
residence, such as when an existing ~~owner and~~ operator of the 12447
~~recovery housing~~ residence goes out of business, and the board 12448
considers the assumption of ~~ownership and~~ operation of the 12449
~~recovery housing~~ residence to be in the best interest of the 12450
community. 12451

~~(D)~~ (C) A recovery housing residence shall have protocols 12452
for all of the following: 12453

(1) Administrative oversight; 12454

(2) Quality standards; 12455

(3) Policies and procedures, including house rules, for its 12456
residents to which the residents must agree to adhere. 12457

~~(E)~~ (D) Family members of ~~the~~ a resident of a recovery 12458
~~housing's residents~~ housing residence may reside in the ~~recovery~~ 12459
~~housing~~ residence to the extent permitted by protocols of the 12460
~~recovery housing's protocols permit~~ residence. 12461

~~(F)~~ (E) A recovery housing residence shall not limit a 12462
resident's duration of stay to an arbitrary or fixed amount of 12463
time. Instead, each resident's duration of stay shall be 12464
determined by the resident's needs, progress, and willingness to 12465
abide by the ~~recovery housing's~~ residence's protocols, in 12466
collaboration with the ~~recovery housing's owner and~~ residence's 12467
operator, and, if appropriate, in consultation and integration 12468
with a community addiction services provider. 12469

~~(G)~~ (F) A recovery housing residence may permit its 12470
residents to receive medication-assisted treatment. 12471

~~(H)~~ (G) A resident of a recovery housing ~~resident~~ residence 12472

may receive addiction services that are certified by the 12473
department of mental health and addiction services under section 12474
5119.36 of the Revised Code. 12475

Sec. 503.59. A board of township trustees that has entered 12476
into an agreement with the Ohio air quality development authority 12477
under section 3706.051 of the Revised Code may levy, in accordance 12478
with that agreement, a special assessment upon real property 12479
located in the township specially benefited by an air quality 12480
facility that is the subject of that agreement. 12481

An assessment levied under this section shall be made in any 12482
manner authorized under section 727.01 of the Revised Code and, 12483
except as otherwise provided in this section, in accordance with 12484
the procedures prescribed for special assessments levied by 12485
municipal corporations under Chapter 727. of the Revised Code, 12486
except that where that chapter refers to a municipal corporation, 12487
it shall be deemed to refer to the township and where that chapter 12488
refers to the legislative authority of a municipal corporation, it 12489
shall be deemed to refer to the board of township trustees. All 12490
rights and privileges of an owner of property subject to an 12491
assessment levied under that chapter shall apply to the owner of 12492
property assessed under this section. 12493

No special assessment may be levied under this section unless 12494
the owner of the property to be assessed files a written statement 12495
with the board of township trustees requesting that the assessment 12496
be levied. 12497

Sec. 718.01. Any term used in this chapter that is not 12498
otherwise defined in this chapter has the same meaning as when 12499
used in a comparable context in laws of the United States relating 12500
to federal income taxation or in Title LVII of the Revised Code, 12501
unless a different meaning is clearly required. Except as provided 12502

in section 718.81 of the Revised Code, if a term used in this 12503
chapter that is not otherwise defined in this chapter is used in a 12504
comparable context in both the laws of the United States relating 12505
to federal income tax and in Title LVII of the Revised Code and 12506
the use is not consistent, then the use of the term in the laws of 12507
the United States relating to federal income tax shall control 12508
over the use of the term in Title LVII of the Revised Code. 12509

Except as otherwise provided in section 718.81 of the Revised 12510
Code, as used in this chapter: 12511

(A)(1) "Municipal taxable income" means the following: 12512

(a) For a person other than an individual, income apportioned 12513
or situated to the municipal corporation under section 718.02 of 12514
the Revised Code, as applicable, reduced by any pre-2017 net 12515
operating loss carryforward available to the person for the 12516
municipal corporation. 12517

(b)(i) For an individual who is a resident of a municipal 12518
corporation other than a qualified municipal corporation, income 12519
reduced by exempt income to the extent otherwise included in 12520
income, then reduced as provided in division (A)(2) of this 12521
section, and further reduced by any pre-2017 net operating loss 12522
carryforward available to the individual for the municipal 12523
corporation. 12524

(ii) For an individual who is a resident of a qualified 12525
municipal corporation, Ohio adjusted gross income reduced by 12526
income exempted, and increased by deductions excluded, by the 12527
qualified municipal corporation from the qualified municipal 12528
corporation's tax. If a qualified municipal corporation, on or 12529
before December 31, 2013, exempts income earned by individuals who 12530
are not residents of the qualified municipal corporation and net 12531
profit of persons that are not wholly located within the qualified 12532
municipal corporation, such individual or person shall have no 12533

municipal taxable income for the purposes of the tax levied by the 12534
qualified municipal corporation and may be exempted by the 12535
qualified municipal corporation from the requirements of section 12536
718.03 of the Revised Code. 12537

(c) For an individual who is a nonresident of a municipal 12538
corporation, income reduced by exempt income to the extent 12539
otherwise included in income and then, as applicable, apportioned 12540
or situated to the municipal corporation under section 718.02 of 12541
the Revised Code, then reduced as provided in division (A)(2) of 12542
this section, and further reduced by any pre-2017 net operating 12543
loss carryforward available to the individual for the municipal 12544
corporation. 12545

(2) In computing the municipal taxable income of a taxpayer 12546
who is an individual, the taxpayer may subtract, as provided in 12547
division (A)(1)(b)(i) or (c) of this section, the amount of the 12548
individual's employee business expenses reported on the 12549
individual's form 2106 that the individual deducted for federal 12550
income tax purposes for the taxable year, subject to the 12551
limitation imposed by section 67 of the Internal Revenue Code. For 12552
the municipal corporation in which the taxpayer is a resident, the 12553
taxpayer may deduct all such expenses allowed for federal income 12554
tax purposes. For a municipal corporation in which the taxpayer is 12555
not a resident, the taxpayer may deduct such expenses only to the 12556
extent the expenses are related to the taxpayer's performance of 12557
personal services in that nonresident municipal corporation. 12558

(B) "Income" means the following: 12559

(1)(a) For residents, all income, salaries, qualifying wages, 12560
commissions, and other compensation from whatever source earned or 12561
received by the resident, including the resident's distributive 12562
share of the net profit of pass-through entities owned directly or 12563
indirectly by the resident and any net profit of the resident, 12564
except as provided in division (D)(5) of this section. 12565

(b) For the purposes of division (B)(1)(a) of this section: 12566

(i) Any net operating loss of the resident incurred in the 12567
taxable year and the resident's distributive share of any net 12568
operating loss generated in the same taxable year and attributable 12569
to the resident's ownership interest in a pass-through entity 12570
shall be allowed as a deduction, for that taxable year and the 12571
following five taxable years, against any other net profit of the 12572
resident or the resident's distributive share of any net profit 12573
attributable to the resident's ownership interest in a 12574
pass-through entity until fully utilized, subject to division 12575
(B)(1)(d) of this section; 12576

(ii) The resident's distributive share of the net profit of 12577
each pass-through entity owned directly or indirectly by the 12578
resident shall be calculated without regard to any net operating 12579
loss that is carried forward by that entity from a prior taxable 12580
year and applied to reduce the entity's net profit for the current 12581
taxable year. 12582

(c) Division (B)(1)(b) of this section does not apply with 12583
respect to any net profit or net operating loss attributable to an 12584
ownership interest in an S corporation unless shareholders' 12585
distributive shares of net profits from S corporations are subject 12586
to tax in the municipal corporation as provided in division 12587
(C)(14)(b) or (c) of this section. 12588

(d) Any amount of a net operating loss used to reduce a 12589
taxpayer's net profit for a taxable year shall reduce the amount 12590
of net operating loss that may be carried forward to any 12591
subsequent year for use by that taxpayer. In no event shall the 12592
cumulative deductions for all taxable years with respect to a 12593
taxpayer's net operating loss exceed the original amount of that 12594
net operating loss available to that taxpayer. 12595

(2) In the case of nonresidents, all income, salaries, 12596

qualifying wages, commissions, and other compensation from 12597
whatever source earned or received by the nonresident for work 12598
done, services performed or rendered, or activities conducted in 12599
the municipal corporation, including any net profit of the 12600
nonresident, but excluding the nonresident's distributive share of 12601
the net profit or loss of only pass-through entities owned 12602
directly or indirectly by the nonresident. 12603

(3) For taxpayers that are not individuals, net profit of the 12604
taxpayer; 12605

(4) Lottery, sweepstakes, gambling and sports winnings, 12606
winnings from games of chance, and prizes and awards. If the 12607
taxpayer is a professional gambler for federal income tax 12608
purposes, the taxpayer may deduct related wagering losses and 12609
expenses to the extent authorized under the Internal Revenue Code 12610
and claimed against such winnings. 12611

(C) "Exempt income" means all of the following: 12612

(1) The military pay or allowances of members of the armed 12613
forces of the United States or members of their reserve 12614
components, including the national guard of any state; 12615

(2)(a) Except as provided in division (C)(2)(b) of this 12616
section, intangible income; 12617

(b) A municipal corporation that taxed any type of intangible 12618
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 12619
116th general assembly, may continue to tax that type of income if 12620
a majority of the electors of the municipal corporation voting on 12621
the question of whether to permit the taxation of that type of 12622
intangible income after 1988 voted in favor thereof at an election 12623
held on November 8, 1988. 12624

(3) Social security benefits, railroad retirement benefits, 12625
unemployment compensation, pensions, retirement benefit payments, 12626
payments from annuities, and similar payments made to an employee 12627

or to the beneficiary of an employee under a retirement program or 12628
plan, disability payments received from private industry or local, 12629
state, or federal governments or from charitable, religious or 12630
educational organizations, and the proceeds of sickness, accident, 12631
or liability insurance policies. As used in division (C)(3) of 12632
this section, "unemployment compensation" does not include 12633
supplemental unemployment compensation described in section 12634
3402(o)(2) of the Internal Revenue Code. 12635

(4) The income of religious, fraternal, charitable, 12636
scientific, literary, or educational institutions to the extent 12637
such income is derived from tax-exempt real estate, tax-exempt 12638
tangible or intangible property, or tax-exempt activities. 12639

(5) Compensation paid under section 3501.28 or 3501.36 of the 12640
Revised Code to a person serving as a precinct election official 12641
to the extent that such compensation does not exceed one thousand 12642
dollars for the taxable year. Such compensation in excess of one 12643
thousand dollars for the taxable year may be subject to taxation 12644
by a municipal corporation. A municipal corporation shall not 12645
require the payer of such compensation to withhold any tax from 12646
that compensation. 12647

(6) Dues, contributions, and similar payments received by 12648
charitable, religious, educational, or literary organizations or 12649
labor unions, lodges, and similar organizations; 12650

(7) Alimony and child support received; 12651

(8) Compensation for personal injuries or for damages to 12652
property from insurance proceeds or otherwise, excluding 12653
compensation paid for lost salaries or wages or compensation from 12654
punitive damages; 12655

(9) Income of a public utility when that public utility is 12656
subject to the tax levied under section 5727.24 or 5727.30 of the 12657
Revised Code. Division (C)(9) of this section does not apply for 12658

purposes of Chapter 5745. of the Revised Code. 12659

(10) Gains from involuntary conversions, interest on federal 12660
obligations, items of income subject to a tax levied by the state 12661
and that a municipal corporation is specifically prohibited by law 12662
from taxing, and income of a decedent's estate during the period 12663
of administration except such income from the operation of a trade 12664
or business; 12665

(11) Compensation or allowances excluded from federal gross 12666
income under section 107 of the Internal Revenue Code; 12667

(12) Employee compensation that is not qualifying wages as 12668
defined in division (R) of this section; 12669

(13) Compensation paid to a person employed within the 12670
boundaries of a United States air force base under the 12671
jurisdiction of the United States air force that is used for the 12672
housing of members of the United States air force and is a center 12673
for air force operations, unless the person is subject to taxation 12674
because of residence or domicile. If the compensation is subject 12675
to taxation because of residence or domicile, tax on such income 12676
shall be payable only to the municipal corporation of residence or 12677
domicile. 12678

(14)(a) Except as provided in division (C)(14)(b) or (c) of 12679
this section, an S corporation shareholder's distributive share of 12680
net profits of the S corporation, other than any part of the 12681
distributive share of net profits that represents wages as defined 12682
in section 3121(a) of the Internal Revenue Code or net earnings 12683
from self-employment as defined in section 1402(a) of the Internal 12684
Revenue Code. 12685

(b) If, pursuant to division (H) of former section 718.01 of 12686
the Revised Code as it existed before March 11, 2004, a majority 12687
of the electors of a municipal corporation voted in favor of the 12688
question at an election held on November 4, 2003, the municipal 12689

corporation may continue after 2002 to tax an S corporation 12690
shareholder's distributive share of net profits of an S 12691
corporation. 12692

(c) If, on December 6, 2002, a municipal corporation was 12693
imposing, assessing, and collecting a tax on an S corporation 12694
shareholder's distributive share of net profits of the S 12695
corporation to the extent the distributive share would be 12696
allocated or apportioned to this state under divisions (B)(1) and 12697
(2) of section 5733.05 of the Revised Code if the S corporation 12698
were a corporation subject to taxes imposed under Chapter 5733. of 12699
the Revised Code, the municipal corporation may continue to impose 12700
the tax on such distributive shares to the extent such shares 12701
would be so allocated or apportioned to this state only until 12702
December 31, 2004, unless a majority of the electors of the 12703
municipal corporation voting on the question of continuing to tax 12704
such shares after that date voted in favor of that question at an 12705
election held November 2, 2004. If a majority of those electors 12706
voted in favor of the question, the municipal corporation may 12707
continue after December 31, 2004, to impose the tax on such 12708
distributive shares only to the extent such shares would be so 12709
allocated or apportioned to this state. 12710

(d) A municipal corporation shall be deemed to have elected 12711
to tax S corporation shareholders' distributive shares of net 12712
profits of the S corporation in the hands of the shareholders if a 12713
majority of the electors of a municipal corporation voted in favor 12714
of a question at an election held under division (C)(14)(b) or (c) 12715
of this section. The municipal corporation shall specify by 12716
resolution or ordinance that the tax applies to the distributive 12717
share of a shareholder of an S corporation in the hands of the 12718
shareholder of the S corporation. 12719

(15) To the extent authorized under a resolution or ordinance 12720
adopted by a municipal corporation before January 1, 2016, all or 12721

a portion of the income of individuals or a class of individuals 12722
under eighteen years of age. 12723

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 12724
(d) of this section, qualifying wages described in division (B)(1) 12725
or (E) of section 718.011 of the Revised Code to the extent the 12726
qualifying wages are not subject to withholding for the municipal 12727
corporation under either of those divisions. 12728

(b) The exemption provided in division (C)(16)(a) of this 12729
section does not apply with respect to the municipal corporation 12730
in which the employee resided at the time the employee earned the 12731
qualifying wages. 12732

(c) The exemption provided in division (C)(16)(a) of this 12733
section does not apply to qualifying wages that an employer elects 12734
to withhold under division (D)(2) of section 718.011 of the 12735
Revised Code. 12736

(d) The exemption provided in division (C)(16)(a) of this 12737
section does not apply to qualifying wages if both of the 12738
following conditions apply: 12739

(i) For qualifying wages described in division (B)(1) of 12740
section 718.011 of the Revised Code, the employee's employer 12741
withholds and remits tax on the qualifying wages to the municipal 12742
corporation in which the employee's principal place of work is 12743
situated, or, for qualifying wages described in division (E) of 12744
section 718.011 of the Revised Code, the employee's employer 12745
withholds and remits tax on the qualifying wages to the municipal 12746
corporation in which the employer's fixed location is located; 12747

(ii) The employee receives a refund of the tax described in 12748
division (C)(16)(d)(i) of this section on the basis of the 12749
employee not performing services in that municipal corporation. 12750

(17)(a) Except as provided in division (C)(17)(b) or (c) of 12751
this section, compensation that is not qualifying wages paid to a 12752

nonresident individual for personal services performed in the 12753
municipal corporation on not more than twenty days in a taxable 12754
year. 12755

(b) The exemption provided in division (C)(17)(a) of this 12756
section does not apply under either of the following 12757
circumstances: 12758

(i) The individual's base of operation is located in the 12759
municipal corporation. 12760

(ii) The individual is a professional athlete, professional 12761
entertainer, or public figure, and the compensation is paid for 12762
the performance of services in the individual's capacity as a 12763
professional athlete, professional entertainer, or public figure. 12764
For purposes of division (C)(17)(b)(ii) of this section, 12765
"professional athlete," "professional entertainer," and "public 12766
figure" have the same meanings as in section 718.011 of the 12767
Revised Code. 12768

(c) Compensation to which division (C)(17) of this section 12769
applies shall be treated as earned or received at the individual's 12770
base of operation. If the individual does not have a base of 12771
operation, the compensation shall be treated as earned or received 12772
where the individual is domiciled. 12773

(d) For purposes of division (C)(17) of this section, "base 12774
of operation" means the location where an individual owns or rents 12775
an office, storefront, or similar facility to which the individual 12776
regularly reports and at which the individual regularly performs 12777
personal services for compensation. 12778

(18) Compensation paid to a person for personal services 12779
performed for a political subdivision on property owned by the 12780
political subdivision, regardless of whether the compensation is 12781
received by an employee of the subdivision or another person 12782
performing services for the subdivision under a contract with the 12783

subdivision, if the property on which services are performed is 12784
annexed to a municipal corporation pursuant to section 709.023 of 12785
the Revised Code on or after March 27, 2013, unless the person is 12786
subject to such taxation because of residence. If the compensation 12787
is subject to taxation because of residence, municipal income tax 12788
shall be payable only to the municipal corporation of residence. 12789

(19) In the case of a tax administered, collected, and 12790
enforced by a municipal corporation pursuant to an agreement with 12791
the board of directors of a joint economic development district 12792
under section 715.72 of the Revised Code, the net profits of a 12793
business, and the income of the employees of that business, 12794
exempted from the tax under division (Q) of that section. 12795

(20) All of the following: 12796

(a) Income derived from disaster work conducted in this state 12797
by an out-of-state disaster business during a disaster response 12798
period pursuant to a qualifying solicitation received by the 12799
business; 12800

(b) Income of a qualifying employee described in division 12801
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 12802
such income is derived from disaster work conducted in this state 12803
by the employee during a disaster response period pursuant to a 12804
qualifying solicitation received by the employee's employer; 12805

(c) Income of a qualifying employee described in division 12806
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 12807
such income is derived from disaster work conducted in this state 12808
by the employee during a disaster response period on critical 12809
infrastructure owned or used by the employee's employer. 12810

(21) Income the taxation of which is prohibited by the 12811
constitution or laws of the United States. 12812

Any item of income that is exempt income of a pass-through 12813
entity under division (C) of this section is exempt income of each 12814

owner of the pass-through entity to the extent of that owner's 12815
distributive or proportionate share of that item of the entity's 12816
income. 12817

(D)(1) "Net profit" for a person who is an individual means 12818
the individual's net profit required to be reported on schedule C, 12819
schedule E, or schedule F reduced by any net operating loss 12820
carried forward. For the purposes of division (D)(1) of this 12821
section, the net operating loss carried forward shall be 12822
calculated and deducted in the same manner as provided in division 12823
(D)(3) of this section. 12824

(2) "Net profit" for a person other than an individual means 12825
adjusted federal taxable income reduced by any net operating loss 12826
incurred by the person in a taxable year beginning on or after 12827
January 1, 2017, subject to the limitations of division (D)(3) of 12828
this section. 12829

(3)(a) The amount of such net operating loss shall be 12830
deducted from net profit to the extent necessary to reduce 12831
municipal taxable income to zero, with any remaining unused 12832
portion of the net operating loss carried forward to not more than 12833
five consecutive taxable years following the taxable year in which 12834
the loss was incurred, but in no case for more years than 12835
necessary for the deduction to be fully utilized. 12836

(b) No person shall use the deduction allowed by division 12837
(D)(3) of this section to offset qualifying wages. 12838

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 12839
or 2022, a person may not deduct, for purposes of an income tax 12840
levied by a municipal corporation that levies an income tax before 12841
January 1, 2016, more than fifty per cent of the amount of the 12842
deduction otherwise allowed by division (D)(3) of this section. 12843

(ii) For taxable years beginning in 2023 or thereafter, a 12844
person may deduct, for purposes of an income tax levied by a 12845

municipal corporation that levies an income tax before January 1, 12846
2016, the full amount allowed by division (D)(3) of this section 12847
without regard to the limitation of division 12848
~~(D)(3)(b)(i)~~(D)(3)(c)(i) of this section. 12849

(d) Any pre-2017 net operating loss carryforward deduction 12850
that is available may be utilized before a taxpayer may deduct any 12851
amount pursuant to division (D)(3) of this section. 12852

(e) Nothing in division (D)(3)(c)(i) of this section 12853
precludes a person from carrying forward, for use with respect to 12854
any return filed for a taxable year beginning after 2018, any 12855
amount of net operating loss that was not fully utilized by 12856
operation of division (D)(3)(c)(i) of this section. To the extent 12857
that an amount of net operating loss that was not fully utilized 12858
in one or more taxable years by operation of division (D)(3)(c)(i) 12859
of this section is carried forward for use with respect to a 12860
return filed for a taxable year beginning in 2019, 2020, 2021, or 12861
2022, the limitation described in division (D)(3)(c)(i) of this 12862
section shall apply to the amount carried forward. 12863

(4) For the purposes of this chapter, and notwithstanding 12864
division (D)(2) of this section, net profit of a disregarded 12865
entity shall not be taxable as against that disregarded entity, 12866
but shall instead be included in the net profit of the owner of 12867
the disregarded entity. 12868

(5) For the purposes of this chapter, and notwithstanding any 12869
other provision of this chapter, the net profit of a publicly 12870
traded partnership that makes the election described in division 12871
(D)(5) of this section shall be taxed as if the partnership were a 12872
C corporation, and shall not be treated as the net profit or 12873
income of any owner of the partnership. 12874

A publicly traded partnership that is treated as a 12875
partnership for federal income tax purposes and that is subject to 12876

tax on its net profits in one or more municipal corporations in 12877
this state may elect to be treated as a C corporation for 12878
municipal income tax purposes. The publicly traded partnership 12879
shall make the election in every municipal corporation in which 12880
the partnership is subject to taxation on its net profits. The 12881
election shall be made on the annual tax return filed in each such 12882
municipal corporation. The publicly traded partnership shall not 12883
be required to file the election with any municipal corporation in 12884
which the partnership is not subject to taxation on its net 12885
profits, but division (D)(5) of this section applies to all 12886
municipal corporations in which an individual owner of the 12887
partnership resides. 12888

(E) "Adjusted federal taxable income," for a person required 12889
to file as a C corporation, or for a person that has elected to be 12890
taxed as a C corporation under division (D)(5) of this section, 12891
means a C corporation's federal taxable income before net 12892
operating losses and special deductions as determined under the 12893
Internal Revenue Code, adjusted as follows: 12894

(1) Deduct intangible income to the extent included in 12895
federal taxable income. The deduction shall be allowed regardless 12896
of whether the intangible income relates to assets used in a trade 12897
or business or assets held for the production of income. 12898

(2) Add an amount equal to five per cent of intangible income 12899
deducted under division (E)(1) of this section, but excluding that 12900
portion of intangible income directly related to the sale, 12901
exchange, or other disposition of property described in section 12902
1221 of the Internal Revenue Code; 12903

(3) Add any losses allowed as a deduction in the computation 12904
of federal taxable income if the losses directly relate to the 12905
sale, exchange, or other disposition of an asset described in 12906
section 1221 or 1231 of the Internal Revenue Code; 12907

(4)(a) Except as provided in division (E)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(b) Division (E)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code;

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable

income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code. 12939
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If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of this section, is not a publicly traded partnership that has made the election described in division (D)(5) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are a pension or retirement benefit payment paid to a retired partner, retired shareholder, or retired member or are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction. 12941
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Nothing in division (E) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax. 12963
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(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code. 12968
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(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	12971 12972 12973
(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	12974 12975 12976
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	12977 12978
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	12979 12980 12981
(K) "Nonresident" means an individual that is not a resident.	12982
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.	12983 12984 12985 12986
(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	12987 12988 12989 12990 12991 12992
(i) The limited liability company's single member is also a limited liability company.	12993 12994
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	12995 12996 12997
(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this	12998 12999 13000

section existed on December 31, 2004. 13001

(iv) The limited liability company was not formed for the 13002
purpose of evading or reducing Ohio municipal corporation income 13003
tax liability of the limited liability company or its single 13004
member. 13005

(v) The Ohio municipal corporation that was the primary place 13006
of business of the sole member of the limited liability company 13007
consented to the election. 13008

(b) For purposes of division (L)(2)(a)(v) of this section, a 13009
municipal corporation was the primary place of business of a 13010
limited liability company if, for the limited liability company's 13011
taxable year ending in 2003, its income tax liability was greater 13012
in that municipal corporation than in any other municipal 13013
corporation in Ohio, and that tax liability to that municipal 13014
corporation for its taxable year ending in 2003 was at least four 13015
hundred thousand dollars. 13016

(M) "Person" includes individuals, firms, companies, joint 13017
stock companies, business trusts, estates, trusts, partnerships, 13018
limited liability partnerships, limited liability companies, 13019
associations, C corporations, S corporations, governmental 13020
entities, and any other entity. 13021

(N) "Pass-through entity" means a partnership not treated as 13022
an association taxable as a C corporation for federal income tax 13023
purposes, a limited liability company not treated as an 13024
association taxable as a C corporation for federal income tax 13025
purposes, an S corporation, or any other class of entity from 13026
which the income or profits of the entity are given pass-through 13027
treatment for federal income tax purposes. "Pass-through entity" 13028
does not include a trust, estate, grantor of a grantor trust, or 13029
disregarded entity. 13030

(O) "S corporation" means a person that has made an election 13031

under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year. 13032
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(P) "Single member limited liability company" means a limited liability company that has one direct member. 13034
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(Q) "Limited liability company" means a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of another state. 13036
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(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows: 13039
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(1) Deduct the following amounts: 13042

(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code. 13043
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(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer. 13046
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(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. 13050
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(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and 13056
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tax.	13062
(e) Any amount included in wages that is exempt income.	13063
(2) Add the following amounts:	13064
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	13065 13066
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.	13067 13068 13069 13070 13071 13072 13073 13074
(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.	13075 13076 13077 13078
(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.	13079 13080 13081
(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.	13082 13083 13084
(f) Any amount not included in wages if all of the following apply:	13085 13086
(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude	13087 13088 13089 13090 13091

the income under section 911 of the Internal Revenue Code; 13092

(ii) For no preceding taxable year did the amount constitute 13093
wages as defined in section 3121(a) of the Internal Revenue Code; 13094

(iii) For no succeeding taxable year will the amount 13095
constitute wages; and 13096

(iv) For any taxable year the amount has not otherwise been 13097
added to wages pursuant to either division (R)(2) of this section 13098
or section 718.03 of the Revised Code, as that section existed 13099
before the effective date of H.B. 5 of the 130th general assembly, 13100
March 23, 2015. 13101

(S) "Intangible income" means income of any of the following 13102
types: income yield, interest, capital gains, dividends, or other 13103
income arising from the ownership, sale, exchange, or other 13104
disposition of intangible property including, but not limited to, 13105
investments, deposits, money, or credits as those terms are 13106
defined in Chapter 5701. of the Revised Code, and patents, 13107
copyrights, trademarks, tradenames, investments in real estate 13108
investment trusts, investments in regulated investment companies, 13109
and appreciation on deferred compensation. "Intangible income" 13110
does not include prizes, awards, or other income associated with 13111
any lottery winnings, gambling winnings, or other similar games of 13112
chance. 13113

(T) "Taxable year" means the corresponding tax reporting 13114
period as prescribed for the taxpayer under the Internal Revenue 13115
Code. 13116

(U)(1) "Tax administrator" means, subject to division (U)(2) 13117
of this section, the individual charged with direct responsibility 13118
for administration of an income tax levied by a municipal 13119
corporation in accordance with this chapter, and also includes the 13120
following: 13121

(a) A municipal corporation acting as the agent of another 13122

municipal corporation; 13123

(b) A person retained by a municipal corporation to 13124
administer a tax levied by the municipal corporation, but only if 13125
the municipal corporation does not compensate the person in whole 13126
or in part on a contingency basis; 13127

(c) The central collection agency or the regional income tax 13128
agency or their successors in interest, or another entity 13129
organized to perform functions similar to those performed by the 13130
central collection agency and the regional income tax agency. 13131

(2) "Tax administrator" does not include the tax 13132
commissioner. 13133

(3) A private individual or entity serving in any position 13134
described in division (U)(1)(b) or (c) of this section shall have 13135
no access to criminal history record information. 13136

(V) "Employer" means a person that is an employer for federal 13137
income tax purposes. 13138

(W) "Employee" means an individual who is an employee for 13139
federal income tax purposes. 13140

(X) "Other payer" means any person, other than an 13141
individual's employer or the employer's agent, that pays an 13142
individual any amount included in the federal gross income of the 13143
individual. "Other payer" includes casino operators and video 13144
lottery terminal sales agents. 13145

(Y) "Calendar quarter" means the three-month period ending on 13146
the last day of March, June, September, or December. 13147

(Z) "Form 2106" means internal revenue service form 2106 13148
filed by a taxpayer pursuant to the Internal Revenue Code. 13149

(AA) "Municipal corporation" includes a joint economic 13150
development district or joint economic development zone that 13151
levies an income tax under section 715.691, 715.70, 715.71, or 13152

715.72 of the Revised Code.	13153
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	13154 13155 13156 13157
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	13158 13159 13160 13161 13162 13163
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	13164 13165 13166
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.	13167 13168 13169 13170 13171
(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.	13172 13173
(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.	13174 13175 13176 13177
(HH) "Casino operator" and "casino facility" have the same meanings as in section 3772.01 of the Revised Code.	13178 13179
(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.	13180 13181
(JJ) "Video lottery terminal sales agent" means a lottery	13182

sales agent licensed under Chapter 3770. of the Revised Code to 13183
conduct video lottery terminals on behalf of the state pursuant to 13184
section 3770.21 of the Revised Code. 13185

(KK) "Postal service" means the United States postal service. 13186

(LL) "Certified mail," "express mail," "United States mail," 13187
"postal service," and similar terms include any delivery service 13188
authorized pursuant to section 5703.056 of the Revised Code. 13189

(MM) "Postmark date," "date of postmark," and similar terms 13190
include the date recorded and marked in the manner described in 13191
division (B)(3) of section 5703.056 of the Revised Code. 13192

(NN) "Related member" means a person that, with respect to 13193
the taxpayer during all or any portion of the taxable year, is 13194
either a related entity, a component member as defined in section 13195
1563(b) of the Internal Revenue Code, or a person to or from whom 13196
there is attribution of stock ownership in accordance with section 13197
1563(e) of the Internal Revenue Code except, for purposes of 13198
determining whether a person is a related member under this 13199
division, "twenty per cent" shall be substituted for "5 percent" 13200
wherever "5 percent" appears in section 1563(e) of the Internal 13201
Revenue Code. 13202

(OO) "Related entity" means any of the following: 13203

(1) An individual stockholder, or a member of the 13204
stockholder's family enumerated in section 318 of the Internal 13205
Revenue Code, if the stockholder and the members of the 13206
stockholder's family own directly, indirectly, beneficially, or 13207
constructively, in the aggregate, at least fifty per cent of the 13208
value of the taxpayer's outstanding stock; 13209

(2) A stockholder, or a stockholder's partnership, estate, 13210
trust, or corporation, if the stockholder and the stockholder's 13211
partnerships, estates, trusts, or corporations own directly, 13212
indirectly, beneficially, or constructively, in the aggregate, at 13213

least fifty per cent of the value of the taxpayer's outstanding 13214
stock; 13215

(3) A corporation, or a party related to the corporation in a 13216
manner that would require an attribution of stock from the 13217
corporation to the party or from the party to the corporation 13218
under division (OO)(4) of this section, provided the taxpayer owns 13219
directly, indirectly, beneficially, or constructively, at least 13220
fifty per cent of the value of the corporation's outstanding 13221
stock; 13222

(4) The attribution rules described in section 318 of the 13223
Internal Revenue Code apply for the purpose of determining whether 13224
the ownership requirements in divisions (OO)(1) to (3) of this 13225
section have been met. 13226

(PP)(1) "Assessment" means a written finding by the tax 13227
administrator that a person has underpaid municipal income tax, or 13228
owes penalty and interest, or any combination of tax, penalty, or 13229
interest, to the municipal corporation that commences the person's 13230
time limitation for making an appeal to the local board of tax 13231
review pursuant to section 718.11 of the Revised Code, and has 13232
"ASSESSMENT" written in all capital letters at the top of such 13233
finding. 13234

(2) "Assessment" does not include an informal notice denying 13235
a request for refund issued under division (B)(3) of section 13236
718.19 of the Revised Code, a billing statement notifying a 13237
taxpayer of current or past-due balances owed to the municipal 13238
corporation, a tax administrator's request for additional 13239
information, a notification to the taxpayer of mathematical 13240
errors, or a tax administrator's other written correspondence to a 13241
person or taxpayer that does not meet the criteria prescribed by 13242
division (PP)(1) of this section. 13243

(QQ) "Taxpayers' rights and responsibilities" means the 13244

rights provided to taxpayers in sections 718.11, 718.12, 718.19, 13245
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 13246
Revised Code and the responsibilities of taxpayers to file, 13247
report, withhold, remit, and pay municipal income tax and 13248
otherwise comply with Chapter 718. of the Revised Code and 13249
resolutions, ordinances, and rules adopted by a municipal 13250
corporation for the imposition and administration of a municipal 13251
income tax. 13252

(RR) "Qualified municipal corporation" means a municipal 13253
corporation that, by resolution or ordinance adopted on or before 13254
December 31, 2011, adopted Ohio adjusted gross income, as defined 13255
by section 5747.01 of the Revised Code, as the income subject to 13256
tax for the purposes of imposing a municipal income tax. 13257

(SS)(1) "Pre-2017 net operating loss carryforward" means any 13258
net operating loss incurred in a taxable year beginning before 13259
January 1, 2017, to the extent such loss was permitted, by a 13260
resolution or ordinance of the municipal corporation that was 13261
adopted by the municipal corporation before January 1, 2016, to be 13262
carried forward and utilized to offset income or net profit 13263
generated in such municipal corporation in future taxable years. 13264

(2) For the purpose of calculating municipal taxable income, 13265
any pre-2017 net operating loss carryforward may be carried 13266
forward to any taxable year, including taxable years beginning in 13267
2017 or thereafter, for the number of taxable years provided in 13268
the resolution or ordinance or until fully utilized, whichever is 13269
earlier. 13270

(TT) "Small employer" means any employer that had total 13271
revenue of less than five hundred thousand dollars during the 13272
preceding taxable year. For purposes of this division, "total 13273
revenue" means receipts of any type or kind, including, but not 13274
limited to, sales receipts; payments; rents; profits; gains, 13275
dividends, and other investment income; compensation; commissions; 13276

premiums; money; property; grants; contributions; donations; 13277
gifts; program service revenue; patient service revenue; premiums; 13278
fees, including premium fees and service fees; tuition payments; 13279
unrelated business revenue; reimbursements; any type of payment 13280
from a governmental unit, including grants and other allocations; 13281
and any other similar receipts reported for federal income tax 13282
purposes or under generally accepted accounting principles. "Small 13283
employer" does not include the federal government; any state 13284
government, including any state agency or instrumentality; any 13285
political subdivision; or any entity treated as a government for 13286
financial accounting and reporting purposes. 13287

(UU) "Audit" means the examination of a person or the 13288
inspection of the books, records, memoranda, or accounts of a 13289
person for the purpose of determining liability for a municipal 13290
income tax. 13291

(VV) "Publicly traded partnership" means any partnership, an 13292
interest in which is regularly traded on an established securities 13293
market. A "publicly traded partnership" may have any number of 13294
partners. 13295

(WW) "Tax commissioner" means the tax commissioner appointed 13296
under section 121.03 of the Revised Code. 13297

(XX) "Out-of-state disaster business," "qualifying 13298
solicitation," "qualifying employee," "disaster work," "critical 13299
infrastructure," and "disaster response period" have the same 13300
meanings as in section 5703.94 of the Revised Code. 13301

(YY) "Pension" means a retirement benefit plan, regardless of 13302
whether the plan satisfies the qualifications described under 13303
section 401(a) of the Internal Revenue Code, including amounts 13304
that are taxable under the "Federal Insurance Contributions Act," 13305
Chapter 21 of the Internal Revenue Code, excluding employee 13306
contributions and elective deferrals, and regardless of whether 13307

such amounts are paid in the same taxable year in which the 13308
amounts are included in the employee's wages, as defined by 13309
section 3121(a) of the Internal Revenue Code. 13310

(ZZ) "Retirement benefit plan" means an arrangement whereby 13311
an entity provides benefits to individuals either on or after 13312
their termination of service because of retirement or disability. 13313
"Retirement benefit plan" does not include wage continuation 13314
payments, severance payments, or payments made for accrued 13315
personal or vacation time. 13316

Sec. 718.80. (A) A taxpayer may elect to be subject to 13317
sections 718.80 to 718.95 of the Revised Code in lieu of the 13318
provisions set forth in the remainder of this chapter. 13319
Notwithstanding any other provision of this chapter, upon the 13320
taxpayer's election, both of the following shall apply: 13321

(1) The tax commissioner shall serve as the sole 13322
administrator of each municipal income tax for which the taxpayer 13323
is liable for the term of the election; 13324

(2) The commissioner shall administer the tax pursuant to 13325
sections 718.80 to 718.95 of the Revised Code and any applicable 13326
provision of Chapter 5703. of the Revised Code. 13327

(B)(1) A taxpayer shall make the initial election on or 13328
before the fifteenth day of the fourth month after the beginning 13329
of the taxpayer's taxable year by providing to the tax 13330
commissioner a list of all municipal corporations in which the 13331
taxpayer conducted business during the previous taxable year, on a 13332
form prescribed by the tax commissioner. 13333

(2) At least quarterly, the tax commissioner shall notify 13334
each municipal corporation that a taxpayer lists in its election 13335
under division (B)(1) of this section that the taxpayer has made 13336
the election. 13337

(3)(a) The election, once made by the taxpayer, applies to 13338
the taxable year in which the election is made and to each 13339
subsequent taxable year until the taxpayer notifies the tax 13340
commissioner of its termination of the election. 13341

(b) A notification of termination shall be made, on a form 13342
prescribed by the tax commissioner, on or before the fifteenth day 13343
of the fourth month of any taxable year. 13344

(c) Upon a timely and valid termination of the election, the 13345
taxpayer is no longer subject to sections 718.80 to 718.95 of the 13346
Revised Code, and is instead subject to the provisions set forth 13347
in the remainder of this chapter. 13348

(d) At least quarterly, the tax commissioner shall notify 13349
each municipal corporation reported on a taxpayer's most recent 13350
return or declaration filed with the commissioner of the 13351
taxpayer's termination of its election. 13352

(4) The tax commissioner shall provide to all municipal 13353
corporations imposing a tax on income on or after January 1, 2018, 13354
a list of taxpayers that are subject to sections 718.80 to 718.95 13355
of the Revised Code, including the taxpayers' names, addresses, 13356
and federal employee identification numbers. The list shall be 13357
made available via the portal created under section 718.841 of the 13358
Revised Code. 13359

(C)(1)(a) On or before the thirty-first day of January each 13360
year, each municipal corporation imposing a tax on income shall 13361
certify to the tax commissioner the rate of the tax in effect on 13362
the first day of January of that year. 13363

(b) If, after the thirty-first day of January of any year, 13364
~~the electors of a municipal corporation approve an increase in~~ 13365
changes the rate of the municipal corporation's tax on income such 13366
that a new rate takes effect within that year, the municipal 13367
corporation shall certify to the tax commissioner the new rate of 13368

tax not less than sixty days before the effective date of the 13369
~~increase~~ new rate, after which effective date the commissioner 13370
shall apply the ~~increased~~ new rate. 13371

(2) A municipal corporation that receives a notification 13372
under division (B)(2) of this section shall submit to the tax 13373
commissioner, on a form prescribed by the commissioner and within 13374
the time prescribed by division (C)(3) of this section, the 13375
following information regarding the taxpayer and any member of an 13376
affiliated group of corporations included on the taxpayer's 13377
consolidated tax return, when applicable: 13378

(a) The amount of any net operating loss that the taxpayer is 13379
entitled to carry forward to a future tax year; 13380

(b) The amount of any net operating loss carryforward 13381
utilized by the taxpayer in prior years; 13382

(c) Any credits granted by the municipal corporation to which 13383
the taxpayer is entitled, the amount of such credits, whether the 13384
credits may be carried forward to future tax years, and, if the 13385
credits may be carried forward, the duration of any such 13386
carryforward; 13387

(d) Any overpayments of tax that the taxpayer has elected to 13388
carry forward to a subsequent tax year; 13389

(e) Any other information the municipal corporation deems 13390
relevant in order to effectuate the tax commissioner's efficient 13391
administration of the tax on the municipal corporation's behalf. 13392

(3) A municipal corporation shall submit the information 13393
required under division (C)(2) of this section to the tax 13394
commissioner within ninety days after the taxpayer files its final 13395
return or within fifteen days after the end of the taxable year 13396
for which the taxpayer made the initial election under division 13397
(B)(1) of this section, whichever occurs first. For the purposes 13398
of this section, "final return" means the return filed with the 13399

municipal corporation for the taxable year immediately preceding 13400
the taxable year for which the taxpayer made the election under 13401
division (B)(1) of this section. 13402

(4) If any municipal corporation fails to timely comply with 13403
division (C)(1), (2), or (3) of this section, the tax commissioner 13404
may notify the director of budget and management, who, upon 13405
receiving such notification, shall withhold a portion of each 13406
payment made to the municipal corporation under section 718.83 of 13407
the Revised Code. The commissioner shall specify the percentage of 13408
the payment to be withheld, not to exceed fifty per cent of the 13409
amount of the payment otherwise due to the municipal corporation 13410
under that section. The director shall compute the withholding on 13411
the basis of the tax rate most recently certified to the tax 13412
commissioner until the municipal corporation complies with 13413
divisions (C)(1), (2), and (3) of this section. 13414

If, after any such withholding, the municipal corporation 13415
complies with divisions (C)(1), (2), and (3) of this section, the 13416
tax commissioner shall notify the director of budget and 13417
management, who shall provide payment to the municipal corporation 13418
under section 718.83 of the Revised Code of such amounts withheld 13419
under this division. 13420

(D) The tax commissioner shall enforce and administer 13421
sections 718.80 to 718.95 of the Revised Code. In addition to any 13422
other powers conferred upon the tax commissioner by law, the tax 13423
commissioner may: 13424

(1) Prescribe all forms necessary to administer those 13425
sections; 13426

(2) Adopt such rules as the tax commissioner finds necessary 13427
to carry out those sections; 13428

(3) Appoint and employ such personnel as are necessary to 13429
carry out the duties imposed upon the tax commissioner by those 13430

sections. 13431

(E) No tax administrator shall utilize sections 718.81 to 13432
718.95 of the Revised Code in the administrator's administration 13433
of a municipal income tax, and those sections shall not be applied 13434
to any taxpayer that has not made the election under this section. 13435

(F) Nothing in this chapter shall be construed to make any 13436
section of this chapter, other than sections 718.01 and 718.80 to 13437
718.95 of the Revised Code, applicable to the tax commissioner's 13438
administration of a municipal income tax or to any taxpayer that 13439
has made the election under this section. 13440

(G) The tax commissioner shall not be considered a tax 13441
administrator, as that term is defined in section 718.01 of the 13442
Revised Code. 13443

Sec. 718.84. (A) Any information gained as a result of 13444
returns, investigations, hearings, or verifications required or 13445
authorized by sections 718.80 to 718.95 of the Revised Code is 13446
confidential, and no person shall disclose such information, 13447
except for official purposes, in accordance with a proper judicial 13448
order, or as provided in section 4123.271 or 5703.21 of the 13449
Revised Code. The tax commissioner may furnish the internal 13450
revenue service with copies of returns filed. This section does 13451
not prohibit the publication of statistics in a form which does 13452
not disclose information with respect to particular taxpayers. 13453

(B) In May and November of each year, the tax commissioner 13454
shall provide each tax administrator with the following 13455
information for every taxpayer that ~~filed~~ had municipal taxable 13456
income apportionable to the municipal corporation under this 13457
chapter on tax returns filed with the commissioner under sections 13458
718.80 to 718.95 of the Revised Code ~~and that had municipal~~ 13459
~~taxable income apportionable to the municipal corporation under~~ 13460
~~this chapter for any prior year~~ in the preceding six months: 13461

(1) The taxpayer's name, address, and federal employer identification number;	13462 13463
(2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the municipal corporation pursuant to section 718.82 of the Revised Code;	13464 13465 13466
(3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;	13467 13468
(4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;	13469 13470
(5) The amount of any credit claimed under section 718.94 of the Revised Code.	13471 13472
(C) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Revised Code, the tax commissioner shall provide to each municipal corporation a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the municipal corporation and the amount of each such taxpayer's estimated payment.	13473 13474 13475 13476 13477 13478 13479
(D) Not later than the thirty-first day of January of each year, every municipal corporation having taxpayers that have made the election allowed under section 718.80 of the Revised Code shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in divisions (B) and (C) of this section. The commissioner shall not provide such information to any person other than a person who is designated to receive the information under this section and who is employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by	13480 13481 13482 13483 13484 13485 13486 13487 13488 13489 13490 13491 13492

law. 13493

(E)(1) The tax commissioner may adopt rules that further 13494
govern the terms and conditions under which tax returns filed with 13495
the commissioner under this chapter, and any other information 13496
gained in the performance of the commissioner's duties prescribed 13497
by this chapter, shall be available for inspection by properly 13498
authorized officers, employees, or agents of the municipal 13499
corporations to which the taxpayer's net profit is apportioned 13500
under section 718.82 of the Revised Code. 13501

(2) As used in this division, "properly authorized officer, 13502
employee, or agent" means an officer, employee, or agent of a 13503
municipal corporation who is authorized by charter or ordinance of 13504
the municipal corporation to view or possess information referred 13505
to in section 718.13 of the Revised Code. 13506

(F)(1) If, upon receiving the information described in 13507
division (B) of section 718.91 of the Revised Code or division (B) 13508
or (C) of this section, a municipal corporation discovers that it 13509
has additional information in its possession that could result in 13510
a change to a taxpayer's tax liability, the municipal corporation 13511
may refer the taxpayer to the tax commissioner for an audit. Such 13512
referral shall be made on a form prescribed by the commissioner 13513
and shall include any information that forms the basis for the 13514
referral. 13515

(2) Upon receipt of a referral under division (F)(1) of this 13516
section, the commissioner shall review the referral and may 13517
conduct an audit of the taxpayer that is the subject of the 13518
referral based on the information in the referral and any other 13519
relevant information available to the commissioner. 13520

(3) Nothing in division (F) of this section shall be 13521
construed as forming the sole basis upon which the commissioner 13522
may conduct an audit of a taxpayer. 13523

(4) Nothing in this chapter shall prohibit a municipal corporation from filing a writ of mandamus if the municipal corporation believes that the commissioner has violated the commissioner's fiduciary duty as the administrator of the tax levied by the municipal corporation.

Sec. 727.01. Each municipal corporation shall have special power to levy and collect special assessments. The legislative authority of a municipal corporation may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, any part of the cost connected with the improvement of any street, alley, dock, wharf, pier, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation available for the purpose of the improvement to be made in it by grading, draining, curbing, paving, repaving, repairing, treating the surface with substances designed to lay the dust on it or preserve it, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor, drains, storm-water retention basins, watercourses, water mains, or laying of water pipe, or the lighting, sprinkling, sweeping, or cleaning thereof, or removing snow therefrom, any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost of a voluntary action, as defined in section 3746.01 of the Revised Code, undertaken pursuant to Chapter 3746. of the Revised Code by a special improvement district created under Chapter 1710. of the Revised Code, including the cost of acquiring property with respect to which the voluntary action is undertaken; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing

ditches; any part of the cost and expense of operating, 13556
maintaining, and replacing heating and cooling facilities for 13557
enclosed pedestrian canopies and malls; any part of the cost and 13558
expense of acquiring and improving parking facilities and 13559
structures for off-street parking of motor vehicles or of 13560
acquiring land and improving it by clearing, grading, draining, 13561
paving, lighting, erecting, constructing, and equipping it for 13562
parking facilities and structures for off-street parking of motor 13563
vehicles, to the extent authorized by section 717.05 of the 13564
Revised Code, but only if no special assessment made for the 13565
purpose of developing off-street parking facilities and structures 13566
is levied against any land being used solely for off-street 13567
parking or against any land used solely for single or two-family 13568
dwellings; any part of the cost and expense of operating and 13569
maintaining the off-street parking facilities and structures; and 13570
any part of the cost connected with changing the channel of, or 13571
narrowing, widening, dredging, deepening, or improving, any stream 13572
or watercourse, and for constructing or improving any levees or 13573
boulevards on any stream or watercourse, or along or about any 13574
stream or watercourse, together with any retaining wall, riprap 13575
protection, bulkhead, culverts, approaches, flood gates, 13576
waterways, or drains incidental to any stream or watercourse, or 13577
for making any other improvement of any river or lake front, 13578
whether it is privately or publicly owned, which the legislative 13579
authority declares conducive to the public health, convenience, or 13580
welfare. If a program grant is awarded for an eligible project 13581
under sections 122.40 to 122.4077 of the Revised Code, a municipal 13582
corporation may levy, against dwellings that are subject to the 13583
project, a special assessment for the purpose of providing a 13584
contribution from the municipal corporation towards the funding 13585
gap for the project. The assessment shall be at a rate that will 13586
produce a total assessment that is not more than the municipal 13587

corporation's contribution towards the funding gap for the 13588
eligible project as described in the application under section 13589
122.4020 of the Revised Code. In addition, a municipal corporation 13590
may levy a special assessment for public improvement or public 13591
services plans of a district formed under Chapter 1710. of the 13592
Revised Code, as provided in that chapter. In addition, a 13593
municipal corporation may levy a special assessment for an air 13594
quality facility pursuant to an agreement entered into under 13595
section 3706.051 of the Revised Code, provided that the owner of 13596
the property to be assessed files a written statement with the 13597
legislative authority of the municipal corporation requesting that 13598
the assessment be levied. Except as otherwise provided in Chapter 13599
1710. of the Revised Code, special assessments may be levied by 13600
any of the following methods: 13601

(A) By a percentage of the tax value of the property 13602
assessed; 13603

(B) In proportion to the benefits that may result from the 13604
improvement; 13605

(C) By the front foot of the property bounding and abutting 13606
upon the improvement. 13607

Sec. 733.40. Except as otherwise provided in section 4511.193 13608
of the Revised Code, all fines, forfeitures, and costs in 13609
ordinance cases and all fees that are collected by the mayor, that 13610
in any manner come into the mayor's hands, or that are due the 13611
mayor or a marshal, chief of police, or other officer of the 13612
municipal corporation, any other fees and expenses that have been 13613
advanced out of the treasury of the municipal corporation, and all 13614
money received by the mayor for the use of the municipal 13615
corporation shall be paid by the mayor into the treasury of the 13616
municipal corporation on the first Monday of each month. At the 13617

first regular meeting of the legislative authority each month, the 13618
mayor shall submit a full statement of all money received, from 13619
whom and for what purposes received, and when paid into the 13620
treasury. Except as otherwise provided by section 307.515 or 13621
4511.19 of the Revised Code, all fines, and forfeitures collected 13622
by the mayor in state cases, together with all fees and expenses 13623
collected that have been advanced out of the county treasury, 13624
shall be paid by the mayor to the county treasury on the first 13625
business day of each month. Except as otherwise provided by 13626
section 307.515 or 4511.19 of the Revised Code, the mayor shall 13627
pay all court costs and fees collected by the mayor in state cases 13628
into the municipal treasury on the first business day of each 13629
month. 13630

This section does not apply to fines collected by a mayor's 13631
court for violations of division (B) of section 4513.263 of the 13632
Revised Code, or for violations of any municipal ordinance that is 13633
substantively comparable to that division, all of which shall be 13634
forwarded to the treasurer of state as provided in ~~division (E) of~~ 13635
section 4513.263 of the Revised Code. 13636

Sec. 907.01. As used in sections 907.01 to 907.17 of the 13637
Revised Code: 13638

(A) "Advertisement" means any representation, other than that 13639
on a label, disseminated in any manner or by any means. 13640

(B) "Agricultural seed" means the seed of grass, native 13641
grass, forage, cereal, field and fiber crops, any other kinds of 13642
seed commonly recognized in this state as agricultural or field 13643
seed, lawn seed, and mixtures or blends of such seed. 13644

(C) "Certifying agency" means an agency authorized by the 13645
laws of a state or a foreign country to certify officially seed, 13646
tubers for seeding purposes, or plants for varietal identification 13647

or for other factors and, in the case of seed, an agency 13648
determined by the United States secretary of agriculture to follow 13649
procedures and standards of seed certification comparable to those 13650
generally followed by seed certifying agencies that are members of 13651
the association of official seed certifying agencies. 13652

(D) "Germination" means the emergence and development from 13653
seed embryos of those structures that indicate the capability of 13654
producing normal seedlings under ordinarily favorable conditions 13655
as determined by methods prescribed by rules of the association of 13656
official seed analysts. 13657

(E) "Hard seed" means seed that, because of impermeability, 13658
does not absorb moisture or germinate, but remains hard during the 13659
period of germination prescribed for that particular kind of seed. 13660

(F) "Hermetically sealed" means that the container used does 13661
not allow water vapor penetration through any wall, including the 13662
seals, greater than five one-hundredths grams of water per 13663
twenty-four hours per one hundred square inches of surface at one 13664
hundred degrees Fahrenheit with a relative humidity on one side of 13665
ninety per cent and on the other side of zero per cent. 13666

(G) "Hybrid" means the first generation seed of a cross 13667
produced by controlling the pollination and by combining: 13668

(1) Two or more inbred lines; 13669

(2) One inbred or a single cross with an open-pollinated 13670
variety; 13671

(3) Two varieties or species, except open-pollinated 13672
varieties of corn (*Zea Mays*). 13673

The second generation and subsequent generations from such 13674
crosses shall not be regarded as hybrids. 13675

(H) "In bulk" or "bulk" means loose in vehicles or bins. 13676

(I) "Inert matter" means all matter not seeds, including 13677

broken seeds, sterile florets, chaff, fungus bodies, and stones. 13678

(J) "Kind," in reference to seed, means one or more related 13679
species or subspecies that, singly or collectively, are known by 13680
one common name, for example, soybeans, oats, alfalfa, or timothy. 13681

(K) "Label" means a tag or other device that is attached to 13682
or written, stamped, or printed on any container of seed or that 13683
accompanies any lot of bulk seed and that describes the kind of 13684
seed together with any other information required by law. "Label" 13685
includes an invoice under which any seed is imported into the 13686
state. 13687

(L) "Lot of seed" means a definite quantity of seed 13688
identified by a lot number, every portion or bag of which is 13689
uniform, within permitted tolerances, as to the factors that 13690
appear on the label. 13691

(M) "Mixture" means seed consisting of more than one kind, 13692
each of which is present in excess of five per cent of the whole. 13693

(N) "Origin" means a state, the District of Columbia, Puerto 13694
Rico, a possession of the United States, or a foreign country, or 13695
designated portion thereof, where grown. 13696

(O) "Other crop seed" means agricultural seed commingled with 13697
the kind, or kind and variety, of seed under consideration, but 13698
less than five per cent by weight of the lot. 13699

(P) "Person" means any individual, partnership, corporation, 13700
company, society, association, public agency, receiver, trustee, 13701
or agent. 13702

(Q) "Place of business" means any location, including any 13703
vehicle, where seed is sold, processed, conditioned, or stored. 13704

(R) "Prohibited noxious weeds" means weeds that reproduce by 13705
seed, spread by roots, underground stems, or other reproductive 13706
parts, and, when established, are highly destructive and difficult 13707

to control. 13708

(S) "Processing" or "conditioning" means cleaning to remove 13709
chaff, sterile florets, immature seeds, weed seeds, inert matter, 13710
and other crop seeds, scarifying, blending to obtain uniform 13711
quality, or any other operation that would change the purity or 13712
germination of the seed and therefore require retesting to 13713
determine the quality of the seed. "Processing" or "conditioning" 13714
does not include such operations as packaging, labeling, blending 13715
uniform lots of the same kind or variety without cleaning, or 13716
preparing a mixture without cleaning, any of which would not 13717
require retesting to determine the quality of the seed. 13718

(T) "Pure seed" means agricultural, vegetable, or flower seed 13719
free of inert matter and free of other seed distinguishable by 13720
appearance or by test. 13721

(U) "Records" means the complete data, including 13722
representative samples, concerning each lot of agricultural, 13723
vegetable, or flower seed that is sold. "Records" includes 13724
information about the seed's source of purchase and origin; the 13725
results of germination tests; the results of purity tests 13726
regarding the amount of pure seed, inert matter, crop seed, weed 13727
seed, and noxious weed seed contained in the lot of seed; and 13728
information concerning the processing and disposition of the seed. 13729

(V) "Screenings" means chaff, sterile florets, immature seed, 13730
inert matter, weed seed, or any other matter removed from seed in 13731
any kind of processing and that contains less than twenty-five per 13732
cent by weight of live agricultural, vegetable, or flower seed. 13733

(W) "Restricted noxious weeds" means weeds that are 13734
objectionable in fields, lawns, or gardens, but that can be 13735
controlled by good cultural practices. 13736

(X) "Sell" or "sold" includes: 13737

(1) Transferring ownership, offering or exposing for sale, 13738

exchanging, distributing, giving away, or transporting in this 13739
state; 13740

(2) Storing, carrying, or handling in aid of traffic in this 13741
state, whether in person or through an agent, employee, or others; 13742

(3) Receiving, accepting, or holding on consignment for sale. 13743

(Y) "Germination standard," as applied to vegetable or flower 13744
seed, means the minimum percentage of germination established by 13745
the director of agriculture for any kind or variety of seed. 13746

(Z) "Tolerance" means the allowable deviation from any 13747
percentage, fraction, or rate of occurrence stated on the label of 13748
a lot of seed. Tolerance is based on the law of normal variation 13749
from a mean. 13750

(AA) "Type" means either a group of varieties so nearly 13751
similar that the individual varieties cannot be clearly 13752
differentiated except under special conditions or, when used with 13753
a variety name, seed of that variety that may be mixed with seed 13754
of other varieties of the same kind and of similar character. In 13755
either case, ninety per cent of the pure seed shall be of the 13756
variety or group of varieties named or, upon growth, shall produce 13757
plants having characteristics similar to the variety or group of 13758
varieties named. 13759

(BB) "Variety" means a subdivision of a kind that is 13760
characterized by growth, plant, fruit, seed, or other 13761
characteristics by which it can be differentiated from other sorts 13762
of the same kind. 13763

(CC) "Vegetable seed" means the seed of any crop that is 13764
grown in gardens or on truck farms and is generally known and sold 13765
in this state under the name of vegetable seed or herb seed. 13766

(DD) "Weed seed" means the seed and bulblets of all plants 13767
generally recognized in this state as weeds, including prohibited 13768

noxious weeds and restricted noxious weeds. 13769

(EE) "Coated agricultural seed" means an agricultural seed 13770
with a film or layer applied to the seed that is greater than one 13771
per cent of the net weight, for purposes of, including, but not 13772
limited to, accurate seeding, nitrogen fixation, nutrient 13773
improvement, or protection from insects and pathogens. "Coated 13774
agricultural seed" does not include seeds treated with dusts or 13775
liquids that are virtually unmeasurable using association of 13776
official seed analysts rules. 13777

(FF) "Combination seed-mulch product" means any product 13778
containing both seeds and a natural or artificial substance that 13779
is applied to the soil surface for the purpose of promoting seed 13780
germination through moisture retention, maintaining soil 13781
temperature, or preventing erosion, and may contain fertilizer. 13782

(GG) "Blend" means seed that consists of more than one 13783
variety of a kind, with each variety representing more than five 13784
per cent by weight of the whole. 13785

(HH) "Flower seed" means the seed of herbaceous plants grown 13786
for their blooms, ornamental foliage, or other ornamental parts 13787
and commonly known as and sold under the name of flower seed. 13788

(II) "Pure live seed" means the sum of seed's percentage of 13789
germination plus the percentage of hard seed or dormant seed, 13790
multiplied by the percentage of pure seed, the product of which is 13791
divided by one hundred. The result is expressed as a whole number. 13792
Expressed as an equation, the definition of "pure live seed" is as 13793
follows: (percentage of germination plus percentage of hard seed 13794
or dormant seed) multiplied by the percentage of pure seed equals 13795
(product) divided by one hundred equals pure live seed. 13796

(JJ) "Cool season grass seed" means the agricultural seed of 13797
Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall 13798
fescue, perennial ryegrass, intermediate ryegrass, annual 13799

ryegrass, colonial bentgrass, creeping bentgrass, and mixtures or blends containing only those grass seeds. 13800
13801

(KK) "Native grass" has the meaning established in rules adopted under section 907.10 of the Revised Code. 13802
13803

(LL) "Class of seed" means a classification of seed that is established using the standards and procedures established by the association of official seed certifying agencies and that designates seed as breeder, foundation, registered, or certified seed. 13804
13805
13806
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13808

(MM) "Container" means a packet, bag, box, tape, tube, envelope, pre-planted device, mat, or other device used to contain seed, except that "container" does not include a vehicle or bin used to contain bulk seed. 13809
13810
13811
13812

(NN) "Dormant seed" means viable seed, excluding hard seed, that fails to germinate when provided with the specified germination conditions for that kind of seed. 13813
13814
13815

(OO) "Non-commercial seed sharing" means seed sharing with no transfer of monetary compensation in return for receiving seeds. 13816
13817
"Non-commercial seed sharing" does not mean either of the following: 13818
13819

(1) Seed sharing in which participants in seed sharing activities create an expectation that seeds must be returned in exchange for receiving seeds; 13820
13821
13822

(2) The distribution of seeds given as compensation for work or services rendered. 13823
13824

(PP) "Seed library" means a non-profit, governmental, or cooperative organization or association established for the purpose of facilitating the donation, exchange, preservation, and dissemination of seeds among the seed library's members or the general public, free of charge. 13825
13826
13827
13828
13829

(00) "Seed swap event" means an organized and publicly promoted event where non-commercial seed sharing takes place. 13830
13831

Sec. 907.091. (A)(1) Seed libraries and persons participating in a seed swap event shall not distribute or hold patented or treated seeds. 13832
13833
13834

(2) A seed library and organizers of a seed swap event shall ensure that all seeds distributed or held by the seed library or distributed by persons participating in a seed swap event are free of noxious and exotic weed seeds. 13835
13836
13837
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(3) A seed library shall ensure that all seeds transferred, obtained, distributed, or acquired from the library or at a seed swap event sponsored by the library are free of charge. The acquisition of or transfer of seeds by a seed library shall occur without charge. 13839
13840
13841
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(4) A seed library shall ensure that all seeds transferred, obtained, distributed, or acquired from the library or at a seed swap event sponsored by the library are open pollinated and one of the public domain varieties. 13844
13845
13846
13847

(B)(1) Non-commercial seed sharing participants, seed libraries, and organizers of seed swap events shall maintain a log identifying the seed species, common name, and source of all seeds received by the seed library or offered for exchange during seed swap events. 13848
13849
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(2) The department of agriculture may request access and review such log at any time. Additionally, the director of agriculture, or the director's designee, may enter any public or private place of business to gain access to any seeds for sampling or any records. 13853
13854
13855
13856
13857

(C) Non-commercial seed sharing participants, seed libraries, and those participating in seed swap events that are operating in 13858
13859

compliance with this section are exempt from seed container 13860
labeling requirements as described in section 907.03 of the 13861
Revised Code and need not obtain a seed labeler permit or report 13862
seed sales. 13863

Sec. 907.27. As used in sections 907.27 to 907.35, inclusive, 13864
of the Revised Code: 13865

(A) "Person" includes any individual, firm, partnership, 13866
corporation, company, society, or association. 13867

(B) "Distribute" means to offer for sale, hold for sale, 13868
sell, barter, or otherwise supply legume inoculants or 13869
pre-inoculated seed. 13870

(C) "Legume inoculant" means a pure or mixed culture of 13871
bacteria of the genus rhizobium capable of effectively inoculating 13872
a specific kind or specific kinds of legume plants. 13873

(D) "Brand" means a term, word, number, symbol, design, 13874
trademark, or any combination thereof used on the package, tag, or 13875
in advertising to identify the legume inoculants of a manufacturer 13876
or distributor and to distinguish them from those of others and 13877
from each other if on different media or substrata. 13878

(E) "Advertisement" means all representations other than 13879
those on the label, disseminated in any manner or by any means 13880
relating to legume inoculants and pre-inoculated seed. 13881

(F) "Label" means any written or printed matter on the 13882
package of legume inoculant or pre-inoculated seeds, or tag 13883
attached thereto, or to the pertinent invoice. 13884

(G) "Registrant" means a person who has currently registered 13885
a brand of inoculant. 13886

(H) "Pre-inoculated seeds" means legume seeds which have 13887
received prior to sale an application of a legume inoculant 13888
purported to be effective until the expiration date shown on the 13889

label. 13890

(I) "Custom inoculated seeds" means legume seeds to which 13891
application of a legume inoculant is made either at the time of 13892
the sale of the seed, or later, or to seed belonging to another 13893
person either as a service or as a part of the sales contract 13894
involving the sale or distribution either of the legume inoculant 13895
or seed not previously inoculated. It also includes subsequent 13896
application of legume inoculant to pre-inoculated seed when 13897
applied by a custom inoculator. 13898

~~(J) "Legume inoculator" means a person who applies legume 13899
inoculant to legume seeds either to produce pre inoculated seed, 13900
or custom inoculated seeds but other than for his own use for 13901
seeding. 13902~~

~~(K)~~ "Sell" includes transfer of ownership or custody, or the 13903
receiving of, accepting, or holding on consignment for sale. 13904

Sec. 907.32. The director of agriculture may: 13905

(A) Refuse to register a brand of legume inoculant or ~~he~~ the 13906
director may cancel a registration that previously has been 13907
approved when, in ~~his~~ the director's opinion, the brand of legume 13908
inoculant is distributed under false or misleading claims; 13909

~~(B) Refuse to license a legume inoculator or revoke a license 13910
previously issued for any violation of sections 907.27 to 907.35 13911
of the Revised Code, or rules adopted thereunder; 13912~~

~~(C)~~ Issue a stop sale order on any legume inoculant or 13913
pre-inoculated seed that is not registered, that is improperly or 13914
insufficiently labeled, that is offered for sale after the 13915
expiration date printed thereon, or that has been subjected to 13916
devitalizing conditions. 13917

Sec. 993.04. (A)(1) No person shall operate an amusement ride 13918

within the state without a permit issued by the director of 13919
agriculture under division (A)(2) of this section. The owner of an 13920
amusement ride, whether the ride is a temporary amusement ride or 13921
a permanent amusement ride, who desires to operate the amusement 13922
ride within the state shall, prior to the operation of the 13923
amusement ride and annually thereafter, submit to the department 13924
of agriculture an application for a permit, together with the 13925
appropriate permit and inspection fee, on a form to be furnished 13926
by the department. Prior to issuing any permit the department 13927
shall, within thirty days after the date on which it receives the 13928
application, inspect each amusement ride described in the 13929
application. The owner of an amusement ride shall have the 13930
amusement ride ready for inspection not later than two hours after 13931
the time that is requested by the person for the inspection. 13932

(2) For each amusement ride found to comply with the rules 13933
adopted by the director under division (B) of this section and 13934
division (B) of section 993.08 of the Revised Code, the director 13935
shall issue an annual permit, provided that evidence of liability 13936
insurance coverage for the amusement ride as required by section 13937
993.06 of the Revised Code is on file with the department. 13938

(3) The director shall issue with each permit a decal 13939
indicating that the amusement ride has been issued the permit. The 13940
owner of the amusement ride shall affix the decal on the ride at a 13941
location where the decal is easily visible to the patrons of the 13942
ride. A copy of the permit shall be kept on file at the same 13943
address as the location of the amusement ride identified on the 13944
permit, and shall be made available for inspection, upon 13945
reasonable demand, by any person. An owner may operate an 13946
amusement ride prior to obtaining a permit, provided that the 13947
operation is for the purpose of testing the amusement ride or 13948
training amusement ride operators and other employees of the owner 13949
and the amusement ride is not open to the public. 13950

(B)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for both of the following:

(a) A schedule of fines, with no fine exceeding five thousand dollars, for violations of this chapter or any rules adopted under this division;

(b) The classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. The classification of amusement rides must identify those rides that need more comprehensive inspection and testing in addition to regular state inspections, taking into account hidden components integral to the safety of the ride.

(2)(a) Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and shall be based upon generally accepted engineering standards and practices. The rules shall establish a minimum number of inspections to be conducted on each ride depending on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year for which the applicable permit is valid. The rules also shall require the minimum number of inspectors assigned to inspect a ride or rides to be reasonable and adequate given the number, size, complexity, and nature of the ride or rides.

(b) In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities.

(c) In adopting rules under this section, the director shall adopt, by reference, the following chapters of the American

society for testing and materials (ASTM) international regarding 13982
amusement ride safety standards and any other equivalent national 13983
standard: 13984

(i) ASTM F1193-18; 13985

(ii) ASTM F770-18; 13986

(iii) ASTM F2291-18. 13987

(d) Insofar as is practicable and consistent with this 13988
chapter, rules adopted under this division shall be consistent 13989
with the rules of other states. 13990

(3) The department shall cause this chapter and the rules 13991
adopted in accordance with this division and division (B) of 13992
section 993.08 of the Revised Code to be published in pamphlet 13993
form and a copy to be furnished without charge to each owner of an 13994
amusement ride who holds a current permit or is an applicant 13995
therefor. 13996

(C) With respect to an application for a permit for an 13997
amusement ride, an owner may apply to the director for a waiver or 13998
modification of any rule adopted under division (B) of this 13999
section if there are practical difficulties or unnecessary 14000
hardships for the amusement ride to comply with the rules. Any 14001
application shall set forth the reasons for the request. The 14002
director, with the approval of the advisory council on amusement 14003
ride safety, may waive or modify the application of a rule to any 14004
amusement ride if the public safety is secure. Any authorization 14005
by the director under this division shall be in writing and shall 14006
set forth the conditions under which the waiver or modification is 14007
authorized, and the department shall retain separate records of 14008
all proceedings under this division. 14009

(D)(1) The director shall employ and provide for training of 14010
a chief inspector and additional inspectors and employees as may 14011
be necessary to administer and enforce this chapter. The director 14012

may appoint or contract with other persons to perform inspections 14013
of amusement rides, provided that the persons meet the 14014
qualifications for inspectors established by rules adopted under 14015
division (B) of this section and are not owners, or employees of 14016
owners, of any amusement ride subject to inspection under this 14017
chapter. When employing a new chief inspector or an additional 14018
inspector after November 6, 2019, the director shall give 14019
preference to the following: 14020

(a) An individual holding a level one or higher inspector 14021
certification from either the national association of amusement 14022
ride safety officials (NAARSO), the amusement industry 14023
manufacturers and suppliers (AIMS) international, or another 14024
substantially equivalent organization as determined by the 14025
director; and 14026

(b) An individual who intends, within one year of being hired 14027
as an inspector, to complete the requirements for issuance of a 14028
level one or higher inspector certification from NAARSO, AIMS 14029
International, or another substantially equivalent organization as 14030
determined by the director. 14031

(2) No person shall inspect an amusement ride who, within six 14032
months prior to the date of inspection, was an employee of the 14033
owner of the ride. 14034

(3) Before the director contracts with other persons to 14035
inspect amusement rides, the director shall seek the advice of the 14036
advisory council on amusement ride safety on whether to contract 14037
with those persons. The advice shall not be binding upon the 14038
director. After having received the advice of the council, the 14039
director may proceed to contract with inspectors in accordance 14040
with the procedures specified in division (E)(2) of section 14041
1711.11 of the Revised Code. 14042

(4) With the advice and consent of the advisory council on 14043

amusement ride safety, the director may employ a special 14044
consultant to conduct an independent investigation of an amusement 14045
ride accident. This consultant need not be in the civil service of 14046
the state, but shall have qualifications to conduct the 14047
investigation acceptable to the council. 14048

(E)(1) Except as otherwise provided in division (E)(1) of 14049
this section, the department shall charge the following amusement 14050
ride fees: 14051

1	2	
A Permit	\$ 225	14053
B Annual inspection and reinspection per ride:		14054
C Kiddie rides	\$ 100	14055
D Roller coaster	\$ 1,200	14056
E Aerial lifts or bungee jumping facilities	\$ 450	14057
F Go karts, per kart	\$ 5	14058
G Other rides	\$ 160	14059
H Midseason operational inspection per ride	\$ 25	14060
I Expedited inspection per ride	\$ 100	14061
J Failure to cancel scheduled inspection per ride	\$ 100	14062
K Failure to have amusement ride ready for inspection per ride	\$ 100	14063

The go kart inspection fee is in addition to the inspection 14064
fee for the go kart track. 14065

The director shall adopt rules in accordance with Chapter 14066
119. of the Revised Code establishing an annual fee that is less 14067
than one hundred five dollars for an inspection and reinspection 14068
of an inflatable ride. In adopting the rules, the director shall 14069
ensure that the fee reasonably reflects the costs of inspection 14070

and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued.

The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts.

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section.

(2) All fees and fines collected by the department under this chapter shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing section 1711.11 of the Revised Code and this chapter.

(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection is required by division (B)(2) of this section or rules adopted under that division, if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of section 993.07 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and

"other rides" for purposes of determining the fees under division 14102
(E) of this section. The rules shall define "other rides" to 14103
include go kart tracks. 14104

(F) A reinspection of an amusement ride shall take place if 14105
an accident occurs, if the owner of the ride or the chief officer 14106
of the fair, festival, or event where the ride is operating 14107
requests a reinspection, if the chief inspector determines 14108
reinspection is necessary in accordance with section 993.042 of 14109
the Revised Code, or if the reinspection is required by division 14110
(F) of section 993.07 of the Revised Code. 14111

(G) As a supplement to its annual inspection of a temporary 14112
amusement ride, the department may inspect the ride during each 14113
scheduled event, as listed in the schedule of events provided to 14114
the department by the owner pursuant to division (C) of section 14115
993.07 of the Revised Code, at which the ride is operated in this 14116
state. These supplemental inspections are in addition to any other 14117
inspection or reinspection of the ride as may be required under 14118
this chapter or rules adopted under it, and the owner of the 14119
temporary amusement ride is not required to pay an inspection or 14120
reinspection fee for this supplemental inspection unless the 14121
supplemental inspection is being conducted pursuant to division 14122
(B)(2) of this section or rules adopted under that division. 14123
Nothing in this division shall be construed to prohibit the owner 14124
of a temporary amusement ride having a valid permit to operate in 14125
this state from operating the ride at a scheduled event before the 14126
department conducts a supplemental inspection. 14127

(H) The department may annually conduct a midseason 14128
operational inspection of every amusement ride upon which it 14129
conducts an annual inspection pursuant to division (A) of this 14130
section. The midseason operational inspection is in addition to 14131
any other inspection or reinspection of the amusement ride as may 14132
be required pursuant to this chapter. The owner of an amusement 14133

ride shall submit to the department, at the time determined by the 14134
department, the midseason operational inspection fee specified in 14135
division (E) of this section. The director, in accordance with 14136
Chapter 119. of the Revised Code, shall adopt rules specifying the 14137
time period during which the department will conduct midseason 14138
operational inspections. 14139

Sec. 1121.23. (A) As used in this section: 14140

(1) "Control" means either of the following: 14141

(a) The power to vote, directly or indirectly, at least 14142
twenty-five per cent of outstanding voting shares or voting 14143
interests of a licensee or person in control of a licensee; 14144

(b) The power to elect or appoint a majority of executive 14145
officers or directors. 14146

(2) "Director" means an individual elected to serve as the 14147
director of a for-profit corporation pursuant to section 1701.55 14148
of the Revised Code or an individual elected to serve as the 14149
director of a nonprofit corporation pursuant to section 1702.26 of 14150
the Revised Code. 14151

(3) "Executive officer" means president, treasurer, 14152
secretary, any individual at or above the senior vice-president 14153
level or its functional equivalent, any individual at the 14154
vice-president level or its functional equivalent if the 14155
organization does not have senior vice-presidents, and "manager" 14156
as that term is defined in section 1706.01 of the Revised Code. 14157

(4) "Incorporator" has the same meaning as in section 1701.01 14158
of the Revised Code. 14159

(5) "Organizer" has the same meaning as in section 1706.01 of 14160
the Revised Code. 14161

(B)(1) A person is presumed to exercise control when the 14162
person holds the power to vote, directly or indirectly, at least 14163

ten per cent of outstanding voting shares or voting interests of a 14164
licensee or person in control of a licensee. 14165

(2) A person presumed to exercise control under division 14166
(B)(1) of this section can rebut the presumption by establishing, 14167
by a preponderance of the evidence, that the person is a passive 14168
investor. 14169

(C) For purposes of determining the percentage of a person 14170
controlled by any person, the person's interest shall be 14171
aggregated with the interest of any other immediate family member, 14172
including the person's spouse, parents, children, siblings, 14173
mothers- and fathers-in law, sons- and daughters-in law, brothers- 14174
and sisters-in law, and any other person who shares such person's 14175
home. 14176

(D) Whenever the approval of the superintendent of financial 14177
institutions is required under Chapters 1101. to 1127. of the 14178
Revised Code, or under an order or supervisory action issued or 14179
taken under those chapters, for a person to serve as an organizer, 14180
incorporator, director, executive officer, or person who exercises 14181
control, ~~directly or indirectly controls a bank, or to otherwise~~ 14182
~~have a substantial interest in or participate in the management of~~ 14183
~~a bank,~~ the superintendent shall request the superintendent of the 14184
bureau of criminal identification and investigation, or a vendor 14185
approved by the bureau, to conduct a criminal records check based 14186
on the person's fingerprints in accordance with section 109.572 of 14187
the Revised Code. The superintendent of financial institutions 14188
shall request that criminal record information from the federal 14189
bureau of investigation be obtained as part of the criminal 14190
records check. Any fee required under division (C)(3) of section 14191
109.572 of the Revised Code shall be paid by the person who is the 14192
subject of the request. 14193

(E) Nothing in this section prohibits the superintendent of 14194
financial institutions from conditionally approving a person to 14195

serve as an organizer, incorporator, director, executive officer, 14196
or person who exercises control, ~~directly or indirectly, controls~~ 14197
~~a bank, or to otherwise have a substantial interest in or~~ 14198
~~participate in the management of a bank,~~ subject to receiving 14199
satisfactory results of the criminal records check. If the 14200
superintendent does not receive the results within ninety days 14201
after the criminal records check was requested, the superintendent 14202
may extend the conditional approval for not more than ninety days. 14203

Sec. 1321.37. (A) Application for an original or renewal 14204
license to make short-term loans shall be in writing, under oath, 14205
and in the form prescribed by the superintendent of financial 14206
institutions, and shall contain the name and address of the 14207
applicant, the location where the business of making loans is to 14208
be conducted, and any further information as the superintendent 14209
requires. At the time of making an application for an original 14210
license, the applicant shall pay to the superintendent a 14211
nonrefundable investigation fee of two hundred dollars. No 14212
investigation fee or any portion thereof shall be refunded after 14213
an original license has been issued. The application for an 14214
original or renewal license shall be accompanied by an original or 14215
renewal license fee, for each business location of one thousand 14216
dollars, except that applications for original licenses issued on 14217
or after the first day of July for any year shall be accompanied 14218
by an original license fee of five hundred dollars, and except 14219
that an application for an original or renewal license, for a 14220
nonprofit corporation that is incorporated under Chapter 1702. of 14221
the Revised Code, shall be accompanied by an original or renewal 14222
license fee, for each business location, that is one-half of the 14223
fee otherwise required. All fees paid to the superintendent 14224
pursuant to this division shall be deposited into the state 14225
treasury to the credit of the consumer finance fund. 14226

(B) Upon the filing of an application for an original license 14227

and, with respect to an application filed for a renewal license, 14228
on a schedule determined by the superintendent by rule adopted 14229
pursuant to section 1321.43 of the Revised Code, and the payment 14230
of fees in accordance with division (A) of this section, the 14231
superintendent shall investigate the facts concerning the 14232
applicant and the requirements provided by this division. The 14233
superintendent shall request the superintendent of the bureau of 14234
criminal identification and investigation, or a vendor approved by 14235
the bureau, to conduct a criminal records check based on the 14236
applicant's fingerprints in accordance with section 109.572 of the 14237
Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of 14238
the Revised Code, the superintendent of financial institutions 14239
shall request that criminal record information from the federal 14240
bureau of investigation be obtained as part of the criminal 14241
records check. The superintendent of financial institutions shall 14242
conduct a civil records check. The superintendent shall approve an 14243
application and issue an original or renewal license to the 14244
applicant if the superintendent finds all of the following: 14245

(1) The financial responsibility, experience, and general 14246
fitness of the applicant are such as to warrant the belief that 14247
the business of making loans will be operated lawfully, honestly, 14248
and fairly under sections 1321.35 to 1321.48 of the Revised Code 14249
and within the purposes of those sections; that the applicant has 14250
fully complied with those sections and any rule or order adopted 14251
or issued pursuant to section 1321.43 of the Revised Code; and 14252
that the applicant is qualified to engage in the business of 14253
making loans under sections 1321.35 to 1321.48 of the Revised 14254
Code. 14255

(2) The applicant is financially sound and has a net worth of 14256
not less than one hundred thousand dollars, or in the case of a 14257
nonprofit corporation that is incorporated under Chapter 1702. of 14258
the Revised Code, a net worth of not less than fifty thousand 14259

dollars. The applicant's net worth shall be computed according to 14260
generally accepted accounting principles. 14261

(3) The applicant has never had revoked a license to make 14262
loans under sections 1321.35 to 1321.48 of the Revised Code, under 14263
former sections 1315.35 to 1315.44 of the Revised Code, or to do 14264
business under sections 1315.21 to 1315.30 of the Revised Code. 14265

(4) Neither the applicant nor any senior officer, or partner 14266
of the applicant, has pleaded guilty to or been convicted of a 14267
disqualifying offense as determined in accordance with section 14268
9.79 of the Revised Code. 14269

(5) Neither the applicant nor any senior officer, or partner 14270
of the applicant, has been subject to any adverse judgment for 14271
conversion, embezzlement, misappropriation of funds, fraud, 14272
misfeasance or malfeasance, or breach of fiduciary duty, or if the 14273
applicant or any of those other persons has been subject to such a 14274
judgment, the applicant has proven to the superintendent, by a 14275
preponderance of the evidence, that the applicant's or other 14276
person's activities and employment record since the judgment show 14277
that the applicant or other person is honest and truthful and 14278
there is no basis in fact for believing that the applicant or 14279
other person will be subject to such a judgment again. 14280

(C) If the superintendent finds that the applicant does not 14281
meet the requirements of division (B) of this section, or the 14282
superintendent finds that the applicant knowingly or repeatedly 14283
contracts with or employs persons to directly engage in lending 14284
activities who have been convicted of a felony crime listed in 14285
division (B)(5) of this section, the superintendent shall issue an 14286
order denying the application for an original or renewal license 14287
and giving the applicant an opportunity for a hearing on the 14288
denial in accordance with Chapter 119. of the Revised Code. The 14289
superintendent shall notify the applicant of the denial, the 14290
grounds for the denial, and the applicant's opportunity for a 14291

hearing. If the application is denied, the superintendent shall 14292
return the annual license fee but shall retain the investigation 14293
fee. 14294

(D) No person licensed under sections 1321.35 to 1321.48 of 14295
the Revised Code shall conduct business in this state unless the 14296
licensee has obtained and maintains in effect at all times a 14297
corporate surety bond issued by a bonding company or insurance 14298
company authorized to do business in this state. The bond shall be 14299
in favor of the superintendent and in the penal sum of at least 14300
one hundred thousand dollars, or in the case of a nonprofit 14301
corporation that is incorporated under Chapter 1702. of the 14302
Revised Code, in the amount of fifty thousand dollars. The term of 14303
the bond shall coincide with the term of the license. The licensee 14304
shall file a copy of the bond with the superintendent. The bond 14305
shall be for the exclusive benefit of any borrower injured by a 14306
violation by a licensee or any employee of a licensee, of any 14307
provision of sections 1321.35 to 1321.48 of the Revised Code. 14308

Sec. 1321.53. (A)(1) An application for a certificate of 14309
registration under sections 1321.51 to 1321.60 of the Revised Code 14310
shall contain an undertaking by the applicant to abide by those 14311
sections. The application shall be in writing, under oath, and in 14312
the form prescribed by the division of financial institutions, and 14313
shall contain any information that the division may require. 14314
Applicants that are foreign corporations shall obtain and maintain 14315
a license pursuant to Chapter 1703. of the Revised Code before a 14316
certificate is issued or renewed. 14317

(2) Upon the filing of the application and the payment by the 14318
applicant of a nonrefundable two-hundred-dollar investigation fee 14319
and a nonrefundable three-hundred-dollar annual registration fee, 14320
the division shall investigate the relevant facts. If the 14321
application involves investigation outside this state, the 14322

applicant may be required by the division to advance sufficient 14323
funds to pay any of the actual expenses of such investigation, 14324
when it appears that these expenses will exceed two hundred 14325
dollars. An itemized statement of any of these expenses which the 14326
applicant is required to pay shall be furnished to the applicant 14327
by the division. No certificate shall be issued unless all the 14328
required fees have been submitted to the division. 14329

(3) The investigation undertaken upon application shall 14330
include both a civil and criminal records check of the applicant 14331
including any individual whose identity is required to be 14332
disclosed in the application. Where the applicant is a business 14333
entity the superintendent shall have the authority to require a 14334
civil and criminal background check of those persons that in the 14335
determination of the superintendent have the authority to direct 14336
and control the operations of the applicant. 14337

(4)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 14338
the Revised Code, the superintendent of financial institutions 14339
shall obtain a criminal history records check and, as part of that 14340
records check, request that criminal record information from the 14341
federal bureau of investigation be obtained. To fulfill this 14342
requirement, the superintendent shall request the superintendent 14343
of the bureau of criminal identification and investigation, or a 14344
vendor approved by the bureau, to conduct a criminal records check 14345
based on the applicant's fingerprints or, if the fingerprints are 14346
unreadable, based on the applicant's social security number, in 14347
accordance with section 109.572 of the Revised Code. 14348

(b) Any fee required under division (C)(3) of section 109.572 14349
of the Revised Code shall be paid by the applicant. 14350

(5) If an application for a certificate of registration does 14351
not contain all of the information required under division (A) of 14352
this section, and if such information is not submitted to the 14353
division within ninety days after the superintendent requests the 14354

information in writing, including by electronic transmission or 14355
facsimile, the superintendent may consider the application 14356
withdrawn. 14357

(6) If the division finds that the financial responsibility, 14358
experience, and general fitness of the applicant command the 14359
confidence of the public and warrant the belief that the business 14360
will be operated honestly and fairly in compliance with the 14361
purposes of sections 1321.51 to 1321.60 of the Revised Code and 14362
the rules adopted thereunder, and that the applicant has the 14363
applicable net worth and assets required by division (B) of this 14364
section, the division shall thereupon issue a certificate of 14365
registration to the applicant. The superintendent shall not use a 14366
credit score as the sole basis for a registration denial. 14367

(a)(i) Certificates of registration issued on or after July 14368
1, 2010, shall annually expire on the thirty-first day of 14369
December, unless renewed by the filing of a renewal application 14370
and payment of a three-hundred-dollar nonrefundable annual 14371
registration fee and any assessment as determined by the 14372
superintendent pursuant to division (A)(6)(a)(ii) of this section 14373
on or before the last day of December of each year. No other fee 14374
or assessment shall be required of a registrant by the state or 14375
any political subdivision of this state. 14376

(ii) If the renewal fees billed by the superintendent 14377
pursuant to division (A)(6)(a)(i) of this section are less than 14378
the estimated expenditures of the consumer finance section of the 14379
division of financial institutions, as determined by the 14380
superintendent, for the following fiscal year, the superintendent 14381
may assess each registrant at a rate sufficient to equal in the 14382
aggregate the difference between the renewal fees billed and the 14383
estimated expenditures. Each registrant shall pay the assessed 14384
amount to the superintendent prior to the last day of June. In no 14385
case shall the assessment exceed ten cents per each one hundred 14386

dollars of interest (excluding charge-off recoveries), points, 14387
loan origination charges, and credit line charges collected by 14388
that registrant during the previous calendar year. If such an 14389
assessment is imposed, it shall not be less than two hundred fifty 14390
dollars per registrant and shall not exceed thirty thousand 14391
dollars less the total renewal fees paid pursuant to division 14392
(A)(6)(a)(i) of this section by each registrant. 14393

(b) Registrants shall timely file renewal applications on 14394
forms prescribed by the division and provide any further 14395
information that the division may require. If a renewal 14396
application does not contain all of the information required under 14397
this section, and if that information is not submitted to the 14398
division within ninety days after the superintendent requests the 14399
information in writing, including by electronic transmission or 14400
facsimile, the superintendent may consider the application 14401
withdrawn. 14402

(c) Renewal shall not be granted if the applicant's 14403
certificate of registration is subject to an order of suspension, 14404
revocation, or an unpaid and past due fine imposed by the 14405
superintendent. 14406

(d) If the division finds the applicant does not meet the 14407
conditions set forth in this section, it shall issue a notice of 14408
intent to deny the application, and forthwith notify the applicant 14409
of the denial, the grounds for the denial, and the applicant's 14410
reasonable opportunity to be heard on the action in accordance 14411
with Chapter 119. of the Revised Code. 14412

(7) If there is a change of five per cent or more in the 14413
ownership of a registrant, the division may make any investigation 14414
necessary to determine whether any fact or condition exists that, 14415
if it had existed at the time of the original application for a 14416
certificate of registration, the fact or condition would have 14417
warranted the division to deny the application under division 14418

(A)(6) of this section. If such a fact or condition is found, the 14419
division may, in accordance with Chapter 119. of the Revised Code, 14420
revoke the registrant's certificate. 14421

(B) Each registrant that engages in lending under sections 14422
1321.51 to 1321.60 of the Revised Code shall maintain both of the 14423
following: 14424

(1) A net worth of at least fifty thousand dollars; 14425

(2) For each certificate of registration, assets of at least 14426
fifty thousand dollars either in use or readily available for use 14427
in the conduct of the business. 14428

(C) Not more than one place of business shall be maintained 14429
under the same certificate, but the division may issue additional 14430
certificates to the same registrant upon compliance with sections 14431
1321.51 to 1321.60 of the Revised Code, governing the issuance of 14432
a single certificate. No change in the place of business of a 14433
registrant to a location outside the original municipal 14434
corporation shall be permitted under the same certificate without 14435
the approval of a new application, the payment of the registration 14436
fee and, if required by the superintendent, the payment of an 14437
investigation fee of two hundred dollars. When a registrant wishes 14438
to change its place of business within the same municipal 14439
corporation, it shall give written notice of the change in advance 14440
to the division, which shall provide a certificate for the new 14441
address without cost. If a registrant changes its name, prior to 14442
making loans under the new name it shall give written notice of 14443
the change to the division, which shall provide a certificate in 14444
the new name without cost. Sections 1321.51 to 1321.60 of the 14445
Revised Code do not limit the loans of any registrant to residents 14446
of the community in which the registrant's place of business is 14447
situated. Each certificate shall be kept conspicuously posted in 14448
the place of business of the registrant and is not transferable or 14449
assignable. 14450

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 14451
apply to any of the following: 14452

(1) Entities chartered and lawfully doing business under the 14453
authority of any law of this state, another state, or the United 14454
States as a bank, savings bank, trust company, savings and loan 14455
association, or credit union, or a subsidiary of any such entity, 14456
which subsidiary is regulated by a federal banking agency and is 14457
owned and controlled by such a depository institution; 14458

(2) Life, property, or casualty insurance companies licensed 14459
to do business in this state; 14460

(3) Any person that is a lender making a loan pursuant to 14461
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of the 14462
Revised Code or a business loan as described in division (B)(6) of 14463
section 1343.01 of the Revised Code; 14464

(4) Any political subdivision, or any governmental or other 14465
public entity, corporation, instrumentality, or agency, in or of 14466
the United States or any state of the United States, or any entity 14467
described in division (B)(3) of section 1343.01 of the Revised 14468
Code; 14469

(5) A college or university, or controlled entity of a 14470
college or university, as those terms are defined in section 14471
1713.05 of the Revised Code. 14472

(E) No person engaged in the business of selling tangible 14473
goods or services related to tangible goods may receive or retain 14474
a certificate under sections 1321.51 to 1321.60 of the Revised 14475
Code for such place of business. 14476

Sec. 1321.64. (A) An application for a license shall contain 14477
an undertaking by the applicant to abide by those sections. The 14478
application shall be in writing, under oath, and in the form 14479
prescribed by the superintendent of financial institutions, and 14480

shall contain any information that the superintendent may require. 14481
Applicants that are foreign corporations shall obtain and maintain 14482
a license pursuant to Chapter 1703. of the Revised Code before a 14483
license is issued or renewed. 14484

(B) Upon the filing of the application and the payment by the 14485
applicant of a nonrefundable investigation fee of two hundred 14486
dollars, a nonrefundable annual registration fee of three hundred 14487
dollars, and any additional fee required by the NMLSR, the 14488
division of financial institutions shall investigate the relevant 14489
facts. If the application involves investigation outside this 14490
state, the applicant may be required by the division to advance 14491
sufficient funds to pay any of the actual expenses of the 14492
investigation when it appears that these expenses will exceed two 14493
hundred dollars. An itemized statement of any of these expenses 14494
which the applicant is required to pay shall be furnished to the 14495
applicant by the division. A license shall not be issued unless 14496
all the required fees have been submitted to the division. 14497

(C)(1) The investigation undertaken upon receipt of an 14498
application shall include both a civil and criminal records check 14499
of any control person. 14500

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 14501
the Revised Code, the superintendent shall obtain a criminal 14502
records check on each control person and, as part of that records 14503
check, request that criminal records information from the federal 14504
bureau of investigation be obtained. To fulfill this requirement, 14505
the superintendent shall do either of the following: 14506

(i) Request the superintendent of the bureau of criminal 14507
identification and investigation, or a vendor approved by the 14508
bureau, to conduct a criminal records check based on the control 14509
person's fingerprints or, if the fingerprints are unreadable, 14510
based on the control person's social security number, in 14511

accordance with section 109.572 of the Revised Code; 14512

(ii) Authorize the NMLSR to request a criminal records check 14513
of the control person. 14514

(b) Any fee required under division (C)(3) of section 109.572 14515
of the Revised Code or by the NMLSR shall be paid by the 14516
applicant. 14517

(D) If an application for a license does not contain all of 14518
the information required under division (A) of this section, and 14519
if such information is not submitted to the division or to the 14520
NMLSR within ninety days after the superintendent or the NMLSR 14521
requests the information in writing, including by electronic 14522
transmission or facsimile, the superintendent may consider the 14523
application withdrawn. 14524

(E) If the superintendent of financial institutions finds 14525
that the financial responsibility, experience, and general fitness 14526
of the applicant command the confidence of the public and warrant 14527
the belief that the business will be operated honestly and fairly 14528
in compliance with the purposes of sections 1321.62 to 1321.702 of 14529
the Revised Code and the rules adopted thereunder, and that the 14530
applicant has the requisite net worth and assets required under 14531
section 1321.65 of the Revised Code, the superintendent shall 14532
issue a license to the applicant. The license shall be valid until 14533
the thirty-first day of December of the year in which it is 14534
issued. A person may be licensed under both sections 1321.51 to 14535
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 14536

(F) If the superintendent finds that the applicant does not 14537
meet the conditions set forth in this section, the superintendent 14538
shall issue a notice of intent to deny the application, and 14539
promptly notify the applicant of the denial, the grounds for the 14540
denial, and the applicant's reasonable opportunity to be heard on 14541
the action in accordance with Chapter 119. of the Revised Code. 14542

Sec. 1346.03. Any information provided to the attorney 14543
general by the department of taxation in accordance with division 14544
~~(C)(5)~~ (C)(2) of section 5703.21 of the Revised Code shall not be 14545
disclosed publicly by the attorney general except when it is 14546
necessary to facilitate compliance with and enforcement of section 14547
1346.01 or 1346.02 of the Revised Code. 14548

Sec. 1349.09. (A) As used in this section: 14549

(1) "Operator" means any business, entity, or person that 14550
operates an online web site, online service, online product, or 14551
online feature that requires consumer consent to register, sign 14552
up, or otherwise create a unique username to access or utilize the 14553
online web site, online service, online product, or online 14554
feature. 14555

(2) "Child" or "children" means any consumer or consumers of 14556
an online web site, online service, online product, or online 14557
feature who are under the age of sixteen and who are not 14558
emancipated. 14559

(B) No operator shall enter into any contract, including 14560
terms of service with a child, to register, sign up, or otherwise 14561
create a unique username to access or utilize the online web site, 14562
online service, online product, or online feature without 14563
verifiable parental or legal guardian consent pursuant to this 14564
section. 14565

(C) An operator's online web site, online service, online 14566
product, or online feature that targets a child or is reasonably 14567
anticipated to be accessed by a child shall obtain verifiable 14568
parental or legal guardian consent to the contractual terms of 14569
service by using any of the following methods: 14570

(1) Requiring a parent or legal guardian to sign and return 14571
to the operator a form consenting to the terms of service by 14572

<u>postal mail, facsimile, or electronic mail;</u>	14573
<u>(2) Requiring a parent or legal guardian, in connection with</u>	14574
<u>a monetary transaction, to use a credit card, debit card, or other</u>	14575
<u>online payment system that provides notification of each discrete</u>	14576
<u>transaction to the primary account holder;</u>	14577
<u>(3) Requiring a parent or legal guardian to call a toll-free</u>	14578
<u>telephone number implemented by the operator and staffed by</u>	14579
<u>trained personnel;</u>	14580
<u>(4) Requiring a parent or legal guardian to connect to</u>	14581
<u>trained personnel via videoconference;</u>	14582
<u>(5) Verifying a parent's identity by checking a form of</u>	14583
<u>government-issued identification against databases of such</u>	14584
<u>information, where the parent's identification is deleted by the</u>	14585
<u>operator from its records promptly after such verification is</u>	14586
<u>complete.</u>	14587
<u>(D) In determining whether an operator's online web site,</u>	14588
<u>online service, online product, or online feature targets a child</u>	14589
<u>or is reasonably anticipated to be accessed by a child, the</u>	14590
<u>attorney general and a court may consider the following factors:</u>	14591
<u>(1) Subject matter;</u>	14592
<u>(2) Language;</u>	14593
<u>(3) Design elements;</u>	14594
<u>(4) Visual content;</u>	14595
<u>(5) Use of animated characters or child-oriented activities</u>	14596
<u>and incentives;</u>	14597
<u>(6) Music or other audio content;</u>	14598
<u>(7) Age of models;</u>	14599
<u>(8) Presence of child celebrities or celebrities who appeal</u>	14600
<u>to children;</u>	14601

(9) Advertisement; 14602

(10) Empirical evidence regarding audience composition and evidence regarding the intended audience. 14603
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(E)(1) Except as described in division (E)(2) of this section, after obtaining verified parental or legal guardian consent under division (C) of this section, an operator shall send written confirmation of the consent to the parent or legal guardian via electronic mail, postal mail, or facsimile. 14605
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(2) If an operator has made every reasonable effort and has not been able to secure contact information necessary to send written confirmation under division (D)(1) of this section, the operator may verify consent via telephone. 14610
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(F) If a parent or legal guardian fails or refuses to consent to the terms of service, the operator shall deny access or use of the online web site, online service, online product, or online feature by the child. 14614
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(G) If a parent or legal guardian receives the confirmation described in division (E) of this section and determines consent was given in error, or if the parent or legal guardian chooses to withdraw consent for any reason, the parent or legal guardian shall notify the operator, and the operator shall terminate the child's use of or access to the online web site, online service, online product, or online feature within thirty days of receiving notification from the parent or legal guardian of the error or choice to withdraw consent. 14618
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(H) The attorney general shall investigate any noncompliance with this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as in section 1349.191 of the Revised Code. Nothing in this section shall be interpreted to serve as the basis for a private right of action. 14627
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(I) The attorney general has the exclusive authority to bring 14632

a civil action in a court of common pleas, or other appropriate 14633
court, for appropriate relief under this section, including a 14634
temporary restraining order, preliminary or permanent injunction, 14635
and civil penalties, if it appears that an operator of an online 14636
web site, online service, online product, or online feature is 14637
failing to comply with this section. 14638

(J) If a court finds that an operator of an online web site, 14639
online service, online product, or online feature knew or should 14640
have known that it entered into a contract with a child without 14641
parental consent, as described in division (B) of this section, 14642
the court shall impose a civil penalty upon the operator as 14643
follows: 14644

(1) Subject to divisions (J)(2) and (3) of this section, a 14645
civil penalty of up to one thousand dollars for each day the 14646
operator failed to comply with this section; 14647

(2) Subject to division (J)(3) of this section, a civil 14648
penalty in the amount specified in division (J)(1) of this section 14649
for each day of the first sixty days that the operator failed to 14650
comply with the section and, for each day commencing with the 14651
sixty-first day that the operator failed to comply with this 14652
section, a civil penalty of up to five thousand dollars for each 14653
such day the operator failed to comply with the section; 14654

(3) For violations of greater than ninety days, a civil 14655
penalty in the amount specified in division (J)(1) of this section 14656
for each day of the first sixty days that the operator failed to 14657
comply with the section, a civil penalty of up to five thousand 14658
dollars for each day commencing with the sixty-first day and 14659
continuing through the ninetieth day that the operator failed to 14660
comply with the section, and, for each day commencing with the 14661
ninety-first day that the operator failed to comply with the 14662
section, a civil penalty of up to ten thousand dollars for each 14663
such day the operator failed to comply with this section. 14664

(K) Any civil penalty that is assessed under division (J) of this section shall be deposited into the consumer protection enforcement fund created under section 1345.51 of the Revised Code. 14665
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(L) Any operator that is found by the court to have failed to comply with this section shall be liable to the attorney general for the attorney general's costs in conducting an investigation and bringing an action under this section. 14669
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(M) The rights and remedies that are provided under this section are in addition to any other rights or remedies that are provided by law. 14673
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(N)(1) If an operator is in substantial compliance with this section, the attorney general shall provide written notice to the business before initiating an action under this section, identifying the specific provisions of this section that the attorney general alleges have been or are being violated. 14676
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(2) If, within ninety days of the notice required by division (N)(1) of this section, the operator cures any noticed violation and provides the attorney general written documentation that the alleged violations have been cured, and sufficient measures have been taken to prevent future violations, the business shall not be liable for a civil penalty for any violation so cured. 14681
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Sec. 1501.16. There is hereby created in the state treasury the performance bond refunds fund. The fund shall consist of money received by the department of natural resources from other entities as performance security. Upon the completion of work or satisfaction of terms for which the performance bond was required, the money shall be refunded to the pledging entity. In the event that the performance bond is forfeited, the money shall be transferred to the appropriate fund within the state treasury. 14687
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Sec. 1506.01. As used in this chapter: 14695

(A) "Coastal area" means the waters of Lake Erie, the islands 14696
in the lake, and the lands under and adjacent to the lake, 14697
including transitional areas, wetlands, and beaches. The coastal 14698
area extends in Lake Erie to the international boundary line 14699
between the United States and Canada and landward only to the 14700
extent necessary to include shorelands, the uses of which have a 14701
direct and significant impact on coastal waters as determined by 14702
the director of natural resources. 14703

(B) "Coastal management program" means the comprehensive 14704
action of the state and its political subdivisions cooperatively 14705
to preserve, protect, develop, restore, or enhance the resources 14706
of the coastal area and to ensure wise use of the land and water 14707
resources of the coastal area, giving attention to natural, 14708
cultural, historic, and aesthetic values; agricultural, 14709
recreational, energy, and economic needs; and the national 14710
interest. "Coastal management program" includes the establishment 14711
of objectives, policies, standards, and criteria concerning, 14712
without limitation, protection of air, water, wildlife, rare and 14713
endangered species, wetlands and natural areas, and other natural 14714
resources in the coastal area; management of coastal development 14715
and redevelopment; preservation and restoration of historic, 14716
cultural, and aesthetic coastal features; and public access to the 14717
coastal area for recreation purposes. 14718

(C) "Coastal management program document" means a 14719
comprehensive statement consisting of, without limitation, text, 14720
maps, and illustrations that is adopted by the director in 14721
accordance with this chapter, describes the objectives, policies, 14722
standards, and criteria of the coastal management program for 14723
guiding public and private uses of lands and waters in the coastal 14724
area, lists the governmental agencies, including, without 14725

limitation, state agencies, involved in implementing the coastal 14726
management program, describes their applicable policies and 14727
programs, and cites the statutes and rules under which they may 14728
adopt and implement those policies and programs. 14729

(D) "Person" means any agency of this state, any political 14730
subdivision of this state or of the United States, and any legal 14731
entity defined as a person under section 1.59 of the Revised Code. 14732

(E) "Director" means the director of natural resources or the 14733
director's designee. 14734

(F) "Permanent structure" means any residential, commercial, 14735
industrial, institutional, or agricultural building, any mobile 14736
home as defined in division (O) of section 4501.01 of the Revised 14737
Code, any manufactured home as defined in division (C)(4) of 14738
section 3781.06 of the Revised Code, and any septic system that 14739
receives sewage from a single-family, two-family, or three-family 14740
dwelling, but does not include any recreational vehicle as defined 14741
in section 4501.01 of the Revised Code. 14742

(G) "State agency" or "agency of the state" has the same 14743
meaning as "agency" as defined in section 111.15 of the Revised 14744
Code, except that "state agency" or "agency of the state" includes 14745
a state college or university, a community college district, a 14746
technical college district, or state community college. 14747

(H) "Coastal flood hazard area" means any territory within 14748
the coastal area that has been identified as a flood hazard area 14749
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 14750
42 U.S.C.A. 4002, as amended. 14751

(I) "Coastal erosion area" means any territory included in 14752
Lake Erie coastal erosion areas identified by the director under 14753
section 1506.06 of the Revised Code. 14754

(J) "Conservancy district" means a conservancy district that 14755
is established under Chapter 6101. of the Revised Code. 14756

(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code. 14757
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(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures. 14760
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(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of water resources; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes. 14765
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Sec. 1509.01. As used in this chapter: 14774

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters. 14775
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"Well" includes a stratigraphic well. 14779

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir. 14780
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(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate. 14785
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(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.

(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

(F) "Field" means the general area underlaid by one or more pools.

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir and does not apply to a stratigraphic well.

(H) "Waste" includes all of the following:

(1) Physical waste, as that term generally is understood in the oil and gas industry;

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) Inefficient storing of oil or gas;

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.

(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and

gas in and under the person's tract or tracts, or the equivalent 14817
thereof, without having to drill unnecessary wells or incur other 14818
unnecessary expense. 14819

(J) "Tract" means a single, individual parcel of land or a 14820
portion of a single, individual parcel of land. 14821

(K) "Owner," unless referring to a mine, means the person who 14822
has the right to drill on a tract or drilling unit, to drill into 14823
and produce from a pool, and to appropriate the oil or gas 14824
produced therefrom either for the person or for others, except 14825
that a person ceases to be an owner with respect to a well when 14826
the well has been plugged in accordance with applicable rules 14827
adopted and orders issued under this chapter. "Owner" does not 14828
include a person who obtains a lease of the mineral rights for oil 14829
and gas on a parcel of land if the person does not attempt to 14830
produce or produce oil or gas from a well or obtain a permit under 14831
this chapter for a well or if the entire interest of a well is 14832
transferred to the person in accordance with division (B) of 14833
section 1509.31 of the Revised Code. 14834

(L) "Royalty interest" means the fee holder's share in the 14835
production from a well, except a stratigraphic well. 14836

(M) "Discovery well" means the first well, except a 14837
stratigraphic well capable of producing oil or gas in commercial 14838
quantities from a pool. 14839

(N) "Prepared clay" means a clay that is plastic and is 14840
thoroughly saturated with fresh water to a weight and consistency 14841
great enough to settle through saltwater in the well in which it 14842
is to be used, except as otherwise approved by the chief of the 14843
division of oil and gas resources management. 14844

(O) "Rock sediment" means the combined cutting and residue 14845
from drilling sedimentary rocks and formation. 14846

(P) "Excavations and workings," "mine," and "pillar" have the 14847

same meanings as in section 1561.01 of the Revised Code. 14848

(Q) "Coal bearing township" means a township designated as 14849
such by the chief of the division of mineral resources management 14850
under section 1561.06 of the Revised Code. 14851

(R) "Gas storage reservoir" means a continuous area of a 14852
subterranean porous sand or rock stratum or strata into which gas 14853
is or may be injected for the purpose of storing it therein and 14854
removing it therefrom and includes a gas storage reservoir as 14855
defined in section 1571.01 of the Revised Code. 14856

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 14857
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 14858
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 14859
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 14860
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 14861
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 14862
regulations adopted under those acts. 14863

(T) "Person" includes any political subdivision, department, 14864
agency, or instrumentality of this state; the United States and 14865
any department, agency, or instrumentality thereof; any legal 14866
entity defined as a person under section 1.59 of the Revised Code; 14867
and any other form of business organization or entity recognized 14868
by the laws of this state. 14869

(U) "Brine" means all saline geological formation water 14870
resulting from, obtained from, or produced in connection with 14871
exploration, drilling, well stimulation, production of oil or gas, 14872
or plugging of a well. 14873

(V) "Waters of the state" means all streams, lakes, ponds, 14874
marshes, watercourses, waterways, springs, irrigation systems, 14875
drainage systems, and other bodies of water, surface or 14876
underground, natural or artificial, that are situated wholly or 14877
partially within this state or within its jurisdiction, except 14878

those private waters that do not combine or effect a junction with 14879
natural surface or underground waters. 14880

(W) "Exempt Mississippian well" means a well that meets all 14881
of the following criteria: 14882

(1) Was drilled and completed before January 1, 1980; 14883

(2) Is located in an unglaciated part of the state; 14884

(3) Was completed in a reservoir no deeper than the 14885
Mississippian Big Injun sandstone in areas underlain by 14886
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 14887
sandstone in areas directly underlain by Permian stratigraphy; 14888

(4) Is used primarily to provide oil or gas for domestic use. 14889

(X) "Exempt domestic well" means a well that meets all of the 14890
following criteria: 14891

(1) Is owned by the owner of the surface estate of the tract 14892
on which the well is located; 14893

(2) Is used primarily to provide gas for the owner's domestic 14894
use; 14895

(3) Is located more than two hundred feet horizontal distance 14896
from any inhabited private dwelling house other than an inhabited 14897
private dwelling house located on the tract on which the well is 14898
located; 14899

(4) Is located more than two hundred feet horizontal distance 14900
from any public building that may be used as a place of resort, 14901
assembly, education, entertainment, lodging, trade, manufacture, 14902
repair, storage, traffic, or occupancy by the public. 14903

(Y) "Urbanized area" means an area where a well or production 14904
facilities of a well are located within a municipal corporation or 14905
within a township that has an unincorporated population of more 14906
than five thousand in the most recent federal decennial census 14907
prior to the issuance of the permit for the well or production 14908

facilities.	14909
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	14910 14911 14912
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:	14913 14914 14915 14916 14917 14918 14919 14920 14921
(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;	14922 14923 14924
(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;	14925 14926 14927 14928
(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;	14929 14930 14931 14932 14933 14934 14935
(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an	14936 14937 14938 14939

operation at a wellpad that may be used or reused at the same or 14940
another operation at a wellpad or that will be disposed of in 14941
accordance with applicable laws and rules adopted under them. 14942

(BB) "Annular overpressurization" means the accumulation of 14943
fluids within an annulus with sufficient pressure to allow 14944
migration of annular fluids into underground sources of drinking 14945
water. 14946

(CC) "Orphaned well" means a well that has not been properly 14947
plugged or its land surface restored in accordance with this 14948
chapter and the rules adopted under it to which either of the 14949
following apply: 14950

(1) The owner of the well is unknown, deceased, or cannot be 14951
located and the well is abandoned. 14952

(2) The owner of the well has abandoned the well and there is 14953
no money available to plug the well in accordance with this 14954
chapter and the rules adopted under it. 14955

(DD) "Temporarily inactive well" means a well that has been 14956
granted temporary inactive status under section 1509.062 of the 14957
Revised Code. 14958

(EE) "Material and substantial violation" means any of the 14959
following: 14960

(1) Failure to obtain a permit to drill, reopen, convert, 14961
plugback, or plug a well under this chapter; 14962

(2) Failure to obtain, maintain, update, or submit proof of 14963
insurance coverage that is required under this chapter; 14964

(3) Failure to obtain, maintain, update, or submit proof of a 14965
surety bond that is required under this chapter; 14966

(4) Failure to restore a disturbed land surface as required 14967
by section 1509.072 of the Revised Code; 14968

(5) Failure to reimburse the oil and gas well fund pursuant 14969

to a final order issued under section 1509.071 of the Revised Code; 14970
14971

(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code; 14972
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(7) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it. 14974
14975

(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code. 14976
14977

(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated. 14978
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"Horizontal well" does not include a stratigraphic well. 14982

(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells. 14983
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(II) "Stratigraphic well" means a borehole that is drilled within the state on a tract solely to conduct research of the subsurface geology. "Stratigraphic well" does not include a hole drilled for seismic shot. 14985
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Sec. 1509.03. (A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the administration, implementation, and enforcement of this chapter. The rules shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a permit with respect to a well and production facilities of a well that are located within an urbanized area or with respect to a horizontal well and production facilities associated with a horizontal well. The subjects shall include all of the following: 14989
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(1) Safety concerning the drilling or operation of a well; 14999

(2) Protection of the public and private water supply,	15000
including the amount of water used and the source or sources of	15001
the water;	15002
(3) Fencing and screening of surface facilities of a well;	15003
(4) Containment and disposal of drilling and production	15004
wastes;	15005
(5) Construction of access roads for purposes of the drilling	15006
and operation of a well;	15007
(6) Noise mitigation for purposes of the drilling of a well	15008
and the operation of a well, excluding safety and maintenance	15009
operations.	15010
No person shall violate any rule of the chief adopted under	15011
this chapter.	15012
(B)(1) Any order issuing, denying, or modifying a permit or	15013
notices required to be made by the chief pursuant to this chapter	15014
shall be made in compliance with Chapter 119. of the Revised Code,	15015
except that personal service may be used in lieu of service by	15016
mail. Every order issuing, denying, or modifying a permit under	15017
this chapter and described as such shall be considered an	15018
adjudication order for purposes of Chapter 119. of the Revised	15019
Code. Division (B)(1) of this section does not apply to a permit	15020
issued under section 1509.06 of the Revised Code.	15021
(2) Where notice to the owners <u>any person</u> is required by this	15022
chapter, the notice shall be given as prescribed by a rule adopted	15023
by the chief to govern the giving of notices. The rule shall	15024
provide for notice by publication except in those cases where	15025
other types of notice are necessary in order to meet the	15026
requirements of the law.	15027
(C) The chief or the chief's authorized representative may at	15028
any time enter upon lands, public or private, for the purpose of	15029

administration or enforcement of this chapter, the rules adopted 15030
or orders made thereunder, or terms or conditions of permits or 15031
registration certificates issued thereunder and may examine and 15032
copy records pertaining to the drilling, conversion, or operation 15033
of a well for injection of fluids and logs required by division 15034
(C) of section 1509.223 of the Revised Code. No person shall 15035
prevent or hinder the chief or the chief's authorized 15036
representative in the performance of official duties. If entry is 15037
prevented or hindered, the chief or the chief's authorized 15038
representative may apply for, and the court of common pleas may 15039
issue, an appropriate inspection warrant necessary to achieve the 15040
purposes of this chapter within the court's territorial 15041
jurisdiction. 15042

(D) The chief may issue orders to enforce this chapter, rules 15043
adopted thereunder, and terms or conditions of permits issued 15044
thereunder. Any such order shall be considered an adjudication 15045
order for the purposes of Chapter 119. of the Revised Code. No 15046
person shall violate any order of the chief issued under this 15047
chapter. No person shall violate a term or condition of a permit 15048
or registration certificate issued under this chapter. 15049

(E) Orders of the chief denying, suspending, or revoking a 15050
registration certificate; approving or denying approval of an 15051
application for revision of a registered transporter's plan for 15052
disposal; or to implement, administer, or enforce division (A) of 15053
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 15054
1509.225, and 1509.226 of the Revised Code pertaining to the 15055
transportation of brine by vehicle and the disposal of brine so 15056
transported are not adjudication orders for purposes of Chapter 15057
119. of the Revised Code. The chief shall issue such orders under 15058
division (A) or (B) of section 1509.224 of the Revised Code, as 15059
appropriate. 15060

Sec. 1509.04. (A) The chief of the division of oil and gas 15061
resources management, or the chief's authorized representatives, 15062
shall enforce this chapter and the rules, terms and conditions of 15063
permits and registration certificates, and orders adopted or 15064
issued pursuant thereto, except that any peace officer, as defined 15065
in section 2935.01 of the Revised Code, may arrest for violations 15066
of this chapter involving transportation of brine by vehicle. The 15067
enforcement authority of the chief includes the authority to issue 15068
compliance notices and to enter into compliance agreements. 15069

(B)(1) The chief or the chief's authorized representative may 15070
issue an administrative order to ~~an owner~~ a person for a violation 15071
of this chapter or rules adopted under it, terms and conditions of 15072
a permit issued under it, a registration certificate that is 15073
required under this chapter, or orders issued under this chapter. 15074

(2)(a) If ~~an owner or other~~ a person who is required to 15075
submit a report, test result, fee, or document by this chapter or 15076
rules adopted under it submits a request for an extension of time 15077
to submit the report, test result, fee, or document to the chief 15078
prior to the date on which the report, test result, fee, or 15079
document is due, the chief may grant an extension of not more than 15080
sixty additional days from the original date on which the report, 15081
test result, fee, or document is due. 15082

(b) If ~~an owner or other~~ a person who is required to submit a 15083
report, test result, fee, or document by this chapter or rules 15084
adopted under it fails to submit the report, test result, fee, or 15085
document before or on the date on which it is due and the chief 15086
has not granted an extension of time under division (B)(2)(a) of 15087
this section, the chief shall make reasonable attempts to notify 15088
the ~~owner or other~~ person of the failure to submit the report, 15089
test result, fee, or document. If ~~an owner or other~~ a person who 15090
receives such a notification fails to submit the report, test 15091

result, fee, or document on or before thirty days after the date 15092
on which the chief so notified the ~~owner or other~~ person, the 15093
chief may issue an order under division (B)(2)(c) of this section. 15094

(c) The chief may issue an order finding that ~~an owner a~~ 15095
person has committed a material and substantial violation. 15096

(C) The chief, by order, immediately may suspend drilling, 15097
operating, or plugging activities that are related to a material 15098
and substantial violation and suspend and revoke an unused permit 15099
after finding either of the following: 15100

(1) ~~An owner~~ A person has failed to comply with an order 15101
issued under division (B)(2)(c) of this section that is final and 15102
nonappealable. 15103

(2) ~~An owner~~ A person is causing, engaging in, or maintaining 15104
a condition or activity that the chief determines presents an 15105
imminent danger to the health or safety of the public or that 15106
results in or is likely to result in immediate substantial damage 15107
to the natural resources of this state. 15108

(D)(1) The chief may issue an order under division (C) of 15109
this section without prior notification if reasonable attempts to 15110
notify the ~~owner~~ person have failed or if the ~~owner~~ person is 15111
currently in material breach of a prior order, but in such an 15112
event notification shall be given as soon thereafter as practical. 15113

(2) Not later than five days after the issuance of an order 15114
under division (C) of this section, the chief shall provide the 15115
~~owner~~ person an opportunity to be heard and to present evidence 15116
that one of the following applies: 15117

(a) The condition or activity does not present an imminent 15118
danger to the public health or safety or is not likely to result 15119
in immediate substantial damage to natural resources. 15120

(b) Required records, reports, or logs have been submitted. 15121

(3) If the chief, after considering evidence presented by the ~~owner~~ person under division (D)(2)(a) of this section, determines that the activities do not present such a threat or that the required records, reports, or logs have been submitted under division (D)(2)(b) of this section, the chief shall revoke the order. The ~~owner~~ person may appeal an order to the court of common pleas of the county in which the activity that is the subject of the order is located.

(E) The chief may issue a bond forfeiture order pursuant to section 1509.071 of the Revised Code for failure to comply with a final nonappealable order issued or compliance agreement entered into under this section.

(F) The chief may notify drilling contractors, transporters, service companies, or other similar entities of the compliance status of ~~an owner~~ a person.

If the ~~owner~~ person fails to comply with a prior enforcement action of the chief, the chief may issue a suspension order without prior notification, but in such an event the chief shall give notice as soon thereafter as practical. Not later than five calendar days after the issuance of an order, the chief shall provide the ~~owner~~ person an opportunity to be heard and to present evidence that required records, reports, or logs have been submitted. If the chief, after considering the evidence presented by the ~~owner~~ person, determines that the requirements have been satisfied, the chief shall revoke the suspension order. The ~~owner~~ person may appeal a suspension order to the court of common pleas of the county in which the activity that is the subject of the suspension order is located.

(G) The prosecuting attorney of the county or the attorney general, upon the request of the chief, may apply to the court of common pleas in the county in which any of the provisions of this chapter or any rules, terms or conditions of a permit or

registration certificate, or orders adopted or issued pursuant to 15154
this chapter are being violated for a temporary restraining order, 15155
preliminary injunction, or permanent injunction restraining any 15156
person from such violation. 15157

Sec. 1509.051. (A) Except as otherwise provided in division 15158
(B) of this section, Chapter 1509. of the Revised Code and rules 15159
adopted under it apply to a stratigraphic well regardless if a 15160
section refers to a well for oil and gas production or to an 15161
owner. 15162

(B)(1) Notwithstanding section 1509.06 of the Revised Code, 15163
an application for a permit to drill a stratigraphic well shall be 15164
on a form prescribed by the chief of the division of oil and gas 15165
resources management and shall contain the information required 15166
under section 1509.06 of the Revised Code that is applicable. 15167

(2) A person shall not submit more than three applications 15168
per year for a permit to drill a stratigraphic well unless 15169
otherwise approved by the chief. 15170

(3) All of the following do not apply to a stratigraphic 15171
well: 15172

(a) Section 1509.062 of the Revised Code; 15173

(b) Section 1509.11 of the Revised Code; 15174

(c) Section 1509.24 of the Revised Code and the rules adopted 15175
under it relative to minimum acreage requirements for a drilling 15176
unit; 15177

(d) Ohio Administrative Code 1501:9-2; 15178

(e) Ohio Administrative Code 1501:9-3; 15179

(f) Ohio Administrative Code 1501:9-4; 15180

(g) Ohio Administrative Code 1501:9-5; 15181

(h) Ohio Administrative Code 1501:9-7. 15182

(4) A stratigraphic well shall not be transferred to another person. 15183
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(5) The surface location of a stratigraphic well shall not be within one hundred fifty feet from the property line of the tract on which the well is drilled. 15185
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(6) A stratigraphic well shall be plugged one year after the well is spudded. 15188
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Sec. 1509.11. (A)(1) The owner of any well, except a 15190
horizontal well, that is producing or capable of producing oil or 15191
gas shall file with the chief of the division of oil and gas 15192
resources management, on or before the thirty-first day of March, 15193
a statement of production of oil, gas, and brine for the last 15194
preceding calendar year in such form as the chief may prescribe. 15195
An owner that has more than one hundred such wells in this state 15196
shall submit electronically the statement of production in a 15197
format that is approved by the chief. 15198

(2) The owner of any horizontal well that is producing or 15199
capable of producing oil or gas shall file with the chief, on the 15200
forty-fifth day following the close of each calendar quarter, a 15201
statement of production of oil, gas, and brine for the preceding 15202
calendar quarter in a form that the chief prescribes. An owner 15203
that has more than one hundred horizontal wells in this state 15204
shall submit electronically the statement of production in a 15205
format that is approved by the chief. 15206

(B) The chief shall not disclose information received from 15207
the department of taxation under ~~division (C)(12) of~~ section 15208
5703.21 of the Revised Code until the ~~related~~ statement of 15209
production required by division (A) of this section and related to 15210
that information is filed with the chief. 15211

Sec. 1521.01. As used in this chapter: 15212

(A) "Consumptive use" means a use of water resources, other than a diversion, that results in a loss of that water to the basin from which it is withdrawn and includes, but is not limited to, evaporation, evapotranspiration, and incorporation of water into a product or agricultural crop.

(B) "Diversion" means a withdrawal of water resources from either the Lake Erie or Ohio river drainage basin and transfer to another basin without return. "Diversion" does not include evaporative loss within the basin of withdrawal.

(C) "Other great lakes states and provinces" means states other than this state that are parties to the great lakes basin compact under Chapter 6161. of the Revised Code and the Canadian provinces of Ontario and Quebec.

(D) "Water resources" means any waters of the state that are available or may be made available to agricultural, industrial, commercial, and domestic users.

(E) "Waters of the state" includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within or bordering upon this state or are within its jurisdiction.

(F) "Well" means any excavation, regardless of design or method of construction, created for any of the following purposes:

(1) Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape management or to control seepage in dams and levees;

(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding

borings for instrumentation in dams, levees, or highway embankments;	15244 15245
(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.	15246 15247 15248
(G) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.	15249 15250 15251 15252
(H) "Ground water" means all water occurring in an aquifer.	15253
(I) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.	15254 15255 15256 15257
(J) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.	15258 15259 15260 15261 15262
(K) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code, <u>except that "state agency" or "agency of the state" includes a state college or university, a community college district, a technical college district, or state community college.</u>	15263 15264 15265 15266 15267
(L) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.	15268 15269 15270 15271
(M) "Facility" has the same meaning as in section 1522.10 of the Revised Code.	15272 15273

(N) "Hydrologic study area" means the area within a four-mile radius from the boundary of the withdrawal area.	15274 15275
(O) "Well field" means a contiguous land area containing two or more wells that provide water to a facility.	15276 15277
(P) "Withdrawal area" means the proposed well or well field location or locations.	15278 15279
(Q) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.	15280 15281 15282 15283 15284
(R) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.	15285 15286 15287
(S) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.	15288 15289 15290 15291 15292 15293
(T) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.	15294 15295
(U) "One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.	15296 15297
(V) "Structure" means a walled and roofed building, including, without limitation, gas or liquid storage tanks and manufactured homes.	15298 15299 15300
(W) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value	15301 15302 15303

of the structure before the start of construction of the 15304
improvement. "Substantial improvement" includes repairs to 15305
structures that have incurred substantial damage regardless of the 15306
actual repair work performed. "Substantial improvement" does not 15307
include either of the following: 15308

(1) Any project for the improvement of a structure to correct 15309
existing violations of state or local health, sanitary, or safety 15310
code specifications that have been identified by the state or 15311
local code enforcement official having jurisdiction and that are 15312
the minimum necessary to ensure safe living conditions; 15313

(2) Any alteration of an historic structure designated or 15314
listed pursuant to federal or state law, provided that the 15315
alteration will not preclude the structure's continued listing or 15316
designation as an historic structure. 15317

(X) "Substantial damage" means damage of any origin that is 15318
sustained by a structure if the cost of restoring the structure to 15319
its condition prior to the damage would equal or exceed fifty per 15320
cent of the market value of the structure before the damage 15321
occurred. 15322

(Y) "National flood insurance program" means the national 15323
flood insurance program established in the "National Flood 15324
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 15325
and regulations adopted under it. 15326

(Z) "Conservancy district" means a conservancy district 15327
established under Chapter 6101. of the Revised Code. 15328

Sec. 1531.01. As used in this chapter and Chapter 1533. of 15329
the Revised Code: 15330

(A) "Person" means a person as defined in section 1.59 of the 15331
Revised Code or a company; an employee, agent, or officer of such 15332
a person or company; a combination of individuals; the state; a 15333

political subdivision of the state; an interstate body created by 15334
a compact; or the federal government or a department, agency, or 15335
instrumentality of it. 15336

(B) "Resident" means ~~any~~ either of the following: 15337

(1) An individual who has resided in this state for not less 15338
than six months preceding the date of making application for a 15339
license or permit; 15340

(2) An individual who is a full-time student enrolled in an 15341
accredited Ohio public or private college or university and who 15342
resides in this state at the time the individual makes application 15343
for a license or permit and who attests to the individual's 15344
full-time student status in a manner determined by the chief of 15345
the division of wildlife. 15346

(C) "Nonresident" means any individual who does not qualify 15347
as a resident. 15348

(D) "Division rule" or "rule" means any rule adopted by the 15349
chief of the division of wildlife under section 1531.10 of the 15350
Revised Code unless the context indicates otherwise. 15351

(E) "Closed season" means that period of time during which 15352
the taking of wild animals protected by this chapter and Chapter 15353
1533. of the Revised Code is prohibited. 15354

(F) "Open season" means that period of time during which the 15355
taking of wild animals protected by this chapter and Chapter 1533. 15356
of the Revised Code is permitted. 15357

(G) "Take or taking" includes pursuing, shooting, hunting, 15358
killing, trapping, angling, fishing with a trotline, or netting 15359
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 15360
wild bird, or wild quadruped, and any lesser act, such as 15361
wounding, or placing, setting, drawing, or using any other device 15362
for killing or capturing any wild animal, whether it results in 15363

killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.

(K) "Sell and sale" means barter, exchange, or offer or expose for sale.

(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.

(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.

(O) "Fish" means a cold-blooded vertebrate having fins.

(P) "Measurement of fish" means length from the end of the

nose to the longest tip or end of the tail.	15394
(Q) "Wild birds" includes game birds and nongame birds.	15395
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	15396 15397
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	15398 15399 15400 15401 15402 15403
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	15404 15405
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	15406 15407
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	15408 15409 15410 15411
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	15412 15413 15414
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	15415 15416 15417
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of	15418 15419 15420 15421 15422 15423

assistance to any other person in killing or wounding or 15424
attempting to kill or wound wild birds or wild quadrupeds. 15425

(Z) "Trapping" means securing or attempting to secure 15426
possession of a wild bird or wild quadruped by means of setting, 15427
placing, drawing, or using any device that is designed to close 15428
upon, hold fast, confine, or otherwise capture a wild bird or wild 15429
quadruped whether or not the means results in capture. "Trapping" 15430
includes every act of assistance to any other person in capturing 15431
wild birds or wild quadrupeds by means of the device whether or 15432
not the means results in capture. 15433

(AA) "Muskrat spear" means any device used in spearing 15434
muskrats. 15435

(BB) "Channels and passages" means those narrow bodies of 15436
water lying between islands or between an island and the mainland 15437
in Lake Erie. 15438

(CC) "Island" means a rock or land elevation above the waters 15439
of Lake Erie having an area of five or more acres above water. 15440

(DD) "Reef" means an elevation of rock, either broken or in 15441
place, or gravel shown by the latest United States chart to be 15442
above the common level of the surrounding bottom of the lake, 15443
other than the rock bottom, or in place forming the base or 15444
foundation rock of an island or mainland and sloping from the 15445
shore of it. "Reef" also means all elevations shown by that chart 15446
to be above the common level of the sloping base or foundation 15447
rock of an island or mainland, whether running from the shore of 15448
an island or parallel with the contour of the shore of an island 15449
or in any other way and whether formed by rock, broken or in 15450
place, or from gravel. 15451

(EE) "Fur farm" means any area used exclusively for raising 15452
fur-bearing animals or in addition thereto used for hunting game, 15453
the boundaries of which are plainly marked as such. 15454

(FF) "Waters" includes any lake, pond, reservoir, stream, 15455
channel, lagoon, or other body of water, or any part thereof, 15456
whether natural or artificial. 15457

(GG) "Crib" or "car" refers to that particular compartment of 15458
the net from which the fish are taken when the net is lifted. 15459

(HH) "Commercial fish" means those species of fish permitted 15460
to be taken, possessed, bought, or sold unless otherwise 15461
restricted by the Revised Code or division rule and are alewife 15462
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 15463
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 15464
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 15465
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 15466
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 15467
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 15468
olivaris), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 15469
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 15470
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 15471
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 15472
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 15473
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 15474
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 15475
than buffalo and quillback (*Carpiodes* sp., *Catostomus* sp., 15476
Hypentelium sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone* 15477
chrysops), white perch (*Roccus americanus*), and yellow perch 15478
(*Perca flavescens*). When the common name of a fish is used in this 15479
chapter or Chapter 1533. of the Revised Code, it refers to the 15480
fish designated by the scientific name in this definition. 15481

(II) "Fishing" means taking or attempting to take fish by any 15482
method, and all other acts such as placing, setting, drawing, or 15483
using any device commonly used to take fish whether resulting in a 15484
taking or not. 15485

(JJ) "Fillet" means the pieces of flesh taken or cut from 15486

both sides of a fish, joined to form one piece of flesh.	15487
(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.	15488 15489
(LL) "Round" when used in describing fish means with head and tail intact.	15490 15491
(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.	15492 15493 15494 15495
(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.	15496 15497 15498 15499
(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.	15500 15501 15502 15503 15504 15505
(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.	15506 15507 15508 15509
(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.	15510 15511 15512 15513
(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.	15514 15515
(SS) "Gill net" means a single section of fabric or netting	15516

seamed to a float line at the top and a lead line at the bottom, 15517
which is designed to entangle fish in the net openings as they 15518
swim into it. 15519

(TT) "Tag fishing tournament" means a contest in which a 15520
participant pays a fee, or gives other valuable consideration, for 15521
a chance to win a prize by virtue of catching a tagged or 15522
otherwise specifically marked fish within a limited period of 15523
time. 15524

(UU) "Tenant" means an individual who resides on land for 15525
which the individual pays rent and whose annual income is 15526
primarily derived from agricultural production conducted on that 15527
land, as "agricultural production" is defined in section 929.01 of 15528
the Revised Code. 15529

(VV) "Nonnative wildlife" means any wild animal not 15530
indigenous to this state, but does not include domestic deer. 15531

(WW) "Reptiles" includes common musk turtle (*sternotherus* 15532
odoratus), common snapping turtle (*Chelydra serpentina* 15533
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 15534
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 15535
blandingii), common map turtle (*Graptemys geographica*), ouachita 15536
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 15537
painted turtle (*Chrysemys picta marginata*), red-eared slider 15538
(*Trachemys scripta elegans*), eastern spiny softshell turtle 15539
(*Apalone spinifera spinifera*), midland smooth softshell turtle 15540
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 15541
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 15542
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 15543
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 15544
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 15545
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 15546
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 15547
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 15548

erythrogaster neglecta), northern brown snake (*Storeria dekayi* 15549
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 15550
northern redbelly snake (*Storeria occipitomaculata* 15551
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 15552
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 15553
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 15554
(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis* 15555
sauritus sauritus), northern ribbon snake (*Thamnophis sauritus* 15556
septentrionalis), eastern hognose snake (*Heterodon platirhinos*), 15557
eastern smooth earth snake (*Virginia valeriae valeriae*), northern 15558
ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake 15559
(*Carphophis amoenus helenae*), eastern worm snake (*Carphophis* 15560
amoenus amoenus), black racer (*Coluber constrictor constrictor*), 15561
blue racer (*Coluber constrictor foxii*), rough green snake 15562
(*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis* 15563
vernalis), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox 15564
snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis* 15565
getula nigra), eastern milk snake (*Lampropeltis triangulum* 15566
triangulum), northern copperhead (*Agkistrodon contortrix mokasen*), 15567
eastern massasauga (*Sistrurus catenatus catenatus*), and timber 15568
rattlesnake (*Crotalus horridus horridus*). 15569

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus* 15570
alleganiensis alleganiensis), mudpuppy (*Necturus maculosus* 15571
maculosus), red-spotted newt (*Notophthalmus viridescens* 15572
viridescens), Jefferson salamander (*Ambystoma jeffersonianum*), 15573
spotted salamander (*Ambystoma maculatum*), blue-spotted salamander 15574
(*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), 15575
streamside salamander (*Ambystoma barbouri*), marbled salamander 15576
(*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum* 15577
tigrinum), northern dusky salamander (*Desmognathus fuscus fuscus*), 15578
mountain dusky salamander (*Desmognathus ochrophaeus*), redback 15579
salamander (*Plethodon cinereus*), ravine salamander (*Plethodon* 15580
richmondi), northern slimy salamander (*Plethodon glutinosus*), 15581

Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	15582
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	15583
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	15584
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	15585
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	15586
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	15587
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	15588
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	15589
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	15590
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	15591
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	15592
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	15593
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	15594
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	15595
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	15596
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	15597
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	15598
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	15599
frog (<i>Rana sylvatica</i>).	15600
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	15601
<i>virginianus</i>).	15602
(ZZ) "Domestic deer" means nonnative deer that have been	15603
legally acquired or their offspring and that are held in private	15604
ownership for primarily agricultural purposes.	15605
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	15606
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	15607
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and	15608
woodcock and snipe (<i>Scolopacidae</i>).	15609
(BBB) "Accompany" means to go along with another person while	15610
staying within a distance from the person that enables	15611
uninterrupted, unaided visual and auditory communication.	15612

(CCC) "All-purpose vehicle" means any vehicle that is 15613
designed primarily for cross-country travel on land, water, or 15614
land and water and that is steered by wheels, caterpillar treads, 15615
or a combination of wheels and caterpillar treads and includes 15616
vehicles that operate on a cushion of air, vehicles commonly known 15617
as all-terrain vehicles, all-season vehicles, mini-bikes, and 15618
trail bikes. 15619

(DDD) "Wholly enclosed preserve" means an area of land that 15620
is surrounded by a fence that is at least six feet in height, 15621
unless otherwise specified in division rule, and is constructed of 15622
a woven wire mesh, or another enclosure that the division of 15623
wildlife may approve, where game birds, game quadrupeds, reptiles, 15624
amphibians, or fur-bearing animals are raised and may be sold 15625
under the authority of a commercial propagating license or captive 15626
white-tailed deer propagation license obtained under section 15627
1533.71 of the Revised Code. 15628

(EEE) "Commercial bird shooting preserve" means an area of 15629
land where game birds are released and hunted by shooting as 15630
authorized by a commercial bird shooting preserve license obtained 15631
under section 1533.72 of the Revised Code. 15632

(FFF) "Wild animal hunting preserve" means an area of land 15633
where game, captive white-tailed deer, and nonnative wildlife, 15634
other than game birds, are released and hunted as authorized by a 15635
wild animal hunting preserve license obtained under section 15636
1533.721 of the Revised Code. 15637

(GGG) "Captive white-tailed deer" means legally acquired deer 15638
that are held in private ownership at a facility licensed under 15639
section 943.03 or 943.031 of the Revised Code and under section 15640
1533.71 or 1533.721 of the Revised Code. 15641

Sec. 1546.24. There is hereby created in the state treasury 15642
the parks and watercraft federal grants fund. The fund shall 15643

consist of federal funds received by the department of natural 15644
resources for purposes of this section and any other money 15645
credited to the fund. The chief of the division of parks and 15646
watercraft shall use money in the fund for parks and watercraft 15647
projects approved by the director of natural resources. 15648

Sec. 1547.25. (A) No person shall operate or permit to be 15649
operated any vessel, other than a vessel exempted by rules, on the 15650
waters in this state: 15651

(1) That is sixteen feet or greater in length without 15652
carrying aboard one wearable personal flotation device for each 15653
person aboard and one throwable personal flotation device; 15654

(2) That is less than sixteen feet in length, including 15655
paddlecraft of any length, without carrying aboard one wearable 15656
personal flotation device for each person aboard. 15657

(B) No person shall operate or permit to be operated any 15658
commercial vessel on the waters in this state: 15659

(1) That is less than forty feet in length and is not 15660
carrying persons for hire without carrying aboard at least one 15661
wearable personal flotation device for each person aboard; 15662

(2) That is carrying persons for hire or is forty feet in 15663
length or longer and is not carrying persons for hire without 15664
carrying aboard at least one wearable personal flotation device 15665
for each person aboard that complies with all of the following: 15666

(a) It is designed to support the person wearing the wearable 15667
personal flotation device in the water in an upright or slightly 15668
backward position and provides support to the head so that the 15669
face of an unconscious or exhausted person is held above the 15670
water. 15671

(b) It is capable of turning the person wearing the wearable 15672

personal flotation device, upon entering the water, to a safe
flotation position. 15673
15674

(c) It is capable of being worn inside out. 15675

(d) It is capable of supporting a minimum of twenty-two
pounds in fresh water for forty-eight hours. 15676
15677

(e) It is a highly visible color. 15678

(3) That is twenty-six feet in length or longer without
carrying aboard at least one throwable personal flotation device
in addition to the applicable requirements of divisions (B)(1) and
(2) of this section. 15679
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(C) Each personal flotation device carried aboard a vessel,
including a commercial vessel, pursuant to this section shall be
coast guard approved and in good and serviceable condition, of
appropriate size for the wearer, readily accessible to each person
aboard the vessel at all times, and used in accordance with any
requirements on its approval label or in accordance with
requirements in its owner's manual if the approval label refers to
such a manual. 15683
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(D) A personal flotation device shall not be used in a manner
that is inconsistent with any limitations or restrictions related
to federal approval under 46 C.F.R. 160 or special instructions
for use provided by the manufacturer. Appropriate use shall be
indicated on the label of an approved personal flotation device
~~with one or more of the following designations:~~ 15691
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~~(1) Conditional approval;~~ 15697

~~(2) Performance type;~~ 15698

~~(3) Type one personal flotation device;~~ 15699

~~(4) Type two personal flotation device;~~ 15700

~~(5) Type three personal flotation device;~~ 15701

- ~~(6) Type four personal flotation device;~~ 15702
- ~~(7) Type five personal flotation device;~~ 15703
- ~~(8) Throwable personal flotation device;~~ 15704
- ~~(9) Wearable personal flotation device.~~ 15705

(E) As used in this section, "commercial vessel" means any 15706
vessel used in the carriage of any person or property for a 15707
valuable consideration whether flowing directly or indirectly from 15708
the owner, partner, or agent or any other person interested in the 15709
vessel. "Commercial vessel" does not include any vessel that is 15710
manufactured or used primarily for noncommercial use or that is 15711
leased, rented, or chartered to another for noncommercial use. 15712

Sec. 1547.27. (A) Except those powercraft ~~propelled by an~~ 15713
~~electric motor and those~~ less than twenty-six feet in length 15714
designed for use with an outboard motor, of open construction that 15715
is not capable of entrapping explosive or flammable gases or 15716
vapors, and not carrying passengers for hire, all powercraft shall 15717
carry fire extinguishers as prescribed in this section. The fire 15718
extinguishers shall be capable of extinguishing a burning gasoline 15719
fire, shall be ~~so placed as to be readily accessible and~~ in such 15720
condition as to be ready for immediate and effective use, and 15721
shall comply with minimum or higher standards for such 15722
extinguishers then prevailing as prescribed by the United States 15723
coast guard. 15724

(B) ~~Class~~ Except for vessels subject to exemptions listed in 15725
33 C.F.R. 175.380 or 175.390, any vessel not equipped with fixed 15726
fire extinguishing systems in machinery spaces shall carry the 15727
following: 15728

(1) Class A and class 1 powercraft shall carry at least one 15729
~~B-1~~ 5-B portable fire extinguisher. 15730

(2) Class 2 powercraft shall carry at least two ~~B-1~~ 5-B 15731

portable fire extinguishers or at least one ~~B-2~~ 20-B portable fire 15732
extinguisher. 15733

(3) Class 3 powercraft shall carry at least three ~~B-1~~ 5-B 15734
portable fire extinguishers, or at least one ~~B-1~~ 5-B portable and 15735
one ~~B-2~~ 20-B portable fire extinguishers. 15736

(4) Class 4 powercraft shall carry the number and type of 15737
20-B portable fire extinguishers specified by gross tonnage as 15738
prescribed by 33 C.F.R. 175, subpart E. 15739

~~A B-1 fire extinguisher is one containing a minimum of one~~ 15740
~~and one fourth gallons foam, four pounds carbon dioxide, two~~ 15741
~~pounds dry chemical, two and one half pounds halon, or another~~ 15742
~~extinguishing material approved by the United States coast guard,~~ 15743
~~in a quantity approved by the United States coast guard, for such~~ 15744
~~use. A B-2 fire extinguisher is one containing a minimum of two~~ 15745
~~and one half gallons foam, fifteen pounds carbon dioxide, ten~~ 15746
~~pounds dry chemical, ten pounds halon, or another extinguishing~~ 15747
~~material approved by the United States coast guard, in a quantity~~ 15748
~~approved by the United States coast guard, for such use.~~ 15749

(C) All portable and semi-portable fire extinguishers for use 15750
on a vessel shall: 15751

(1) Be on board the vessel and be readily accessible; 15752

(2) Be of an approved type; 15753

(3) Not be expired or appear to have been previously used; 15754

(4) Be maintained in good and serviceable working condition. 15755

As used in division (C)(4) of this section, "good and serviceable 15756
working condition" means all of the following: 15757

(a) If the fire extinguisher has a pressure gauge or 15758
indicator, the reading or indicator is in the operable range or 15759
position; 15760

(b) The fire extinguisher's lock pin is firmly in place; 15761

(c) The fire extinguisher's discharge nozzle is clean and free of obstruction; 15762
15763

(d) The fire extinguisher does not show visible signs of significant corrosion or damage. 15764
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(D) No person shall operate or permit to be operated on the waters in this state any powercraft that does not comply with this section. 15766
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Sec. 1548.03. No person, except as provided in section 1548.05 of the Revised Code, shall sell or otherwise dispose of a watercraft or outboard motor without delivering to the purchaser or transferee a physical certificate of title with an assignment on it as is necessary to show title in the purchaser or transferee; nor shall any person purchase or otherwise acquire a watercraft or outboard motor without obtaining a certificate of title for it in the person's name in accordance with this chapter; however, a purchaser may take possession of and operate a watercraft or outboard motor on the waters in this state without a certificate of title for a period not exceeding ~~thirty~~ sixty days if the purchaser has been issued and has in the purchaser's possession a dealer's dated bill of sale or, in the case of a casual sale, a notarized bill of sale. 15769
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Sec. 1707.28. (A) No prosecution or action by the division of securities or the director of commerce for a violation of any provision of sections 1707.01 to 1707.50 of the Revised Code shall bar any prosecution or action by the division of securities or the director of commerce, or be barred by any prosecution or other action, for the violation of any other provision of any of those sections or of any other statute; but prosecutions and actions by the division of securities or the director of commerce for a violation of any provision of sections 1707.01 to 1707.50 of the 15783
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Revised Code must be commenced within ~~five~~ six years after the 15792
commission of the alleged violation. 15793

(B) If the period of limitation provided in division (A) of 15794
this section has expired, prosecution shall be commenced for an 15795
offense of which an element is fraud or breach of a fiduciary 15796
duty, within one year after discovery of the offense either by an 15797
aggrieved person, or by the aggrieved person's legal 15798
representative who is not a party to the offense. 15799

(C) An offense is committed when every element of the offense 15800
occurs. In the case of an offense of which an element is a 15801
continuing course of conduct, the period of limitation does not 15802
begin to run until such a course of conduct or the accused's 15803
accountability for it terminates, whichever occurs first. 15804

(D) The period of limitation does not run during any time 15805
when the corpus delicti remains undiscovered. 15806

Sec. 1710.06. (A) The board of directors of a special 15807
improvement district may develop and adopt one or more written 15808
plans for public improvements or public services that benefit all 15809
or any part of the district. Each plan shall set forth the 15810
specific public improvements or public services that are to be 15811
provided, identify the area in which they will be provided, and 15812
specify the method of assessment to be used. Each plan for public 15813
improvements or public services shall indicate the period of time 15814
the assessments are to be levied for the improvements and services 15815
and, if public services are included in the plan, the period of 15816
time the services are to remain in effect. Plans for public 15817
improvements may include the planning, design, construction, 15818
reconstruction, enlargement, or alteration of any public 15819
improvements and the acquisition of land for the improvements. 15820
Plans for public improvements or public services may also include, 15821

but are not limited to, provisions for the following:	15822
(1) Creating and operating the district and the nonprofit corporation under this chapter, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;	15823 15824 15825 15826 15827
(2) Planning, designing, and implementing a public improvements or public services plan, including hiring architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning services, and, for public services, managing, protecting, and maintaining public and private facilities, including public improvements;	15828 15829 15830 15831 15832 15833
(3) Conducting court proceedings to carry out this chapter;	15834
(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;	15835 15836
(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans;	15837 15838 15839
(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and	15840 15841 15842 15843 15844 15845 15846 15847 15848 15849
(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special	15850 15851

improvement district, upon the consent of the owners of the 15852
credits and for the purpose of negotiating and completing the sale 15853
of such credits. 15854

(B) Once the board of directors of the special improvement 15855
district adopts a plan, it shall submit the plan to the 15856
legislative authority of each participating political subdivision 15857
and the municipal executive of each municipal corporation in which 15858
the district is located, if any. The legislative authorities and 15859
municipal executives shall review the plan and, within sixty days 15860
after receiving it, may submit their comments and recommendations 15861
about it to the district. After reviewing these comments and 15862
recommendations, the board of directors may amend the plan. It may 15863
then submit the plan, amended or otherwise, in the form of a 15864
petition to members of the district whose property may be assessed 15865
for the plan. Once the petition is signed by those members who own 15866
at least sixty per cent of the front footage of property that is 15867
to be assessed and that abuts upon a street, alley, public road, 15868
place, boulevard, parkway, park entrance, easement, or other 15869
public improvement, or those members who own at least seventy-five 15870
per cent of the area to be assessed for the improvement or 15871
service, the petition may be submitted to each legislative 15872
authority for approval. Except as provided in division (H) of 15873
section 1710.02 of the Revised Code, if the special improvement 15874
district was created for the purpose of developing and 15875
implementing plans for special energy improvement projects or 15876
shoreline improvement projects, the petition required under this 15877
division shall be signed by one hundred per cent of the owners of 15878
the area of all real property located within the area to be 15879
assessed for the special energy improvement project or shoreline 15880
improvement project. 15881

Each legislative authority shall, by resolution, approve or 15882
reject the petition within sixty days after receiving it. If the 15883

petition is approved by the legislative authority of each 15884
participating political subdivision, the plan contained in the 15885
petition shall be effective at the earliest date on which a 15886
nonemergency resolution of the legislative authority with the 15887
latest effective date may become effective. A plan may not be 15888
resubmitted to the legislative authorities and municipal 15889
executives more than three times in any twelve-month period. 15890

(C) Each participating political subdivision shall levy, by 15891
special assessment upon specially benefited property located 15892
within the district, the costs of any public improvements or 15893
public services plan contained in a petition approved by the 15894
participating political subdivisions under this section or 15895
division (F) of section 1710.02 of the Revised Code. The levy 15896
shall be made in accordance with the procedures set forth in 15897
Chapter 727. of the Revised Code, except that: 15898

(1) The assessment for each improvements or services plan may 15899
be levied by any one or any combination of the methods of 15900
assessment listed in section 727.01 of the Revised Code, provided 15901
that the assessment is uniformly applied. 15902

(2) For the purpose of levying an assessment, the board of 15903
directors may combine one or more improvements or services plans 15904
or parts of plans and levy a single assessment against specially 15905
benefited property. 15906

(3) For purposes of special assessments levied by a township 15907
pursuant to this chapter, references in Chapter 727. of the 15908
Revised Code to the municipal corporation shall be deemed to refer 15909
to the township, and references to the legislative authority of 15910
the municipal corporation shall be deemed to refer to the board of 15911
township trustees. 15912

(4) Revenue collected from the levy of a special assessment 15913
for the cost of a special energy improvement project may be 15914

assigned and remitted to the Ohio air quality development 15915
authority pursuant to an agreement entered into under section 15916
3706.12 of the Revised Code. 15917

Church property or property owned by a political subdivision, 15918
including any participating political subdivision in which a 15919
special improvement district is located, shall be included in and 15920
be subject to special assessments made pursuant to a plan adopted 15921
under this section or division (F) of section 1710.02 of the 15922
Revised Code, if the church or political subdivision has 15923
specifically requested in writing that its property be included 15924
within the special improvement district and the church or 15925
political subdivision is a member of the district or, in the case 15926
of a district created by an existing qualified nonprofit 15927
corporation, if the church is a member of the corporation. 15928

For tax years 2020 to 2024, qualifying real property, as 15929
defined in section 727.031 of the Revised Code, is exempt from 15930
special assessments levied under division (C) of this section, 15931
provided no delinquent special assessments and related interest 15932
and penalties are levied or assessed against any property owned by 15933
the owner and operator of the qualifying real property for that 15934
tax year. 15935

(D) All rights and privileges of property owners who are 15936
assessed under Chapter 727. of the Revised Code shall be granted 15937
to property owners assessed under this chapter, including those 15938
rights and privileges specified in sections 727.15 to 727.17 and 15939
727.18 to 727.22 of the Revised Code and the right to notice of 15940
the resolution of necessity and the filing of the estimated 15941
assessment under section 727.13 of the Revised Code. Property 15942
owners assessed for public services under this chapter shall have 15943
the same rights and privileges as property owners assessed for 15944
public improvements under this chapter. 15945

Sec. 1739.10. The superintendent of insurance, or any person 15946
appointed by ~~him~~ the superintendent, may examine, as often as he 15947
the superintendent or the superintendent's appointee considers it 15948
necessary, the affairs of a multiple employer welfare arrangement 15949
and its members. 15950

The arrangement shall pay to the superintendent the expenses 15951
incurred by the department of insurance in making an examination 15952
authorized under this section. To the extent that expenses are the 15953
result of the use of the personnel of the examination department 15954
of the department of insurance, the superintendent shall remit 15955
expenses paid to ~~him~~ the superintendent by the arrangement to the 15956
state treasury to the credit of the ~~superintendent's examination~~
department of insurance operating fund pursuant to section 15957
~~3901.071~~ 3901.021 of the Revised Code. 15958
15959

As used in this section, "expenses" has the same meaning as 15960
in section 3901.07 of the Revised Code. 15961

Sec. 1751.34. (A) Each health insuring corporation and each 15962
applicant for a certificate of authority under this chapter shall 15963
be subject to examination by the superintendent of insurance in 15964
accordance with section 3901.07 of the Revised Code. Section 15965
3901.07 of the Revised Code shall govern every aspect of the 15966
examination, including the circumstances under and frequency with 15967
which it is conducted, the authority of the superintendent and any 15968
examiner or other person appointed by the superintendent, the 15969
liability for the assessment of expenses incurred in conducting 15970
the examination, and the remittance of the assessment to the 15971
~~superintendent's examination~~ department of insurance operating
fund. 15972
15973

(B) The superintendent shall make an examination concerning 15974
the matters subject to the superintendent's consideration in 15975

section 1751.04 of the Revised Code as often as the superintendent 15976
considers it necessary for the protection of the interests of the 15977
people of this state. The expenses of such examinations shall be 15978
assessed against the health insuring corporation being examined in 15979
the manner in which expenses of examinations are assessed against 15980
an insurance company under section 3901.07 of the Revised Code. 15981
Nothing in this division requires the superintendent to make an 15982
examination of any of the following: 15983

(1) A health insuring corporation that covers solely medicaid 15984
recipients; 15985

(2) A health insuring corporation that covers solely medicare 15986
beneficiaries; 15987

(3) A health insuring corporation that covers solely medicaid 15988
recipients and medicare beneficiaries. 15989

(C) An examination, pursuant to section 3901.07 of the 15990
Revised Code, of an insurance company holding a certificate of 15991
authority under this chapter to organize and operate a health 15992
insuring corporation shall include an examination of the health 15993
insuring corporation pursuant to this section and the examination 15994
shall satisfy the requirements of divisions (A) and (B) of this 15995
section. 15996

(D) The superintendent may conduct market conduct 15997
examinations pursuant to section 3901.011 of the Revised Code of 15998
any health insuring corporation as often as the superintendent 15999
considers it necessary for the protection of the interests of 16000
subscribers and enrollees. The expenses of such market conduct 16001
examinations shall be assessed against the health insuring 16002
corporation being examined. All costs, assessments, or fines 16003
collected under this division shall be paid into the state 16004
treasury to the credit of the department of insurance operating 16005
fund. 16006

Sec. 1761.16. (A) A credit union share guaranty corporation 16007
shall file with the superintendent of credit unions an annual 16008
report containing audited financial statements, prepared in 16009
accordance with generally accepted accounting principles or such 16010
other accounting requirements determined by the superintendent of 16011
credit unions, covering the fiscal year within one hundred days 16012
after the close of such fiscal year in accordance with division 16013
(E) of this section and in the form and with such other relevant 16014
information as the superintendent of credit unions may require by 16015
rules adopted under division (C) of section 1761.04 of the Revised 16016
Code. The audited financial statements shall include at least a 16017
balance sheet and a statement of income for the year ended on the 16018
balance sheet date. The report and audited financial statements 16019
shall be accompanied by a report, certificate, or opinion of an 16020
independent certified public accountant or independent public 16021
accountant. Every such report shall be certified by the oath of 16022
the president and secretary of the corporation, and such 16023
verification shall state that the report is true and correct in 16024
all respects to the best of the knowledge and belief of the 16025
persons verifying it. 16026

(B) If the report, certificate, or opinion of the certified 16027
public accountant or independent accountant referred to in 16028
division (A) of this section is qualified pursuant to generally 16029
accepted auditing standards, the superintendent of credit unions 16030
shall require the corporation to take such action as ~~he~~ the 16031
superintendent considers appropriate to permit an independent 16032
accountant to remove such qualification from the report, 16033
certificate, or opinion. The superintendent may reject any 16034
financial statement, report, certificate, or opinion filed 16035
pursuant to division (A) of this section by notifying the 16036
corporation of its rejection and the cause thereof. Within thirty 16037
days after receipt of such notice, the corporation shall correct 16038

such qualification, and the failure to do so is deemed a violation 16039
of this division. The superintendent shall retain a copy of all 16040
filings so rejected. 16041

(C) The superintendent of credit unions shall conduct or 16042
cause to be conducted, not more often than annually and not less 16043
than every three years, an audit examination of the credit union 16044
share guaranty corporation. The audit examination shall include an 16045
actuarial study of the capital adequacy of the corporation. The 16046
corporation shall be assessed the costs of such audit examination, 16047
which assessment shall not exceed one per cent of the capital 16048
contributions and surplus of the corporation. 16049

(D) The superintendent of credit unions may require a special 16050
examination of the corporation in the event the superintendent 16051
determines that there is or will be an impairment of the guarantee 16052
fund as defined in division (C)(1) of section 1761.10 of the 16053
Revised Code. The corporation shall be assessed the cost of such 16054
special examination. 16055

(E) The accounting of the corporation shall be on a calendar 16056
year basis or as otherwise prescribed by the corporation with the 16057
prior written approval of the superintendent of credit unions. The 16058
books of the corporation shall be maintained in accordance with 16059
generally accepted accounting principles. 16060

(F) The corporation shall make any other special report to 16061
the superintendent of credit unions as ~~he~~ the superintendent may 16062
from time to time require. Such a report shall be in the form and 16063
filed at such date as prescribed by the superintendent, and shall, 16064
if required by the superintendent, be verified in such manner as 16065
prescribed. 16066

(G) Each credit union share guaranty corporation shall be 16067
subject to examination by the superintendent of insurance in 16068
accordance with section 3901.07 of the Revised Code. Section 16069

3901.07 of the Revised Code shall govern every aspect of the 16070
examination, including the circumstances under and frequency with 16071
which it is conducted, the authority of the superintendent and any 16072
examiner or other person appointed by the superintendent, the 16073
liability for the assessment of expenses incurred in conducting 16074
the examination, and the remittance of the assessment to the 16075
~~superintendent's examination~~ department of insurance operating 16076
fund. 16077

(H) All of the provisions of this section are in addition to 16078
those chapters of Title XXXIX of the Revised Code specified in 16079
division (A) of section 1761.04 of the Revised Code. 16080

Sec. 2108.35. (A) There is hereby created within the 16081
department of health the second chance trust fund advisory 16082
committee, consisting of thirteen members. The members shall 16083
include the following: 16084

(1) The chairs of the standing committees of the house of 16085
representatives and senate with primary responsibilities for 16086
health legislation; 16087

(2) One representative of each of the following appointed by 16088
the director of health: 16089

(a) An Ohio organ procurement organization that is a member 16090
of the Organ Procurement and Transplantation Network; 16091

(b) An Ohio tissue bank that is an accredited member of the 16092
American association of tissue banks; 16093

(c) An Ohio eye bank that is certified by the eye bank 16094
association of America; 16095

(d) The Ohio solid organ transplantation consortium; 16096

(e) A hospital to which both of the following apply: 16097

(i) It is a member of the Ohio hospital association. 16098

(ii) It has a transplant program or a facility that has been 16099
verified as a level I or level II trauma center by the American 16100
college of surgeons. 16101

(f) The department of health. 16102

(3) Three members of the public appointed by the director who 16103
are not affiliated with procurement organizations; 16104

(4) Two members appointed by the director who are either 16105
affiliated with procurement organizations or members of the 16106
public. 16107

(B) Of the members first appointed under division (A)(2) of 16108
this section, the representatives of the organ procurement 16109
organization, tissue procurement organization, and eye bank shall 16110
serve terms of three years; the representatives of the department 16111
of health and Ohio solid organ transplantation consortium shall 16112
serve terms of two years; and the member representing the Ohio 16113
hospital association shall serve a term of one year. Thereafter, 16114
all members shall serve terms of three years. 16115

(C) Members appointed under division (A)(2), (3), or (4) of 16116
this section shall be geographically and demographically 16117
representative of the state. No more than a total of three members 16118
appointed under divisions (A)(2), (3), and (4) of this section 16119
shall be affiliated with the same procurement organization or 16120
group of procurement organizations. Procurement organizations that 16121
recover only one type of organ, tissue, or part, as well as 16122
procurement organizations that recover more than one type of 16123
organ, tissue, or part, shall be represented. 16124

~~No individual appointed under division (A)(2), (3), or (4) of 16125
this section shall serve more than two consecutive terms, 16126
regardless of whether the terms were full or partial terms. Each 16127
member shall serve from the date of appointment until the member's 16128
successor is appointed. All vacancies on the committee shall be 16129~~

filled for the balance of the unexpired term in the same manner as 16130
the original appointment. 16131

(D) The committee shall ~~annually~~ elect a chairperson from 16132
among its members and shall establish procedures for the 16133
governance of its operations. The committee shall meet at least 16134
semiannually. It shall submit an annual report of its activities 16135
and recommendations to the director of health. 16136

(E) Committee members shall serve without compensation, but 16137
shall be reimbursed from the second chance trust fund for all 16138
actual and necessary expenses incurred in the performance of 16139
official duties. 16140

(F) The committee shall do all of the following: 16141

(1) Make recommendations to the director of health for 16142
projects for funding from the second chance trust fund; 16143

(2) Consult with the registrar of motor vehicles in 16144
formulating proposed rules under division (C)(1) of section 16145
2108.23 of the Revised Code; 16146

(3) As requested, consult with the registrar or director on 16147
other matters related to organ donation; 16148

(4) Approve brochures, written materials, and electronic 16149
media regarding anatomical gifts and anatomical gift procedures 16150
for use in driver training schools pursuant to section 4508.021 of 16151
the Revised Code. 16152

(G) The committee is not subject to section 101.84 of the 16153
Revised Code. 16154

Sec. 2151.031. As used in this chapter, an "abused child" 16155
includes any child who: 16156

(A) Is the victim of "sexual activity" as defined under 16157
Chapter 2907. of the Revised Code, where such activity would 16158

constitute an offense under that chapter, except that the court 16159
need not find that any person has been convicted of the offense in 16160
order to find that the child is an abused child; 16161

(B) Is the victim of disseminating, obtaining, or displaying 16162
"materials" or "performances" that are "harmful to juveniles" as 16163
defined under Chapter 2907. of the Revised Code, where such 16164
activity would constitute an offense under that chapter, except 16165
that the court need not find that any person has been convicted of 16166
the offense in order to find that the child is an abused child; 16167

(C) Is endangered as defined in section 2919.22 of the 16168
Revised Code, except that the court need not find that any person 16169
has been convicted under that section in order to find that the 16170
child is an abused child; 16171

~~(C)~~(D) Exhibits evidence of any physical or mental injury or 16172
death, inflicted other than by accidental means, or an injury or 16173
death which is at variance with the history given of it. Except as 16174
provided in division ~~(D)~~(E) of this section, a child exhibiting 16175
evidence of corporal punishment or other physical disciplinary 16176
measure by a parent, guardian, custodian, caretaker, person having 16177
custody or control, or person in loco parentis of a child is not 16178
an abused child under this division if the measure is not 16179
prohibited under section 2919.22 of the Revised Code. 16180

~~(D)~~(E) Because of the acts of ~~his~~ the child's parents, 16181
guardian, ~~or~~ custodian, or caretaker, suffers physical or mental 16182
injury that harms or threatens to harm the child's health or 16183
welfare. 16184

~~(E)~~(F) Is subjected to out-of-home care child abuse. 16185

Sec. 2151.231. (A) The parent, ~~guardian~~, or ~~eustodian~~ 16186
caretaker of a child, ~~the person with whom a child resides~~, or the 16187
child support enforcement agency of the county in which the child, 16188

parent, ~~guardian~~, or ~~eustodian~~ caretaker of the child resides may 16189
bring an action in a juvenile court or other court with 16190
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 16191
under this section requesting the court to issue an order 16192
requiring a parent of the child to pay an amount for the support 16193
of the child without regard to the marital status of the child's 16194
parents. No action may be brought under this section against a 16195
person presumed to be the parent of a child based on an 16196
acknowledgment of paternity that has not yet become final under 16197
former section 3111.211 or 5101.314 or section 2151.232, 3111.25, 16198
or 3111.821 of the Revised Code. 16199

The parties to an action under this section may raise the 16200
issue of the existence or nonexistence of a parent-child 16201
relationship, unless a final and enforceable determination of the 16202
issue has been made with respect to the parties pursuant to 16203
Chapter 3111. of the Revised Code or an acknowledgment of 16204
paternity signed by the child's parents has become final pursuant 16205
to former section 3111.211 or 5101.314 or section 2151.232, 16206
3111.25, or 3111.821 of the Revised Code. If a complaint is filed 16207
under this section and an issue concerning the existence or 16208
nonexistence of a parent-child relationship is raised, the court 16209
shall treat the action as an action pursuant to sections 3111.01 16210
to 3111.18 of the Revised Code. An order issued in an action under 16211
this section does not preclude a party to the action from bringing 16212
a subsequent action pursuant to sections 3111.01 to 3111.18 of the 16213
Revised Code if the issue concerning the existence or nonexistence 16214
of the parent-child relationship was not determined with respect 16215
to the party pursuant to a proceeding under this section, a 16216
proceeding under Chapter 3111. of the Revised Code, or an 16217
acknowledgment of paternity that has become final under former 16218
section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 16219
3111.821 of the Revised Code. An order issued pursuant to this 16220

section shall remain effective until an order is issued pursuant 16221
to sections 3111.01 to 3111.18 of the Revised Code that a 16222
parent-child relationship does not exist between the alleged 16223
father of the child and the child or until the occurrence of an 16224
event described in section 3119.88 of the Revised Code that would 16225
require the order to terminate. 16226

The court, in accordance with sections 3119.29 to 3119.56 of 16227
the Revised Code, shall include in each support order made under 16228
this section the requirement that one or both of the parents 16229
provide for the health care needs of the child to the satisfaction 16230
of the court. 16231

(B) As used in this section, "caretaker" has the same meaning 16232
as in section 3119.01 of the Revised Code. 16233

Sec. 2151.315. (A) As used in this section₇: 16234

(1) "age-appropriate Age-appropriate" means activities or 16235
items that are generally accepted as suitable for children of the 16236
same chronological age or level of maturity. Age appropriateness 16237
is based on the development of cognitive, emotional, physical, and 16238
behavioral capacity that is typical for an age or age group. 16239

(2) "Resource caregiver" has the same meaning as in section 16240
5103.02 of the Revised Code. 16241

(B) A child who is placed with a resource caregiver or who is 16242
subject to out-of-home care for alleged or adjudicated abused, 16243
neglected, or dependent children is entitled to participate in 16244
age-appropriate extracurricular, enrichment, and social 16245
activities. 16246

(C) A resource caregiver or a person or facility that is 16247
providing out-of-home care for an alleged or adjudicated abused, 16248
neglected, or dependent child shall consider all of the following 16249
when determining whether to give permission for that child to 16250

participate in extracurricular, enrichment, or social activities:	16251
(1) The child's age, maturity, and developmental level to maintain the overall health and safety of the child;	16252 16253
(2) The potential risk factors and the appropriateness of the extracurricular, enrichment, or social activity;	16254 16255
(3) The best interest of the child based on information known by the <u>resource caregiver or</u> a person or facility providing out-of-home care for an alleged or adjudicated abused, neglected, or dependent <u>the</u> child;	16256 16257 16258 16259
(4) The importance of encouraging the child's emotional and developmental growth;	16260 16261
(5) The importance of providing the child with the most family-like living experience possible;	16262 16263
(6) The behavioral history of the child and the child's ability to safely participate in the extracurricular, enrichment, or social activity.	16264 16265 16266
(D) A <u>resource caregiver or</u> person or facility that provides out-of-home care to an alleged or adjudicated abused, neglected, or dependent child shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused to the child who participates in an extracurricular, enrichment, or social activity approved by the <u>resource caregiver, person, or facility</u> provided that the <u>resource caregiver, person, or facility</u> considered the factors described in division (C) of this section.	16267 16268 16269 16270 16271 16272 16273 16274 16275
Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of	16276 16277 16278 16279 16280

age, or a person under twenty-one years of age with a 16281
developmental disability or physical impairment, has suffered or 16282
faces a threat of suffering any physical or mental wound, injury, 16283
disability, or condition of a nature that reasonably indicates 16284
abuse or neglect of the child shall fail to immediately report 16285
that knowledge or reasonable cause to suspect to the entity or 16286
persons specified in this division. Except as otherwise provided 16287
in this division or section 5120.173 of the Revised Code, the 16288
person making the report shall make it to the public children 16289
services agency or a peace officer in the county in which the 16290
child resides or in which the abuse or neglect is occurring or has 16291
occurred. If the person making the report is a peace officer, the 16292
officer shall make it to the public children services agency in 16293
the county in which the child resides or in which the abuse or 16294
neglect is occurring or has occurred. In the circumstances 16295
described in section 5120.173 of the Revised Code, the person 16296
making the report shall make it to the entity specified in that 16297
section. 16298

(b) Division (A)(1)(a) of this section applies to any person 16299
who is an attorney; health care professional; practitioner of a 16300
limited branch of medicine as specified in section 4731.15 of the 16301
Revised Code; licensed school psychologist; independent marriage 16302
and family therapist or marriage and family therapist; coroner; 16303
administrator or employee of a child day-care center; 16304
administrator or employee of a residential camp, child day camp, 16305
or private, nonprofit therapeutic wilderness camp; administrator 16306
or employee of a certified child care agency or other public or 16307
private children services agency; school teacher; school employee; 16308
school authority; peace officer; humane society agent; dog warden, 16309
deputy dog warden, or other person appointed to act as an animal 16310
control officer for a municipal corporation or township in 16311
accordance with state law, an ordinance, or a resolution; person, 16312

other than a cleric, rendering spiritual treatment through prayer 16313
in accordance with the tenets of a well-recognized religion; 16314
employee of a county department of job and family services who is 16315
a professional and who works with children and families; 16316
superintendent or regional administrator employed by the 16317
department of youth services; superintendent, board member, or 16318
employee of a county board of developmental disabilities; 16319
investigative agent contracted with by a county board of 16320
developmental disabilities; employee of the department of 16321
developmental disabilities; employee of a facility or home that 16322
provides respite care in accordance with section 5123.171 of the 16323
Revised Code; employee of an entity that provides homemaker 16324
services; employee of a qualified organization as defined in 16325
section 2151.90 of the Revised Code; a host family as defined in 16326
section 2151.90 of the Revised Code; foster caregiver; a person 16327
performing the duties of an assessor pursuant to Chapter 3107. or 16328
5103. of the Revised Code; third party employed by a public 16329
children services agency to assist in providing child or family 16330
related services; court appointed special advocate; or guardian ad 16331
litem. 16332

(c) If two or more health care professionals, after providing 16333
health care services to a child, determine or suspect that the 16334
child has been or is being abused or neglected, the health care 16335
professionals may designate one of the health care professionals 16336
to report the abuse or neglect. A single report made under this 16337
division shall meet the reporting requirements of division (A)(1) 16338
of this section. 16339

(2) Except as provided in division (A)(3) of this section, an 16340
attorney or a physician is not required to make a report pursuant 16341
to division (A)(1) of this section concerning any communication 16342
the attorney or physician receives from a client or patient in an 16343
attorney-client or physician-patient relationship, if, in 16344

accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on

facts that would cause a reasonable person in a similar position 16376
to believe, that a child under eighteen years of age, or a person 16377
under twenty-one years of age with a developmental disability or 16378
physical impairment, has suffered or faces a threat of suffering 16379
any physical or mental wound, injury, disability, or condition of 16380
a nature that reasonably indicates abuse or neglect of the child, 16381
and who knows, or has reasonable cause to believe based on facts 16382
that would cause a reasonable person in a similar position to 16383
believe, that another cleric or another person, other than a 16384
volunteer, designated by a church, religious society, or faith 16385
acting as a leader, official, or delegate on behalf of the church, 16386
religious society, or faith caused, or poses the threat of 16387
causing, the wound, injury, disability, or condition that 16388
reasonably indicates abuse or neglect shall fail to immediately 16389
report that knowledge or reasonable cause to believe to the entity 16390
or persons specified in this division. Except as provided in 16391
section 5120.173 of the Revised Code, the person making the report 16392
shall make it to the public children services agency or a peace 16393
officer in the county in which the child resides or in which the 16394
abuse or neglect is occurring or has occurred. In the 16395
circumstances described in section 5120.173 of the Revised Code, 16396
the person making the report shall make it to the entity specified 16397
in that section. 16398

(b) Except as provided in division (A)(4)(c) of this section, 16399
a cleric is not required to make a report pursuant to division 16400
(A)(4)(a) of this section concerning any communication the cleric 16401
receives from a penitent in a cleric-penitent relationship, if, in 16402
accordance with division (C) of section 2317.02 of the Revised 16403
Code, the cleric could not testify with respect to that 16404
communication in a civil or criminal proceeding. 16405

(c) The penitent in a cleric-penitent relationship described 16406
in division (A)(4)(b) of this section is deemed to have waived any 16407

testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect

based on facts that would cause a reasonable person in similar 16439
circumstances to suspect, that a child under eighteen years of 16440
age, or a person under twenty-one years of age with a 16441
developmental disability or physical impairment, has suffered or 16442
faces a threat of suffering any physical or mental wound, injury, 16443
disability, or other condition of a nature that reasonably 16444
indicates abuse or neglect of the child may report or cause 16445
reports to be made of that knowledge or reasonable cause to 16446
suspect to the entity or persons specified in this division. 16447
Except as provided in section 5120.173 of the Revised Code, a 16448
person making a report or causing a report to be made under this 16449
division shall make it or cause it to be made to the public 16450
children services agency or to a peace officer. In the 16451
circumstances described in section 5120.173 of the Revised Code, a 16452
person making a report or causing a report to be made under this 16453
division shall make it or cause it to be made to the entity 16454
specified in that section. 16455

(C) Any report made pursuant to division (A) or (B) of this 16456
section shall be made forthwith either by telephone ~~or~~, in person, 16457
or electronically and shall be followed by a written report, if 16458
requested by the receiving agency or officer. The written report 16459
shall contain: 16460

(1) The names and addresses of the child and the child's 16461
parents or the person or persons having custody of the child, if 16462
known; 16463

(2) The child's age and the nature and extent of the child's 16464
injuries, abuse, or neglect that is known or reasonably suspected 16465
or believed, as applicable, to have occurred or of the threat of 16466
injury, abuse, or neglect that is known or reasonably suspected or 16467
believed, as applicable, to exist, including any evidence of 16468
previous injuries, abuse, or neglect; 16469

(3) Any other information, including, but not limited to, 16470

results and reports of any medical examinations, tests, or 16471
procedures performed under division (D) of this section, that 16472
might be helpful in establishing the cause of the injury, abuse, 16473
or neglect that is known or reasonably suspected or believed, as 16474
applicable, to have occurred or of the threat of injury, abuse, or 16475
neglect that is known or reasonably suspected or believed, as 16476
applicable, to exist. 16477

(D)(1) Any person, who is required by division (A) of this 16478
section to report child abuse or child neglect that is known or 16479
reasonably suspected or believed to have occurred, may take or 16480
cause to be taken color photographs of areas of trauma visible on 16481
a child and, if medically necessary for the purpose of diagnosing 16482
or treating injuries that are suspected to have occurred as a 16483
result of child abuse or child neglect, perform or cause to be 16484
performed radiological examinations and any other medical 16485
examinations of, and tests or procedures on, the child. 16486

(2) The results and any available reports of examinations, 16487
tests, or procedures made under division (D)(1) of this section 16488
shall be included in a report made pursuant to division (A) of 16489
this section. Any additional reports of examinations, tests, or 16490
procedures that become available shall be provided to the public 16491
children services agency, upon request. 16492

(3) If a health care professional provides health care 16493
services in a hospital, children's advocacy center, or emergency 16494
medical facility to a child about whom a report has been made 16495
under division (A) of this section, the health care professional 16496
may take any steps that are reasonably necessary for the release 16497
or discharge of the child to an appropriate environment. Before 16498
the child's release or discharge, the health care professional may 16499
obtain information, or consider information obtained, from other 16500
entities or individuals that have knowledge about the child. 16501
Nothing in division (D)(3) of this section shall be construed to 16502

alter the responsibilities of any person under sections 2151.27 16503
and 2151.31 of the Revised Code. 16504

(4) A health care professional may conduct medical 16505
examinations, tests, or procedures on the siblings of a child 16506
about whom a report has been made under division (A) of this 16507
section and on other children who reside in the same home as the 16508
child, if the professional determines that the examinations, 16509
tests, or procedures are medically necessary to diagnose or treat 16510
the siblings or other children in order to determine whether 16511
reports under division (A) of this section are warranted with 16512
respect to such siblings or other children. The results of the 16513
examinations, tests, or procedures on the siblings and other 16514
children may be included in a report made pursuant to division (A) 16515
of this section. 16516

(5) Medical examinations, tests, or procedures conducted 16517
under divisions (D)(1) and (4) of this section and decisions 16518
regarding the release or discharge of a child under division 16519
(D)(3) of this section do not constitute a law enforcement 16520
investigation or activity. 16521

(E)(1) When a peace officer receives a report made pursuant 16522
to division (A) or (B) of this section, upon receipt of the 16523
report, the peace officer who receives the report shall refer the 16524
report to the appropriate public children services agency, in 16525
accordance with requirements specified under division (B)(6) of 16526
section 2151.4211 of the Revised Code, unless an arrest is made at 16527
the time of the report that results in the appropriate public 16528
children services agency being contacted concerning the possible 16529
abuse or neglect of a child or the possible threat of abuse or 16530
neglect of a child. 16531

(2) When a public children services agency receives a report 16532
pursuant to this division or division (A) or (B) of this section, 16533
upon receipt of the report, the public children services agency 16534

shall do all of the following: 16535

(a) Comply with section 2151.422 of the Revised Code; 16536

(b) If the county served by the agency is also served by a 16537
children's advocacy center and the report alleges sexual abuse of 16538
a child or another type of abuse of a child that is specified in 16539
the memorandum of understanding that creates the center as being 16540
within the center's jurisdiction, comply regarding the report with 16541
the protocol and procedures for referrals and investigations, with 16542
the coordinating activities, and with the authority or 16543
responsibility for performing or providing functions, activities, 16544
and services stipulated in the interagency agreement entered into 16545
under section 2151.428 of the Revised Code relative to that 16546
center; 16547

(c) Unless an arrest is made at the time of the report that 16548
results in the appropriate law enforcement agency being contacted 16549
concerning the possible abuse or neglect of a child or the 16550
possible threat of abuse or neglect of a child, and in accordance 16551
with requirements specified under division (B)(6) of section 16552
2151.4211 of the Revised Code, notify the appropriate law 16553
enforcement agency of the report, if the public children services 16554
agency received either of the following: 16555

(i) A report of abuse of a child; 16556

(ii) A report of neglect of a child that alleges a type of 16557
neglect identified by the department of job and family services in 16558
rules adopted under division (L)(2) of this section. 16559

(F) No peace officer shall remove a child about whom a report 16560
is made pursuant to this section from the child's parents, 16561
stepparents, or guardian or any other persons having custody of 16562
the child without consultation with the public children services 16563
agency, unless, in the judgment of the officer, and, if the report 16564
was made by physician, the physician, immediate removal is 16565

considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4210 to 2151.4224 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) and rules adopted under division (L)(3) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any

rights or any grounds for appeal or post-conviction relief to any 16598
person. The public children services agency shall report each case 16599
to the uniform statewide automated child welfare information 16600
system that the department of job and family services shall 16601
maintain in accordance with section 5101.13 of the Revised Code. 16602
The public children services agency shall submit a report of its 16603
investigation, in writing, to the law enforcement agency. 16604

(2) The public children services agency shall make any 16605
recommendations to the county prosecuting attorney or city 16606
director of law that it considers necessary to protect any 16607
children that are brought to its attention. 16608

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 16609
(I)(3) of this section, any person, health care professional, 16610
hospital, institution, school, health department, or agency shall 16611
be immune from any civil or criminal liability for injury, death, 16612
or loss to person or property that otherwise might be incurred or 16613
imposed as a result of any of the following: 16614

(i) Participating in the making of reports pursuant to 16615
division (A) of this section or in the making of reports in good 16616
faith, pursuant to division (B) of this section; 16617

(ii) Participating in medical examinations, tests, or 16618
procedures under division (D) of this section; 16619

(iii) Providing information used in a report made pursuant to 16620
division (A) of this section or providing information in good 16621
faith used in a report made pursuant to division (B) of this 16622
section; 16623

(iv) Participating in a judicial proceeding resulting from a 16624
report made pursuant to division (A) of this section or 16625
participating in good faith in a proceeding resulting from a 16626
report made pursuant to division (B) of this section. 16627

(b) Immunity under division (H)(1)(a)(ii) of this section 16628

shall not apply when a health care provider has deviated from the 16629
standard of care applicable to the provider's profession. 16630

(c) Notwithstanding section 4731.22 of the Revised Code, the 16631
physician-patient privilege shall not be a ground for excluding 16632
evidence regarding a child's injuries, abuse, or neglect, or the 16633
cause of the injuries, abuse, or neglect in any judicial 16634
proceeding resulting from a report submitted pursuant to this 16635
section. 16636

(2) In any civil or criminal action or proceeding in which it 16637
is alleged and proved that participation in the making of a report 16638
under this section was not in good faith or participation in a 16639
judicial proceeding resulting from a report made under this 16640
section was not in good faith, the court shall award the 16641
prevailing party reasonable attorney's fees and costs and, if a 16642
civil action or proceeding is voluntarily dismissed, may award 16643
reasonable attorney's fees and costs to the party against whom the 16644
civil action or proceeding is brought. 16645

(I)(1) Except as provided in divisions (I)(4) and (N) of this 16646
section and sections 2151.423 and 2151.4210 of the Revised Code, a 16647
report made under this section is confidential. The information 16648
provided in a report made pursuant to this section and the name of 16649
the person who made the report shall not be released for use, and 16650
shall not be used, as evidence in any civil action or proceeding 16651
brought against the person who made the report. Nothing in this 16652
division shall preclude the use of reports of other incidents of 16653
known or suspected abuse or neglect in a civil action or 16654
proceeding brought pursuant to division (M) of this section 16655
against a person who is alleged to have violated division (A)(1) 16656
of this section, provided that any information in a report that 16657
would identify the child who is the subject of the report or the 16658
maker of the report, if the maker of the report is not the 16659
defendant or an agent or employee of the defendant, has been 16660

redacted. In a criminal proceeding, the report is admissible in 16661
evidence in accordance with the Rules of Evidence and is subject 16662
to discovery in accordance with the Rules of Criminal Procedure. 16663

(2)(a) Except as provided in division (I)(2)(b) of this 16664
section, no person shall permit or encourage the unauthorized 16665
dissemination of the contents of any report made under this 16666
section. 16667

(b) A health care professional that obtains the same 16668
information contained in a report made under this section from a 16669
source other than the report may disseminate the information, if 16670
its dissemination is otherwise permitted by law. 16671

(3) A person who knowingly makes or causes another person to 16672
make a false report under division (B) of this section that 16673
alleges that any person has committed an act or omission that 16674
resulted in a child being an abused child or a neglected child is 16675
guilty of a violation of section 2921.14 of the Revised Code. 16676

(4) If a report is made pursuant to division (A) or (B) of 16677
this section and the child who is the subject of the report dies 16678
for any reason at any time after the report is made, but before 16679
the child attains eighteen years of age, the public children 16680
services agency or peace officer to which the report was made or 16681
referred, on the request of the child fatality review board, the 16682
suicide fatality review committee, or the director of health 16683
pursuant to guidelines established under section 3701.70 of the 16684
Revised Code, shall submit a summary sheet of information 16685
providing a summary of the report to the review board or review 16686
committee of the county in which the deceased child resided at the 16687
time of death or to the director. On the request of the review 16688
board, review committee, or director, the agency or peace officer 16689
may, at its discretion, make the report available to the review 16690
board, review committee, or director. If the county served by the 16691
public children services agency is also served by a children's 16692

advocacy center and the report of alleged sexual abuse of a child 16693
or another type of abuse of a child is specified in the memorandum 16694
of understanding that creates the center as being within the 16695
center's jurisdiction, the agency or center shall perform the 16696
duties and functions specified in this division in accordance with 16697
the interagency agreement entered into under section 2151.428 of 16698
the Revised Code relative to that advocacy center. 16699

(5) A Not later than five business days after the 16700
determination of a disposition, a public children services agency 16701
shall advise a person alleged to have inflicted abuse or neglect 16702
on a child who is the subject of a report made pursuant to this 16703
section, including a report alleging sexual abuse of a child or 16704
another type of abuse of a child referred to a children's advocacy 16705
center pursuant to an interagency agreement entered into under 16706
section 2151.428 of the Revised Code, in writing of the 16707
disposition of the investigation. The agency shall not provide to 16708
the person any information that identifies the person who made the 16709
report, statements of witnesses, or police or other investigative 16710
reports. The written notice of disposition shall be made in a form 16711
designated by the department of job and family services and shall 16712
inform the person of the right to appeal the disposition in 16713
accordance with rules adopted under division (L)(3) of this 16714
section. 16715

(J) Any report that is required by this section, other than a 16716
report that is made to the state highway patrol as described in 16717
section 5120.173 of the Revised Code, shall result in protective 16718
services and emergency supportive services being made available by 16719
the public children services agency on behalf of the children 16720
about whom the report is made, ~~in an effort to prevent further~~ 16721
~~neglect or abuse, to enhance their welfare, and, whenever~~ 16722
~~possible, to preserve the family unit intact.~~ The agency required 16723
to provide the services shall be the agency conducting the 16724

investigation of the report pursuant to section 2151.422 of the Revised Code. If a child is determined to be a candidate for prevention services, the agency also shall make efforts to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact by referring a report for assessment and provision of services to an agency providing prevention services.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report

pursuant to section 2151.422 of the Revised Code, the agency 16787
conducting the investigation shall comply with the requirements of 16788
division (K) of this section. 16789

(5) A health care professional who made a report under 16790
division (A) of this section, or on whose behalf such a report was 16791
made as provided in division (A)(1)(c) of this section, may 16792
authorize a person to obtain the information described in division 16793
(K)(1) of this section if the person requesting the information is 16794
associated with or acting on behalf of the health care 16795
professional who provided health care services to the child about 16796
whom the report was made. 16797

(6) If the person making the report provides the person's 16798
name and contact information on making the report, the public 16799
children services agency that received or was referred the report 16800
shall send a written notice via United States mail or electronic 16801
mail, in accordance with the person's preference, to the person 16802
not later than seven calendar days after the agency closes the 16803
investigation into the case reported by the person. The notice 16804
shall notify the person that the agency has closed the 16805
investigation. 16806

(L)(1) The director of job and family services shall adopt 16807
rules in accordance with Chapter 119. of the Revised Code to 16808
implement this section. The department of job and family services 16809
may enter into a plan of cooperation with any other governmental 16810
entity to aid in ensuring that children are protected from abuse 16811
and neglect. The department shall make recommendations to the 16812
attorney general that the department determines are necessary to 16813
protect children from child abuse and child neglect. 16814

(2) Not later than ninety days after ~~the effective date of~~ 16815
~~this amendment~~ May 30, 2022, the director of job and family 16816
services shall adopt rules in accordance with Chapter 119. of the 16817
Revised Code to identify the types of neglect of a child that a 16818

public children services agency shall be required to notify law 16819
enforcement of pursuant to division (E)(2)(c)(ii) of this section. 16820

(3) Not later than one hundred eighty days after the 16821
effective date of this amendment, the director of job and family 16822
services shall adopt rules in accordance with Chapter 119. of the 16823
Revised Code to implement a process for a person who is alleged to 16824
have inflicted abuse or neglect on a child who is the subject of a 16825
report made pursuant to this section to appeal the disposition of 16826
such a report. The rules shall include all of the following: 16827

(a) A requirement that the agency notify the person who is 16828
the alleged perpetrator of child abuse or neglect that: 16829

(i) The person has been identified as an alleged perpetrator 16830
of abuse or neglect upon receipt of a good faith report that the 16831
agency screened in for investigation. 16832

(ii) The agency has initiated an investigation of that 16833
report. 16834

(iii) The person's name will be entered into the statewide 16835
automated child welfare information system. 16836

(iv) The person will receive written notification of the 16837
investigation disposition and instructions on how to appeal the 16838
disposition, if the person chooses to do so. 16839

(b) A requirement that the agency provide the person written 16840
notice of the investigation disposition and of the person's right 16841
to appeal the disposition, not later than five days after the 16842
issuance of the disposition; 16843

(c) Procedures to ensure that notifications under divisions 16844
(L)(3)(a) and (L)(3)(b) of this section are successfully provided 16845
to the person; 16846

(d) The method by which an appeal may be made; 16847

(e) A time limit for the person to file an appeal with the 16848

agency; 16849

(f) A time limit for the agency to respond to a request for an appeal and issue a decision; 16850
16851

(g) Sanctions that may be applied against an agency for failing to take action within the required time limits. 16852
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(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (L)(3) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 16854
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(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted. 16858
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(N)(1) As used in this division: 16869

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code. 16870
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(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the 16878
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out-of-home care entity subject to a report made pursuant to this 16880
section is a school operated by the district. 16881

(2) No later than the end of the day following the day on 16882
which a public children services agency receives a report of 16883
alleged child abuse or child neglect, or a report of an alleged 16884
threat of child abuse or child neglect, that allegedly occurred in 16885
or involved an out-of-home care entity, the agency shall provide 16886
written notice of the allegations contained in and the person 16887
named as the alleged perpetrator in the report to the 16888
administrator, director, or other chief administrative officer of 16889
the out-of-home care entity that is the subject of the report 16890
unless the administrator, director, or other chief administrative 16891
officer is named as an alleged perpetrator in the report. If the 16892
administrator, director, or other chief administrative officer of 16893
an out-of-home care entity is named as an alleged perpetrator in a 16894
report of alleged child abuse or child neglect, or a report of an 16895
alleged threat of child abuse or child neglect, that allegedly 16896
occurred in or involved the out-of-home care entity, the agency 16897
shall provide the written notice to the owner or governing board 16898
of the out-of-home care entity that is the subject of the report. 16899
The agency shall not provide witness statements or police or other 16900
investigative reports. 16901

(3) No later than three days after the day on which a public 16902
children services agency that conducted the investigation as 16903
determined pursuant to section 2151.422 of the Revised Code makes 16904
a disposition of an investigation involving a report of alleged 16905
child abuse or child neglect, or a report of an alleged threat of 16906
child abuse or child neglect, that allegedly occurred in or 16907
involved an out-of-home care entity, the agency shall send written 16908
notice of the disposition of the investigation to the 16909
administrator, director, or other chief administrative officer and 16910
the owner or governing board of the out-of-home care entity. The 16911

agency shall not provide witness statements or police or other 16912
investigative reports. 16913

(0) As used in this section: 16914

(1) "Children's advocacy center" and "sexual abuse of a 16915
child" have the same meanings as in section 2151.425 of the 16916
Revised Code. 16917

(2) "Health care professional" means an individual who 16918
provides health-related services including a physician, hospital 16919
intern or resident, dentist, podiatrist, registered nurse, 16920
licensed practical nurse, visiting nurse, licensed psychologist, 16921
speech pathologist, audiologist, person engaged in social work or 16922
the practice of professional counseling, and employee of a home 16923
health agency. "Health care professional" does not include a 16924
practitioner of a limited branch of medicine as specified in 16925
section 4731.15 of the Revised Code, licensed school psychologist, 16926
independent marriage and family therapist or marriage and family 16927
therapist, or coroner. 16928

(3) "Investigation" means the public children services 16929
agency's response to an accepted report of child abuse or neglect 16930
through either an alternative response or a traditional response. 16931

(4) "Peace officer" means a sheriff, deputy sheriff, 16932
constable, police officer of a township or joint police district, 16933
marshal, deputy marshal, municipal police officer, or a state 16934
highway patrol trooper. 16935

Sec. 2151.423. A public children services agency shall 16936
disclose confidential information discovered during an 16937
investigation conducted pursuant to section 2151.421 or 2151.422 16938
of the Revised Code to any federal, state, or local government 16939
entity, including any appropriate military authority or any agency 16940
providing prevention services to the child, that needs the 16941

information to carry out its responsibilities to protect children 16942
from abuse or neglect. 16943

Information disclosed pursuant to this section is 16944
confidential and is not subject to disclosure pursuant to section 16945
149.43 or 1347.08 of the Revised Code by the agency to whom the 16946
information was disclosed. The agency receiving the information 16947
shall maintain the confidentiality of information disclosed 16948
pursuant to this section. 16949

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 16950
entity that appoints or employs any person responsible for a 16951
child's care in out-of-home care shall request the superintendent 16952
of BCII to conduct a criminal records check with respect to any 16953
person who is under final consideration for appointment or 16954
employment as a person responsible for a child's care in 16955
out-of-home care. The request shall be made at the time of initial 16956
application for appointment or employment and every four years 16957
thereafter. If the out-of-home care entity is a public school, 16958
educational service center, or chartered nonpublic school, then 16959
section 3319.39 of the Revised Code ~~shall apply~~ applies instead. 16960
If the out-of-home care entity is a child day-care center, type A 16961
family day-care home, type B family day-care home, certified 16962
in-home aide, or child day camp, then section 5104.013 of the 16963
Revised Code ~~shall apply~~ applies instead. If the out-of-home care 16964
entity is an association or institution, including an agency that 16965
arranges adoptions, then sections 5103.25 to 5103.259 of the 16966
Revised Code apply instead. 16967

(2) At the times specified in this division, the 16968
~~administrative director of an agency, or attorney,~~ who arranges an 16969
adoption for a prospective adoptive parent shall request the 16970
superintendent of BCII to conduct a criminal records check with 16971
respect to that prospective adoptive parent and a criminal records 16972

check with respect to all persons eighteen years of age or older 16973
who reside with the prospective adoptive parent. The 16974
~~administrative director or~~ attorney shall request a criminal 16975
records check pursuant to this division at the time of the initial 16976
home study, every ~~four~~ five years after the initial home study ~~at~~ 16977
~~the time of an update~~, and at the time that an adoptive home study 16978
is completed as a new home study. 16979

~~(3) Before a recommending agency submits a recommendation to 16980
the department of job and family services on whether the 16981
department should issue a certificate to a foster home under 16982
section 5103.03 of the Revised Code, and every four years 16983
thereafter prior to a recertification under that section, the 16984
administrative director of the agency shall request that the 16985
superintendent of BCII conduct a criminal records check with 16986
respect to the prospective foster caregiver and a criminal records 16987
check with respect to all other persons eighteen years of age or 16988
older who reside with the foster caregiver. 16989~~

(B)(1) When the appointing or hiring officer requests, at the 16990
time of initial application for appointment or employment, a 16991
criminal records check for a person subject to division (A)(1) of 16992
this section, the officer shall request that the superintendent of 16993
BCII obtain information from the federal bureau of investigation 16994
as part of the criminal records check, including fingerprint-based 16995
checks of national crime information databases as described in 42 16996
U.S.C. 671, for the person subject to the criminal records check. 16997
In all other cases in which the appointing or hiring officer 16998
requests a criminal records check for a person pursuant to 16999
division (A)(1) of this section, the officer may request that the 17000
superintendent of BCII obtain information from the federal bureau 17001
of investigation as part of the criminal records check, including 17002
fingerprint-based checks of national crime information databases 17003
as described in 42 U.S.C. 671, for the person subject to the 17004

criminal records check. 17005

~~(2) When the administrative director of an agency, or~~ 17006
attorney, who arranges an adoption for a prospective adoptive 17007
parent requests, at the time of the initial home study, a criminal 17008
records check for a person pursuant to division (A)(2) of this 17009
section, the ~~administrative director or~~ attorney shall request 17010
that the superintendent of BCII obtain information from the 17011
federal bureau of investigation as part of the criminal records 17012
check, including fingerprint-based checks of national crime 17013
information databases as described in 42 U.S.C. 671, for the 17014
person subject to the criminal records check. In all other cases 17015
in which the ~~administrative director of an agency, or~~ attorney, 17016
who arranges an adoption for a prospective adoptive parent 17017
requests a criminal records check for a person pursuant to 17018
division (A)(2) of this section, the ~~administrative director or~~ 17019
attorney may request that the superintendent of BCII include 17020
information from the federal bureau of investigation in the 17021
criminal records check, including fingerprint-based checks of 17022
national crime information databases as described in 42 U.S.C. 17023
671. 17024

~~When the administrative director of a recommending agency~~ 17025
~~requests, before submitting a recommendation to the department of~~ 17026
~~job and family services on whether the department should issue a~~ 17027
~~certificate to a foster home under section 5103.03 of the Revised~~ 17028
~~Code, a criminal records check for a person pursuant to division~~ 17029
~~(A)(3) of this section, the administrative director shall request~~ 17030
~~that the superintendent of BCII obtain information from the~~ 17031
~~federal bureau of investigation as part of a criminal records~~ 17032
~~check, including fingerprint based checks of national crime~~ 17033
~~information databases as described in 42 U.S.C. 671, for the~~ 17034
~~person subject to the criminal records check. In all other cases~~ 17035
~~in which the administrative director of a recommending agency~~ 17036

~~requests a criminal records check for a person pursuant to 17037
division (A)(3) of this section, the administrative director may 17038
request that the superintendent of BCII include information from 17039
the federal bureau of investigation in the criminal records check, 17040
including fingerprint based checks of national crime information 17041
databases as described in 42 U.S.C. 671. 17042~~

(3) Prior to a hearing on a final decree of adoption or 17043
interlocutory order of adoption by a probate court, the 17044
~~administrative director of an agency, or an attorney,~~ who arranges 17045
an adoption for a prospective parent shall provide to the clerk of 17046
the probate court either of the following: 17047

(a) Any information received pursuant to a request made under 17048
this division from the superintendent of BCII or the federal 17049
bureau of investigation as part of the criminal records check, 17050
including fingerprint-based checks of national crime information 17051
databases as described in 42 U.S.C. 671, for the person subject to 17052
the criminal records check; 17053

(b) Written notification that the person subject to a 17054
criminal records check pursuant to this division failed upon 17055
request to provide the information necessary to complete the form 17056
or failed to provide impressions of the person's fingerprints as 17057
required under division (B)(2) of this section. 17058

~~(2)(C)(1)~~ An appointing or hiring officer, ~~administrative~~ 17059
~~director,~~ or attorney required by division (A) of this section to 17060
request a criminal records check shall provide to each person 17061
subject to a criminal records check a copy of the form prescribed 17062
pursuant to division (C)(1) of section 109.572 of the Revised Code 17063
and a standard impression sheet to obtain fingerprint impressions 17064
prescribed pursuant to division (C)(2) of section 109.572 of the 17065
Revised Code, obtain the completed form and impression sheet from 17066
the person, and forward the completed form and impression sheet to 17067
the superintendent of BCII at the time the criminal records check 17068

is requested. 17069

(2) Any person subject to a criminal records check who 17070
receives pursuant to this division a copy of the form prescribed 17071
pursuant to division (C)(1) of section 109.572 of the Revised Code 17072
and a copy of an impression sheet prescribed pursuant to division 17073
(C)(2) of that section and who is requested to complete the form 17074
and provide a set of fingerprint impressions shall complete the 17075
form or provide all the information necessary to complete the form 17076
and shall provide the impression sheet with the impressions of the 17077
person's fingerprints. If a person subject to a criminal records 17078
check, upon request, fails to provide the information necessary to 17079
complete the form or fails to provide impressions of the person's 17080
fingerprints, the appointing or hiring officer shall not appoint 17081
or employ the person as a person responsible for a child's care in 17082
out-of-home care, and a probate court may not issue a final decree 17083
of adoption or an interlocutory order of adoption making the 17084
person an adoptive parent, ~~and the department of job and family~~ 17085
~~services shall not issue a certificate authorizing the prospective~~ 17086
~~foster caregiver to operate a foster home.~~ 17087

~~(C)(1)~~(D) No appointing or hiring officer shall appoint or 17088
employ a person as a person responsible for a child's care in 17089
out-of-home care, ~~the department of job and family services shall~~ 17090
~~not issue a certificate under section 5103.03 of the Revised Code~~ 17091
~~authorizing a prospective foster caregiver to operate a foster~~ 17092
~~home,~~ and no probate court shall issue a final decree of adoption 17093
or an interlocutory order of adoption making a person an adoptive 17094
parent if the person or, in the case of a ~~prospective foster~~ 17095
~~caregiver or~~ prospective adoptive parent, any person eighteen 17096
years of age or older who resides with the ~~prospective foster~~ 17097
~~caregiver or~~ prospective adoptive parent, l previously has been 17098
convicted of or pleaded guilty to any of the violations described 17099
in division (A)(4) of section 109.572 of the Revised Code, unless 17100

the person meets rehabilitation standards established in rules 17101
adopted under division (F) of this section. 17102

~~(2) Prior to certification or recertification under section 17103
5103.03 of the Revised Code, the prospective foster caregiver 17104
subject to a criminal records check under division (A)(3) of this 17105
section shall notify the recommending agency of the revocation of 17106
any foster home license, certificate, or other similar 17107
authorization in another state occurring within the five years 17108
prior to the date of application to become a foster caregiver in 17109
this state. The failure of a prospective foster caregiver to 17110
notify the recommending agency of any revocation of that type in 17111
another state that occurred within that five year period shall be 17112
grounds for denial of the person's foster home application or the 17113
revocation of the person's foster home certification, whichever is 17114
applicable. If a person has had a revocation in another state 17115
within the five years prior to the date of the application, the 17116
department of job and family services shall not issue a foster 17117
home certificate to the prospective foster caregiver. 17118~~

~~(D)(E) The appointing or hiring officer, administrative 17119
director, or attorney shall pay to the bureau of criminal 17120
identification and investigation the fee prescribed pursuant to 17121
division (C)(3) of section 109.572 of the Revised Code for each 17122
criminal records check conducted in accordance with that section 17123
upon a request pursuant to division (A) of this section. The 17124
officer, director, or attorney may charge the person subject to 17125
the criminal records check a fee for the costs the officer, 17126
director, or attorney incurs in obtaining the criminal records 17127
check. A fee charged under this division shall not exceed the 17128
amount of fees the officer, director, or attorney pays for the 17129
criminal records check. If a fee is charged under this division, 17130
the officer, director, or attorney shall notify the person who is 17131
the applicant at the time of the person's initial application for 17132~~

appointment or employment, or an adoption to be arranged, ~~or a~~ 17133
~~certificate to operate a foster home~~ of the amount of the fee and 17134
that, unless the fee is paid, the person who is the applicant will 17135
not be considered for appointment or employment or as an adoptive 17136
parent ~~or foster caregiver~~. 17137

~~(E)~~(F) The report of any criminal records check conducted by 17138
the bureau of criminal identification and investigation in 17139
accordance with section 109.572 of the Revised Code and pursuant 17140
to a request made under division (A) of this section is not a 17141
public record for the purposes of section 149.43 of the Revised 17142
Code and shall not be made available to any person other than the 17143
following: 17144

(1) The person who is the subject of the criminal records 17145
check or the person's representative; 17146

(2) The appointing or hiring officer, ~~administrative~~ 17147
~~director~~, or attorney requesting the criminal records check or the 17148
officer's, ~~director's~~, or attorney's representative; 17149

(3) The department of job and family services, a county 17150
department of job and family services, or a public children 17151
services agency; 17152

(4) Any court, hearing officer, or other necessary individual 17153
involved in a case dealing with the denial of employment, or a 17154
final decree of adoption or interlocutory order of adoption, ~~or a~~ 17155
~~foster home certificate~~. 17156

~~(F)~~(G) The director of job and family services shall adopt 17157
rules in accordance with Chapter 119. of the Revised Code to 17158
implement this section. The rules shall include rehabilitation 17159
standards a person who has been convicted of or pleaded guilty to 17160
an offense listed in division (A)(4) of section 109.572 of the 17161
Revised Code must meet for an appointing or hiring officer to 17162
appoint or employ the person as a person responsible for a child's 17163

care in out-of-home care, or a probate court to issue a final 17164
decree of adoption or interlocutory order of adoption making the 17165
person an adoptive parent, ~~or the department to issue a~~ 17166
~~certificate authorizing the prospective foster caregiver to~~ 17167
~~operate a foster home or not revoke a foster home certificate for~~ 17168
~~a violation specified in section 5103.0328 of the Revised Code.~~ 17169

~~(G)~~(H) An appointing or hiring officer, ~~administrative~~ 17170
~~director,~~ or attorney required by division (A) of this section to 17171
request a criminal records check shall inform each person who is 17172
the applicant, at the time of the person's initial application for 17173
appointment or employment, or for an adoption to be arranged, ~~or a~~ 17174
~~foster home certificate,~~ that the person subject to the criminal 17175
records check is required to provide a set of impressions of the 17176
person's fingerprints and that a criminal records check is 17177
required to be conducted and satisfactorily completed in 17178
accordance with section 109.572 of the Revised Code. 17179

~~(H)~~(I) As used in this section: 17180

(1) "Association" or "institution" have the same meanings as 17181
in section 5103.02 of the Revised Code. 17182

(2) "Children's hospital" means any of the following: 17183

(a) A hospital registered under section 3701.07 of the 17184
Revised Code that provides general pediatric medical and surgical 17185
care, and in which at least seventy-five per cent of annual 17186
inpatient discharges for the preceding two calendar years were 17187
individuals less than eighteen years of age; 17188

(b) A distinct portion of a hospital registered under section 17189
3701.07 of the Revised Code that provides general pediatric 17190
medical and surgical care, has a total of at least one hundred 17191
fifty registered pediatric special care and pediatric acute care 17192
beds, and in which at least seventy-five per cent of annual 17193
inpatient discharges for the preceding two calendar years were 17194

individuals less than eighteen years of age; 17195

(c) A distinct portion of a hospital, if the hospital is 17196
registered under section 3701.07 of the Revised Code as a 17197
children's hospital and the children's hospital meets all the 17198
requirements of division (H)(1)(a) of this section. 17199

~~(2)~~(3) "Criminal records check" has the same meaning as in 17200
section 109.572 of the Revised Code. 17201

~~(3)~~(4) "Person responsible for a child's care in out-of-home 17202
care" has the same meaning as in section 2151.011 of the Revised 17203
Code, except that it does not include a prospective or current 17204
employee of an association or institution, a child daycare center, 17205
type A family day-care home, licensed type B family day-care home, 17206
day camp, school district, community school, chartered nonpublic 17207
school, educational service center, the department of youth 17208
services, a prospective or current foster caregiver, a prospective 17209
or current adoptive parent working with an agency that arranges 17210
adoptions, or a person responsible for a child's care in a 17211
hospital or medical clinic other than a children's hospital. 17212
17213

~~(4)~~(5) "Person subject to a criminal records check" means the 17214
following: 17215

(a) A person who is under final consideration for appointment 17216
or employment as a person responsible for a child's care in 17217
out-of-home care; 17218

(b) A prospective or current adoptive parent working with an 17219
attorney who arranges adoptions; 17220

(c) ~~A prospective or current foster caregiver;~~ 17221

~~(d)~~ A person eighteen years old or older who resides with a 17222
~~prospective or current foster caregiver~~ or a prospective or 17223
current adoptive parent who is working with an attorney who 17224

arranges adoptions. 17225

~~(5)~~(6) "Recommending agency" means a public children services 17226
agency, private child placing agency, or private noncustodial 17227
agency to which the department of job and family services has 17228
delegated a duty to inspect and approve foster homes. 17229

~~(6)~~(7) "Superintendent of BCII" means the superintendent of 17230
the bureau of criminal identification and investigation. 17231

Sec. 2152.21. (A) Unless division (C) of this section 17232
applies, if a child is adjudicated a juvenile traffic offender, 17233
the court may make any of the following orders of disposition: 17234

(1) Impose costs and one or more financial sanctions in 17235
accordance with section 2152.20 of the Revised Code; 17236

(2) Suspend the child's driver's license, probationary 17237
driver's license, or temporary instruction permit for a definite 17238
period not exceeding two years or suspend the registration of all 17239
motor vehicles registered in the name of the child for a definite 17240
period not exceeding two years. A child whose license or permit is 17241
so suspended is ineligible for issuance of a license or permit 17242
during the period of suspension. At the end of the period of 17243
suspension, the child shall not be reissued a license or permit 17244
until the child has paid any applicable reinstatement fee and 17245
complied with all requirements governing license reinstatement. 17246

(3) Place the child on community control; 17247

(4) If the child is adjudicated a juvenile traffic offender 17248
for an act other than an act that would be a minor misdemeanor if 17249
committed by an adult and other than an act that could be disposed 17250
of by the juvenile traffic violations bureau serving the court 17251
under Traffic Rule 13.1 if the court has established a juvenile 17252
traffic violations bureau, require the child to make restitution 17253
pursuant to division (A)(3) of section 2152.20 of the Revised 17254

Code; 17255

(5)(a) If the child is adjudicated a juvenile traffic 17256
offender for committing a violation of division (A) of section 17257
4511.19 of the Revised Code or of a municipal ordinance that is 17258
substantially equivalent to that division, commit the child, for 17259
not longer than five days, to either of the following: 17260

(i) The temporary custody of a detention facility or district 17261
detention facility established under section 2152.41 of the 17262
Revised Code; 17263

(ii) The temporary custody of any school, camp, institution, 17264
or other facility for children operated in whole or in part for 17265
the care of juvenile traffic offenders of that nature by the 17266
county, by a district organized under section 2151.65 or 2152.41 17267
of the Revised Code, or by a private agency or organization within 17268
the state that is authorized and qualified to provide the care, 17269
treatment, or placement required. 17270

(b) If an order of disposition committing a child to the 17271
temporary custody of a home, school, camp, institution, or other 17272
facility of that nature is made under division (A)(5)(a) of this 17273
section, the length of the commitment shall not be reduced or 17274
diminished as a credit for any time that the child was held in a 17275
place of detention or shelter care, or otherwise was detained, 17276
prior to entry of the order of disposition. 17277

(6) If, after making a disposition under divisions (A)(1) to 17278
(5) of this section, the court finds upon further hearing that the 17279
child has failed to comply with the orders of the court and the 17280
child's operation of a motor vehicle constitutes the child a 17281
danger to the child and to others, the court may make any 17282
disposition authorized by divisions (A)(1), (4), (5), and (8) of 17283
section 2152.19 of the Revised Code, except that the child may not 17284
be committed to or placed in a secure correctional facility unless 17285

authorized by division (A)(5) of this section, and commitment to 17286
or placement in a detention facility may not exceed twenty-four 17287
hours. 17288

(B) If a child is adjudicated a juvenile traffic offender for 17289
violating division (A) or (B) of section 4511.19 of the Revised 17290
Code, in addition to any order of disposition made under division 17291
(A) of this section, the court shall impose a class six suspension 17292
of the temporary instruction permit, probationary driver's 17293
license, or driver's license issued to the child from the range 17294
specified in division (A)(6) of section 4510.02 of the Revised 17295
Code. The court, in its discretion, may terminate the suspension 17296
if the child attends and satisfactorily completes a drug abuse or 17297
alcohol abuse education, intervention, or treatment program 17298
specified by the court. During the time the child is attending a 17299
program as described in this division, the court shall retain the 17300
child's temporary instruction permit, probationary driver's 17301
license, or driver's license issued, and the court shall return 17302
the permit or license if it terminates the suspension as described 17303
in this division. 17304

(C) If a child is adjudicated a juvenile traffic offender for 17305
violating division (B)(1) of section 4513.263 of the Revised Code, 17306
the court shall impose the appropriate fine set forth in division 17307
~~(G)~~(F)(1) of that section. If a child is adjudicated a juvenile 17308
traffic offender for violating division (B)(3) of section 4513.263 17309
of the Revised Code and if the child is sixteen years of age or 17310
older, the court shall impose the fine set forth in division 17311
~~(G)~~(2)(F)(2) of that section. If a child is adjudicated a juvenile 17312
traffic offender for violating division (B)(3) of section 4513.263 17313
of the Revised Code and if the child is under sixteen years of 17314
age, the court shall not impose a fine but may place the child on 17315
probation or community control. 17316

(D) A juvenile traffic offender is subject to sections 17317

4509.01 to 4509.78 of the Revised Code. 17318

Sec. 2307.22. (A) Subject to sections 2307.23 and 2307.24 and 17319
except as provided in division (B) of section 2307.70, ~~division~~ 17320
~~(B) divisions (C)(2) and (3)~~ of section 4507.07, section 4399.02, 17321
or another section of the Revised Code that expressly establishes 17322
joint and several tort liability for specified persons, joint and 17323
several tort liability shall be determined as follows: 17324

(1) In a tort action in which the trier of fact determines 17325
that two or more persons proximately caused the same injury or 17326
loss to person or property or the same wrongful death and in which 17327
the trier of fact determines that more than fifty per cent of the 17328
tortious conduct is attributable to one defendant, that defendant 17329
shall be jointly and severally liable in tort for all compensatory 17330
damages that represent economic loss. 17331

(2) If division (A)(1) of this section is applicable, each 17332
defendant who is determined by the trier of fact to be legally 17333
responsible for the same injury or loss to person or property or 17334
the same wrongful death and to whom fifty per cent or less of the 17335
tortious conduct is attributable shall be liable to the plaintiff 17336
only for that defendant's proportionate share of the compensatory 17337
damages that represent economic loss. The proportionate share of a 17338
defendant shall be calculated by multiplying the total amount of 17339
the economic damages awarded to the plaintiff by the percentage of 17340
tortious conduct as determined pursuant to section 2307.23 of the 17341
Revised Code that is attributable to that defendant. 17342

(3) In a tort action in which the trier of fact determines 17343
that two or more persons proximately caused the same injury or 17344
loss to person or property or the same wrongful death and in which 17345
the trier of fact determines that fifty per cent or less of the 17346
tortious conduct is attributable to any defendant against whom an 17347
intentional tort claim has been alleged and established, that 17348

defendant shall be jointly and severally liable in tort for all 17349
compensatory damages that represent economic loss. 17350

(4) If division (A)(3) of this section is applicable, each 17351
defendant against whom an intentional tort claim has not been 17352
alleged and established, who is determined by the trier of fact to 17353
be legally responsible for the same injury or loss to person or 17354
property or the same wrongful death, and to whom fifty per cent or 17355
less of the tortious conduct is attributable shall be liable to 17356
the plaintiff only for that defendant's proportionate share of the 17357
compensatory damages that represent economic loss. The 17358
proportionate share of a defendant shall be calculated by 17359
multiplying the total amount of the economic damages awarded to 17360
the plaintiff by the percentage of tortious conduct as determined 17361
pursuant to section 2307.23 of the Revised Code that is 17362
attributable to that defendant. 17363

(B) Except as otherwise provided in divisions (A)(3) and (4) 17364
of this section, in a tort action in which the trier of fact 17365
determines that two or more persons proximately caused the same 17366
injury or loss to person or property or the same wrongful death 17367
and in which the trier of fact determines that fifty per cent or 17368
less of the tortious conduct is attributable to each defendant, 17369
each defendant shall be liable to the plaintiff only for that 17370
defendant's proportionate share of the compensatory damages that 17371
represent economic loss. The proportionate share of a defendant 17372
shall be calculated by multiplying the total amount of the 17373
economic damages awarded to the plaintiff by the percentage of 17374
tortious conduct as determined pursuant to section 2307.23 of the 17375
Revised Code that is attributable to that defendant. 17376

(C) In a tort action in which the trier of fact determines 17377
that two or more persons proximately caused the same injury or 17378
loss to person or property or the same wrongful death, each 17379
defendant who is determined by the trier of fact to be legally 17380

responsible for the same injury or loss to person or property or 17381
for the same wrongful death shall be liable to the plaintiff only 17382
for that defendant's proportionate share of the compensatory 17383
damages that represent noneconomic loss. The proportionate share 17384
of a defendant shall be calculated by multiplying the total amount 17385
of the noneconomic damages awarded to the plaintiff by the 17386
percentage of tortious conduct as determined pursuant to section 17387
2307.23 of the Revised Code that is attributable to that 17388
defendant. 17389

(D) Sections 2307.25 to 2307.29 of the Revised Code shall 17390
apply to joint and several tort liability that is described in 17391
division (A) of this section. 17392

Sec. 2907.231. (A) As used in this section, ~~"sexual:~~ 17393

(1) "Person with a developmental disability" has the same 17394
meaning as in section 2905.32 of the Revised Code. 17395

(2) "Sexual activity for hire" means an implicit or explicit 17396
agreement to provide sexual activity in exchange for anything of 17397
value paid to the person engaging in such sexual activity, to any 17398
person trafficking that person, or to any person associated with 17399
either such person. 17400

(B) No person shall recklessly induce, entice, or procure 17401
another to engage in sexual activity for hire in exchange for the 17402
person giving anything of value to the other person. 17403

(C) No person shall recklessly induce, entice, or procure 17404
another to engage in sexual activity for hire in exchange for the 17405
person giving anything of value to the other person if the other 17406
person is a person with a developmental disability and the 17407
offender knows or has reasonable cause to believe that the other 17408
person is a person with a developmental disability. 17409

(D) Whoever violates division (B) of this section is guilty 17410

of engaging in prostitution, a misdemeanor of the first degree. 17411
Whoever violates division (C) of this section is guilty of 17412
engaging in prostitution with a person with a developmental 17413
disability, a felony of the third degree. In sentencing the 17414
offender under this division, the court shall require the offender 17415
to attend an education or treatment program aimed at preventing 17416
persons from inducing, enticing, or procuring another to engage in 17417
sexual activity for hire in exchange for the person giving 17418
anything of value to the other person and, notwithstanding the 17419
fine specified in division (A)(2)(a) of section 2929.28 of the 17420
Revised Code for a misdemeanor of the first degree, the court may 17421
impose upon the offender a fine of not more than one thousand five 17422
hundred dollars. 17423

Sec. 2913.46. (A)(1) As used in this section: 17424

(a) "Electronically transferred benefit" means the transfer 17425
of supplemental nutrition assistance program benefits or WIC 17426
program benefits through the use of an access device. 17427

(b) "WIC program benefits" includes money, coupons, delivery 17428
verification receipts, other documents, food, or other property 17429
received directly or indirectly pursuant to section 17 of the 17430
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 17431
amended. 17432

(c) "Access device" means any card, plate, code, account 17433
number, or other means of access that can be used, alone or in 17434
conjunction with another access device, to obtain payments, 17435
allotments, benefits, money, goods, or other things of value or 17436
that can be used to initiate a transfer of funds pursuant to 17437
section 5101.33 of the Revised Code and the Food and Nutrition Act 17438
of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program 17439
administered by any department of this state or any county or 17440
local agency pursuant to section 17 of the "Child Nutrition Act of 17441

1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access device" may include any electronic debit card or other means authorized by section 5101.33 of the Revised Code.

(d) "Aggregate value of supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation" means the total face value of any supplemental nutrition assistance program benefits, plus the total face value of WIC program coupons or delivery verification receipts, plus the total value of other WIC program benefits, plus the total value of any electronically transferred benefit or other access device, involved in the violation.

(e) "Total value of any electronically transferred benefit or other access device" means the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of any electronically transferred benefit or other access device at the time of violation.

(f) "Traffic" has the same meaning as "trafficking," as defined in 7 C.F.R. 271.2.

(2) If supplemental nutrition assistance program benefits, WIC program benefits, or electronically transferred benefits or other access devices of various values are used, transferred, bought, acquired, altered, purchased, possessed, presented for redemption, or transported in violation of this section over a period of twelve months, the course of conduct may be charged as one offense and the values of supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefits or other access devices may be aggregated in determining the degree of the offense.

~~(B)~~(B)(1) No individual shall knowingly solicit, possess,

buy, sell, use, alter, accept, or transfer supplemental nutrition 17473
assistance program benefits, WIC program benefits, or any 17474
electronically transferred benefit in any manner not authorized by 17475
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), 17476
including regulations adopted under that act, or section 17 of the 17477
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 17478
amended. 17479

(2) No individual shall knowingly traffic supplemental 17480
nutrition assistance program benefits. 17481

(C) No organization, as defined in division (D) of section 17482
2901.23 of the Revised Code, shall do either of the following: 17483

(1) Knowingly allow an employee or agent to solicit, sell, 17484
transfer, traffic, or trade items or services, ~~the purchase of~~ 17485
~~which is prohibited by the Food and Nutrition Act of 2008 (7~~ 17486
~~U.S.C. 2011 et seq.) or section 17 of the "Child Nutrition Act of~~ 17487
~~1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, in exchange for~~ 17488
~~supplemental nutrition assistance program benefits, WIC program~~ 17489
~~benefits, or any electronically transferred benefit~~ in violation 17490
of division (B) of this section; 17491

(2) Negligently allow an employee or agent to solicit, sell, 17492
transfer, traffic, or exchange supplemental nutrition assistance 17493
program benefits, WIC program benefits, or any electronically 17494
transferred benefit ~~for anything of value~~ in violation of division 17495
(B) of this section. 17496

(D) Whoever violates this section is guilty of illegal use of 17497
supplemental nutrition assistance program benefits or WIC program 17498
benefits. Except as otherwise provided in this division, illegal 17499
use of supplemental nutrition assistance program benefits or WIC 17500
program benefits is a felony of the fifth degree. If the aggregate 17501
value of the supplemental nutrition assistance program benefits, 17502
WIC program benefits, and electronically transferred benefits 17503

involved in the violation is one thousand dollars or more and is 17504
less than seven thousand five hundred dollars, illegal use of 17505
supplemental nutrition assistance program benefits or WIC program 17506
benefits is a felony of the fourth degree. If the aggregate value 17507
of the supplemental nutrition assistance program benefits, WIC 17508
program benefits, and electronically transferred benefits involved 17509
in the violation is seven thousand five hundred dollars or more 17510
and is less than one hundred fifty thousand dollars, illegal use 17511
of supplemental nutrition assistance program benefits or WIC 17512
program benefits is a felony of the third degree. If the aggregate 17513
value of the supplemental nutrition assistance program benefits, 17514
WIC program benefits, and electronically transferred benefits 17515
involved in the violation is one hundred fifty thousand dollars or 17516
more, illegal use of supplemental nutrition assistance program 17517
benefits or WIC program benefits is a felony of the second degree. 17518

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 17519
or use a controlled substance or a controlled substance analog. 17520

(B)(1) This section does not apply to any of the following: 17521

(a) Manufacturers, licensed health professionals authorized 17522
to prescribe drugs, pharmacists, owners of pharmacies, and other 17523
persons whose conduct was in accordance with Chapters 3719., 17524
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 17525

(b) If the offense involves an anabolic steroid, any person 17526
who is conducting or participating in a research project involving 17527
the use of an anabolic steroid if the project has been approved by 17528
the United States food and drug administration; 17529

(c) Any person who sells, offers for sale, prescribes, 17530
dispenses, or administers for livestock or other nonhuman species 17531
an anabolic steroid that is expressly intended for administration 17532
through implants to livestock or other nonhuman species and 17533
approved for that purpose under the "Federal Food, Drug, and 17534

Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 17535
and is sold, offered for sale, prescribed, dispensed, or 17536
administered for that purpose in accordance with that act; 17537

(d) Any person who obtained the controlled substance pursuant 17538
to a prescription issued by a licensed health professional 17539
authorized to prescribe drugs if the prescription was issued for a 17540
legitimate medical purpose and not altered, forged, or obtained 17541
through deception or commission of a theft offense. 17542

As used in division (B)(1)(d) of this section, "deception" 17543
and "theft offense" have the same meanings as in section 2913.01 17544
of the Revised Code. 17545

(2)(a) As used in division (B)(2) of this section: 17546

~~(i) "Community addiction services provider" has the same 17547
meaning as in section 5119.01 of the Revised Code. 17548~~

~~(ii) "Community control sanction" and "drug treatment 17549
program" have has the same meanings meaning as in section 2929.01 17550
of the Revised Code. 17551~~

~~(iii)(ii) "Health care facility" has the same meaning as in 17552
section 2919.16 of the Revised Code. 17553~~

~~(iv)(iii) "Minor drug possession offense" means a violation 17554
of this section that is a misdemeanor or a felony of the fifth 17555
degree. 17556~~

~~(v)(iv) "Post-release control sanction" has the same meaning 17557
as in section 2967.28 of the Revised Code. 17558~~

~~(vi)(v) "Peace officer" has the same meaning as in section 17559
2935.01 of the Revised Code. 17560~~

~~(vii)(vi) "Public agency" has the same meaning as in section 17561
2930.01 of the Revised Code. 17562~~

~~(viii)(vii) "Qualified individual" means a person who is 17563
acting in good faith who seeks or obtains medical assistance for 17564~~

another person who is experiencing a drug overdose, a person who 17565
experiences a drug overdose and who seeks medical assistance for 17566
that overdose, or a person who is the subject of another person 17567
seeking or obtaining medical assistance for that overdose as 17568
described in division (B)(2)(b) of this section. 17569

~~(ix)~~(viii) "Seek or obtain medical assistance" includes, but 17570
is not limited to making a 9-1-1 call, contacting in person or by 17571
telephone call an on-duty peace officer, or transporting or 17572
presenting a person to a health care facility. 17573

~~(b) Subject to division (B)(2)(e) of this section, a~~ A 17574
qualified individual shall not be arrested, charged, prosecuted, 17575
convicted, or penalized pursuant to this chapter for a minor drug 17576
possession offense or a violation of section 2925.12, division 17577
(C)(1) of section 2925.14, or section 2925.141 of the Revised Code 17578
if ~~all of the following apply:~~ 17579

~~(i) The~~ the evidence of the obtaining, possession, or use of 17580
the controlled substance or controlled substance analog, drug 17581
abuse instruments, or drug paraphernalia that would be the basis 17582
of the offense was obtained as a result of the qualified 17583
individual seeking the medical assistance or experiencing an 17584
overdose and needing medical assistance. 17585

~~(ii) Subject to division (B)(2)(f) of this section, within~~ 17586
~~thirty days after seeking or obtaining the medical assistance, the~~ 17587
~~qualified individual seeks and obtains a screening and receives a~~ 17588
~~referral for treatment from a community addiction services~~ 17589
~~provider or a properly credentialed addiction treatment~~ 17590
~~professional.~~ 17591

~~(iii) Subject to division (B)(2)(f) of this section, the~~ 17592
~~qualified individual who obtains a screening and receives a~~ 17593
~~referral for treatment under division (B)(2)(b)(ii) of this~~ 17594
~~section, upon the request of any prosecuting attorney, submits~~ 17595

~~documentation to the prosecuting attorney that verifies that the 17596
qualified individual satisfied the requirements of that division. 17597
The documentation shall be limited to the date and time of the 17598
screening obtained and referral received. 17599~~

(c) If a person who is serving a community control sanction 17600
or is under a sanction on post-release control acts pursuant to 17601
division (B)(2)(b) of this section, then division (B) of section 17602
2929.141, division (B)(2) of section 2929.15, division (D)(3) of 17603
section 2929.25, or division (F)(3) of section 2967.28 of the 17604
Revised Code applies to the person with respect to any violation 17605
of the sanction or post-release control sanction based on a minor 17606
drug possession offense, as defined in section 2925.11 of the 17607
Revised Code, or a violation of section 2925.12, division (C)(1) 17608
of section 2925.14, or section 2925.141 of the Revised Code. 17609

(d) Nothing in division (B)(2)(b) of this section shall be 17610
construed to do any of the following: 17611

(i) Limit the admissibility of any evidence in connection 17612
with the investigation or prosecution of a crime with regards to a 17613
defendant who does not qualify for the protections of division 17614
(B)(2)(b) of this section or with regards to any crime other than 17615
a minor drug possession offense or a violation of section 2925.12, 17616
division (C)(1) of section 2925.14, or section 2925.141 of the 17617
Revised Code committed by a person who qualifies for protection 17618
pursuant to division (B)(2)(b) of this section; 17619

(ii) Limit any seizure of evidence or contraband otherwise 17620
permitted by law; 17621

(iii) Limit or abridge the authority of a peace officer to 17622
detain or take into custody a person in the course of an 17623
investigation or to effectuate an arrest for any offense except as 17624
provided in that division; 17625

(iv) Limit, modify, or remove any immunity from liability 17626

available pursuant to law in effect prior to September 13, 2016, 17627
to any public agency or to an employee of any public agency. 17628

~~(e) Division (B)(2)(b) of this section does not apply to any 17629
person who twice previously has been granted an immunity under 17630
division (B)(2)(b) of this section. No person shall be granted an 17631
immunity under division (B)(2)(b) of this section more than two 17632
times. 17633~~

~~(f) Nothing in this section shall compel any qualified 17634
individual to disclose protected health information in a way that 17635
conflicts with the requirements of the "Health Insurance 17636
Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 17637
110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 17638
regulations promulgated by the United States department of health 17639
and human services to implement the act or the requirements of 42 17640
C.F.R. Part 2. 17641~~

(C) Whoever violates division (A) of this section is guilty 17642
of one of the following: 17643

(1) If the drug involved in the violation is a compound, 17644
mixture, preparation, or substance included in schedule I or II, 17645
with the exception of marihuana, cocaine, L.S.D., heroin, any 17646
fentanyl-related compound, hashish, and any controlled substance 17647
analog, whoever violates division (A) of this section is guilty of 17648
aggravated possession of drugs. The penalty for the offense shall 17649
be determined as follows: 17650

(a) Except as otherwise provided in division (C)(1)(b), (c), 17651
(d), or (e) of this section, aggravated possession of drugs is a 17652
felony of the fifth degree, and division (B) of section 2929.13 of 17653
the Revised Code applies in determining whether to impose a prison 17654
term on the offender. 17655

(b) If the amount of the drug involved equals or exceeds the 17656
bulk amount but is less than five times the bulk amount, 17657

aggravated possession of drugs is a felony of the third degree, 17658
and there is a presumption for a prison term for the offense. 17659

(c) If the amount of the drug involved equals or exceeds five 17660
times the bulk amount but is less than fifty times the bulk 17661
amount, aggravated possession of drugs is a felony of the second 17662
degree, and the court shall impose as a mandatory prison term a 17663
second degree felony mandatory prison term. 17664

(d) If the amount of the drug involved equals or exceeds 17665
fifty times the bulk amount but is less than one hundred times the 17666
bulk amount, aggravated possession of drugs is a felony of the 17667
first degree, and the court shall impose as a mandatory prison 17668
term a first degree felony mandatory prison term. 17669

(e) If the amount of the drug involved equals or exceeds one 17670
hundred times the bulk amount, aggravated possession of drugs is a 17671
felony of the first degree, the offender is a major drug offender, 17672
and the court shall impose as a mandatory prison term a maximum 17673
first degree felony mandatory prison term. 17674

(2) If the drug involved in the violation is a compound, 17675
mixture, preparation, or substance included in schedule III, IV, 17676
or V, whoever violates division (A) of this section is guilty of 17677
possession of drugs. The penalty for the offense shall be 17678
determined as follows: 17679

(a) Except as otherwise provided in division (C)(2)(b), (c), 17680
or (d) of this section, possession of drugs is a misdemeanor of 17681
the first degree or, if the offender previously has been convicted 17682
of a drug abuse offense, a felony of the fifth degree. 17683

(b) If the amount of the drug involved equals or exceeds the 17684
bulk amount but is less than five times the bulk amount, 17685
possession of drugs is a felony of the fourth degree, and division 17686
(C) of section 2929.13 of the Revised Code applies in determining 17687
whether to impose a prison term on the offender. 17688

(c) If the amount of the drug involved equals or exceeds five 17689
times the bulk amount but is less than fifty times the bulk 17690
amount, possession of drugs is a felony of the third degree, and 17691
there is a presumption for a prison term for the offense. 17692

(d) If the amount of the drug involved equals or exceeds 17693
fifty times the bulk amount, possession of drugs is a felony of 17694
the second degree, and the court shall impose upon the offender as 17695
a mandatory prison term a second degree felony mandatory prison 17696
term. 17697

(3) If the drug involved in the violation is marihuana or a 17698
compound, mixture, preparation, or substance containing marihuana 17699
other than hashish, whoever violates division (A) of this section 17700
is guilty of possession of marihuana. The penalty for the offense 17701
shall be determined as follows: 17702

(a) Except as otherwise provided in division (C)(3)(b), (c), 17703
(d), (e), (f), or (g) of this section, possession of marihuana is 17704
a minor misdemeanor. 17705

(b) If the amount of the drug involved equals or exceeds one 17706
hundred grams but is less than two hundred grams, possession of 17707
marihuana is a misdemeanor of the fourth degree. 17708

(c) If the amount of the drug involved equals or exceeds two 17709
hundred grams but is less than one thousand grams, possession of 17710
marihuana is a felony of the fifth degree, and division (B) of 17711
section 2929.13 of the Revised Code applies in determining whether 17712
to impose a prison term on the offender. 17713

(d) If the amount of the drug involved equals or exceeds one 17714
thousand grams but is less than five thousand grams, possession of 17715
marihuana is a felony of the third degree, and division (C) of 17716
section 2929.13 of the Revised Code applies in determining whether 17717
to impose a prison term on the offender. 17718

(e) If the amount of the drug involved equals or exceeds five 17719

thousand grams but is less than twenty thousand grams, possession 17720
of marihuana is a felony of the third degree, and there is a 17721
presumption that a prison term shall be imposed for the offense. 17722

(f) If the amount of the drug involved equals or exceeds 17723
twenty thousand grams but is less than forty thousand grams, 17724
possession of marihuana is a felony of the second degree, and the 17725
court shall impose as a mandatory prison term a second degree 17726
felony mandatory prison term of five, six, seven, or eight years. 17727

(g) If the amount of the drug involved equals or exceeds 17728
forty thousand grams, possession of marihuana is a felony of the 17729
second degree, and the court shall impose as a mandatory prison 17730
term a maximum second degree felony mandatory prison term. 17731

(4) If the drug involved in the violation is cocaine or a 17732
compound, mixture, preparation, or substance containing cocaine, 17733
whoever violates division (A) of this section is guilty of 17734
possession of cocaine. The penalty for the offense shall be 17735
determined as follows: 17736

(a) Except as otherwise provided in division (C)(4)(b), (c), 17737
(d), (e), or (f) of this section, possession of cocaine is a 17738
felony of the fifth degree, and division (B) of section 2929.13 of 17739
the Revised Code applies in determining whether to impose a prison 17740
term on the offender. 17741

(b) If the amount of the drug involved equals or exceeds five 17742
grams but is less than ten grams of cocaine, possession of cocaine 17743
is a felony of the fourth degree, and division (B) of section 17744
2929.13 of the Revised Code applies in determining whether to 17745
impose a prison term on the offender. 17746

(c) If the amount of the drug involved equals or exceeds ten 17747
grams but is less than twenty grams of cocaine, possession of 17748
cocaine is a felony of the third degree, and, except as otherwise 17749
provided in this division, there is a presumption for a prison 17750

term for the offense. If possession of cocaine is a felony of the 17751
third degree under this division and if the offender two or more 17752
times previously has been convicted of or pleaded guilty to a 17753
felony drug abuse offense, the court shall impose as a mandatory 17754
prison term one of the prison terms prescribed for a felony of the 17755
third degree. 17756

(d) If the amount of the drug involved equals or exceeds 17757
twenty grams but is less than twenty-seven grams of cocaine, 17758
possession of cocaine is a felony of the second degree, and the 17759
court shall impose as a mandatory prison term a second degree 17760
felony mandatory prison term. 17761

(e) If the amount of the drug involved equals or exceeds 17762
twenty-seven grams but is less than one hundred grams of cocaine, 17763
possession of cocaine is a felony of the first degree, and the 17764
court shall impose as a mandatory prison term a first degree 17765
felony mandatory prison term. 17766

(f) If the amount of the drug involved equals or exceeds one 17767
hundred grams of cocaine, possession of cocaine is a felony of the 17768
first degree, the offender is a major drug offender, and the court 17769
shall impose as a mandatory prison term a maximum first degree 17770
felony mandatory prison term. 17771

(5) If the drug involved in the violation is L.S.D., whoever 17772
violates division (A) of this section is guilty of possession of 17773
L.S.D. The penalty for the offense shall be determined as follows: 17774

(a) Except as otherwise provided in division (C)(5)(b), (c), 17775
(d), (e), or (f) of this section, possession of L.S.D. is a felony 17776
of the fifth degree, and division (B) of section 2929.13 of the 17777
Revised Code applies in determining whether to impose a prison 17778
term on the offender. 17779

(b) If the amount of L.S.D. involved equals or exceeds ten 17780
unit doses but is less than fifty unit doses of L.S.D. in a solid 17781

form or equals or exceeds one gram but is less than five grams of 17782
L.S.D. in a liquid concentrate, liquid extract, or liquid 17783
distillate form, possession of L.S.D. is a felony of the fourth 17784
degree, and division (C) of section 2929.13 of the Revised Code 17785
applies in determining whether to impose a prison term on the 17786
offender. 17787

(c) If the amount of L.S.D. involved equals or exceeds fifty 17788
unit doses, but is less than two hundred fifty unit doses of 17789
L.S.D. in a solid form or equals or exceeds five grams but is less 17790
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 17791
extract, or liquid distillate form, possession of L.S.D. is a 17792
felony of the third degree, and there is a presumption for a 17793
prison term for the offense. 17794

(d) If the amount of L.S.D. involved equals or exceeds two 17795
hundred fifty unit doses but is less than one thousand unit doses 17796
of L.S.D. in a solid form or equals or exceeds twenty-five grams 17797
but is less than one hundred grams of L.S.D. in a liquid 17798
concentrate, liquid extract, or liquid distillate form, possession 17799
of L.S.D. is a felony of the second degree, and the court shall 17800
impose as a mandatory prison term a second degree felony mandatory 17801
prison term. 17802

(e) If the amount of L.S.D. involved equals or exceeds one 17803
thousand unit doses but is less than five thousand unit doses of 17804
L.S.D. in a solid form or equals or exceeds one hundred grams but 17805
is less than five hundred grams of L.S.D. in a liquid concentrate, 17806
liquid extract, or liquid distillate form, possession of L.S.D. is 17807
a felony of the first degree, and the court shall impose as a 17808
mandatory prison term a first degree felony mandatory prison term. 17809

(f) If the amount of L.S.D. involved equals or exceeds five 17810
thousand unit doses of L.S.D. in a solid form or equals or exceeds 17811
five hundred grams of L.S.D. in a liquid concentrate, liquid 17812
extract, or liquid distillate form, possession of L.S.D. is a 17813

felony of the first degree, the offender is a major drug offender, 17814
and the court shall impose as a mandatory prison term a maximum 17815
first degree felony mandatory prison term. 17816

(6) If the drug involved in the violation is heroin or a 17817
compound, mixture, preparation, or substance containing heroin, 17818
whoever violates division (A) of this section is guilty of 17819
possession of heroin. The penalty for the offense shall be 17820
determined as follows: 17821

(a) Except as otherwise provided in division (C)(6)(b), (c), 17822
(d), (e), or (f) of this section, possession of heroin is a felony 17823
of the fifth degree, and division (B) of section 2929.13 of the 17824
Revised Code applies in determining whether to impose a prison 17825
term on the offender. 17826

(b) If the amount of the drug involved equals or exceeds ten 17827
unit doses but is less than fifty unit doses or equals or exceeds 17828
one gram but is less than five grams, possession of heroin is a 17829
felony of the fourth degree, and division (C) of section 2929.13 17830
of the Revised Code applies in determining whether to impose a 17831
prison term on the offender. 17832

(c) If the amount of the drug involved equals or exceeds 17833
fifty unit doses but is less than one hundred unit doses or equals 17834
or exceeds five grams but is less than ten grams, possession of 17835
heroin is a felony of the third degree, and there is a presumption 17836
for a prison term for the offense. 17837

(d) If the amount of the drug involved equals or exceeds one 17838
hundred unit doses but is less than five hundred unit doses or 17839
equals or exceeds ten grams but is less than fifty grams, 17840
possession of heroin is a felony of the second degree, and the 17841
court shall impose as a mandatory prison term a second degree 17842
felony mandatory prison term. 17843

(e) If the amount of the drug involved equals or exceeds five 17844

hundred unit doses but is less than one thousand unit doses or 17845
equals or exceeds fifty grams but is less than one hundred grams, 17846
possession of heroin is a felony of the first degree, and the 17847
court shall impose as a mandatory prison term a first degree 17848
felony mandatory prison term. 17849

(f) If the amount of the drug involved equals or exceeds one 17850
thousand unit doses or equals or exceeds one hundred grams, 17851
possession of heroin is a felony of the first degree, the offender 17852
is a major drug offender, and the court shall impose as a 17853
mandatory prison term a maximum first degree felony mandatory 17854
prison term. 17855

(7) If the drug involved in the violation is hashish or a 17856
compound, mixture, preparation, or substance containing hashish, 17857
whoever violates division (A) of this section is guilty of 17858
possession of hashish. The penalty for the offense shall be 17859
determined as follows: 17860

(a) Except as otherwise provided in division (C)(7)(b), (c), 17861
(d), (e), (f), or (g) of this section, possession of hashish is a 17862
minor misdemeanor. 17863

(b) If the amount of the drug involved equals or exceeds five 17864
grams but is less than ten grams of hashish in a solid form or 17865
equals or exceeds one gram but is less than two grams of hashish 17866
in a liquid concentrate, liquid extract, or liquid distillate 17867
form, possession of hashish is a misdemeanor of the fourth degree. 17868

(c) If the amount of the drug involved equals or exceeds ten 17869
grams but is less than fifty grams of hashish in a solid form or 17870
equals or exceeds two grams but is less than ten grams of hashish 17871
in a liquid concentrate, liquid extract, or liquid distillate 17872
form, possession of hashish is a felony of the fifth degree, and 17873
division (B) of section 2929.13 of the Revised Code applies in 17874
determining whether to impose a prison term on the offender. 17875

(d) If the amount of the drug involved equals or exceeds 17876
fifty grams but is less than two hundred fifty grams of hashish in 17877
a solid form or equals or exceeds ten grams but is less than fifty 17878
grams of hashish in a liquid concentrate, liquid extract, or 17879
liquid distillate form, possession of hashish is a felony of the 17880
third degree, and division (C) of section 2929.13 of the Revised 17881
Code applies in determining whether to impose a prison term on the 17882
offender. 17883

(e) If the amount of the drug involved equals or exceeds two 17884
hundred fifty grams but is less than one thousand grams of hashish 17885
in a solid form or equals or exceeds fifty grams but is less than 17886
two hundred grams of hashish in a liquid concentrate, liquid 17887
extract, or liquid distillate form, possession of hashish is a 17888
felony of the third degree, and there is a presumption that a 17889
prison term shall be imposed for the offense. 17890

(f) If the amount of the drug involved equals or exceeds one 17891
thousand grams but is less than two thousand grams of hashish in a 17892
solid form or equals or exceeds two hundred grams but is less than 17893
four hundred grams of hashish in a liquid concentrate, liquid 17894
extract, or liquid distillate form, possession of hashish is a 17895
felony of the second degree, and the court shall impose as a 17896
mandatory prison term a second degree felony mandatory prison term 17897
of five, six, seven, or eight years. 17898

(g) If the amount of the drug involved equals or exceeds two 17899
thousand grams of hashish in a solid form or equals or exceeds 17900
four hundred grams of hashish in a liquid concentrate, liquid 17901
extract, or liquid distillate form, possession of hashish is a 17902
felony of the second degree, and the court shall impose as a 17903
mandatory prison term a maximum second degree felony mandatory 17904
prison term. 17905

(8) If the drug involved is a controlled substance analog or 17906
compound, mixture, preparation, or substance that contains a 17907

controlled substance analog, whoever violates division (A) of this 17908
section is guilty of possession of a controlled substance analog. 17909
The penalty for the offense shall be determined as follows: 17910

(a) Except as otherwise provided in division (C)(8)(b), (c), 17911
(d), (e), or (f) of this section, possession of a controlled 17912
substance analog is a felony of the fifth degree, and division (B) 17913
of section 2929.13 of the Revised Code applies in determining 17914
whether to impose a prison term on the offender. 17915

(b) If the amount of the drug involved equals or exceeds ten 17916
grams but is less than twenty grams, possession of a controlled 17917
substance analog is a felony of the fourth degree, and there is a 17918
presumption for a prison term for the offense. 17919

(c) If the amount of the drug involved equals or exceeds 17920
twenty grams but is less than thirty grams, possession of a 17921
controlled substance analog is a felony of the third degree, and 17922
there is a presumption for a prison term for the offense. 17923

(d) If the amount of the drug involved equals or exceeds 17924
thirty grams but is less than forty grams, possession of a 17925
controlled substance analog is a felony of the second degree, and 17926
the court shall impose as a mandatory prison term a second degree 17927
felony mandatory prison term. 17928

(e) If the amount of the drug involved equals or exceeds 17929
forty grams but is less than fifty grams, possession of a 17930
controlled substance analog is a felony of the first degree, and 17931
the court shall impose as a mandatory prison term a first degree 17932
felony mandatory prison term. 17933

(f) If the amount of the drug involved equals or exceeds 17934
fifty grams, possession of a controlled substance analog is a 17935
felony of the first degree, the offender is a major drug offender, 17936
and the court shall impose as a mandatory prison term a maximum 17937
first degree felony mandatory prison term. 17938

(9) If the drug involved in the violation is a compound, 17939
mixture, preparation, or substance that is a combination of a 17940
fentanyl-related compound and marihuana, one of the following 17941
applies: 17942

(a) Except as otherwise provided in division (C)(9)(b) of 17943
this section, the offender is guilty of possession of marihuana 17944
and shall be punished as provided in division (C)(3) of this 17945
section. Except as otherwise provided in division (C)(9)(b) of 17946
this section, the offender is not guilty of possession of a 17947
fentanyl-related compound under division (C)(11) of this section 17948
and shall not be charged with, convicted of, or punished under 17949
division (C)(11) of this section for possession of a 17950
fentanyl-related compound. 17951

(b) If the offender knows or has reason to know that the 17952
compound, mixture, preparation, or substance that is the drug 17953
involved contains a fentanyl-related compound, the offender is 17954
guilty of possession of a fentanyl-related compound and shall be 17955
punished under division (C)(11) of this section. 17956

(10) If the drug involved in the violation is a compound, 17957
mixture, preparation, or substance that is a combination of a 17958
fentanyl-related compound and any schedule III, schedule IV, or 17959
schedule V controlled substance that is not a fentanyl-related 17960
compound, one of the following applies: 17961

(a) Except as otherwise provided in division (C)(10)(b) of 17962
this section, the offender is guilty of possession of drugs and 17963
shall be punished as provided in division (C)(2) of this section. 17964
Except as otherwise provided in division (C)(10)(b) of this 17965
section, the offender is not guilty of possession of a 17966
fentanyl-related compound under division (C)(11) of this section 17967
and shall not be charged with, convicted of, or punished under 17968
division (C)(11) of this section for possession of a 17969
fentanyl-related compound. 17970

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C)(11) of this section.

(11) If the drug involved in the violation is a fentanyl-related compound and neither division (C)(9)(a) nor division (C)(10)(a) of this section applies to the drug involved, or is a compound, mixture, preparation, or substance that contains a fentanyl-related compound or is a combination of a fentanyl-related compound and any other controlled substance and neither division (C)(9)(a) nor division (C)(10)(a) of this section applies to the drug involved, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(11)(b), (c), (d), (e), (f), or (g) of this section, possession of a fentanyl-related compound is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than two hundred unit doses or equals or exceeds ten grams but is less than twenty grams, possession of a fentanyl-related compound is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 18003
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(e) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty grams but is less than fifty grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 18010
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(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 18016
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(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of a fentanyl-related compound is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 18022
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(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. 18028
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(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five years. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If applicable, the court also shall do the following:

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts

bail, and forfeits the bail, the clerk shall pay the forfeited 18067
bail pursuant to division (E)(1)(b) of this section as if it were 18068
a mandatory fine imposed under division (E)(1)(a) of this section. 18069

(2) If the offender is a professionally licensed person, in 18070
addition to any other sanction imposed for a violation of this 18071
section, the court immediately shall comply with section 2925.38 18072
of the Revised Code. 18073

(F) It is an affirmative defense, as provided in section 18074
2901.05 of the Revised Code, to a charge of a fourth degree felony 18075
violation under this section that the controlled substance that 18076
gave rise to the charge is in an amount, is in a form, is 18077
prepared, compounded, or mixed with substances that are not 18078
controlled substances in a manner, or is possessed under any other 18079
circumstances, that indicate that the substance was possessed 18080
solely for personal use. Notwithstanding any contrary provision of 18081
this section, if, in accordance with section 2901.05 of the 18082
Revised Code, an accused who is charged with a fourth degree 18083
felony violation of division (C)(2), (4), (5), or (6) of this 18084
section sustains the burden of going forward with evidence of and 18085
establishes by a preponderance of the evidence the affirmative 18086
defense described in this division, the accused may be prosecuted 18087
for and may plead guilty to or be convicted of a misdemeanor 18088
violation of division (C)(2) of this section or a fifth degree 18089
felony violation of division (C)(4), (5), or (6) of this section 18090
respectively. 18091

(G) When a person is charged with possessing a bulk amount or 18092
multiple of a bulk amount, division (E) of section 2925.03 of the 18093
Revised Code applies regarding the determination of the amount of 18094
the controlled substance involved at the time of the offense. 18095

(H) It is an affirmative defense to a charge of possession of 18096
a controlled substance analog under division (C)(8) of this 18097
section that the person charged with violating that offense 18098

obtained, possessed, or used one of the following items that are 18099
excluded from the meaning of "controlled substance analog" under 18100
section 3719.01 of the Revised Code: 18101

(1) A controlled substance; 18102

(2) Any substance for which there is an approved new drug 18103
application; 18104

(3) With respect to a particular person, any substance if an 18105
exemption is in effect for investigational use for that person 18106
pursuant to federal law to the extent that conduct with respect to 18107
that substance is pursuant to that exemption. 18108

(I) Any offender who received a mandatory suspension of the 18109
offender's driver's or commercial driver's license or permit under 18110
this section prior to September 13, 2016, may file a motion with 18111
the sentencing court requesting the termination of the suspension. 18112
However, an offender who pleaded guilty to or was convicted of a 18113
violation of section 4511.19 of the Revised Code or a 18114
substantially similar municipal ordinance or law of another state 18115
or the United States that arose out of the same set of 18116
circumstances as the violation for which the offender's license or 18117
permit was suspended under this section shall not file such a 18118
motion. 18119

Upon the filing of a motion under division (I) of this 18120
section, the sentencing court, in its discretion, may terminate 18121
the suspension. 18122

Sec. 2927.02. (A) As used in this section and sections 18123
2927.021 and ~~2927.022~~ to 2927.027 of the Revised Code: 18124

(1) "Age verification" means a service provided by an 18125
independent third party (other than a manufacturer, producer, 18126
distributor, wholesaler, or retailer of cigarettes, other tobacco 18127
products, alternative nicotine products, or papers used to roll 18128

cigarettes) that compares information available from a 18129
commercially available database, or aggregate of databases, that 18130
regularly are used by government and businesses for the purpose of 18131
age and identity verification to personal information provided 18132
during an internet sale or other remote method of sale to 18133
establish that the purchaser is twenty-one years of age or older. 18134

(2)(a) "Alternative nicotine product" means, subject to 18135
division (A)(2)(b) of this section, an electronic smoking device, 18136
vapor product, or any other product or device that consists of or 18137
contains nicotine that can be ingested into the body by any means, 18138
including, but not limited to, chewing, smoking, absorbing, 18139
dissolving, or inhaling. 18140

(b) "Alternative nicotine product" does not include any of 18141
the following: 18142

(i) Any cigarette or other tobacco product; 18143

(ii) Any product that is a "drug" as that term is defined in 18144
21 U.S.C. 321(g)(1); 18145

(iii) Any product that is a "device" as that term is defined 18146
in 21 U.S.C. 321(h); 18147

(iv) Any product that is a "combination product" as described 18148
in 21 U.S.C. 353(g). 18149

(3) "Cigarette" includes clove cigarettes and hand-rolled 18150
cigarettes. 18151

(4) "Distribute" means to furnish, give, or provide 18152
cigarettes, other tobacco products, alternative nicotine products, 18153
or papers used to roll cigarettes to the ultimate consumer of the 18154
cigarettes, other tobacco products, alternative nicotine products, 18155
or papers used to roll cigarettes. 18156

(5) "Electronic smoking device" means any device that can be 18157
used to deliver aerosolized or vaporized nicotine or any other 18158

substance to the person inhaling from the device including an 18159
electronic cigarette, electronic cigar, electronic hookah, vaping 18160
pen, or electronic pipe. "Electronic smoking device" includes any 18161
component, part, or accessory of such a device, whether or not 18162
sold separately, and includes any substance intended to be 18163
aerosolized or vaporized during the use of the device, whether or 18164
not the substance contains nicotine. "Electronic smoking device" 18165
does not include any product that is a drug, device, or 18166
combination product, as those terms are defined or described in 21 18167
U.S.C. 321 and 353(g). 18168

(6) ~~"Proof of age" means a driver's license, a commercial 18169
driver's license, a military identification card, a passport, or 18170
an identification card issued under sections 4507.50 to 4507.52 of 18171
the Revised Code that shows that a person is eighteen years of age 18172
or older.~~ "Flavored tobacco product" means any tobacco product, 18173
vapor product, or alternative nicotine product that conveys a 18174
taste or smell other than the taste or smell of tobacco, and that 18175
is distinguishable by an ordinary consumer either prior to, or 18176
during the consumption of the product, including any taste or 18177
smell relating to fruit, menthol, mint, wintergreen, chocolate, 18178
cocoa, vanilla, molasses, honey, candy, dessert, alcoholic 18179
beverage, herb, or spice. 18180

(7) "Tobacco product" means any product that is made or 18181
derived from tobacco or that contains any form of nicotine, if it 18182
is intended for human consumption or is likely to be consumed, 18183
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 18184
ingested by any other means, including, but not limited to, a 18185
cigarette, an electronic smoking device, a cigar, pipe tobacco, 18186
chewing tobacco, snuff, or snus. "Tobacco product" also means any 18187
component or accessory used in the consumption of a tobacco 18188
product, such as filters, rolling papers, pipes, blunt or hemp 18189
wraps, and liquids used in electronic smoking devices, whether or 18190

not ~~they contain~~ the component, accessory, or liquid contains 18191
nicotine. "Tobacco product" does not include any product that is a 18192
drug, device, or combination product, as those terms are defined 18193
or described in 21 U.S.C. 321 and 353(g). 18194

(8) "Vapor product" means a product, other than a cigarette 18195
or other tobacco product as defined in Chapter 5743. of the 18196
Revised Code, that contains or is made or derived from nicotine 18197
and that is intended and marketed for human consumption, including 18198
by smoking, inhaling, snorting, or sniffing. "Vapor product" 18199
includes any component, part, or additive that is intended for use 18200
in an electronic smoking device, a mechanical heating element, 18201
battery, or electronic circuit and is used to deliver the product. 18202
"Vapor product" does not include any product that is a drug, 18203
device, or combination product, as those terms are defined or 18204
described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 18205
any product containing nicotine, regardless of concentration. 18206

(9) "Vending machine" has the same meaning as "coin machine" 18207
in section 2913.01 of the Revised Code. 18208

(B) No manufacturer, producer, distributor, wholesaler, or 18209
retailer of cigarettes, other tobacco products, alternative 18210
nicotine products, or papers used to roll cigarettes, no agent, 18211
employee, or representative of a manufacturer, producer, 18212
distributor, wholesaler, or retailer of cigarettes, other tobacco 18213
products, alternative nicotine products, or papers used to roll 18214
cigarettes, and no other person shall do any of the following: 18215

(1) Give, sell, or otherwise distribute cigarettes, other 18216
tobacco products, alternative nicotine products, or papers used to 18217
roll cigarettes to any person under twenty-one years of age; 18218

(2) Give away, sell, or distribute cigarettes, other tobacco 18219
products, alternative nicotine products, or papers used to roll 18220
cigarettes in any place that does not have posted in a conspicuous 18221

place a legibly printed sign in letters at least one-half inch 18222
high stating that giving, selling, or otherwise distributing 18223
cigarettes, other tobacco products, alternative nicotine products, 18224
or papers used to roll cigarettes to a person under twenty-one 18225
years of age is prohibited by law; 18226

(3) Knowingly furnish any false information regarding the 18227
name, age, or other identification of any person under twenty-one 18228
years of age with purpose to obtain cigarettes, other tobacco 18229
products, alternative nicotine products, or papers used to roll 18230
cigarettes for that person; 18231

(4) Manufacture, sell, or distribute in this state any pack 18232
or other container of cigarettes containing fewer than twenty 18233
cigarettes or any package of roll-your-own tobacco containing less 18234
than six-tenths of one ounce of tobacco; 18235

(5) Sell cigarettes or alternative nicotine products in a 18236
smaller quantity than that placed in the pack or other container 18237
by the manufacturer; 18238

(6) Give, sell, or otherwise distribute alternative nicotine 18239
products, papers used to roll cigarettes, or tobacco products 18240
other than cigarettes over the internet or through another remote 18241
method without age verification; 18242

(7) Allow an employee under eighteen years of age to sell any 18243
tobacco product; 18244

(8) Give away, sell, or otherwise distribute a flavored 18245
tobacco product. 18246

(C) No person shall sell or offer to sell cigarettes, other 18247
tobacco products, or alternative nicotine products by or from a 18248
vending machine, except in the following locations: 18249

(1) An area within a factory, business, office, or other 18250
place not open to the general public; 18251

(2) An area to which persons under twenty-one years of age are not generally permitted access;	18252 18253
(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:	18254 18255
(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.	18256 18257 18258 18259 18260 18261 18262 18263 18264 18265 18266 18267
(b) The vending machine is inaccessible to the public when the place is closed.	18268 18269
(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."	18270 18271 18272 18273 18274
(D) The following are affirmative defenses to a charge under division (B)(1) of this section:	18275 18276
(1) The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.	18277 18278 18279
(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers	18280 18281

used to roll cigarettes to a person under twenty-one years of age 18282
under division (B)(1) of this section is a parent, spouse who is 18283
twenty-one years of age or older, or legal guardian of the person 18284
under twenty-one years of age. 18285

~~(E)~~(E)(1) It is not a violation of division (B)(1) or (2) of 18286
this section for a person to give or otherwise distribute to a 18287
person under twenty-one years of age cigarettes, other tobacco 18288
products, alternative nicotine products, or papers used to roll 18289
cigarettes while the person under twenty-one years of age is 18290
participating in a research protocol if all of the following 18291
apply: 18292

~~(1)~~(a) The parent, guardian, or legal custodian of the person 18293
under twenty-one years of age has consented in writing to the 18294
person under twenty-one years of age participating in the research 18295
protocol. 18296

~~(2)~~(b) An institutional human subjects protection review 18297
board, or an equivalent entity, has approved the research 18298
protocol. 18299

~~(3)~~(c) The person under twenty-one years of age is 18300
participating in the research protocol at the facility or location 18301
specified in the research protocol. 18302

(2) It is not a violation of division (B)(1) or (2) of this 18303
section for an employer to permit an employee eighteen, nineteen, 18304
or twenty years of age to sell a tobacco product. 18305

~~(F)~~(1)(F) A public statement or claim that a tobacco product, 18306
vapor product, or alternative nicotine product has or produces a 18307
taste or smell other than tobacco creates a presumption that the 18308
product is a flavored tobacco product when the statement or claim 18309
is made or disseminated by either or both of the following: 18310

(1) The manufacturer of the product; 18311

(2) A person authorized or permitted by the manufacturer of the product to make or disseminate public statements concerning that product. 18312
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(G)(1) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ (6), or (7) or (C) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), ~~or~~ (6), or (7) or (C) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree. 18315
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(2) Whoever violates division (B)(3) of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(3) of this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree. 18326
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~~(G)~~(3)(a) The director of health or the director's designee shall impose a civil penalty on whoever violates division (B)(8) of this section, which shall not be less than: 18337
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(i) Five hundred dollars for the first violation; 18340

(ii) Seven hundred fifty dollars for the second violation; 18341

(iii) One thousand dollars for the third or subsequent 18342

violation. 18343

(b) In addition to the civil penalty required by division 18344
(G)(3)(a) of this section, the director or the director's designee 18345
may, following a person's third or subsequent violation of 18346
division (B)(8) of this section, request that the attorney general 18347
commence and prosecute any appropriate action or proceeding. A 18348
court of competent jurisdiction may grant an injunction or such 18349
other relief as the facts warrant. 18350

(c) Each day that a person gives away, sells, or otherwise 18351
distributes a flavored tobacco product constitutes a separate 18352
violation of division (B)(8) of this section. In determining the 18353
number of prior violations, for the purposes of divisions 18354
(G)(3)(a) and (b) of this section, the director or the director's 18355
designee shall not count any violation that occurred before the 18356
effective date of this amendment, or more than sixty months before 18357
the violation for which the fine is imposed or prosecution is 18358
commenced. 18359

(d) Failure to comply with division (B)(8) or (G)(3) of this 18360
section constitutes grounds for the denial of, refusal to renew, 18361
suspension of, or revocation of any license, permit, or 18362
certification issued under Chapter 3717., 4303., 5739., or 5743. 18363
of the Revised Code or any other food, liquor, tobacco, or other 18364
business license, permit, or certification issued by this state or 18365
a political subdivision within this state. 18366

(e) All fines collected under division (G)(3) of this section 18367
shall be deposited to the credit of the flavored tobacco product 18368
enforcement fund, which is hereby created in the state treasury, 18369
for the purpose of reimbursing the department of health for costs 18370
incurred enforcing divisions (B)(8) and (G)(3) of this section. 18371

(f) All penalties under division (G)(3) of this section are 18372
cumulative with civil or criminal sanctions applicable under other 18373

law. All tobacco retailers are responsible for the actions of 18374
their employees relating to the sale, offer to sell, and 18375
furnishing of flavored tobacco products at the retail location. 18376
The sale of any flavored tobacco product by an employee is 18377
considered an act of the tobacco retailer for the purposes of 18378
divisions (B)(8) and (G)(3) of this section. 18379

(H) Any cigarettes, other tobacco products, alternative 18380
nicotine products, or papers used to roll cigarettes that are 18381
given, sold, or otherwise distributed to a person under twenty-one 18382
years of age in violation of this section and that are used, 18383
possessed, purchased, or received by a person under twenty-one 18384
years of age in violation of section 2151.87 of the Revised Code 18385
are subject to seizure and forfeiture as contraband under Chapter 18386
2981. of the Revised Code. 18387

Sec. 2927.023. (A) As used in this section: 18388

(1) "Authorized recipient of tobacco products" means a: 18389

(a) In the case of cigarettes, a person who is: 18390

~~(a)(i)~~ Licensed as a cigarette wholesale dealer under section 18391
5743.15 of the Revised Code; 18392

~~(b)(ii)~~ Licensed as a retail dealer as long as the person 18393
purchases cigarettes with the appropriate tax stamp affixed; 18394

~~(c)(iii)~~ An export warehouse proprietor as defined in section 18395
5702 of the Internal Revenue Code; 18396

~~(d)(iv)~~ An operator of a customs bonded warehouse under 19 18397
U.S.C. 1311 or 19 U.S.C. 1555; 18398

~~(e)(v)~~ An officer, employee, or agent of the federal 18399
government or of this state acting in the person's official 18400
capacity; 18401

~~(f)(vi)~~ A department, agency, instrumentality, or political 18402

subdivision of the federal government or of this state; or 18403

~~(g)~~(vii) A person having a consent for consumer shipment 18404
issued by the tax commissioner under section 5743.71 of the 18405
Revised Code. 18406

(b) In the case of electronic smoking devices or vapor 18407
products, a person who is: 18408

(i) Licensed as a distributor of tobacco or vapor products 18409
under section 5743.61 of the Revised Code; 18410

(ii) A retail dealer of vapor products, as defined in 18411
division (C)(3) of section 5743.01 of the Revised Code, that is 18412
not licensed as a vapor distributor, as long as the tax levied by 18413
section 5743.51, 5743.62, or 5743.63 of the Revised Code, as 18414
applicable, has been paid; 18415

(iii) An operator of a customs bonded warehouse under 19 18416
U.S.C. 1311 or 19 U.S.C. 1555; 18417

(iv) An officer, employee, or agent of the federal government 18418
or of this state acting in the person's official capacity; or 18419

(v) A department, agency, instrumentality, or political 18420
subdivision of the federal government or of this state. 18421

(2) "Motor carrier" has the same meaning as in section 18422
4923.01 of the Revised Code. 18423

The purpose of this section is to prevent the sale of 18424
cigarettes, electronic smoking devices, and vapor products to 18425
minors and to ensure compliance with the Master Settlement 18426
Agreement, as defined in section 1346.01 of the Revised Code. 18427

(B)(1) No person shall cause to be shipped any cigarettes, 18428
electronic smoking devices, or vapor products to any person in 18429
this state other than an authorized recipient of tobacco products. 18430

(2) No motor carrier, or other person shall knowingly 18431
transport cigarettes, electronic smoking devices, or vapor 18432

products to any person in this state that the carrier or other 18433
person reasonably believes is not an authorized recipient of 18434
tobacco products. If cigarettes, electronic smoking devices, or 18435
vapor products are transported to a home or residence, it shall be 18436
presumed that the motor carrier, or other person knew that the 18437
person to whom the cigarettes, electronic smoking devices, or 18438
vapor products were delivered was not an authorized recipient of 18439
tobacco products. 18440

(C) No person engaged in the business of selling cigarettes, 18441
electronic smoking devices, or vapor products who ships or causes 18442
to be shipped cigarettes, electronic smoking devices, or vapor 18443
products to any person in this state in any container or wrapping 18444
other than the original container or wrapping ~~of the cigarettes~~ 18445
shall fail to plainly and visibly mark the exterior of the 18446
container or wrapping in which the cigarettes, electronic smoking 18447
devices, or vapor products are shipped with the words 18448
"cigarettes-," "electronic smoking devices," or "vapor products," 18449
as applicable. 18450

(D) A court shall impose a fine of up to one thousand dollars 18451
for each violation of division (B)(1), (B)(2), or (C) of this 18452
section. 18453

Sec. 2927.025. (A) For the purposes of this section and 18454
sections 2927.026 and 2927.027 of the Revised Code, "person" has 18455
the same meaning as in section 5743.01 of the Revised Code. 18456

(B)(1) On and after the effective date of this section, no 18457
person shall engage in the business of selling vapor products to 18458
ultimate consumers within this state, regardless of quantity, 18459
amount, or number of sales, without annually registering with the 18460
director of health to engage in that business. A separate 18461
certificate of registration is required for each place of business 18462
within this state at which vapor products are sold to ultimate 18463

consumers, even if multiple places of business are under common ownership or control. 18464
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(2) On the dissolution of a partnership by death, the surviving partner may operate under the certificate of registration of the partnership until the expiration of the certificate, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the certificate of registration of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of health of the dissolution or succession within thirty days after the dissolution or succession. 18466
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(3) Except as provided in division (B)(2) of this section, a certificate of registration shall not be transferred or assigned. A certificate of registration does not constitute property and is not subject to attachment or execution. 18477
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(4) Division (B)(1) of this section does not apply to either of the following: 18481
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(a) A person that is licensed by the county auditor or the tax commissioner in the wholesale or retail business of trafficking in cigarettes, under section 5743.15 of the Revised Code, so long as the license is associated with the same place of business at which the person intends to sell vapor products to ultimate consumers within this state; 18483
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(b) A vapor distributor licensed to engage solely in the distribution of vapor products under section 5743.61 of the Revised Code. 18489
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(C) A person registered under this section shall post the certificate of registration in a prominent location adjacent to the vapor products offered for sale at the associated place of 18492
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18494

business. 18495

(D)(1) Subject to division (D)(2) of this section, the 18496
director of health may impose a penalty of up to one thousand 18497
dollars on any person found to be knowingly engaged in the 18498
business of selling vapor products from a place of business in 18499
this state without a certificate of registration as required by 18500
this section, or engaged in such business without displaying the 18501
certificate of registration as required by division (C) of this 18502
section. 18503

(2) The penalty imposed by the director shall not exceed one 18504
hundred dollars if the violation occurred not more than ninety 18505
days following the expiration of a valid certificate of 18506
registration for the same place of business. 18507

(3) The director may waive all or part of a penalty imposed 18508
under division (D) of this section if it is demonstrated, to the 18509
director's satisfaction, that there was reasonable cause for the 18510
failure to obtain or renew the certificate of registration or 18511
failure to display the certificate of registration. 18512

Sec. 2927.026. (A) Each applicant for a certificate of 18513
registration described by section 2927.025 of the Revised Code 18514
shall make and deliver to the director of health, upon a form 18515
furnished by the director for such purpose, a sworn application 18516
that states the name, address, telephone number, and electronic 18517
mail address of the applicant and the location of each place of 18518
business at which the applicant proposes to sell vapor products to 18519
ultimate consumers. The director may, as a condition of granting a 18520
certificate of registration, require an applicant to submit 18521
documentation sufficient to establish that each place of business 18522
listed in the application complies with all state and local 18523
building, fire, and zoning requirements. 18524

(B) At the time of submitting the application the applicant 18525

shall pay to the department of health both of the following for 18526
each place of business listed in the application: 18527

(1) A one-hundred-dollar nonrefundable application fee; 18528

(2) A one-hundred-dollar annual registration fee. 18529

(C) The director shall review each application submitted 18530
under division (A) of this section, and make a determination on 18531
whether to issue a certificate of registration to the applicant, 18532
within sixty days after receiving the application. The director 18533
shall approve the application and issue a certificate of 18534
registration to the applicant unless one or more of the following 18535
apply: 18536

(1) The applicant willfully made a materially false statement 18537
in the application or in any other correspondence with the 18538
department of health; 18539

(2) The applicant has not filed all returns, submitted all 18540
information, and paid all outstanding taxes, charges, or fees as 18541
required for any taxes, charges, or fees administered by the 18542
state; 18543

(3) The applicant failed to provide any information required 18544
by division (A) of this section; 18545

(4) The director determines that the applicant lacks the 18546
financial responsibility, experience, or general fitness as to 18547
warrant the belief that the business will be operated lawfully, 18548
honestly, and fairly; 18549

(5) The applicant, in the three years preceding the date the 18550
application is submitted, has been convicted of one or more 18551
violations of division (B) or (C) of section 2927.02 of the 18552
Revised Code or division (B)(2) of section 2927.021 of the Revised 18553
Code. 18554

(D) The director may conduct an investigation of the 18555

applicant as part of evaluating and making a determination on the 18556
application. As part of that investigation, the director may 18557
request the assistance of the tax commissioner in determining 18558
whether division (C)(2) of this section applies to the applicant. 18559
Within twenty days of receiving such a request, the commissioner 18560
shall notify the director if the applicant has failed to file any 18561
returns, submit any information, or make any payments with respect 18562
to any taxes, charges, or fees administered by the commissioner, 18563
to the extent that any delinquent payment or return, or any 18564
failure to submit information, is known to the department of 18565
taxation at the time of the application. 18566

(E) Upon approval, the director shall issue to the applicant 18567
a certificate of registration for each place of business 18568
designated in the application authorizing the applicant to engage 18569
in the business of selling vapor products to ultimate consumers at 18570
that location for one year following the date of issuance. 18571

(F) A certificate of registration issued under division (E) 18572
of this section may be renewed, on or before the date it expires, 18573
by filing an application for renewal upon a form furnished by the 18574
director of health for such purpose, and submitting a 18575
one-hundred-dollar annual registration fee. The director shall 18576
refuse to renew the certificate of any applicant that has not paid 18577
all outstanding penalties under section 2927.025 of the Revised 18578
Code or to which any of the conditions described in divisions 18579
(C)(1) to (5) of this section apply. 18580

(G) The director of health may suspend or revoke a 18581
certificate of registration issued under this section if the 18582
certificate holder is convicted of a violation of division (B) or 18583
(C) of section 2927.02 of the Revised Code or division (B)(2) of 18584
section 2927.021 of the Revised Code, or if the director 18585
determines that any of the conditions described in divisions 18586
(C)(1) to (4) of this section apply to the certificate holder. 18587

Sec. 2927.027. (A) All fees and fines paid under sections 18588
2927.025 to 2927.027 of the Revised Code shall be made payable to 18589
the treasurer of state for deposit into the tobacco use prevention 18590
fund, created by section 3701.841 of the Revised Code. 18591

(B) The director of health shall adopt rules in accordance 18592
with Chapter 119. of the Revised Code for the administration of 18593
sections 2927.025 to 2927.027 of the Revised Code. Such rules 18594
shall include procedures by which an adversely effected person may 18595
appeal the denial, refusal to renew, suspension, or revocation of 18596
a certificate of registration under those sections. 18597

Sec. 2927.12. (A) As used in this section, "disability" has 18598
the same meaning as in section 4112.01 of the Revised Code. 18599

(B)(1) No person shall violate section 2903.21, 2903.22, 18600
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 18601
2917.21 of the Revised Code by reason of the race, color, 18602
religion, or national origin of another person or group of 18603
persons. 18604

~~(B)(2)~~ No person shall violate section 2903.21, 2903.22, 18605
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 18606
2917.21 of the Revised Code by reason of the disability of another 18607
person or group of persons if the other person is a person with a 18608
disability, the person knows or reasonably should know that the 18609
other person is a person with a disability, and it is the person's 18610
specific purpose to commit the offense against a person with a 18611
disability. 18612

(C)(1) Whoever violates division (B)(1) of this section is 18613
guilty of ethnic intimidation. Ethnic intimidation is an offense 18614
of the next higher degree than the offense the commission of which 18615
is a necessary element of ethnic intimidation. 18616

(2) Whoever violates division (B)(2) of this section is 18617

guilty of disability intimidation. Disability intimidation is an 18618
offense of the next higher degree than the offense the commission 18619
of which is a necessary element of disability intimidation. 18620

Sec. 2929.18. (A) Except as otherwise provided in this 18621
division and in addition to imposing court costs pursuant to 18622
section 2947.23 of the Revised Code, the court imposing a sentence 18623
upon an offender for a felony may sentence the offender to any 18624
financial sanction or combination of financial sanctions 18625
authorized under this section or, in the circumstances specified 18626
in section 2929.32 of the Revised Code, may impose upon the 18627
offender a fine in accordance with that section, and shall 18628
sentence the offender to make restitution pursuant to this section 18629
and section 2929.281 of the Revised Code. The victim has a right 18630
not to seek restitution. Financial sanctions that either are 18631
required to be or may be imposed pursuant to this section include, 18632
but are not limited to, the following: 18633

(1) Restitution by the offender to the victim of the 18634
offender's criminal offense or the victim's estate, in an amount 18635
based on the victim's economic loss. In open court, the court 18636
shall order that full restitution be made to the victim, to the 18637
adult probation department that serves the county on behalf of the 18638
victim, to the clerk of courts, or to another agency designated by 18639
the court. At sentencing, the court shall determine the amount of 18640
restitution to be made by the offender. The victim, victim's 18641
representative, victim's attorney, if applicable, the prosecutor 18642
or the prosecutor's designee, and the offender may provide 18643
information relevant to the determination of the amount of 18644
restitution. The amount the court orders as restitution shall not 18645
exceed the amount of the economic loss suffered by the victim as a 18646
direct and proximate result of the commission of the offense. If 18647
the court imposes restitution for the cost of accounting or 18648
auditing done to determine the extent of economic loss, the court 18649

may order restitution for any amount of the victim's costs of 18650
accounting or auditing provided that the amount of restitution is 18651
reasonable and does not exceed the value of property or services 18652
stolen or damaged as a result of the offense. The court shall hold 18653
a hearing on restitution if the offender, victim, victim's 18654
representative, or victim's estate disputes the amount. The court 18655
shall determine the amount of full restitution by a preponderance 18656
of the evidence. All restitution payments shall be credited 18657
against any recovery of economic loss in a civil action brought by 18658
the victim or the victim's estate against the offender. 18659

The court may order that the offender pay a surcharge of not 18660
more than five per cent of the amount of the restitution otherwise 18661
ordered to the entity responsible for collecting and processing 18662
restitution payments. 18663

The victim, victim's estate, or victim's attorney, if 18664
applicable, may file a motion or request that the prosecutor in 18665
the case file a motion, or the offender may file a motion, for 18666
modification of the payment terms of any restitution ordered. If 18667
the court grants the motion, it may modify the payment terms as it 18668
determines appropriate but shall not reduce the amount of 18669
restitution ordered, except as provided in division (A) of section 18670
2929.281 of the Revised Code. The court shall not discharge 18671
restitution until it is fully paid by the offender. 18672

(2) Except as provided in division (B)(1), (3), or (4) of 18673
this section, a fine payable by the offender to the state, to a 18674
political subdivision, or as described in division (B)(2) of this 18675
section to one or more law enforcement agencies, with the amount 18676
of the fine based on a standard percentage of the offender's daily 18677
income over a period of time determined by the court and based 18678
upon the seriousness of the offense. A fine ordered under this 18679
division shall not exceed the maximum conventional fine amount 18680
authorized for the level of the offense under division (A)(3) of 18681

this section. 18682

(3) Except as provided in division (B)(1), (3), or (4) of 18683
this section, a fine payable by the offender to the state, to a 18684
political subdivision when appropriate for a felony, or as 18685
described in division (B)(2) of this section to one or more law 18686
enforcement agencies, in the following amount: 18687

(a) For a felony of the first degree, not more than twenty 18688
thousand dollars; 18689

(b) For a felony of the second degree, not more than fifteen 18690
thousand dollars; 18691

(c) For a felony of the third degree, not more than ten 18692
thousand dollars; 18693

(d) For a felony of the fourth degree, not more than five 18694
thousand dollars; 18695

(e) For a felony of the fifth degree, not more than two 18696
thousand five hundred dollars. 18697

(4) A state fine or costs as defined in section 2949.111 of 18698
the Revised Code. 18699

(5)(a) Reimbursement by the offender of any or all of the 18700
costs of sanctions incurred by the government, including the 18701
following: 18702

(i) All or part of the costs of implementing any community 18703
control sanction, including a supervision fee under section 18704
2951.021 of the Revised Code; 18705

(ii) All or part of the costs of confinement under a sanction 18706
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 18707
Revised Code, provided that the amount of reimbursement ordered 18708
under this division shall not exceed the total amount of 18709
reimbursement the offender is able to pay as determined at a 18710
hearing and shall not exceed the actual cost of the confinement; 18711

(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A)(5)(a)(ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code;

(d) Reimbursement by the offender for costs pursuant to section 2917.321 of the Revised Code.

(B)(1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A)(3) of this section. If an offender alleges in an affidavit filed with the court prior to

sentencing that the offender is indigent and unable to pay the 18744
mandatory fine and if the court determines the offender is an 18745
indigent person and is unable to pay the mandatory fine described 18746
in this division, the court shall not impose the mandatory fine 18747
upon the offender. 18748

(2) Any mandatory fine imposed upon an offender under 18749
division (B)(1) of this section and any fine imposed upon an 18750
offender under division (A)(2) or (3) of this section for any 18751
fourth or fifth degree felony violation of any provision of 18752
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 18753
to law enforcement agencies pursuant to division (F) of section 18754
2925.03 of the Revised Code. 18755

(3) For a fourth degree felony OVI offense and for a third 18756
degree felony OVI offense, the sentencing court shall impose upon 18757
the offender a mandatory fine in the amount specified in division 18758
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 18759
is applicable. The mandatory fine so imposed shall be disbursed as 18760
provided in the division pursuant to which it is imposed. 18761

(4) Notwithstanding any fine otherwise authorized or required 18762
to be imposed under division (A)(2) or (3) or (B)(1) of this 18763
section or section 2929.31 of the Revised Code for a violation of 18764
section 2925.03 of the Revised Code, in addition to any penalty or 18765
sanction imposed for that offense under section 2925.03 or 18766
sections 2929.11 to 2929.18 of the Revised Code and in addition to 18767
the forfeiture of property in connection with the offense as 18768
prescribed in Chapter 2981. of the Revised Code, the court that 18769
sentences an offender for a violation of section 2925.03 of the 18770
Revised Code may impose upon the offender a fine in addition to 18771
any fine imposed under division (A)(2) or (3) of this section and 18772
in addition to any mandatory fine imposed under division (B)(1) of 18773
this section. The fine imposed under division (B)(4) of this 18774
section shall be used as provided in division (H) of section 18775

2925.03 of the Revised Code. A fine imposed under division (B)(4) 18776
of this section shall not exceed whichever of the following is 18777
applicable: 18778

(a) The total value of any personal or real property in which 18779
the offender has an interest and that was used in the course of, 18780
intended for use in the course of, derived from, or realized 18781
through conduct in violation of section 2925.03 of the Revised 18782
Code, including any property that constitutes proceeds derived 18783
from that offense; 18784

(b) If the offender has no interest in any property of the 18785
type described in division (B)(4)(a) of this section or if it is 18786
not possible to ascertain whether the offender has an interest in 18787
any property of that type in which the offender may have an 18788
interest, the amount of the mandatory fine for the offense imposed 18789
under division (B)(1) of this section or, if no mandatory fine is 18790
imposed under division (B)(1) of this section, the amount of the 18791
fine authorized for the level of the offense imposed under 18792
division (A)(3) of this section. 18793

(5) Prior to imposing a fine under division (B)(4) of this 18794
section, the court shall determine whether the offender has an 18795
interest in any property of the type described in division 18796
(B)(4)(a) of this section. Except as provided in division (B)(6) 18797
or (7) of this section, a fine that is authorized and imposed 18798
under division (B)(4) of this section does not limit or affect the 18799
imposition of the penalties and sanctions for a violation of 18800
section 2925.03 of the Revised Code prescribed under those 18801
sections or sections 2929.11 to 2929.18 of the Revised Code and 18802
does not limit or affect a forfeiture of property in connection 18803
with the offense as prescribed in Chapter 2981. of the Revised 18804
Code. 18805

(6) If the sum total of a mandatory fine amount imposed for a 18806
first, second, or third degree felony violation of section 2925.03 18807

of the Revised Code under division (B)(1) of this section plus the 18808
amount of any fine imposed under division (B)(4) of this section 18809
does not exceed the maximum statutory fine amount authorized for 18810
the level of the offense under division (A)(3) of this section or 18811
section 2929.31 of the Revised Code, the court may impose a fine 18812
for the offense in addition to the mandatory fine and the fine 18813
imposed under division (B)(4) of this section. The sum total of 18814
the amounts of the mandatory fine, the fine imposed under division 18815
(B)(4) of this section, and the additional fine imposed under 18816
division (B)(6) of this section shall not exceed the maximum 18817
statutory fine amount authorized for the level of the offense 18818
under division (A)(3) of this section or section 2929.31 of the 18819
Revised Code. The clerk of the court shall pay any fine that is 18820
imposed under division (B)(6) of this section to the county, 18821
township, municipal corporation, park district as created pursuant 18822
to section 511.18 or 1545.04 of the Revised Code, or state law 18823
enforcement agencies in this state that primarily were responsible 18824
for or involved in making the arrest of, and in prosecuting, the 18825
offender pursuant to division (F) of section 2925.03 of the 18826
Revised Code. 18827

(7) If the sum total of the amount of a mandatory fine 18828
imposed for a first, second, or third degree felony violation of 18829
section 2925.03 of the Revised Code plus the amount of any fine 18830
imposed under division (B)(4) of this section exceeds the maximum 18831
statutory fine amount authorized for the level of the offense 18832
under division (A)(3) of this section or section 2929.31 of the 18833
Revised Code, the court shall not impose a fine under division 18834
(B)(6) of this section. 18835

(8)(a) If an offender who is convicted of or pleads guilty to 18836
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 18837
2923.32, division (A)(1) or (2) of section 2907.323 involving a 18838
minor, or division (B)(1), (2), (3), (4), or (5) of section 18839

2919.22 of the Revised Code also is convicted of or pleads guilty 18840
to a specification of the type described in section 2941.1422 of 18841
the Revised Code that charges that the offender knowingly 18842
committed the offense in furtherance of human trafficking, the 18843
sentencing court shall sentence the offender to a financial 18844
sanction of restitution by the offender to the victim or the 18845
victim's estate, with the restitution including the costs of 18846
housing, counseling, and medical and legal assistance incurred by 18847
the victim as a direct result of the offense and the greater of 18848
the following: 18849

(i) The gross income or value to the offender of the victim's 18850
labor or services; 18851

(ii) The value of the victim's labor as guaranteed under the 18852
minimum wage and overtime provisions of the "Federal Fair Labor 18853
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 18854
labor laws. 18855

(b) If a court imposing sentence upon an offender for a 18856
felony is required to impose upon the offender a financial 18857
sanction of restitution under division (B)(8)(a) of this section, 18858
in addition to that financial sanction of restitution, the court 18859
may sentence the offender to any other financial sanction or 18860
combination of financial sanctions authorized under this section, 18861
including a restitution sanction under division (A)(1) of this 18862
section. 18863

(9) In addition to any other fine that is or may be imposed 18864
under this section, the court imposing sentence upon an offender 18865
for a felony that is a sexually oriented offense or a child-victim 18866
oriented offense, as those terms are defined in section 2950.01 of 18867
the Revised Code, may impose a fine of not less than fifty nor 18868
more than five hundred dollars. 18869

(10) For a felony violation of division (A) of section 18870

2921.321 of the Revised Code that results in the death of the police dog or horse that is the subject of the violation, the sentencing court shall impose upon the offender a mandatory fine from the range of fines provided under division (A)(3) of this section for a felony of the third degree. A mandatory fine imposed upon an offender under division (B)(10) of this section shall be paid to the law enforcement agency that was served by the police dog or horse that was killed in the felony violation of division (A) of section 2921.321 of the Revised Code to be used as provided in division (E)(1)(b) of that section.

(11) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which, except as provided in division (B)(12) of this section, shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code:

- (a) Domestic violence;
- (b) Menacing by stalking;
- (c) Rape;
- (d) Sexual battery;
- (e) Trafficking in persons;

(f) A violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking.

(12)(a) A court that imposes a fine under division (B)(11) of this section may retain up to twenty-five per cent of amounts collected in satisfaction of the fine to cover administrative costs. 18902
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(b) A court that imposes a fine under division (B)(11) of this section may assign up to twenty-five per cent of amounts collected in satisfaction of the fine to reimburse the prosecuting attorney for costs associated with prosecution of the offense. 18906
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(C)(1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code. 18910
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(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that 18925
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shall be established in the treasury of each municipal 18934
corporation. The municipal corporation shall use the amounts 18935
deposited in the fund to pay the costs incurred by the municipal 18936
corporation pursuant to any sanction imposed under this section or 18937
section 2929.16 or 2929.17 of the Revised Code or in operating a 18938
facility used to confine offenders pursuant to a sanction imposed 18939
under section 2929.16 of the Revised Code. 18940

(3) Except as provided in section 2951.021 of the Revised 18941
Code, the offender shall pay reimbursements imposed pursuant to 18942
division (A)(5)(a) of this section for the costs incurred by a 18943
private provider pursuant to a sanction imposed under this section 18944
or section 2929.16 or 2929.17 of the Revised Code to the provider. 18945

(D) Except as otherwise provided in this division, a 18946
financial sanction imposed pursuant to division (A) or (B) of this 18947
section is a judgment in favor of the state or a political 18948
subdivision in which the court that imposed the financial sanction 18949
is located, and the offender subject to the financial sanction is 18950
the judgment debtor. A financial sanction of reimbursement imposed 18951
pursuant to division (A)(5)(a)(ii) of this section upon an 18952
offender who is incarcerated in a state facility or a municipal 18953
jail is a judgment in favor of the state or the municipal 18954
corporation, and the offender subject to the financial sanction is 18955
the judgment debtor. A financial sanction of reimbursement imposed 18956
upon an offender pursuant to this section for costs incurred by a 18957
private provider of sanctions is a judgment in favor of the 18958
private provider, and the offender subject to the financial 18959
sanction is the judgment debtor. A financial sanction of a 18960
mandatory fine imposed under division (B)(10) of this section that 18961
is required under that division to be paid to a law enforcement 18962
agency is a judgment in favor of the specified law enforcement 18963
agency, and the offender subject to the financial sanction is the 18964
judgment debtor. A financial sanction of restitution imposed 18965

pursuant to division (A)(1) or (B)(8) of this section is an order 18966
in favor of the victim of the offender's criminal act that can be 18967
collected through a certificate of judgment as described in 18968
division (D)(1) of this section, through execution as described in 18969
division (D)(2) of this section, or through an order as described 18970
in division (D)(3) of this section, and the offender shall be 18971
considered for purposes of the collection as the judgment debtor. 18972
Imposition of a financial sanction and execution on the judgment 18973
does not preclude any other power of the court to impose or 18974
enforce sanctions on the offender. Once the financial sanction is 18975
imposed as a judgment or order under this division, the victim, 18976
private provider, state, or political subdivision may do any of 18977
the following: 18978

(1) Obtain from the clerk of the court in which the judgment 18979
was entered, at no cost, a certificate of judgment that shall be 18980
in the same manner and form as a certificate of judgment issued in 18981
a civil action; 18982

(2) Obtain execution of the judgment or order through any 18983
available procedure, including: 18984

(a) An execution against the property of the judgment debtor 18985
under Chapter 2329. of the Revised Code; 18986

(b) An execution against the person of the judgment debtor 18987
under Chapter 2331. of the Revised Code; 18988

(c) A proceeding in aid of execution under Chapter 2333. of 18989
the Revised Code, including: 18990

(i) A proceeding for the examination of the judgment debtor 18991
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 18992
of the Revised Code; 18993

(ii) A proceeding for attachment of the person of the 18994
judgment debtor under section 2333.28 of the Revised Code; 18995

(iii) A creditor's suit under section 2333.01 of the Revised Code.	18996 18997
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	18998 18999
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	19000 19001
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	19002 19003
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	19004 19005 19006 19007
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	19008 19009 19010 19011 19012 19013 19014 19015 19016 19017 19018 19019 19020
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised	19021 19022 19023 19024 19025 19026

Code that have not been paid. 19027

(H) No financial sanction imposed under this section or 19028
section 2929.32 of the Revised Code shall preclude a victim from 19029
bringing a civil action against the offender. 19030

(I) If the court imposes restitution, fines, fees, or 19031
incarceration costs on a business or corporation, it is the duty 19032
of the person authorized to make disbursements from the assets of 19033
the business or corporation to pay the restitution, fines, fees, 19034
or incarceration costs from those assets. 19035

(J) If an offender is sentenced to pay restitution, a fine, 19036
fee, or incarceration costs, the clerk of the sentencing court, on 19037
request, shall make the offender's payment history available to 19038
the prosecutor, victim, victim's representative, victim's 19039
attorney, if applicable, the probation department, and the court 19040
without cost. 19041

Sec. 2929.28. (A) In addition to imposing court costs 19042
pursuant to section 2947.23 of the Revised Code, the court 19043
imposing a sentence upon an offender for a misdemeanor, including 19044
a minor misdemeanor, may sentence the offender to any financial 19045
sanction or combination of financial sanctions authorized under 19046
this section and, if the offender is being sentenced for a 19047
criminal offense as defined in section 2930.01 of the Revised 19048
Code, shall sentence the offender to make restitution pursuant to 19049
this section and section 2929.281 of the Revised Code. If the 19050
court, in its discretion or as required by this section, imposes 19051
one or more financial sanctions, the financial sanctions that may 19052
be imposed pursuant to this section include, but are not limited 19053
to, the following: 19054

(1) Unless the misdemeanor offense could be disposed of by 19055
the traffic violations bureau serving the court under Traffic Rule 19056
13, restitution by the offender to the victim of the offender's 19057

crime or the victim's estate, in an amount based on the victim's 19058
economic loss. The court may not impose restitution as a sanction 19059
pursuant to this division if the offense could be disposed of by 19060
the traffic violations bureau serving the court under Traffic Rule 19061
13. If the court requires restitution, the court shall order that 19062
the restitution be made to the victim in open court or to the 19063
adult probation department that serves the jurisdiction or the 19064
clerk of the court on behalf of the victim. 19065

The court shall determine the amount of restitution to be 19066
paid by the offender. The victim, victim's representative, 19067
victim's attorney, if applicable, the prosecutor or the 19068
prosecutor's designee, and the offender may provide information 19069
relevant to the determination of the amount of restitution. The 19070
amount the court orders as restitution shall not exceed the amount 19071
of the economic loss suffered by the victim as a direct and 19072
proximate result of the commission of the offense. If the court 19073
imposes restitution for the cost of accounting or auditing done to 19074
determine the extent of economic loss, the court may order 19075
restitution for any amount of the victim's costs of accounting or 19076
auditing provided that the amount of restitution is reasonable and 19077
does not exceed the value of property or services stolen or 19078
damaged as a result of the offense. If the court decides to or is 19079
required to impose restitution, the court shall hold an 19080
evidentiary hearing on restitution if the offender, victim, 19081
victim's representative, victim's attorney, if applicable, or 19082
victim's estate disputes the amount of restitution. The court 19083
shall determine the amount of full restitution by a preponderance 19084
of the evidence. 19085

All restitution payments shall be credited against any 19086
recovery of economic loss in a civil action brought by the victim 19087
or the victim's estate against the offender. No person may 19088
introduce evidence of an award of restitution under this section 19089

in a civil action for purposes of imposing liability against an insurer under section 3937.18 of the Revised Code.

The court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim, victim's attorney, if applicable, or the attorney for the victim's estate may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate but shall not reduce the amount of restitution ordered, except as provided in division (A) of section 2929.281 of the Revised Code.

(2) A fine of the type described in divisions (A)(2)(a) and (b) of this section payable to the appropriate entity as required by law:

(a) A fine in the following amount:

(i) For a misdemeanor of the first degree, not more than one thousand dollars;

(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;

(iii) For a misdemeanor of the third degree, not more than five hundred dollars;

(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;

(v) For a minor misdemeanor, not more than one hundred fifty dollars.

(b) A state fine or cost as defined in section 2949.111 of the Revised Code.

(3)(a) Reimbursement by the offender of any or all of the 19120
costs of sanctions incurred by the government, including, but not 19121
limited to, the following: 19122

(i) All or part of the costs of implementing any community 19123
control sanction, including a supervision fee under section 19124
2951.021 of the Revised Code and the costs of global positioning 19125
system device monitoring; 19126

(ii) All or part of the costs of confinement in a jail or 19127
other residential facility, including, but not limited to, a per 19128
diem fee for room and board, the costs of medical and dental 19129
treatment, and the costs of repairing property damaged by the 19130
offender while confined; 19131

(iii) All or part of the cost of purchasing and using an 19132
immobilizing or disabling device, including a certified ignition 19133
interlock device, or a remote alcohol monitoring device that a 19134
court orders an offender to use under section 4510.13 of the 19135
Revised Code. 19136

(b) The amount of reimbursement ordered under division 19137
(A)(3)(a) of this section shall not exceed the total amount of 19138
reimbursement the offender is able to pay and shall not exceed the 19139
actual cost of the sanctions. The court may collect any amount of 19140
reimbursement the offender is required to pay under that division. 19141
If the court does not order reimbursement under that division, 19142
confinement costs may be assessed pursuant to a repayment policy 19143
adopted under section 2929.37 of the Revised Code. In addition, 19144
the offender may be required to pay the fees specified in section 19145
2929.38 of the Revised Code in accordance with that section. 19146

(B) If the court determines a hearing is necessary, the court 19147
may hold a hearing to determine whether the offender is able to 19148
pay the financial sanction imposed pursuant to this section or 19149
court costs or is likely in the future to be able to pay the 19150

sanction or costs. 19151

If the court determines that the offender is indigent and 19152
unable to pay the financial sanction or court costs, the court 19153
shall consider imposing and may impose a term of community service 19154
under division (A) of section 2929.27 of the Revised Code in lieu 19155
of imposing a financial sanction or court costs. If the court does 19156
not determine that the offender is indigent, the court may impose 19157
a term of community service under division (A) of section 2929.27 19158
of the Revised Code in lieu of or in addition to imposing a 19159
financial sanction under this section and in addition to imposing 19160
court costs. The court may order community service for a minor 19161
misdemeanor pursuant to division (D) of section 2929.27 of the 19162
Revised Code in lieu of or in addition to imposing a financial 19163
sanction under this section and in addition to imposing court 19164
costs. If a person fails to pay a financial sanction or court 19165
costs, the court may order community service in lieu of the 19166
financial sanction or court costs. 19167

(C)(1) The offender shall pay reimbursements imposed upon the 19168
offender pursuant to division (A)(3) of this section to pay the 19169
costs incurred by a county pursuant to any sanction imposed under 19170
this section or section 2929.26 or 2929.27 of the Revised Code or 19171
in operating a facility used to confine offenders pursuant to a 19172
sanction imposed under section 2929.26 of the Revised Code to the 19173
county treasurer. The county treasurer shall deposit the 19174
reimbursements in the county's general fund. The county shall use 19175
the amounts deposited in the fund to pay the costs incurred by the 19176
county pursuant to any sanction imposed under this section or 19177
section 2929.26 or 2929.27 of the Revised Code or in operating a 19178
facility used to confine offenders pursuant to a sanction imposed 19179
under section 2929.26 of the Revised Code. 19180

(2) The offender shall pay reimbursements imposed upon the 19181
offender pursuant to division (A)(3) of this section to pay the 19182

costs incurred by a municipal corporation pursuant to any sanction 19183
imposed under this section or section 2929.26 or 2929.27 of the 19184
Revised Code or in operating a facility used to confine offenders 19185
pursuant to a sanction imposed under section 2929.26 of the 19186
Revised Code to the treasurer of the municipal corporation. The 19187
treasurer shall deposit the reimbursements in the municipal 19188
corporation's general fund. The municipal corporation shall use 19189
the amounts deposited in the fund to pay the costs incurred by the 19190
municipal corporation pursuant to any sanction imposed under this 19191
section or section 2929.26 or 2929.27 of the Revised Code or in 19192
operating a facility used to confine offenders pursuant to a 19193
sanction imposed under section 2929.26 of the Revised Code. 19194

(3) The offender shall pay reimbursements imposed pursuant to 19195
division (A)(3) of this section for the costs incurred by a 19196
private provider pursuant to a sanction imposed under this section 19197
or section 2929.26 or 2929.27 of the Revised Code to the provider. 19198

~~(D)(1)~~ In addition to any other fine that is or may be 19199
imposed under this section, the court imposing sentence upon an 19200
offender for misdemeanor domestic violence or menacing by stalking 19201
may impose a fine of not less than seventy nor more than five 19202
hundred dollars, which shall, except as provided in divisions 19203
(D)(2) and (3) of this section, be transmitted to the treasurer of 19204
state to be credited to the address confidentiality program fund 19205
created by section 111.48 of the Revised Code. 19206

(2) A court that imposes a fine under division (D)(1) of this 19207
section may retain up to twenty-five per cent of amounts collected 19208
in satisfaction of the fine to cover administrative costs. 19209

(3) A court that imposes a fine under division (D)(1) of this 19210
section may assign up to twenty-five per cent of amounts collected 19211
in satisfaction of the fine to reimburse the prosecuting attorney 19212
for costs associated with prosecution of the offense. 19213

(E) Except as otherwise provided in this division, a 19214
financial sanction imposed under division (A) of this section is a 19215
judgment in favor of the state or the political subdivision that 19216
operates the court that imposed the financial sanction, and the 19217
offender subject to the financial sanction is the judgment debtor. 19218
A financial sanction of reimbursement imposed pursuant to division 19219
(A)(3)(a)(i) of this section upon an offender is a judgment in 19220
favor of the entity administering the community control sanction, 19221
and the offender subject to the financial sanction is the judgment 19222
debtor. A financial sanction of reimbursement imposed pursuant to 19223
division (A)(3)(a)(ii) of this section upon an offender confined 19224
in a jail or other residential facility is a judgment in favor of 19225
the entity operating the jail or other residential facility, and 19226
the offender subject to the financial sanction is the judgment 19227
debtor. A financial sanction of restitution imposed pursuant to 19228
division (A)(1) of this section is an order in favor of the victim 19229
of the offender's criminal act that can be collected through a 19230
certificate of judgment as described in division (E)(1) of this 19231
section, through execution as described in division (E)(2) of this 19232
section, or through an order as described in division (E)(3) of 19233
this section, and the offender shall be considered for purposes of 19234
the collection as the judgment debtor. 19235

Once the financial sanction is imposed as a judgment or order 19236
under this division, the victim, private provider, state, or 19237
political subdivision may do any of the following: 19238

(1) Obtain from the clerk of the court in which the judgment 19239
was entered, at no charge, a certificate of judgment that shall be 19240
in the same manner and form as a certificate of judgment issued in 19241
a civil action; 19242

(2) Obtain execution of the judgment or order through any 19243
available procedure, including any of the procedures identified in 19244
divisions (D)(1) and (2) of section 2929.18 of the Revised Code. 19245

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code. 19246
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(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence. 19248
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(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following: 19251
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(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code. 19256
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(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to section 301.28 of the Revised Code. If the court is a municipal court not operated by a county, the clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender. 19262
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(3) To defray administrative costs, charge a reasonable fee 19277
to an offender who elects a payment plan rather than a lump sum 19278
payment of any financial sanction. 19279

(H) No financial sanction imposed under this section shall 19280
preclude a victim from bringing a civil action against the 19281
offender. 19282

(I) If the court imposes restitution, fines, fees, or 19283
incarceration costs on a business or corporation, it is the duty 19284
of the person authorized to make disbursements from assets of the 19285
business or corporation to pay the restitution, fines, fees, or 19286
incarceration costs from those assets. 19287

(J) If an offender is sentenced to pay restitution, a fine, 19288
fee, or incarceration costs, the clerk of the sentencing court, on 19289
request, shall make the offender's payment history available to 19290
the victim, victim's representative, victim's attorney, if 19291
applicable, the prosecutor, the probation department, and the 19292
court without cost. 19293

Sec. 2929.34. (A) A person who is convicted of or pleads 19294
guilty to aggravated murder, murder, or an offense punishable by 19295
life imprisonment and who is sentenced to a term of life 19296
imprisonment or a prison term pursuant to that conviction shall 19297
serve that term in an institution under the control of the 19298
department of rehabilitation and correction. 19299

(B)(1) A person who is convicted of or pleads guilty to a 19300
felony other than aggravated murder, murder, or an offense 19301
punishable by life imprisonment and who is sentenced to a term of 19302
imprisonment or a prison term pursuant to that conviction shall 19303
serve that term as follows: 19304

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 19305
this section, in an institution under the control of the 19306

department of rehabilitation and correction if the term is a 19307
prison term or as otherwise determined by the sentencing court 19308
pursuant to section 2929.16 of the Revised Code if the term is not 19309
a prison term; 19310

(b) In a facility of a type described in division (G)(1) of 19311
section 2929.13 of the Revised Code, if the offender is sentenced 19312
pursuant to that division. 19313

(2) If the term is a prison term, the person may be 19314
imprisoned in a jail that is not a minimum security jail pursuant 19315
to agreement under section 5120.161 of the Revised Code between 19316
the department of rehabilitation and correction and the local 19317
authority that operates the jail. 19318

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 19319
"voluntary county" means any county in which the board of county 19320
commissioners of the county and the administrative judge of the 19321
general division of the court of common pleas of the county enter 19322
into an agreement of the type described in division (B)(3)(b) of 19323
this section and in which the agreement has not been terminated as 19324
described in that division. 19325

~~(b)(b)(i)~~ In any voluntary county, the board of county 19326
commissioners of the county and the administrative judge of the 19327
general division of the court of common pleas of the county may 19328
agree to having the county participate in the ~~procedures regarding~~ 19329
~~local and state confinement established~~ targeted community 19330
alternatives to prison (T-CAP) program for prisoners who serve a 19331
term in a facility under pursuant to division (B)(3)(c) of this 19332
section by submitting a memorandum of understanding, either as a 19333
single county or jointly with other counties, to the department of 19334
rehabilitation and correction for approval, pursuant to section 19335
5149.38 of the Revised Code. A board of county commissioners and 19336
an administrative judge of a court of common pleas that enter into 19337
an agreement of the type described in this division may terminate 19338

the agreement, but a termination under this division shall take 19339
effect only at the end of the state fiscal biennium in which the 19340
termination decision is made. 19341

(ii) The department of rehabilitation and correction shall 19342
establish deadlines for a voluntary county to indicate the 19343
voluntary county's participation in the targeted community 19344
alternatives to prison (T-CAP) program before each state fiscal 19345
biennium. 19346

(iii) In reviewing a submitted memorandum of understanding 19347
for approval, the department of rehabilitation and correction 19348
shall prioritize a voluntary county that has previously been a 19349
voluntary county. The department of rehabilitation and correction 19350
may review a memorandum of understanding for a new voluntary 19351
county if the general assembly has appropriated sufficient funds 19352
for that purpose. 19353

(c) Except as provided in division (B)(3)(d) of this section, 19354
in any voluntary county, either division (B)(3)(c)(i) or divisions 19355
(B)(3)(c)(i) and (ii) of this section shall apply: 19356

(i) On and after July 1, 2018, no person sentenced by the 19357
court of common pleas of a voluntary county to a prison term for a 19358
felony of the fifth degree shall serve the term in an institution 19359
under the control of the department of rehabilitation and 19360
correction. The person shall instead serve the sentence as a term 19361
of confinement in a facility of a type described in division (C) 19362
or (D) of this section. 19363

(ii) On and after September 1, 2022, no person sentenced by 19364
the court of common pleas of a voluntary county to a prison term 19365
for a felony of the fourth degree shall serve the term in an 19366
institution under the control of the department of rehabilitation 19367
and correction. The person shall instead serve the sentence as a 19368
term of confinement in a facility of a type described in division 19369

(C) or (D) of this section. 19370

Nothing in this division relieves the state of its obligation 19371
to pay for the cost of confinement of the person in a 19372
community-based correctional facility under division (D) of this 19373
section. 19374

(d) Division (B)(3)(c) of this section does not apply to any 19375
person to whom any of the following apply: 19376

(i) The felony of the fourth or fifth degree was an offense 19377
of violence, as defined in section 2901.01 of the Revised Code, a 19378
sex offense under Chapter 2907. of the Revised Code, a violation 19379
of section 2925.03 of the Revised Code, or any offense for which a 19380
mandatory prison term is required. 19381

(ii) The person previously has been convicted of or pleaded 19382
guilty to any felony offense of violence, as defined in section 19383
2901.01 of the Revised Code, unless the felony of the fifth degree 19384
for which the person is being sentenced is a violation of division 19385
(I)(1) of section 2903.43 of the Revised Code. 19386

(iii) The person previously has been convicted of or pleaded 19387
guilty to any felony sex offense under Chapter 2907. of the 19388
Revised Code. 19389

(iv) The person's sentence is required to be served 19390
concurrently to any other sentence imposed upon the person for a 19391
felony that is required to be served in an institution under the 19392
control of the department of rehabilitation and correction. 19393

(C) A person who is convicted of or pleads guilty to one or 19394
more misdemeanors and who is sentenced to a jail term or term of 19395
imprisonment pursuant to the conviction or convictions shall serve 19396
that term in a county, multicounty, municipal, municipal-county, 19397
or multicounty-municipal jail or workhouse; in a community 19398
alternative sentencing center or district community alternative 19399
sentencing center when authorized by section 307.932 of the 19400

Revised Code; or, if the misdemeanor or misdemeanors are not 19401
offenses of violence, in a minimum security jail. 19402

(D) Nothing in this section prohibits the commitment, 19403
referral, or sentencing of a person who is convicted of or pleads 19404
guilty to a felony to a community-based correctional facility. 19405

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 19406
a case who has requested to receive notice under this section 19407
shall be given notice of the incarceration of the defendant. If an 19408
alleged juvenile offender is committed to the temporary custody of 19409
a school, camp, institution, or other facility operated for the 19410
care of delinquent children or to the legal custody of the 19411
department of youth services, a victim in a case who has requested 19412
to receive notice under this section shall be given notice of the 19413
commitment. Promptly after sentence is imposed upon the defendant 19414
or the commitment of the alleged juvenile offender is ordered, the 19415
prosecutor in the case shall notify the victim of the date on 19416
which the defendant will be released, or initially will be 19417
eligible for release, from confinement or the prosecutor's 19418
reasonable estimate of that date or the date on which the alleged 19419
juvenile offender will have served the minimum period of 19420
commitment or the prosecutor's reasonable estimate of that date. 19421
The prosecutor also shall notify the victim of the name of the 19422
custodial agency of the defendant or alleged juvenile offender and 19423
tell the victim how to contact that custodial agency. If the 19424
custodial agency is the department of rehabilitation and 19425
correction, the prosecutor shall notify the victim of the services 19426
offered by the office of victims' services pursuant to section 19427
5120.60 of the Revised Code. If the custodial agency is the 19428
department of youth services, the prosecutor shall notify the 19429
victim of the services provided by the office of victims' services 19430
within the release authority of the department pursuant to section 19431
5139.55 of the Revised Code and the victim's right pursuant to 19432

section 5139.56 of the Revised Code to submit a written request to 19433
the release authority to be notified of actions the release 19434
authority takes with respect to the alleged juvenile offender. The 19435
victim shall keep the custodial agency informed of the victim's 19436
current address and telephone number. 19437

(B)(1) Upon the victim's request or in accordance with 19438
division (D) of this section, the prosecutor promptly shall notify 19439
the victim of any hearing for judicial release of the defendant 19440
pursuant to section 2929.20 of the Revised Code, of any hearing 19441
for release of the defendant pursuant to section 2967.19 of the 19442
Revised Code, or of any hearing for judicial release or early 19443
release of the alleged juvenile offender pursuant to section 19444
2151.38 of the Revised Code and of the victim's right to make a 19445
statement under those sections. The court shall notify the victim 19446
of its ruling in each of those hearings and on each of those 19447
applications. 19448

(2) If an offender is sentenced to a prison term pursuant to 19449
division (A)(3) or (B) of section 2971.03 of the Revised Code, 19450
upon the request of the victim of the crime or in accordance with 19451
division (D) of this section, the prosecutor promptly shall notify 19452
the victim of any hearing to be conducted pursuant to section 19453
2971.05 of the Revised Code to determine whether to modify the 19454
requirement that the offender serve the entire prison term in a 19455
state correctional facility in accordance with division (C) of 19456
that section, whether to continue, revise, or revoke any existing 19457
modification of that requirement, or whether to terminate the 19458
prison term in accordance with division (D) of that section. The 19459
court shall notify the victim of any order issued at the 19460
conclusion of the hearing. 19461

(C) Upon the victim's request made at any time before the 19462
particular notice would be due or in accordance with division (D) 19463

of this section, the custodial agency of a defendant or alleged 19464
juvenile offender shall give the victim any of the following 19465
notices that is applicable: 19466

(1) At least sixty days before the adult parole authority 19467
recommends a pardon or commutation of sentence for the defendant 19468
or at least sixty days prior to a hearing before the adult parole 19469
authority regarding a grant of parole to the defendant, notice of 19470
the victim's right to submit a statement regarding the impact of 19471
the defendant's release in accordance with section 2967.12 of the 19472
Revised Code and, if applicable, of the victim's right to appear 19473
at a full board hearing of the parole board to give testimony as 19474
authorized by section 5149.101 of the Revised Code; and at least 19475
sixty days prior to a hearing before the department regarding a 19476
determination of whether the inmate must be released under 19477
division (C) or (D)(2) of section 2967.271 of the Revised Code if 19478
the inmate is serving a non-life felony indefinite prison term, 19479
notice of the fact that the inmate will be having a hearing 19480
regarding a possible grant of release, the date of any hearing 19481
regarding a possible grant of release, and the right of any person 19482
to submit a written statement regarding the pending action; 19483

(2) At least sixty days before the defendant is transferred 19484
to transitional control under section 2967.26 of the Revised Code, 19485
notice of the pendency of the transfer and of the victim's right 19486
under that section to submit a statement regarding the impact of 19487
the transfer; 19488

(3) At least sixty days before the release authority of the 19489
department of youth services holds a release review, release 19490
hearing, or discharge review for the alleged juvenile offender, 19491
notice of the pendency of the review or hearing, of the victim's 19492
right to make an oral or written statement regarding the impact of 19493
the crime upon the victim or regarding the possible release or 19494
discharge, and, if the notice pertains to a hearing, of the 19495

victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(4) Prompt notice of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;

(6) Notice of the filing of a petition by the director of rehabilitation and correction pursuant to section 2967.19 of the Revised Code requesting the early release under that section of the defendant;

(7) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.

(D)(1) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment or if an alleged juvenile offender has been charged with the commission of an act that would be aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or be subject to a sentence of life imprisonment if committed by an adult, except as otherwise provided in this division, the notices described in divisions (B) and (C) of this section shall be given regardless of whether the victim has requested the notification. The notices described in divisions (B) and (C) of this section shall not be

given under this division to a victim if the victim has requested 19527
pursuant to division (B)(2) of section 2930.03 of the Revised Code 19528
that the victim not be provided the notice. Regardless of whether 19529
the victim has requested that the notices described in division 19530
(C) of this section be provided or not be provided, the custodial 19531
agency shall give notice similar to those notices to the 19532
prosecutor in the case, to the sentencing court, to the law 19533
enforcement agency that arrested the defendant or alleged juvenile 19534
offender if any officer of that agency was a victim of the 19535
offense, and to any member of the victim's immediate family who 19536
requests notification. If the notice given under this division to 19537
the victim is based on an offense committed prior to March 22, 19538
2013, and if the prosecutor or custodial agency has not previously 19539
successfully provided any notice to the victim under this division 19540
or division (B) or (C) of this section with respect to that 19541
offense and the offender who committed it, the notice also shall 19542
inform the victim that the victim may request that the victim not 19543
be provided any further notices with respect to that offense and 19544
the offender who committed it and shall describe the procedure for 19545
making that request. If the notice given under this division to 19546
the victim pertains to a hearing regarding a grant of a parole to 19547
the defendant, the notice also shall inform the victim that the 19548
victim, a member of the victim's immediate family, or the victim's 19549
representative may request a victim conference, as described in 19550
division (E) of this section, and shall provide an explanation of 19551
a victim conference. 19552

The prosecutor or custodial agency may give the notices to 19553
which this division applies by any reasonable means, including 19554
regular mail, telephone, and electronic mail. If the prosecutor or 19555
custodial agency attempts to provide notice to a victim under this 19556
division but the attempt is unsuccessful because the prosecutor or 19557
custodial agency is unable to locate the victim, is unable to 19558
provide the notice by its chosen method because it cannot 19559

determine the mailing address, telephone number, or electronic 19560
mail address at which to provide the notice, or, if the notice is 19561
sent by mail, the notice is returned, the prosecutor or custodial 19562
agency shall make another attempt to provide the notice to the 19563
victim. If the second attempt is unsuccessful, the prosecutor or 19564
custodial agency shall make at least one more attempt to provide 19565
the notice. If the notice is based on an offense committed prior 19566
to March 22, 2013, in each attempt to provide the notice to the 19567
victim, the notice shall include the opt-out information described 19568
in the preceding paragraph. The prosecutor or custodial agency, in 19569
accordance with division (D)(2) of this section, shall keep a 19570
record of all attempts to provide the notice, and of all notices 19571
provided, under this division. 19572

Division (D)(1) of this section, and the notice-related 19573
provisions of divisions (E)(2) and (K) of section 2929.20, 19574
division (H) of section 2967.12, division (E)(1)(b) of section 19575
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 19576
section 2967.28, and division (A)(2) of section 5149.101 of the 19577
Revised Code enacted in the act in which division (D)(1) of this 19578
section was enacted, shall be known as "Roberta's Law." 19579

(2) Each prosecutor and custodial agency that attempts to 19580
give any notice to which division (D)(1) of this section applies 19581
shall keep a record of all attempts to give the notice. The record 19582
shall indicate the person who was to be the recipient of the 19583
notice, the date on which the attempt was made, the manner in 19584
which the attempt was made, and the person who made the attempt. 19585
If the attempt is successful and the notice is given, the record 19586
shall indicate that fact. The record shall be kept in a manner 19587
that allows public inspection of attempts and notices given to 19588
persons other than victims without revealing the names, addresses, 19589
or other identifying information relating to victims. The record 19590
of attempts and notices given to victims is not a public record, 19591

but the prosecutor or custodial agency shall provide upon request 19592
a copy of that record to a prosecuting attorney, judge, law 19593
enforcement agency, or member of the general assembly. The record 19594
of attempts and notices given to persons other than victims is a 19595
public record. A record kept under this division may be indexed by 19596
offender name, or in any other manner determined by the prosecutor 19597
or the custodial agency. Each prosecutor or custodial agency that 19598
is required to keep a record under this division shall determine 19599
the procedures for keeping the record and the manner in which it 19600
is to be kept, subject to the requirements of this division. 19601

(E) The adult parole authority shall adopt rules under 19602
Chapter 119. of the Revised Code providing for a victim 19603
conference, upon request of the victim, a member of the victim's 19604
immediate family, or the victim's representative, prior to a 19605
parole hearing in the case of a prisoner who is incarcerated for 19606
the commission of aggravated murder, murder, or an offense of 19607
violence that is a felony of the first, second, or third degree or 19608
is under a sentence of life imprisonment. The rules shall provide 19609
for, but not be limited to, all of the following: 19610

(1) Subject to division (E)(3) of this section, attendance by 19611
the victim, members of the victim's immediate family, the victim's 19612
representative, and, if practicable, other individuals; 19613

(2) Allotment of up to one hour for the conference; 19614

(3) A specification of the number of persons specified in 19615
division (E)(1) of this section who may be present at any single 19616
victim conference, if limited by the department pursuant to 19617
division (F) of this section. 19618

(F) The department may limit the number of persons specified 19619
in division (E)(1) of this section who may be present at any 19620
single victim conference, provided that the department shall not 19621
limit the number of persons who may be present at any single 19622

conference to fewer than three. If the department limits the 19623
number of persons who may be present at any single victim 19624
conference, the department shall permit and schedule, upon request 19625
of the victim, a member of the victim's immediate family, or the 19626
victim's representative, multiple victim conferences for the 19627
persons specified in division (E)(1) of this section. 19628

(G) Communications during a victim conference held pursuant 19629
to division (E) of this section and the rules adopted by the adult 19630
parole authority under that division shall be confidential and are 19631
not public records under section 149.43 of the Revised Code. 19632

(H) As used in this section, "victim's immediate family" has 19633
the same meaning as in section 2967.12 of the Revised Code. 19634

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 19635
a case who has requested to receive notice under this section 19636
shall be given notice of the incarceration of the defendant. If an 19637
alleged juvenile offender is committed to the temporary custody of 19638
a school, camp, institution, or other facility operated for the 19639
care of delinquent children or to the legal custody of the 19640
department of youth services, a victim in a case who has requested 19641
to receive notice under this section shall be given notice of the 19642
commitment. Promptly after sentence is imposed upon the defendant 19643
or the commitment of the alleged juvenile offender is ordered, the 19644
prosecutor in the case shall notify the victim of the date on 19645
which the defendant will be released, or initially will be 19646
eligible for release, from confinement or the prosecutor's 19647
reasonable estimate of that date or the date on which the alleged 19648
juvenile offender will have served the minimum period of 19649
commitment or the prosecutor's reasonable estimate of that date. 19650
The prosecutor also shall notify the victim of the name of the 19651
custodial agency of the defendant or alleged juvenile offender and 19652
tell the victim how to contact that custodial agency. If the 19653

custodial agency is the department of rehabilitation and 19654
correction, the prosecutor shall notify the victim of the services 19655
offered by the office of victims' services pursuant to section 19656
5120.60 of the Revised Code. If the custodial agency is the 19657
department of youth services, the prosecutor shall notify the 19658
victim of the services provided by the office of victims' services 19659
within the release authority of the department pursuant to section 19660
5139.55 of the Revised Code and the victim's right pursuant to 19661
section 5139.56 of the Revised Code to submit a written request to 19662
the release authority to be notified of actions the release 19663
authority takes with respect to the alleged juvenile offender. The 19664
victim shall keep the custodial agency informed of the victim's 19665
current address and telephone number. 19666

(B)(1) Upon the victim's request or in accordance with 19667
division (D) of this section, the prosecutor promptly shall notify 19668
the victim of any hearing for judicial release of the defendant 19669
pursuant to section 2929.20 of the Revised Code, of any hearing 19670
for release of the defendant pursuant to section 2967.19 of the 19671
Revised Code, or of any hearing for judicial release or early 19672
release of the alleged juvenile offender pursuant to section 19673
2151.38 of the Revised Code and of the victim's right to make a 19674
statement under those sections. The court shall notify the victim 19675
of its ruling in each of those hearings and on each of those 19676
applications. 19677

(2) If an offender is sentenced to a prison term pursuant to 19678
division (A)(3) or (B) of section 2971.03 of the Revised Code, 19679
upon the request of the victim of the crime or in accordance with 19680
division (D) of this section, the prosecutor promptly shall notify 19681
the victim of any hearing to be conducted pursuant to section 19682
2971.05 of the Revised Code to determine whether to modify the 19683
requirement that the offender serve the entire prison term in a 19684
state correctional facility in accordance with division (C) of 19685

that section, whether to continue, revise, or revoke any existing 19686
modification of that requirement, or whether to terminate the 19687
prison term in accordance with division (D) of that section. The 19688
court shall notify the victim of any order issued at the 19689
conclusion of the hearing. 19690

(C) Upon the victim's request made at any time before the 19691
particular notice would be due or in accordance with division (D) 19692
of this section, the custodial agency of a defendant or alleged 19693
juvenile offender shall give the victim any of the following 19694
notices that is applicable: 19695

(1) At least sixty days before the adult parole authority 19696
recommends a pardon or commutation of sentence for the defendant 19697
or at least sixty days prior to a hearing before the adult parole 19698
authority regarding a grant of parole to the defendant, notice of 19699
the victim's right to submit a statement regarding the impact of 19700
the defendant's release in accordance with section 2967.12 of the 19701
Revised Code and, if applicable, of the victim's right to appear 19702
at a full board hearing of the parole board to give testimony as 19703
authorized by section 5149.101 of the Revised Code; and at least 19704
sixty days prior to a hearing before the department regarding a 19705
determination of whether the inmate must be released under 19706
division (C) or (D)(2) of section 2967.271 of the Revised Code if 19707
the inmate is serving a non-life felony indefinite prison term, 19708
notice of the fact that the inmate will be having a hearing 19709
regarding a possible grant of release, the date of any hearing 19710
regarding a possible grant of release, and the right of any person 19711
to submit a written statement regarding the pending action; 19712

(2) At least sixty days before the defendant is transferred 19713
to transitional control under section 2967.26 of the Revised Code, 19714
notice of the pendency of the transfer and of the victim's right 19715
under that section to submit a statement regarding the impact of 19716
the transfer; 19717

(3) At least sixty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(4) Prompt notice of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;

(6) Notice of the filing of a petition by the director of rehabilitation and correction pursuant to section 2967.19 of the Revised Code requesting the early release under that section of the defendant;

(7) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.

(D)(1) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment or if an alleged juvenile offender has been charged with the commission of an act that would be

aggravated murder, murder, or an offense of violence that is a 19749
felony of the first, second, or third degree or be subject to a 19750
sentence of life imprisonment if committed by an adult, except as 19751
otherwise provided in this division, the notices described in 19752
divisions (B) and (C) of this section shall be given regardless of 19753
whether the victim has requested the notification. The notices 19754
described in divisions (B) and (C) of this section shall not be 19755
given under this division to a victim if the victim has requested 19756
pursuant to division (B)(2) of section 2930.03 of the Revised Code 19757
that the victim not be provided the notice. Regardless of whether 19758
the victim has requested that the notices described in division 19759
(C) of this section be provided or not be provided, the custodial 19760
agency shall give notice similar to those notices to the 19761
prosecutor in the case, to the sentencing court, to the law 19762
enforcement agency that arrested the defendant or alleged juvenile 19763
offender if any officer of that agency was a victim of the 19764
offense, and to any member of the victim's immediate family who 19765
requests notification. If the notice given under this division to 19766
the victim is based on an offense committed prior to March 22, 19767
2013, and if the prosecutor or custodial agency has not previously 19768
successfully provided any notice to the victim under this division 19769
or division (B) or (C) of this section with respect to that 19770
offense and the offender who committed it, the notice also shall 19771
inform the victim that the victim may request that the victim not 19772
be provided any further notices with respect to that offense and 19773
the offender who committed it and shall describe the procedure for 19774
making that request. If the notice given under this division to 19775
the victim pertains to a hearing regarding a grant of a parole to 19776
the defendant, the notice also shall inform the victim that the 19777
victim, a member of the victim's immediate family, or the victim's 19778
representative may request a victim conference, as described in 19779
division (E) of this section, and shall provide an explanation of 19780
a victim conference. 19781

The prosecutor or custodial agency may give the notices to 19782
which this division applies by any reasonable means, including 19783
regular mail, telephone, and electronic mail. If the prosecutor or 19784
custodial agency attempts to provide notice to a victim under this 19785
division but the attempt is unsuccessful because the prosecutor or 19786
custodial agency is unable to locate the victim, is unable to 19787
provide the notice by its chosen method because it cannot 19788
determine the mailing address, telephone number, or electronic 19789
mail address at which to provide the notice, or, if the notice is 19790
sent by mail, the notice is returned, the prosecutor or custodial 19791
agency shall make another attempt to provide the notice to the 19792
victim. If the second attempt is unsuccessful, the prosecutor or 19793
custodial agency shall make at least one more attempt to provide 19794
the notice. If the notice is based on an offense committed prior 19795
to March 22, 2013, in each attempt to provide the notice to the 19796
victim, the notice shall include the opt-out information described 19797
in the preceding paragraph. The prosecutor or custodial agency, in 19798
accordance with division (D)(2) of this section, shall keep a 19799
record of all attempts to provide the notice, and of all notices 19800
provided, under this division. 19801

Division (D)(1) of this section, and the notice-related 19802
provisions of divisions (E)(2) and (K) of section 2929.20, 19803
division (H) of section 2967.12, division (E)(1)(b) of section 19804
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 19805
section 2967.28, and division (A)(2) of section 5149.101 of the 19806
Revised Code enacted in the act in which division (D)(1) of this 19807
section was enacted, shall be known as "Roberta's Law." 19808

(2) Each prosecutor and custodial agency that attempts to 19809
give any notice to which division (D)(1) of this section applies 19810
shall keep a record of all attempts to give the notice. The record 19811
shall indicate the person who was to be the recipient of the 19812
notice, the date on which the attempt was made, the manner in 19813

which the attempt was made, and the person who made the attempt. 19814
If the attempt is successful and the notice is given, the record 19815
shall indicate that fact. The record shall be kept in a manner 19816
that allows public inspection of attempts and notices given to 19817
persons other than victims without revealing the names, addresses, 19818
or other identifying information relating to victims. The record 19819
of attempts and notices given to victims is not a public record, 19820
but the prosecutor or custodial agency shall provide upon request 19821
a copy of that record to a prosecuting attorney, judge, law 19822
enforcement agency, or member of the general assembly. The record 19823
of attempts and notices given to persons other than victims is a 19824
public record. A record kept under this division may be indexed by 19825
offender name, or in any other manner determined by the prosecutor 19826
or the custodial agency. Each prosecutor or custodial agency that 19827
is required to keep a record under this division shall determine 19828
the procedures for keeping the record and the manner in which it 19829
is to be kept, subject to the requirements of this division. 19830

(E) The adult parole authority shall adopt rules under 19831
Chapter 119. of the Revised Code providing for a victim 19832
conference, upon request of the victim, a member of the victim's 19833
immediate family, or the victim's representative, prior to a 19834
parole hearing in the case of a prisoner who is incarcerated for 19835
the commission of aggravated murder, murder, or an offense of 19836
violence that is a felony of the first, second, or third degree or 19837
is under a sentence of life imprisonment. The rules shall provide 19838
for, but not be limited to, all of the following: 19839

(1) Subject to division (E)(3) of this section, attendance by 19840
the victim, members of the victim's immediate family, the victim's 19841
representative, and, if practicable, other individuals; 19842

(2) Allotment of up to one hour for the conference; 19843

(3) A specification of the number of persons specified in 19844
division (E)(1) of this section who may be present at any single 19845

victim conference, if limited by the department pursuant to 19846
division (F) of this section. 19847

(F) The department may limit the number of persons specified 19848
in division (E)(1) of this section who may be present at any 19849
single victim conference, provided that the department shall not 19850
limit the number of persons who may be present at any single 19851
conference to fewer than three. If the department limits the 19852
number of persons who may be present at any single victim 19853
conference, the department shall permit and schedule, upon request 19854
of the victim, a member of the victim's immediate family, or the 19855
victim's representative, multiple victim conferences for the 19856
persons specified in division (E)(1) of this section. 19857

(G) Communications during a victim conference held pursuant 19858
to division (E) of this section and the rules adopted by the adult 19859
parole authority under that division shall be confidential and are 19860
not public records under section 149.43 of the Revised Code. 19861

(H) As used in this section, "victim's immediate family" has 19862
the same meaning as in section 2967.12 of the Revised Code. 19863

Sec. 2935.01. As used in this chapter: 19864

(A) "Magistrate" has the same meaning as in section 2931.01 19865
of the Revised Code. 19866

(B) "Peace officer" includes, except as provided in section 19867
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 19868
deputy marshal; member of the organized police department of any 19869
municipal corporation, including a member of the organized police 19870
department of a municipal corporation in an adjoining state 19871
serving in Ohio under a contract pursuant to section 737.04 of the 19872
Revised Code; member of a police force employed by a metropolitan 19873
housing authority under division (D) of section 3735.31 of the 19874
Revised Code; member of a police force employed by a regional 19875

transit authority under division (Y) of section 306.05 of the Revised Code; state university law enforcement officer appointed under section 3345.04 of the Revised Code; enforcement agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of taxation to whom investigation powers have been delegated under section 5743.45 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; police constable of any township; police officer of a township or joint police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code; an assistant house of representatives sergeant at arms; the senate sergeant at arms; an assistant senate sergeant at arms; officer or

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employee of the bureau of criminal identification and 19909
investigation established pursuant to section 109.51 of the 19910
Revised Code who has been awarded a certificate by the executive 19911
director of the Ohio peace officer training commission attesting 19912
to the officer's or employee's satisfactory completion of an 19913
approved state, county, municipal, or department of natural 19914
resources peace officer basic training program and who is 19915
providing assistance upon request to a law enforcement officer or 19916
emergency assistance to a peace officer pursuant to section 109.54 19917
or 109.541 of the Revised Code; a state fire marshal law 19918
enforcement officer described in division (A)(23) of section 19919
109.71 of the Revised Code; a gaming agent, as defined in section 19920
3772.01 of the Revised Code; the inspector general or a deputy 19921
inspector general appointed pursuant to section 121.48 of the 19922
Revised Code while the inspector general or a deputy inspector 19923
general is engaged in the scope of the inspector general's or 19924
deputy inspector general's duties under sections 121.42 to 121.52 19925
of the Revised Code; and, for the purpose of arrests within those 19926
areas, for the purposes of Chapter 5503. of the Revised Code, and 19927
the filing of and service of process relating to those offenses 19928
witnessed or investigated by them, the superintendent and troopers 19929
of the state highway patrol. 19930

(C) "Prosecutor" includes the county prosecuting attorney and 19931
any assistant prosecutor designated to assist the county 19932
prosecuting attorney, and, in the case of courts inferior to 19933
courts of common pleas, includes the village solicitor, city 19934
director of law, or similar chief legal officer of a municipal 19935
corporation, any such officer's assistants, or any attorney 19936
designated by the prosecuting attorney of the county to appear for 19937
the prosecution of a given case. 19938

(D) "Offense," except where the context specifically 19939
indicates otherwise, includes felonies, misdemeanors, and 19940

violations of ordinances of municipal corporations and other 19941
public bodies authorized by law to adopt penal regulations. 19942

Sec. 2967.16. (A) Except as provided in division (D) of this 19943
section, when a paroled prisoner has faithfully performed the 19944
conditions and obligations of the paroled prisoner's parole and 19945
has obeyed the rules and regulations adopted by the adult parole 19946
authority that apply to the paroled prisoner, the authority may 19947
grant a final release and thereupon shall issue to the paroled 19948
prisoner a certificate of final release that shall serve as the 19949
minutes of the authority, but the authority shall not grant a 19950
final release earlier than one year after the paroled prisoner is 19951
released from the institution on parole, and, in the case of a 19952
paroled prisoner whose sentence is life imprisonment, the 19953
authority shall not grant a final release earlier than five years 19954
after the paroled prisoner is released from the institution on 19955
parole. 19956

(B)(1) When a prisoner who has been released under a period 19957
of post-release control pursuant to section 2967.28 of the Revised 19958
Code has faithfully performed the conditions and obligations of 19959
the released prisoner's post-release control sanctions and has 19960
obeyed the rules and regulations adopted by the adult parole 19961
authority that apply to the released prisoner or has the period of 19962
post-release control terminated by a court pursuant to section 19963
2929.141 of the Revised Code, the authority may terminate the 19964
period of post-release control and issue to the released prisoner 19965
a certificate of termination, which shall serve as the minutes of 19966
the authority. In the case of a prisoner who has been released 19967
under a period of post-release control pursuant to division (B) of 19968
section 2967.28 of the Revised Code, the authority shall not 19969
terminate post-release control earlier than one year after the 19970
released prisoner is released from the institution under a period 19971
of post-release control. The authority ~~shall~~ may classify the 19972

termination of post-release control as ~~favorable or~~ unfavorable 19973
~~depending on~~ if the offender's conduct and compliance with the 19974
conditions of supervision is unsatisfactory. If the authority does 19975
not classify the termination of post-release control as 19976
unfavorable, the offender's conduct and compliance with the 19977
conditions of post-release control shall be not considered as an 19978
unfavorable termination under this division by a court when the 19979
court, at a future sentencing hearing, is considering the factors 19980
described in division (D)(1) of section 2929.12 of the Revised 19981
Code. In the case of a released prisoner whose sentence is life 19982
imprisonment, the authority shall not terminate post-release 19983
control earlier than five years after the released prisoner is 19984
released from the institution under a period of post-release 19985
control. 19986

(2) The department of rehabilitation and correction, no later 19987
than six months after July 8, 2002, shall adopt a rule in 19988
accordance with Chapter 119. of the Revised Code that establishes 19989
the criteria for the classification of a post-release control 19990
termination as ~~"favorable" or~~ "unfavorable." 19991

(C)(1) Except as provided in division (C)(2) of this section, 19992
the following prisoners or person shall be restored to the rights 19993
and privileges forfeited by a conviction: 19994

(a) A prisoner who has served the entire prison term that 19995
comprises or is part of the prisoner's sentence and has not been 19996
placed under any post-release control sanctions; 19997

(b) A prisoner who has been granted a final release or 19998
termination of post-release control by the adult parole authority 19999
pursuant to division (A) or (B) of this section; 20000

(c) A person who has completed the period of a community 20001
control sanction or combination of community control sanctions, as 20002
defined in section 2929.01 of the Revised Code, that was imposed 20003

by the sentencing court.	20004
(2)(a) As used in division (C)(2)(c) of this section:	20005
(i) "Position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code.	20006 20007
(ii) "Public office" means any elected federal, state, or local government office in this state.	20008 20009
(b) For purposes of division (C)(2)(c) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008.	20010 20011 20012 20013 20014 20015 20016 20017
(c) Division (C)(1) of this section does not restore a prisoner or person to the privilege of holding a position of honor, trust, or profit if the prisoner or person was convicted of or pleaded guilty to committing on or after May 13, 2008, any of the following offenses that is a felony:	20018 20019 20020 20021 20022
(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;	20023 20024
(ii) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;	20025 20026 20027 20028 20029 20030
(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in	20031 20032 20033

division (C)(2)(c)(i) of this section; 20034

(iv) A violation of an existing or former municipal ordinance 20035
or law of this or any other state or the United States that is 20036
substantially equivalent to any violation listed in division 20037
(C)(2)(c)(ii) of this section, when the person committed the 20038
violation while the person was serving in a public office and the 20039
conduct constituting the violation was related to the duties of 20040
the person's public office or to the person's actions as a public 20041
official holding that public office; 20042

(v) A conspiracy to commit, attempt to commit, or complicity 20043
in committing any offense listed in division (C)(2)(c)(i) or 20044
described in division (C)(2)(c)(iii) of this section; 20045

(vi) A conspiracy to commit, attempt to commit, or complicity 20046
in committing any offense listed in division (C)(2)(c)(ii) or 20047
described in division (C)(2)(c)(iv) of this section, if the person 20048
committed the violation while the person was serving in a public 20049
office and the conduct constituting the offense that was the 20050
subject of the conspiracy, that would have constituted the offense 20051
attempted, or constituting the offense in which the person was 20052
complicit was or would have been related to the duties of the 20053
person's public office or to the person's actions as a public 20054
official holding that public office. 20055

(D) Division (A) of this section does not apply to a prisoner 20056
in the shock incarceration program established pursuant to section 20057
5120.031 of the Revised Code. 20058

(E) The final release certificate of a parolee and the 20059
certificate of termination of a prisoner shall serve as the 20060
official minutes of the adult parole authority, and the authority 20061
shall consider those certificates as its official minutes. 20062

Sec. 3101.08. An ordained or licensed minister of any 20063

religious society or congregation within this state who is 20064
licensed to solemnize marriages, a judge of a county court in 20065
accordance with section 1907.18 of the Revised Code, a judge of a 20066
municipal court in accordance with section 1901.14 of the Revised 20067
Code, a probate judge in accordance with section 2101.27 of the 20068
Revised Code, the mayor of a municipal corporation in any county 20069
in which such municipal corporation wholly or partly lies, the 20070
superintendent of ~~the state school for the deaf~~ Ohio deaf and
blind education services, or any religious society in conformity 20071
with the rules of its church, may join together as husband and 20072
wife any persons who are not prohibited by law from being joined 20073
in marriage. 20074
20075

Sec. 3103.03. (A) Each married person must support the 20076
person's self and spouse out of the person's property or by the 20077
person's labor. If a married person is unable to do so, the spouse 20078
of the married person must assist in the support so far as the 20079
spouse is able. The biological or adoptive parent of a minor child 20080
must support the parent's minor children out of the parent's 20081
property or by the parent's labor. 20082

(B) Notwithstanding section 3109.01 of the Revised Code and 20083
to the extent provided in section 3119.86 of the Revised Code, the 20084
parental duty of support to children shall continue beyond the age 20085
of majority as long as the child continuously attends on a 20086
full-time basis any recognized and accredited high school. That 20087
duty of support shall continue during seasonal vacation periods. 20088

(C) If a married person neglects to support the person's 20089
spouse in accordance with this section, any other person, in good 20090
faith, may supply the spouse with necessaries for the support of 20091
the spouse and recover the reasonable value of the necessaries 20092
supplied from the married person who neglected to support the 20093
spouse unless the spouse abandons that person without cause. 20094

~~(D)~~(D)(1) If a parent neglects to support the parent's minor child in accordance with this section and if the minor child in question is unemancipated, any other person, in good faith, may supply the minor child with necessaries for the support of the minor child and recover the reasonable value of the necessaries supplied from the parent who neglected to support the minor child.

(2) A duty of support may be enforced by a child support order, as defined under division (B) of section 3119.01 of the Revised Code.

(E) If a decedent during the decedent's lifetime has purchased an irrevocable preneed funeral contract pursuant to section 4717.34 of the Revised Code, then the duty of support owed to a spouse pursuant to this section does not include an obligation to pay for the funeral expenses of the deceased spouse. This division does not preclude a surviving spouse from assuming by contract the obligation to pay for the funeral expenses of the deceased spouse.

Sec. 3107.012. (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the foster caregiver's foster child who has resided in the foster caregiver's home for at least six months prior to the date the foster caregiver submits the application to the agency.

(B) The department of job and family services shall prescribe an application for a foster caregiver to use under division (A) of this section. The application shall not require that the foster caregiver provide any information the foster caregiver already provided the department, or undergo an inspection the foster caregiver already underwent, to obtain a foster home certificate under section 5103.03 of the Revised Code.

(C) An agency that receives an application prescribed under 20126
division (B) of this section from a foster caregiver authorized to 20127
use the application shall not require, as a condition of the 20128
agency accepting or approving the application, that the foster 20129
caregiver undergo a criminal records check under section ~~2151.86~~ 20130
5103.251 of the Revised Code as a prospective adoptive parent. The 20131
agency shall inform the foster caregiver, in accordance with 20132
~~division (C) of section 2151.86~~ 5103.251 of the Revised Code, that 20133
the foster caregiver must undergo the criminal records check 20134
before a court may issue a final decree of adoption or 20135
interlocutory order of adoption under section 3107.14 of the 20136
Revised Code. 20137

Sec. 3107.033. ~~Not later than June 1, 2009, the~~ The director 20138
of job and family services shall adopt rules in accordance with 20139
Chapter 119. of the Revised Code specifying both of the following: 20140

(A) The manner in which a home study is to be conducted and 20141
the information and documents to be included in a home study 20142
report, which shall include the following: 20143

(1) For adoptions arranged by an attorney, pursuant to 20144
section 3107.034 of the Revised Code, a summary report of a search 20145
of the uniform statewide automated child welfare information 20146
system established in section 5101.13 of the Revised Code and a 20147
report of a check of a central registry of another state if a 20148
request for a check of a central registry of another state is 20149
required under division (A) of section 3107.034 of the Revised 20150
Code. ~~The director shall ensure that rules adopted under this~~ 20151
~~section align the home study content, time period, and process~~ 20152
~~with any foster care home study content, time period, and process~~ 20153
~~required by rules adopted under section 5103.03 of the Revised~~ 20154
~~Code.~~ 20155

(2) For adoptions arranged by an agency, pursuant to section 20156

5103.252 of the Revised Code, a summary report of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code and a report of a check of a central registry of another state if a request for a check of a central registry of another state is required under of section 5103.254 of the Revised Code.

(3) The director shall ensure that rules adopted under divisions (A)(1) and (2) of this section align the home study content, time period, and process with any foster care home study content, time period, and process required by rules adopted under section 5103.03 of the Revised Code.

(B) A procedure under which a person whose application for adoption has been denied as a result of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code as part of the home study may appeal the denial to the agency that employed the assessor who filed the report.

Sec. 3107.034. (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the ~~administrative director of an agency, or~~ attorney, who arranges the adoption for the prospective adoptive parent shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective adoptive parent or the person eighteen years of age or older who resides with the prospective adoptive parent to enable the ~~agency or~~ attorney to check any child abuse and neglect registry maintained by that other state. The ~~administrative director or~~

attorney shall make the request and shall review the results of 20188
the check before a final decree of adoption or an interlocutory 20189
order of adoption making the person an adoptive parent may be 20190
made. Information received pursuant to the request shall be 20191
considered for purposes of this chapter as if it were a summary 20192
report required under section 3107.033 of the Revised Code. The 20193
department of job and family services shall comply with any 20194
request to check the central registry that is similar to the 20195
request described in this division and that is received from any 20196
other state. 20197

(B) The summary report of a search of the uniform statewide 20198
automated child welfare information system established in section 20199
5101.13 of the Revised Code that is required under section 20200
3107.033 of the Revised Code shall contain, if applicable, a 20201
chronological list of abuse and neglect determinations or 20202
allegations of which the person seeking to adopt is subject and in 20203
regards to which a public children services agency has done one of 20204
the following: 20205

(1) Determined that abuse or neglect occurred; 20206

(2) Initiated an investigation, and the investigation is 20207
ongoing; 20208

(3) Initiated an investigation and the agency was unable to 20209
determine whether abuse or neglect occurred. 20210

(C) The summary report required under section 3107.033 of the 20211
Revised Code shall not contain any of the following: 20212

(1) An abuse and neglect determination of which the person 20213
seeking to adopt is subject and in regards to which a public 20214
children services agency determined that abuse or neglect did not 20215
occur; 20216

(2) Information or reports the dissemination of which is 20217
prohibited by, or interferes with eligibility under, the "Child 20218

Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 20219
5101 et seq., as amended; 20220

(3) The name of the person who or entity that made, or 20221
participated in the making of, the report of abuse or neglect. 20222

(D)(1) An application for adoption may be denied based on a 20223
summary report containing the information described under division 20224
(B)(1) of this section, when considered within the totality of the 20225
circumstances. An application that is denied may be appealed using 20226
the procedure adopted pursuant to division (B) of section 3107.033 20227
of the Revised Code. 20228

(2) An application for adoption shall not be denied solely 20229
based on a summary report containing the information described 20230
under division (B)(2) or (3) of this section. 20231

Sec. 3107.035. (A) At the time of the initial home study, and 20232
every two years thereafter, if the home study is updated, and 20233
until it becomes part of a final decree of adoption or an 20234
interlocutory order of adoption, the ~~agency or~~ attorney that 20235
arranges an adoption for the prospective adoptive parent shall 20236
conduct a search of the United States department of justice 20237
national sex offender public web site regarding the prospective 20238
adoptive parent and all persons eighteen years of age or older who 20239
reside with the prospective adoptive parent. 20240

(B) A petition for adoption may be denied based solely on the 20241
results of the search of the national sex offender public web 20242
site. 20243

(C) The director of job and family services shall adopt rules 20244
in accordance with Chapter 119. of the Revised Code necessary for 20245
the implementation and execution of this section. 20246

Sec. 3107.14. (A) The petitioner and the person sought to be 20247
adopted shall appear at the hearing on the petition, unless the 20248

presence of either is excused by the court for good cause shown. 20249

(B) The court may continue the hearing from time to time to 20250
permit further observation, investigation, or consideration of any 20251
facts or circumstances affecting the granting of the petition, and 20252
may examine the petitioners separate and apart from each other. 20253

(C) If, at the conclusion of the hearing, the court finds 20254
that the required consents have been obtained or excused and that 20255
the adoption is in the best interest of the person sought to be 20256
adopted as supported by the evidence, it may issue, subject to 20257
division ~~(C)(1)~~(D) of section 2151.86, section 3107.064, ~~and~~ 20258
division (E) of section 3107.09, and section 5103.256 of the 20259
Revised Code, and any other limitations specified in this chapter, 20260
a final decree of adoption or an interlocutory order of adoption, 20261
which by its own terms automatically becomes a final decree of 20262
adoption on a date specified in the order, which, except as 20263
provided in division (B) of section 3107.13 of the Revised Code, 20264
shall not be less than six months or more than one year from the 20265
date the person to be adopted is placed in the petitioner's home, 20266
unless sooner vacated by the court for good cause shown. In 20267
determining whether the adoption is in the best interest of the 20268
person sought to be adopted, the court shall not consider the age 20269
of the petitioner if the petitioner is old enough to adopt as 20270
provided by section 3107.03 of the Revised Code. 20271

In an interlocutory order of adoption, the court shall 20272
provide for observation, investigation, and a further report on 20273
the adoptive home during the interlocutory period. 20274

(D) If the requirements for a decree under division (C) of 20275
this section have not been satisfied or the court vacates an 20276
interlocutory order of adoption, or if the court finds that a 20277
person sought to be adopted was placed in the home of the 20278
petitioner in violation of law, the court shall dismiss the 20279
petition and may determine the agency or person to have temporary 20280

or permanent custody of the person, which may include the agency 20281
or person that had custody prior to the filing of the petition or 20282
the petitioner, if the court finds it is in the best interest of 20283
the person as supported by the evidence, or if the person is a 20284
minor, the court may certify the case to the juvenile court of the 20285
county where the minor is then residing for appropriate action and 20286
disposition. 20287

(E) The issuance of a final decree or interlocutory order of 20288
adoption for an adult adoption under division (A)(4) of section 20289
3107.02 of the Revised Code shall not disqualify that adult for 20290
services under section 2151.82 or 2151.83 of the Revised Code. 20291

Sec. 3109.15. There is hereby created within the department 20292
of job and family services the children's trust fund board 20293
consisting of fifteen members. The directors of mental health and 20294
addiction services, health, and job and family services shall be 20295
members of the board. Eight public members shall be appointed by 20296
the governor. These members shall be persons with demonstrated 20297
knowledge in programs for children, shall be representative of the 20298
demographic composition of this state, and, to the extent 20299
practicable, shall be representative of the following categories: 20300
the educational community; the legal community; the social work 20301
community; the medical community; the voluntary sector; and 20302
professional providers of child abuse and child neglect services. 20303
Two members of the board shall be members of the house of 20304
representatives appointed by the speaker of the house of 20305
representatives and shall be members of two different political 20306
parties. Two members of the board shall be members of the senate 20307
appointed by the president of the senate and shall be members of 20308
two different political parties. All members of the board 20309
appointed by the speaker of the house of representatives or the 20310
president of the senate shall serve until the expiration of the 20311
sessions of the general assembly during which they were appointed. 20312

They may be reappointed to an unlimited number of successive terms 20313
of two years at the pleasure of the speaker of the house of 20314
representatives or president of the senate. ~~Public~~ 20315

Public members shall serve terms of three years. Each member 20316
shall serve until the member's successor is appointed, or until a 20317
period of sixty days has elapsed, whichever occurs first. No 20318
public member may serve more than two consecutive full terms. 20319
However, a member may serve two consecutive full terms following 20320
the remainder of a term for which the member was appointed to fill 20321
a vacancy. 20322

All vacancies on the board shall be filled for the balance of 20323
the unexpired term in the same manner as the original appointment. 20324

Any member of the board may be removed by the member's 20325
appointing authority for misconduct, incompetency, or neglect of 20326
duty after first being given the opportunity to be heard in the 20327
member's own behalf. Pursuant to section 3.17 of the Revised Code, 20328
a member, except a member of the general assembly or a judge of 20329
any court in the state, who fails to attend at least three-fifths 20330
of the regular and special meetings held by the board during any 20331
two-year period forfeits the member's position on the board. 20332

Each member of the board shall serve without compensation but 20333
shall be reimbursed for all actual and necessary expenses incurred 20334
in the performance of official duties. 20335

At the beginning of the first year of each even-numbered 20336
general assembly, the chairperson of the board shall be appointed 20337
by the speaker of the house of representatives from among members 20338
of the board who are members of the house of representatives. At 20339
the beginning of the first year of each odd-numbered general 20340
assembly, the chairperson of the board shall be appointed by the 20341
president of the senate from among the members of the board who 20342
are senate members. 20343

The board shall biennially select a vice-chair from among its nonlegislative members. 20344
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Sec. 3109.16. (A) The children's trust fund board, upon the recommendation of the director of job and family services, shall approve the employment of an executive director who will administer the programs of the board. 20346
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(B) The department of job and family services shall provide budgetary, procurement, accounting, and other related management functions for the board and may adopt rules in accordance with Chapter 119. of the Revised Code for these purposes. An amount not to exceed three per cent of the total amount of fees deposited in the children's trust fund in each fiscal year may be used for costs directly related to these administrative functions of the department. Each fiscal year, the board shall approve a budget for administrative expenditures for the next fiscal year. 20350
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(C) The board may request that the department adopt rules the board considers necessary for the purpose of carrying out the board's responsibilities under this section, and the department may adopt those rules. The department may, after consultation with the board and the executive director, adopt any other rules to assist the board in carrying out its responsibilities under this section. In either case, the rules shall be adopted under Chapter 119. of the Revised Code. 20359
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(D) The board shall meet at least quarterly at the call of the chairperson to conduct its official business. All business transactions of the board shall be conducted in public meetings. ~~Eight~~ A majority of the members of appointed to the board constitute a quorum. A majority of the quorum is required to make all decisions of the board. 20367
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(E) With respect to funding, all of the following apply: 20373

(1) The board may apply for and accept federal and other 20374
funds for the purpose of funding child abuse and child neglect 20375
prevention programs. 20376

(2) The board may solicit and accept gifts, money, and other 20377
donations from any public or private source, including 20378
individuals, philanthropic foundations or organizations, 20379
corporations, or corporation endowments. 20380

(3) The board may develop private-public partnerships to 20381
support the mission of the children's trust fund. 20382

(4) The acceptance and use of federal and other funds shall 20383
~~not entail any commitment or pledge of state funds, nor~~ obligate 20384
the general assembly to continue the programs or activities for 20385
which the federal and other funds are made available. 20386

(5) All funds received in the manner described in this 20387
section shall be transmitted to the treasurer of state, who shall 20388
credit them to the children's trust fund created in section 20389
3109.14 of the Revised Code. 20390

Sec. 3109.17. (A) The children's trust fund board shall 20391
establish a strategic plan for child abuse and child neglect 20392
prevention. The plan shall be transmitted to the governor, the 20393
president and minority leader of the senate, and the speaker and 20394
minority leader of the house of representatives and shall be made 20395
available to the general public. 20396

(B) In developing and carrying out the strategic plan, the 20397
children's trust fund board shall, in accordance with rules 20398
adopted by the department pursuant to Chapter 119. of the Revised 20399
Code, do all of the following: 20400

(1) Ensure that an opportunity exists for assistance through 20401
child abuse and child neglect prevention programs to persons 20402
throughout the state of various social and economic backgrounds; 20403

(2) Allocate funds to entities for the purpose of funding child abuse and child neglect prevention programs that have statewide significance and that have been approved by the children's trust fund board;

(3) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

(4) Establish reporting requirements for ~~both of the following:~~

~~(a) Regional regional child abuse and child neglect prevention councils, including deadlines for the submission of the progress and annual reports required under section 3107.172 of the Revised Code;~~

~~(b) Children's advocacy centers, including deadlines for the submission of reports required under section 3107.178 of the Revised Code.~~

(5) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

(6) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

~~(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of job and family services. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's advocacy center.~~

Sec. 3109.172. (A) As used in this section, "county prevention specialist" includes the following:

(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code;

(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(4) Members of county boards of developmental disabilities that serve counties within a region;

(5) Members of the educational community appointed by the superintendent of the school district with the largest enrollment in the counties within a region;

(6) Juvenile justice officials serving counties within a

region; 20464

(7) Pediatricians, health department nurses, and other 20465
members of the medical community in the counties within a region; 20466

(8) Counselors and social workers serving counties within a 20467
region; 20468

(9) Head start agencies serving counties within a region; 20469

(10) Child care providers serving counties within a region; 20470

(11) Parent advocates with relevant experience and knowledge 20471
of services in a region; 20472

(12) Other persons with demonstrated knowledge in programs 20473
for children serving counties within a region. 20474

(B) Each child abuse and child neglect prevention region 20475
shall have a child abuse and child neglect regional prevention 20476
council as appointed under divisions (C), (D), and (E) of this 20477
section. Each council shall operate in accordance with rules 20478
adopted by the department of job and family services pursuant to 20479
Chapter 119. of the Revised Code. 20480

(C)(1) Each board of county commissioners within a region may 20481
appoint up to two county prevention specialists to the council 20482
representing the county, in accordance with rules adopted by the 20483
department of job and family services under Chapter 119. of the 20484
Revised Code. 20485

(2) The children's trust fund board may appoint additional 20486
county prevention specialists to each region's council at the 20487
board's discretion. 20488

~~(3) A representative of the council's regional prevention~~ 20489
~~coordinator shall serve as a nonvoting member of the council.~~ 20490

(D) Each council member appointed under division (C)(1) of 20491
this section shall be appointed for a two-year term. Each council 20492
member appointed under division (C)(2) ~~or (3)~~ of this section 20493

shall be appointed for a three-year term. A member may be 20494
reappointed, but for two consecutive terms only. 20495

(E) A member may be removed from the council by the member's 20496
appointing authority for misconduct, incompetence, or neglect of 20497
duty. 20498

(F) Each appointed member of a council shall serve without 20499
compensation but shall be reimbursed for all actual and necessary 20500
expenses incurred in the performance of official duties. 20501

(G) ~~The representative of the regional prevention coordinator~~ 20502
~~shall serve as~~ A chairperson of the council shall be selected by 20503
the council's regional prevention coordinator from among the 20504
county prevention specialists serving on the council. 20505

(1) The chairperson shall serve as a nonvoting member of the 20506
council. 20507

(2) The chairperson shall preside over council meetings or 20508
may call upon the vice-chairperson to preside over meetings. 20509

(H) At the first regular meeting of the year, which shall be 20510
called by the chairperson, the members shall elect a 20511
vice-chairperson by a majority vote. 20512

(1) The vice-chairperson shall preside over council meetings 20513
in the absence of the chairperson or upon the request of the 20514
chairperson. 20515

(2) The vice-chairperson functions in the same capacity as 20516
the chairperson and becomes a nonvoting member when presiding over 20517
a council meeting. 20518

(I) Each council shall meet at least quarterly. 20519

~~(I)~~(J) Council members shall do all of the following: 20520

(1) Attend meetings of the council on which they serve; 20521

(2) Assist the regional prevention coordinator in conducting 20522

a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;

(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;

(4) Assist the council's regional prevention coordinator with all of the following:

(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;

(b) Coordinating county data collection;

(c) Ensuring timely and accurate reporting to the children's trust fund board.

(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.

~~(J)~~(K) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee.

~~(K)~~(L) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board.

Sec. 3109.178. (A) Each child abuse and child neglect

regional prevention council may request from the children's trust 20553
fund board up to five thousand dollars for each county within the 20554
council's region to be used as one-time, start-up costs for the 20555
establishment and operation of a children's advocacy center to 20556
serve each county in the region or a center to serve two or more 20557
contiguous counties within the region. 20558

(B) On receipt of a request made under this section, the 20559
board shall review and approve or disapprove the request. 20560

(C) If the board disapproves the request, the board shall 20561
send to the requesting council written notice of the disapproval 20562
that states the reasons for the disapproval. 20563

(D) No funds allocated to a council under this section may be 20564
used as start-up costs for any children's advocacy center unless 20565
the center has as a component a primary prevention strategy. 20566

(E) A council that receives funds under this section in any 20567
fiscal year shall not use the funds received in a different fiscal 20568
year or for a different center in any fiscal year without the 20569
approval of the board. 20570

(F) A children's advocacy center established using funds 20571
awarded under this section shall comply with sections 2151.425 to 20572
2151.428 of the Revised Code. 20573

~~(G) Each children's advocacy center that receives funds under 20574
this section shall file with its respective council, by the date 20575
specified by the board, an annual report that includes the 20576
information required by the board. The council shall forward a 20577
copy of the annual report to the board. 20578~~

Sec. 3109.53. To create a power of attorney under section 20579
3109.52 of the Revised Code, a parent, guardian, or custodian 20580
shall use a form that is identical in form and content to the 20581
following: 20582

POWER OF ATTORNEY

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I, the undersigned, residing at, in the county of
....., state of, hereby appoint the child's
grandparent,, residing at, in the county of
....., in the state of Ohio, with whom the child of whom I
am the parent, guardian, or custodian is residing, my attorney in
fact to exercise any and all of my rights and responsibilities
regarding the care, physical custody, and control of the child,
....., born, having social security number
(optional), except my authority to consent to marriage
or adoption of the child, and to perform all acts
necessary in the execution of the rights and responsibilities
hereby granted, as fully as I might do if personally present. The
rights I am transferring under this power of attorney include the
ability to enroll the child in school, to obtain from the school
district educational and behavioral information about the child,
to consent to all school-related matters regarding the child, and
to consent to medical, psychological, or dental treatment for the
child. This transfer does not affect my rights in any future
proceedings concerning the custody of the child or the allocation
of the parental rights and responsibilities for the care of the
child and does not give the attorney in fact legal custody of the
child. This transfer does not terminate my right to have regular
contact with the child.

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I hereby certify that I am transferring the rights and
responsibilities designated in this power of attorney because one
of the following circumstances exists:

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(1) I am: (a) Seriously ill, incarcerated, or about to be
incarcerated, (b) Temporarily unable to provide financial support
or parental guidance to the child, (c) Temporarily unable to
provide adequate care and supervision of the child because of my
physical or mental condition, (d) Homeless or without a residence

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because the current residence is destroyed or otherwise 20615
uninhabitable, or (e) In or about to enter a residential treatment 20616
program for substance abuse; 20617

(2) I am a parent of the child, the child's other parent is 20618
deceased, and I have authority to execute the power of attorney; 20619
or 20620

(3) I have a well-founded belief that the power of attorney 20621
is in the child's best interest. 20622

I hereby certify that I am not transferring my rights and 20623
responsibilities regarding the child for the purpose of enrolling 20624
the child in a school or school district so that the child may 20625
participate in the academic or interscholastic athletic programs 20626
provided by that school or district. 20627

~~I understand that this document does not authorize a child 20628
support enforcement agency to redirect child support payments to 20629
the grandparent designated as attorney in fact. I further 20630
understand that to have an existing child support order modified 20631
or a new child support order issued administrative or judicial 20632
proceedings must be initiated. 20633~~

If there is a court order naming me the residential parent 20634
and legal custodian of the child who is the subject of this power 20635
of attorney and I am the sole parent signing this document, I 20636
hereby certify that one of the following is the case: 20637

(1) I have made reasonable efforts to locate and provide 20638
notice of the creation of this power of attorney to the other 20639
parent and have been unable to locate that parent; 20640

(2) The other parent is prohibited from receiving a notice of 20641
relocation; or 20642

(3) The parental rights of the other parent have been 20643
terminated by order of a juvenile court. 20644

This POWER OF ATTORNEY is valid until the occurrence of 20645
whichever of the following events occurs first: (1) I revoke this 20646
POWER OF ATTORNEY in writing and give notice of the revocation to 20647
the grandparent designated as attorney in fact and the juvenile 20648
court with which this POWER OF ATTORNEY was filed; (2) the child 20649
ceases to reside with the grandparent designated as attorney in 20650
fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) 20651
the death of the child who is the subject of the power of 20652
attorney; or (5) the death of the grandparent designated as the 20653
attorney in fact. 20654

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 20655
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 20656
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 20657
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 20658
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 20659
BOTH. 20660

Witness my hand this day of, 20661

..... 20662

Parent/Custodian/Guardian's signature 20663

..... 20664

Parent's signature 20665

..... 20666

Grandparent designated as attorney in fact 20667

State of Ohio) 20668

) ss: 20669

County of) 20670

Subscribed, sworn to, and acknowledged before me this day 20671

of, 20672

..... 20673

Notary Public 20674

Notices: 20675

1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest. 20676
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public. 20677
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the 20678 20679

person designated as the attorney in fact.

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 20680
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 20681
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 20682
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact. 20683

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the 20684

following:

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 20685

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 20686

(c) The court in which the power of attorney was filed after its creation; 20687

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates. 20688

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 20689

Additional information: 20690

To the grandparent designated as attorney in fact: 20691

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1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you. 20693

2. You must include with the power of attorney the following information: 20694
- (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 20695
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 20696
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 20697
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 20698
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication. 20699
3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, 20700

within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

- To school officials: 20701
1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 20702
 2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 20703
 3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation. 20704
- To health care providers: 20705
1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized. 20706
 2. The decision of a grandparent designated as attorney in fact, 20707

based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.

Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child:
2. Child's date and year of birth:
3. Child's social security number (optional):
4. My name:
5. My home address:
6. My date and year of birth:
7. My Ohio driver's license number or identification card number:
8. Despite having made reasonable attempts, I am either:
 - (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or
 - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent

because paternity has not been established; or

(c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case: 20734

(i) The parent has been prohibited from receiving notice of a relocation; or 20735

(ii) The parental rights of the parent have been terminated. 20736

9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district. 20737

~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~ 20738

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 20739
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I declare that the foregoing is true and correct: 20744

Signed:..... Date:..... 20745

Grandparent 20746

State of Ohio) 20747

) ss: 20748

County of) 20749

Subscribed, sworn to, and acknowledged before me this day 20750

of,	20751
.....	20752
Notary Public	20753
Notices:	20754
1. The grandparent's signature must be notarized by an Ohio notary public.	20755
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	20756
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.	20757
4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.	20758
5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.	20759
A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by	20760

delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 20761

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 20762

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 20763

(c) The court in which the affidavit was filed after its creation. 20764

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 20765

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 20766

Additional information: 20767

To caretakers: 20768

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would 20769

reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 20770
3. You must include with the caretaker authorization affidavit the following information: 20771
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 20772
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 20773
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 20774
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 20775
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a 20776

child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to terminate the caretaker authorization affidavit by delivering a written notice of negation, reversal, or disapproval of an action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise. 20777

To school officials: 20778

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 20779
2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit. 20780
3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation. 20781
4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's 20782

action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

- To health care providers: 20783
1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized. 20784
 2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 20785
 3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 20786

Sec. 3111.01. ~~(A)~~(A)(1) As used in sections 3111.01 to 20787

3111.85 of the Revised Code, "parent and child relationship" means 20788
the legal relationship that exists between a child and the child's 20789
natural or adoptive parents and upon which those sections and any 20790
other provision of the Revised Code confer or impose rights, 20791
privileges, duties, and obligations. The "parent and child 20792
relationship" includes the mother and child relationship and the 20793
father and child relationship. 20794

~~(B)(2)~~ The parent and child relationship extends equally to 20795
all children and all parents, regardless of the marital status of 20796
the parents. 20797

(B) As used in this chapter, "caretaker" has the same meaning 20798
as in section 3119.01 of the Revised Code. 20799

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 20800
this section, an action to determine the existence or nonexistence 20801
of the father and child relationship may be brought by the child 20802
or the child's personal representative, the child's caretaker, the 20803
child's mother or her personal representative, a man alleged or 20804
alleging himself to be the child's father, the child support 20805
enforcement agency of the county in which the child resides if the 20806
child's mother, father, or alleged father is a recipient of public 20807
assistance or of services under Title IV-D of the "Social Security 20808
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 20809
alleged father's personal representative. 20810

(2) A man alleged or alleging himself to be the child's 20811
father is not eligible to file an action under division (A)(1) of 20812
this section if the man was convicted of or pleaded guilty to rape 20813
or sexual battery, the victim of the rape or sexual battery was 20814
the child's mother, and the child was conceived as a result of the 20815
rape or sexual battery. 20816

(B) An agreement does not bar an action under this section. 20817

(C) If an action under this section is brought before the 20818
birth of the child and if the action is contested, all 20819
proceedings, except service of process and the taking of 20820
depositions to perpetuate testimony, may be stayed until after the 20821
birth. 20822

(D) A recipient of public assistance or of services under 20823
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 20824
U.S.C.A. 651, as amended, shall cooperate with the child support 20825
enforcement agency of the county in which a child resides to 20826
obtain an administrative determination pursuant to sections 20827
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 20828
determination pursuant to sections 3111.01 to 3111.18 of the 20829
Revised Code, of the existence or nonexistence of a parent and 20830
child relationship between the father and the child. If the 20831
recipient fails to cooperate, the agency may commence an action to 20832
determine the existence or nonexistence of a parent and child 20833
relationship between the father and the child pursuant to sections 20834
3111.01 to 3111.18 of the Revised Code. 20835

(E) As used in this section: 20836

(1) "Public assistance" means both of the following: 20837

(a) Medicaid; 20838

(b) Ohio works first under Chapter 5107. of the Revised Code. 20839

(2) "Rape" means a violation of section 2907.02 of the 20840
Revised Code or similar law of another state. 20841

(3) "Sexual battery" means a violation of section 2907.03 of 20842
the Revised Code or similar law of another state. 20843

Sec. 3111.041. A caretaker of a child may authorize genetic 20844
testing of the child pursuant to any action or proceeding under 20845
Chapter 3111. of the Revised Code. 20846

Sec. 3111.06. (A) Except as otherwise provided in division 20847
(B) ~~or~~, (C), or (D) of section 3111.381 of the Revised Code, an 20848
action authorized under sections 3111.01 to 3111.18 of the Revised 20849
Code may be brought in the juvenile court or other court with 20850
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 20851
of the county in which the child, the child's mother, or the 20852
alleged father resides or is found or, if the alleged father is 20853
deceased, of the county in which proceedings for the probate of 20854
the alleged father's estate have been or can be commenced, or of 20855
the county in which the child is being provided support by the 20856
county department of job and family services of that county. An 20857
action pursuant to sections 3111.01 to 3111.18 of the Revised Code 20858
to object to an administrative order issued pursuant to former 20859
section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the 20860
Revised Code determining the existence or nonexistence of a parent 20861
and child relationship that has not become final and enforceable, 20862
may be brought only in the juvenile court or other court with 20863
jurisdiction of the county in which the child support enforcement 20864
agency that issued the order is located. If an action for divorce, 20865
dissolution, or legal separation has been filed in a court of 20866
common pleas, that court of common pleas has original jurisdiction 20867
to determine if the parent and child relationship exists between 20868
one or both of the parties and any child alleged or presumed to be 20869
the child of one or both of the parties. 20870

(B) A person who has sexual intercourse in this state submits 20871
to the jurisdiction of the courts of this state as to an action 20872
brought under sections 3111.01 to 3111.18 of the Revised Code with 20873
respect to a child who may have been conceived by that act of 20874
intercourse. In addition to any other method provided by the Rules 20875
of Civil Procedure, personal jurisdiction may be acquired by 20876
personal service of summons outside this state or by certified 20877
mail with proof of actual receipt. 20878

Sec. 3111.07. (A) The natural mother, each man presumed to be the father under section 3111.03 of the Revised Code, ~~and~~ each man alleged to be the natural father, and a caretaker of a child shall be made parties to the action brought pursuant to sections 3111.01 to 3111.18 of the Revised Code or, if not subject to the jurisdiction of the court, shall be given notice of the action pursuant to the Rules of Civil Procedure and shall be given an opportunity to be heard. The child support enforcement agency of the county in which the action is brought also shall be given notice of the action pursuant to the Rules of Civil Procedure and shall be given an opportunity to be heard. The court may align the parties. The child shall be made a party to the action unless a party shows good cause for not doing so. Separate counsel shall be appointed for the child if the court finds that the child's interests conflict with those of the mother.

If the person bringing the action knows that a particular man is not or, based upon the facts and circumstances present, could not be the natural father of the child, the person bringing the action shall not allege in the action that the man is the natural father of the child and shall not make the man a party to the action.

(B) If an action is brought pursuant to sections 3111.01 to 3111.18 of the Revised Code and the child to whom the action pertains is or was being provided support by a caretaker, the department of job and family services, a county department of job and family services, or another public agency, the caretaker, department, county department, or agency may intervene for purposes of collecting or recovering the support.

Sec. 3111.111. If an action is brought pursuant to sections 3111.01 to 3111.18 of the Revised Code to object to a determination made pursuant to former section 3111.21 or 3111.22

or sections 3111.38 to 3111.54 of the Revised Code that the 20910
alleged father is the natural father of a child, the court, on its 20911
own motion or on the motion of either party, shall issue a 20912
temporary order for the support of the child pursuant to Chapters 20913
3119., 3121., 3123., and 3125. of the Revised Code requiring the 20914
alleged father to pay support to the natural mother or the 20915
~~guardian or legal custodian~~ caretaker of the child. The order 20916
shall remain in effect until the court issues a judgment in the 20917
action pursuant to section 3111.13 of the Revised Code that 20918
determines the existence or nonexistence of a father and child 20919
relationship. If the court, in its judgment, determines that the 20920
alleged father is not the natural father of the child, the court 20921
shall order the person to whom the temporary support was paid 20922
under the order to repay the alleged father all amounts paid for 20923
support under the temporary order. 20924

Sec. 3111.15. (A) If the existence of the father and child 20925
relationship is declared or if paternity or a duty of support has 20926
been adjudicated under sections 3111.01 to 3111.18 of the Revised 20927
Code or under prior law, the obligation of the father may be 20928
enforced in the same or other proceedings by the mother, the 20929
child, the caretaker of the child, or the public authority that 20930
has furnished or may furnish the reasonable expenses of pregnancy, 20931
confinement, education, support, or funeral, or by any other 20932
person, including a private agency, to the extent that any of them 20933
may furnish, has furnished, or is furnishing these expenses. 20934

(B) The court may order support payments to be made to the 20935
mother, the clerk of the court, the caretaker, or a person or 20936
agency designated to administer them for the benefit of the child 20937
under the supervision of the court. 20938

(C) Willful failure to obey the judgment or order of the 20939
court is a civil contempt of the court. 20940

Sec. 3111.21. If the natural mother and alleged father of a child sign an acknowledgment of paternity affidavit prepared pursuant to section 3111.31 of the Revised Code with respect to that child at a child support enforcement agency, the agency shall provide a notary public to notarize or witnesses to witness the acknowledgment.

Sec. 3111.22. A child support enforcement agency shall send a signed and notarized or witnessed acknowledgment of paternity to the office of child support in the department of job and family services pursuant to section 3111.23 of the Revised Code. The agency shall send the acknowledgment no later than ten days after it has been signed and notarized or witnessed. If the agency knows a man is presumed under section 3111.03 of the Revised Code to be the father of the child and the presumed father is not the man who signed an acknowledgment with respect to the child, the agency shall not notarize, witness, or send the acknowledgment with respect to the child pursuant to this section.

Sec. 3111.23. (A) The natural mother, the man acknowledging he is the natural father, or the other custodian or guardian of a child, a child support enforcement agency pursuant to section 3111.22 of the Revised Code, a local registrar of vital statistics pursuant to section 3705.091 of the Revised Code, or a hospital staff person pursuant to section 3727.17 of the Revised Code, ~~in person or by mail,~~ may file an acknowledgment of paternity with the office of child support in the department of job and family services, acknowledging that the child is the child of the man who signed the acknowledgment. The natural mother, the man acknowledging he is the natural father, and the other custodian or guardian of a child, may file an acknowledgment in person or by mail. A child support enforcement agency, a local registrar of

vital statistics, and a hospital staff person may file an 20971
acknowledgment electronically, in person, or by mail. 20972

(B) The acknowledgment of paternity shall be made; 20973

(1) Made on the affidavit prepared pursuant to section 20974
3111.31 of the Revised Code, shall be signed; 20975

(2) Signed by the natural mother and the man acknowledging 20976
that he is the natural father, and each signature shall be 20977
notarized. The mother and man may sign and have the signature 20978
notarized outside of each other's presence. An acknowledgment 20979
shall be sent and notarized or witnessed in accordance with 20980
division (C) of this section; 20981

(3) Sent to the office no not later than ten days after it 20982
has been signed and notarized. 20983

(C) Each signature in an acknowledgment of paternity shall be 20984
notarized or witnessed by two adult witnesses. The mother and the 20985
man acknowledging that he is the natural father may sign and have 20986
the signature notarized or witnessed outside of each other's 20987
presence. If a person knows a man is presumed under section 20988
3111.03 of the Revised Code to be the natural father of the child 20989
described in this section and that the presumed father is not the 20990
man who signed an acknowledgment with respect to the child, the 20991
person shall not notarize, witness, or file the acknowledgment 20992
pursuant to this section. 20993

Sec. 3111.24. (A) On the filing of an acknowledgment, the 20994
office of child support shall examine the acknowledgment to 20995
determine whether it is completed correctly. The office shall make 20996
the examination no later than five days after the acknowledgment 20997
is filed. If the acknowledgment is completed correctly, the office 20998
shall comply with division (B) of this section. ~~If the~~ 20999
~~acknowledgment is not completed correctly, the office shall return~~ 21000

~~it to the person or entity that filed it. The person or entity shall have ten days from the date the office sends the acknowledgment back to correct it and return it to the office. The office shall send, along with the acknowledgment, a notice stating what needs to be corrected and the amount of time the person or entity has to make the corrections and return the acknowledgment to the office.~~

~~If the person or entity returns the acknowledgment in a timely manner, the office shall examine the acknowledgment again to determine whether it has been correctly completed. If the acknowledgment has been correctly completed, the office shall comply with division (B) of this section. If the acknowledgment has not been correctly completed the second time or if the acknowledgment is not returned to the office in a timely manner, the acknowledgment is invalid and the office shall return it to the person or entity and shall not enter it into the birth registry. If the office returns an acknowledgment the second time, it shall send a notice to the person or entity stating the errors in the acknowledgment and that the acknowledgment is invalid.~~

(B) If the office determines an acknowledgment is correctly completed, the office shall enter the information on the acknowledgment into the birth registry pursuant to sections 3111.64 and 3111.65 of the Revised Code. After entering the information in the registry, the office shall send the acknowledgment to the department of health for storage pursuant to section 3705.091 of the Revised Code. The office may request that the department of health send back to the office any acknowledgment that is being stored by the department of health pursuant to that section.

(C)(1) Not later than one hundred eighty days after the effective date of this amendment, the director of job and family

services shall adopt rules in accordance with Chapter 119. of the 21032
Revised Code regarding the management of an acknowledgment of 21033
paternity that is completed incorrectly. The rules shall specify 21034
that the department provide a new acknowledgment of paternity form 21035
and a notice describing the errors to the parties who filed it. 21036

(2) Notwithstanding any provision of section 121.95 of the 21037
Revised Code to the contrary, a regulatory restriction contained 21038
in a rule adopted under division (C)(1) of this section is not 21039
subject to sections 121.95 to 121.953 of the Revised Code. 21040

Sec. 3111.29. Once an acknowledgment of paternity becomes 21041
final under section 3111.25 of the Revised Code, the mother or 21042
~~other custodian or guardian~~ caretaker of the child may do either 21043
of the following: 21044

(A) File a complaint pursuant to section 2151.231 of the 21045
Revised Code in the juvenile court or other court with 21046
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 21047
of the county in which the child or the ~~guardian or legal~~ 21048
~~custodian~~ caretaker of the child resides requesting that the court 21049
order either the father or mother, or both, to pay an amount for 21050
the support of the child; 21051

(B) Contact the child support enforcement agency for 21052
assistance in obtaining a child support order as defined in 21053
section 3119.01 of the Revised Code. 21054

Sec. 3111.31. The department of job and family services shall 21055
prepare an acknowledgment of paternity affidavit that includes in 21056
boldface type at the top of the affidavit the rights and 21057
responsibilities of and the due process safeguards afforded to a 21058
person who acknowledges that he is the natural father of a child, 21059
including that if an alleged father acknowledges a parent and 21060
child relationship he assumes the parental duty of support, that 21061

both signators waive any right to bring an action pursuant to 21062
sections 3111.01 to 3111.18 of the Revised Code or make a request 21063
pursuant to section 3111.38 of the Revised Code, other than for 21064
purposes of rescinding the acknowledgment pursuant to section 21065
3111.27 of the Revised Code in order to ensure expediency in 21066
resolving the question of the existence of a parent and child 21067
relationship, that either parent may rescind the acknowledgment 21068
pursuant to section 3111.27 of the Revised Code, that an action 21069
may be brought pursuant to section 3111.28 of the Revised Code, or 21070
a motion may be filed pursuant to section 3119.961 of the Revised 21071
Code, to rescind the acknowledgment, and that the natural father 21072
has the right to petition a court pursuant to section 3109.12 of 21073
the Revised Code for an order granting him reasonable parenting 21074
time with respect to the child and to petition the court for 21075
custody of the child pursuant to section 2151.23 of the Revised 21076
Code. The affidavit shall include all of the following: 21077

(A) Basic instructions for completing the form, including 21078
instructions that both the natural father and the mother of the 21079
child are required to sign the statement, that they may sign the 21080
statement without being in each other's presence, and that the 21081
signatures must be notarized or witnessed; 21082

(B) Blank spaces to enter the full name, social security 21083
number, date of birth and address of each parent; 21084

(C) Blank spaces to enter the full name, date of birth, and 21085
the residence of the child; 21086

(D) A blank space to enter the name of the hospital or 21087
department of health code number assigned to the hospital, for use 21088
in situations in which the hospital fills out the form pursuant to 21089
section 3727.17 of the Revised Code; 21090

(E) An affirmation by the mother that the information she 21091
supplied is true to the best of her knowledge and belief and that 21092

she is the natural mother of the child named on the form and 21093
assumes the parental duty of support of the child; 21094

(F) An affirmation by the father that the information he 21095
supplied is true to the best of his knowledge and belief, that he 21096
has received information regarding his legal rights and 21097
responsibilities, that he consents to the jurisdiction of the 21098
courts of this state, and that he is the natural father of the 21099
child named on the form and assumes the parental duty of support 21100
of the child; 21101

(G) Signature lines for the mother of the child and the 21102
natural father; 21103

(H) Signature lines for the notary public or witnesses; 21104

(I) An instruction to include or attach any other evidence 21105
necessary to complete the new birth record that is required by the 21106
department by rule. 21107

Sec. 3111.38. At the request of a person described in 21108
division (A) of section 3111.04 of the Revised Code, the child 21109
support enforcement agency of the county in which a child resides 21110
or in which the ~~guardian or legal custodian~~ caretaker of the child 21111
resides shall determine the existence or nonexistence of a parent 21112
and child relationship between an alleged father and the child if 21113
an application for services administered under Title IV-D of the 21114
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 21115
amended, or other IV-D referral has been completed and filed. 21116

Sec. 3111.381. (A) Except as provided in divisions (B), (C), 21117
(D), ~~and~~ (E), and (F) of this section, no person may bring an 21118
action under sections 3111.01 to 3111.18 of the Revised Code 21119
unless the person has requested an administrative determination 21120
under section 3111.38 of the Revised Code of the existence or 21121
nonexistence of a parent and child relationship. 21122

(B) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the child's mother in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the child's mother brings the action in order to request an order to determine the allocation of parental rights and responsibilities, the payment of all or any part of the reasonable expenses of the mother's pregnancy and confinement, or support of the child. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

(C) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the putative father of the child in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the putative father brings the action in order to request an order to determine the allocation of parental rights and responsibilities. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

(D) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the caretaker of the child in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the caretaker brings the action in order to request support of the child. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

(E) If services are requested by the court, under divisions (B) and, (C), and (D) of this section, of the child support enforcement agency to determine the existence or nonexistence of a

parent and child relationship, a Title IV-D application must be 21155
completed and delivered to the child support enforcement agency. 21156

~~(E)~~(F) If the alleged father of a child is deceased and 21157
proceedings for the probate of the estate of the alleged father 21158
have been or can be commenced, the court with jurisdiction over 21159
the probate proceedings shall retain jurisdiction to determine the 21160
existence or nonexistence of a parent and child relationship 21161
between the alleged father and any child without an administrative 21162
determination being requested from a child support enforcement 21163
agency. 21164

If an action for divorce, dissolution of marriage, or legal 21165
separation, or an action under section 2151.231 or 2151.232 of the 21166
Revised Code requesting an order requiring the payment of child 21167
support and provision for the health care of a child, has been 21168
filed in a court of common pleas and a question as to the 21169
existence or nonexistence of a parent and child relationship 21170
arises, the court in which the original action was filed shall 21171
retain jurisdiction to determine the existence or nonexistence of 21172
the parent and child relationship without an administrative 21173
determination being requested from a child support enforcement 21174
agency. 21175

If a juvenile court or other court with jurisdiction under 21176
section 2101.022 or 2301.03 of the Revised Code issues a support 21177
order under section 2151.231 or 2151.232 of the Revised Code 21178
relying on a presumption under section 3111.03 of the Revised 21179
Code, the juvenile court or other court with jurisdiction that 21180
issued the support order shall retain jurisdiction if a question 21181
as to the existence of a parent and child relationship arises. 21182

Sec. 3111.44. After issuing a genetic testing order, the 21183
administrative officer may schedule a conference with the mother 21184
and the alleged father to provide information. If a conference is 21185

scheduled and no other man is presumed to be the father of the 21186
child under section 3111.03 of the Revised Code, the 21187
administrative officer shall provide the mother and alleged father 21188
the opportunity to sign an acknowledgment of paternity affidavit 21189
prepared pursuant to section 3111.31 of the Revised Code. If they 21190
sign an acknowledgment of paternity, the administrative officer 21191
shall cancel the genetic testing order the officer had issued. 21192
Regardless of whether a conference is held, if the mother and 21193
alleged father do not sign an acknowledgment of paternity 21194
affidavit or if an affidavit cannot be notarized or witnessed or 21195
filed because another man is presumed under section 3111.03 of the 21196
Revised Code to be the father of the child, the child, the mother, 21197
and the alleged father shall submit to genetic testing in 21198
accordance with the order issued by the administrative officer. 21199

Sec. 3111.48. An administrative officer shall include in an 21200
order issued under section 3111.46 of the Revised Code a notice 21201
that contains the information described in section 3111.49 of the 21202
Revised Code informing the mother, father, and ~~the guardian or~~ 21203
~~legal custodian~~ caretaker of the child of the right to bring an 21204
action under sections 3111.01 to 3111.18 of the Revised Code and 21205
of the effect of failure to timely bring the action. 21206

An agency shall include in an administrative order issued 21207
under section 3111.47 of the Revised Code a notice that contains 21208
the information described in section 3111.50 of the Revised Code 21209
informing the parties of their right to bring an action under 21210
sections 3111.01 to 3111.18 of the Revised Code. 21211

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 21212
~~legal custodian~~ caretaker of a child may object to an 21213
administrative order determining the existence or nonexistence of 21214
a parent and child relationship by bringing, within fourteen days 21215
after the date the administrative officer issues the order, an 21216

action under sections 3111.01 to 3111.18 of the Revised Code in 21217
the juvenile court or other court with jurisdiction under section 21218
2101.022 or 2301.03 of the Revised Code in the county in which the 21219
child support enforcement agency that employs the administrative 21220
officer who issued the order is located. If the action is not 21221
brought within the fourteen-day period, the administrative order 21222
is final and enforceable by a court and may not be challenged in 21223
an action or proceeding under Chapter 3111. of the Revised Code. 21224

Sec. 3111.71. The department of job and family services shall 21225
enter into a contract with local hospitals for the provision of 21226
staff by the hospitals to meet with unmarried women who give birth 21227
in or en route to the particular hospital. On or before April 1, 21228
1998, each hospital shall enter into a contract with the 21229
department of job and family services pursuant to this section 21230
regarding the duties imposed by this section and section 3727.17 21231
of the Revised Code concerning paternity establishment. A hospital 21232
that fails to enter into a contract shall not receive the fee from 21233
the department for correctly signed and notarized or witnessed 21234
affidavits submitted by the hospital. 21235

Sec. 3111.72. The contract between the department of job and 21236
family services and a local hospital shall require all of the 21237
following: 21238

(A) That the hospital provide a staff person to meet with 21239
each unmarried mother who gave birth in or en route to the 21240
hospital within twenty-four hours of the birth or before the 21241
mother is released from the hospital; 21242

(B) That the staff person attempt to meet with the father of 21243
the unmarried mother's child if possible; 21244

(C) That the staff person explain to the unmarried mother and 21245
the father, if he is present, the benefit to the child of 21246

establishing a parent and child relationship between the father 21247
and the child and the various proper procedures for establishing a 21248
parent and child relationship; 21249

(D) That the staff person present to the unmarried mother 21250
and, if possible, the father, the pamphlet or statement regarding 21251
the rights and responsibilities of a natural parent that is 21252
prepared and provided by the department of job and family services 21253
pursuant to section 3111.32 of the Revised Code; 21254

(E) That the staff person provide the mother and, if 21255
possible, the father, all forms and statements necessary to 21256
voluntarily establish a parent and child relationship, including, 21257
but not limited to, the acknowledgment of paternity affidavit 21258
prepared by the department of job and family services pursuant to 21259
section 3111.31 of the Revised Code; 21260

(F) That the staff person, at the request of both the mother 21261
and father, help the mother and father complete any form or 21262
statement necessary to establish a parent and child relationship; 21263

(G) That the hospital provide a notary public to notarize, or 21264
witnesses to witness, an acknowledgment of paternity affidavit 21265
signed by the mother and father; 21266

(H) That the staff person present to an unmarried mother who 21267
is not participating in the Ohio works first program established 21268
under Chapter 5107. of the Revised Code or receiving medicaid an 21269
application for Title IV-D services; 21270

(I) That the staff person forward any completed 21271
acknowledgment of paternity, no later than ten days after it is 21272
completed, to the office of child support in the department of job 21273
and family services; 21274

(J) That the department of job and family services pay the 21275
hospital twenty dollars for every correctly signed and notarized 21276
or witnessed acknowledgment of paternity affidavit from the 21277

hospital. 21278

Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 21279
~~child, the person with whom the child resides, or caretaker of the~~ 21280
child, or the child support enforcement agency of the county in 21281
which the child, parent, ~~guardian, or legal custodian~~ or caretaker 21282
of the child resides may do either of the following to require a 21283
man to pay support and provide for the health care needs of the 21284
child if the man is presumed to be the natural father of the child 21285
under section 3111.03 of the Revised Code: 21286

(A) If the presumption is not based on an acknowledgment of 21287
paternity, file a complaint pursuant to section 2151.231 of the 21288
Revised Code in the juvenile court or other court with 21289
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 21290
of the county in which the child, parent, ~~guardian, or legal~~ 21291
~~custodian~~ caretaker resides; 21292

(B) Contact a child support enforcement agency to request 21293
assistance in obtaining an order for support and the provision of 21294
health care for the child. 21295

Sec. 3119.01. (A) As used in the Revised Code, "child support 21296
enforcement agency" means a child support enforcement agency 21297
designated under former section 2301.35 of the Revised Code prior 21298
to October 1, 1997, or a private or government entity designated 21299
as a child support enforcement agency under section 307.981 of the 21300
Revised Code. 21301

(B) As used in this chapter and Chapters 3121., 3123., and 21302
3125. of the Revised Code: 21303

(1) "Administrative child support order" means any order 21304
issued by a child support enforcement agency for the support of a 21305
child pursuant to section 3109.19 or 3111.81 of the Revised Code 21306
or former section 3111.211 of the Revised Code, section 3111.21 of 21307

the Revised Code as that section existed prior to January 1, 1998, 21308
or section 3111.20 or 3111.22 of the Revised Code as those 21309
sections existed prior to March 22, 2001. 21310

(2) "Child support order" means either a court child support 21311
order or an administrative child support order. 21312

(3) "Obligee" means the person who is entitled to receive the 21313
support payments under a support order. 21314

(4) "Obligor" means the person who is required to pay support 21315
under a support order. 21316

(5) "Support order" means either an administrative child 21317
support order or a court support order. 21318

(C) As used in this chapter: 21319

(1) "Caretaker" means any of the following, other than a 21320
parent: 21321

(a) A person with whom the child resides for at least thirty 21322
consecutive days, and who is the child's primary caregiver; 21323

(b) A person who is receiving public assistance on behalf of 21324
the child; 21325

(c) A person or agency with legal custody of the child, 21326
including a county department of job and family services or a 21327
public children services agency; 21328

(d) A guardian of the person or the estate of a child; 21329

(e) Any other appropriate court or agency with custody of the 21330
child. 21331

"Caretaker" excludes a "host family" as defined under section 21332
2151.90 of the Revised Code. 21333

(2) "Cash medical support" means an amount ordered to be paid 21334
in a child support order toward the ordinary medical expenses 21335
incurred during a calendar year. 21336

~~(2)~~(3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.

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~~(3)~~(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

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~~(4)~~(5) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

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~~(5)~~(6) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

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~~(6)~~(7) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

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~~(7)~~(8) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

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~~(8)~~(9) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

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~~(9)~~ (10) "Income" means either of the following:

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(a) For a parent who is employed to full capacity, the gross

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income of the parent; 21367

(b) For a parent who is unemployed or underemployed, the sum 21368
of the gross income of the parent and any potential income of the 21369
parent. 21370

~~(10)~~(11) "Income share" means the percentage derived from a 21371
comparison of each parent's annual income after allowable 21372
deductions and credits as indicated on the worksheet to the total 21373
annual income of both parents. 21374

~~(11)~~(12) "Insurer" means any person authorized under Title 21375
XXXIX of the Revised Code to engage in the business of insurance 21376
in this state, any health insuring corporation, and any legal 21377
entity that is self-insured and provides benefits to its employees 21378
or members. 21379

~~(12)~~(13) "Gross income" means, except as excluded in division 21380
~~(C)~~(12)~~(C)~~(13) of this section, the total of all earned and 21381
unearned income from all sources during a calendar year, whether 21382
or not the income is taxable, and includes income from salaries, 21383
wages, overtime pay, and bonuses to the extent described in 21384
division (D) of section 3119.05 of the Revised Code; commissions; 21385
royalties; tips; rents; dividends; severance pay; pensions; 21386
interest; trust income; annuities; social security benefits, 21387
including retirement, disability, and survivor benefits that are 21388
not means-tested; workers' compensation benefits; unemployment 21389
insurance benefits; disability insurance benefits; benefits that 21390
are not means-tested and that are received by and in the 21391
possession of the veteran who is the beneficiary for any 21392
service-connected disability under a program or law administered 21393
by the United States department of veterans' affairs or veterans' 21394
administration; spousal support actually received; and all other 21395
sources of income. "Gross income" includes income of members of 21396
any branch of the United States armed services or national guard, 21397
including, amounts representing base pay, basic allowance for 21398

quarters, basic allowance for subsistence, supplemental 21399
subsistence allowance, cost of living adjustment, specialty pay, 21400
variable housing allowance, and pay for training or other types of 21401
required drills; self-generated income; and potential cash flow 21402
from any source. 21403

"Gross income" does not include any of the following: 21404

(a) Benefits received from means-tested government 21405
administered programs, including Ohio works first; prevention, 21406
retention, and contingency; means-tested veterans' benefits; 21407
supplemental security income; supplemental nutrition assistance 21408
program; disability financial assistance; or other assistance for 21409
which eligibility is determined on the basis of income or assets; 21410

(b) Benefits for any service-connected disability under a 21411
program or law administered by the United States department of 21412
veterans' affairs or veterans' administration that are not 21413
means-tested, that have not been distributed to the veteran who is 21414
the beneficiary of the benefits, and that are in the possession of 21415
the United States department of veterans' affairs or veterans' 21416
administration; 21417

(c) Child support amounts received for children who are not 21418
included in the current calculation; 21419

(d) Amounts paid for mandatory deductions from wages such as 21420
union dues but not taxes, social security, or retirement in lieu 21421
of social security; 21422

(e) Nonrecurring or unsustainable income or cash flow items; 21423

(f) Adoption assistance, kinship guardianship assistance, and 21424
foster care maintenance payments made pursuant to Title IV-E of 21425
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 21426
as amended; 21427

(g) State kinship guardianship assistance described in 21428

section 5153.163 of the Revised Code and payment from the kinship support program described in section 5101.881 of the Revised Code. 21429
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~~(13)~~(14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years. 21431
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~~(14)~~(15) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order. 21441
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~~(15)~~(a)~~(16)~~(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity. 21444
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(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division ~~(C)~~(15)~~(a)~~(C)~~(16)~~(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business. 21448
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~~(16)~~(17) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation. 21455
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~~(17)~~(18) "Potential income" means both of the following for a 21459

parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed: 21460

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria: 21464

- (i) The parent's prior employment experience; 21467
- (ii) The parent's education; 21468
- (iii) The parent's physical and mental disabilities, if any; 21469
- (iv) The availability of employment in the geographic area in which the parent resides; 21470
- (v) The prevailing wage and salary levels in the geographic area in which the parent resides; 21472
- (vi) The parent's special skills and training; 21474
- (vii) Whether there is evidence that the parent has the ability to earn the imputed income; 21475
- (viii) The age and special needs of the child for whom child support is being calculated under this section; 21477
- (ix) The parent's increased earning capacity because of experience; 21479
- (x) The parent's decreased earning capacity because of a felony conviction; 21481
- (xi) Any other relevant factor. 21483

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant. 21484

(18) (19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	21489 21490
(19) (20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	21491 21492 21493 21494 21495 21496 21497 21498 21499 21500
(20) (21) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.	21501 21502 21503
(21) (22) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.	21504 21505 21506 21507 21508
(22) (23) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.	21509 21510 21511
Sec. 3119.06. (A) Except as otherwise provided in this section, in any action in which a court or a child support enforcement agency issues or modifies a child support order or in any other proceeding in which a court or agency determines the amount of child support to be paid pursuant to a child support order, the court or agency shall issue a minimum child support order requiring the obligor to pay a minimum of eighty dollars a month for all the children subject to that order. The court or	21512 21513 21514 21515 21516 21517 21518 21519

agency, in its discretion and in appropriate circumstances, may 21520
issue a minimum child support order of less than eighty dollars a 21521
month or issue an order not requiring the obligor to pay any child 21522
support amount. The circumstances under which a court or agency 21523
may issue such an order include the nonresidential parent's 21524
medically verified or documented physical or mental disability or 21525
institutionalization in a facility for persons with a mental 21526
illness or any other circumstances considered appropriate by the 21527
court or agency. 21528

If a court or agency issues a minimum child support 21529
obligation pursuant to this section and the obligor under the 21530
support order is the recipient of means-tested public assistance, 21531
as described in division ~~(C)(12)(a)~~(C)(13)(a) of section 3119.01 21532
of the Revised Code, any unpaid amounts of support due under the 21533
support order shall accrue as arrearages from month to month, and 21534
the obligor's current obligation to pay the support due under the 21535
support order is suspended during any period of time that the 21536
obligor is receiving means-tested public assistance and is 21537
complying with any seek work orders issued pursuant to section 21538
3121.03 of the Revised Code. The court, obligee, and child support 21539
enforcement agency shall not enforce the obligation of the obligor 21540
to pay the amount of support due under the support order while the 21541
obligor is receiving means-tested public assistance and is 21542
complying with any seek work orders issued pursuant to section 21543
3121.03 of the Revised Code. 21544

(B) As used in this section, "means-tested public assistance" 21545
includes cash assistance payments under the Ohio works first 21546
program established under Chapter 5107. of the Revised Code, 21547
financial assistance under the disability financial assistance 21548
program established under Chapter 5115. of the Revised Code, 21549
supplemental security income, or means-tested veterans' benefits. 21550

Sec. 3119.07. (A) Except when the parents have split parental rights and responsibilities, a parent's child support obligation for a child for whom the parent is the residential parent and legal custodian shall be presumed to be spent on that child and shall not become part of a child support order, and a parent's child support obligation for a child for whom the parent is not the residential parent and legal custodian shall become part of a child support order.

(B) If the parents have split parental rights and responsibilities, the child support obligations of the parents shall be offset, and ~~the court shall issue a child support order requiring~~ the parent with the larger child support obligation ~~to~~ shall pay the net amount pursuant to the child support order.

(C) If neither parent of a child who is the subject of a child support order is the residential parent and legal custodian of the child and the child resides with a ~~third party who is the legal custodian of the child~~ caretaker, ~~the court shall issue a child support order requiring~~ each parent ~~to~~ shall pay that parent's child support obligation pursuant to the child support order.

Sec. 3119.95. A child support order subject to sections 3119.951 to 3119.9541 of the Revised Code shall include the health care coverage and cash medical support required for the child subject to the order.

Sec. 3119.951. The caretaker of a child may file an application for Title IV-D services with the child support enforcement agency in the county in which the caretaker resides to obtain support for the care of the child.

Sec. 3119.9511. Not later than twenty days after completion

of an investigation of a child support order under section 21580
3119.955 or 3119.957 of the Revised Code, the child support 21581
enforcement agency shall determine, based on the information 21582
gathered, whether the order shall or shall not be redirected under 21583
sections 3119.9513 and 3119.9515 of the Revised Code. 21584

Sec. 3119.9513. If the child support enforcement agency 21585
determines that a child support order should be redirected, the 21586
agency shall do one of the following: 21587

(A) For an administrative child support order, the agency 21588
shall issue a redirection order that shall include the child 21589
support amount to be redirected and provisions for redirection 21590
regarding health care coverage and cash medical support. 21591

(B) For a court child support order, the agency shall 21592
recommend to the court that has jurisdiction over the support 21593
order to issue a redirection order and include the child support 21594
amount to be redirected and provisions for redirection regarding 21595
health care coverage and cash medical support. 21596

Sec. 3119.9515. (A) On issuing an order or making a 21597
recommendation under section 3119.9513 of the Revised Code, the 21598
child support enforcement agency shall provide notice of the 21599
following to the parent or caretaker of the child subject to the 21600
order or recommendation: 21601

(1) The results of its investigation under section 3119.955 21602
or 3119.957 of the Revised Code; 21603

(2) For an administrative child support order, notice of the 21604
following: 21605

(a) That the agency has issued a redirection order under 21606
section 3119.9513 of the Revised Code regarding the child support 21607
order and a copy of the redirection order; 21608

(b) The right to object to the redirection order by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the order is issued; 21609
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(c) That the order becomes final and enforceable if no timely objection is made; 21612
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(d) The effective date of the order as determined under section 3119.9519 of the Revised Code. 21614
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(3) For a court child support order, notice of the following: 21616

(a) That the agency has made a recommendation for a redirection order under section 3119.9513 of the Revised Code to the court that has jurisdiction over the court child support order, and a copy of the recommendation; 21617
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(b) The right to object to the redirection by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued; 21621
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(c) That the recommendation will be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued; 21625
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(d) The effective date of the redirection order as determined under section 3119.9519 of the Revised Code. 21629
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(B) The notice under division (A) of this section shall be included as part of the applicable order or recommendation. 21631
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Sec. 3119.9517. (A) A parent or caretaker may object to an order issued under section 3119.9513 of the Revised Code by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the notice is issued under division (A)(2) of section 3119.9515 of the Revised Code. The order shall be final and enforceable if no objection is timely made. 21633
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(B) A parent or caretaker may object to a recommendation issued under section 3119.9513 of the Revised Code by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued under division (A)(3) of section 3119.9515 of the Revised Code. The recommendation shall be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued. 21639
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Sec. 3119.9519. (A) The redirection of a child support order under a redirection order that has become final as provided under section 3119.9517 of the Revised Code shall take effect as of, and relate back to, the date that the child support enforcement agency received the Title IV-D services application or referral under section 3119.953 of the Revised Code that initiated the proceedings resulting in the order. 21648
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(B) A redirection order under section 3119.9517 of the Revised Code based on a recommendation for redirection shall take effect as of, and relate back to, the date that the child support enforcement agency received the Title IV-D services application or referral under section 3119.953 of the Revised Code that initiated the proceedings resulting in the redirection order. 21655
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Sec. 3119.9523. If a child support enforcement agency determines under section 3119.953 of the Revised Code that the child in the care of the caretaker is not subject to an existing child support order, the agency shall determine, not later than twenty days after its receipt of the Title IV-D services application or referral under section 3119.953 of the Revised Code, whether any reason exists for which a child support order for the child should be imposed. That determination shall include whether the caretaker is the child's primary caregiver. 21661
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Sec. 3119.9525. If, pursuant to an investigation under section 3119.9523 of the Revised Code, the child support enforcement agency determines that a reason exists for a child support order to be imposed regarding the child subject of the investigation, the agency shall comply with sections 3111.80 to 3111.84 of the Revised Code. 21670
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Sec. 3119.9527. If a child support enforcement agency receives notice that a caretaker is no longer the primary caregiver for a child subject to a redirection order or recommendation issued under section 3119.9513 of the Revised Code, the agency shall do both of the following: 21676
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(A) Investigate whether the caretaker to whom support amounts are redirected under the existing redirection order or recommendation is still the primary caregiver for the child; 21681
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(B) Take action as applicable under sections 3119.9529 to 3119.9535 of the Revised Code. 21684
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Sec. 3119.9529. If, upon investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that the caretaker to whom support amounts are redirected remains the primary caregiver of the child who is the subject of the redirection order or recommendation, the agency shall take no further action on the notice received under section 3119.9527 of the Revised Code. 21686
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Sec. 3119.953. (A) On receipt of an application for Title IV-D services from the caretaker of a child under section 3119.951 of the Revised Code, or a Title IV-D services referral regarding the child, the child support enforcement agency shall determine whether the child is the subject of an existing child support order. 21693
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(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code. 21699
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(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code. 21702
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Sec. 3119.9531. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a new caretaker is the primary caregiver for the child who is the subject of the redirection order or recommendation, the agency shall do both of the following: 21705
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(A) Terminate the existing redirection order or request that the court terminate the redirection order based on the recommendation, whichever is applicable; 21710
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(B) Direct the new caretaker to file an application for Title IV-D services under section 3119.951 of the Revised Code. 21713
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Sec. 3119.9533. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a parent of the child who is the subject of the redirection order or recommendation is the primary caregiver of the child, the agency shall do one of the following: 21715
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(A) If the parent is the obligee under the child support order that is subject to redirection, terminate the existing redirection order or request the court to terminate the redirection order based on the recommendation, whichever is applicable. 21720
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(B) If the parent is the obligor under the child support order that is subject to redirection: 21725
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(1) Terminate the existing redirection order or request the 21727

<u>court to terminate the redirection order based on the</u>	21728
<u>recommendation, whichever is applicable; and</u>	21729
<u>(2) Notify the obligor that he or she may do the following:</u>	21730
<u>(a) Request that the child support order be terminated</u>	21731
<u>pursuant to section 3119.87 of the Revised Code;</u>	21732
<u>(b) Request either of the following, whichever is applicable:</u>	21733
<u>(i) For an administrative child support order, request a</u>	21734
<u>review of the order under sections 3119.60 and 3119.61 of the</u>	21735
<u>Revised Code;</u>	21736
<u>(ii) For a court child support order, request the court with</u>	21737
<u>jurisdiction over the order to amend the order.</u>	21738
<u>Sec. 3119.9535. If, after an investigation under section</u>	21739
<u>3119.9527 of the Revised Code, the child support enforcement</u>	21740
<u>agency determines that the child who is the subject of the</u>	21741
<u>redirection order or recommendation is not under the care of any</u>	21742
<u>individual, the agency shall do the following:</u>	21743
<u>(A) Terminate the existing redirection order or request the</u>	21744
<u>court to terminate the redirection order based on the</u>	21745
<u>recommendation, whichever is applicable;</u>	21746
<u>(B) If the agency becomes aware of circumstances indicating</u>	21747
<u>that the child may be abused or neglected, make a report under</u>	21748
<u>section 2151.421 of the Revised Code.</u>	21749
<u>Sec. 3119.9537. (A) If a child support enforcement agency</u>	21750
<u>receives a notification under section 3119.9527 of the Revised</u>	21751
<u>Code, the agency shall impound any funds received on behalf of the</u>	21752
<u>child pursuant to the child support order to which the</u>	21753
<u>notification applies.</u>	21754
<u>(B) Impoundment shall continue under this section until the</u>	21755
<u>occurrence of any of the following:</u>	21756

(1) The agency makes a determination under section 3119.9529 of the Revised Code; 21757
21758

(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised Code; 21759
21760
21761

(3) The agency, under section 3119.9533 of the Revised Code, terminates the redirection order or a court terminates its redirection order; 21762
21763
21764

(C) On termination of impoundment as described in division (B) of this section, impounded amounts shall be paid to the obligee designated under the child support order or under the applicable redirection order. 21765
21766
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Sec. 3119.9539. Impoundment of child support under section 3119.9537 of the Revised Code regarding a redirection order described in section 3119.9535 of the Revised Code shall continue until further order from the child support enforcement agency administering the administrative child support order or from the court with jurisdiction over the court child support order, whichever is applicable. 21769
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Sec. 3119.9541. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for both of the following: 21776
21777
21778

(A) Requirements for child support enforcement agencies to conduct investigations and issue findings pursuant to sections 3119.955 and 3119.957 of the Revised Code; 21779
21780
21781

(B) Any other standards, forms, or procedures needed to ensure uniform implementation of sections 3119.95 to 3119.9539 of the Revised Code. 21782
21783
21784

Sec. 3119.955. (A) If a child support enforcement agency 21785

determines under section 3119.953 of the Revised Code that there 21786
is an existing child support order regarding the child in the care 21787
of a caretaker, the agency shall determine if any reason exists 21788
for which the child support order should be redirected to the 21789
caretaker. If the agency determines that the caretaker is the 21790
primary caregiver of the child, the agency shall determine that a 21791
reason exists for redirection. 21792

(B) If the agency determines that a reason exists for 21793
redirection, the agency also shall determine all of the following: 21794

(1) The amount of each parent's obligation under the existing 21795
child support order that may be subject to redirection; 21796

(2) Whether any prior redirection has been terminated under 21797
sections 3119.9531 to 3119.9535 of the Revised Code; 21798

(3) Whether any arrearages are owed, and the recommended 21799
payment amount to satisfy such arrears; 21800

(4) If more than one child is subject to the existing child 21801
support order, whether the child support order for all or some of 21802
the children shall be subject to redirection. 21803

(C) The agency shall make the determinations required under 21804
this section not later than twenty days after receipt of a Title 21805
IV-D services application or referral under section 3119.953 of 21806
the Revised Code. 21807

Sec. 3119.957. If the child support enforcement agency 21808
determines under section 3119.955 of the Revised Code that more 21809
than one child is the subject of a child support order and the 21810
order for fewer than all of the children should be redirected, the 21811
agency shall determine the amount of child support to be 21812
redirected, which amount shall equal the pro rata share of the 21813
child support amounts for each such child under the child support 21814
order. The agency also shall make, in relation to the 21815

determination of the amount of child support that may be 21816
redirected, a determination regarding the health care coverage and 21817
cash medical support under the child support order that may be 21818
redirected. 21819

Sec. 3121.29. Each support order, or modification of a 21820
support order, shall contain a notice that states the following in 21821
boldface type and in all capital letters: 21822

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 21823
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 21824
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 21825
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 21826
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 21827
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 21828
WHICHEVER ISSUED THE SUPPORT ORDER. 21829

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 21830
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 21831
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 21832
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 21833
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE 21834
THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE 21835
SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 21836
90 DAYS. 21837

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 21838
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 21839
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 21840
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 21841
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 21842
YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 21843
OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 21844
LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 21845

OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 21846
WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 21847
FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 21848
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 21849
OBLIGATION." 21850

~~Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 21851
Code, a child support enforcement agency that determines that an 21852
obligor who is the recipient of a lottery prize award is subject 21853
to a final and enforceable determination of default made under 21854
sections 3123.01 to 3123.07 of the Revised Code shall issue an 21855
intercept directive to the director of the state lottery 21856
commission. A copy of this intercept directive shall be sent to 21857
the obligor. 21858~~

~~(B) The intercept directive shall require the director or the 21859
director's designee to transmit an amount or amounts from the 21860
proceeds of the specified lottery prize award to the office of 21861
child support in the department of job and family services. The 21862
intercept directive also shall contain all of the following 21863
information: 21864~~

~~(1) The name, address, and social security number or taxpayer 21865
identification number of the obligor; 21866~~

~~(2) A statement that the obligor has been determined to be in 21867
default under a support order; 21868~~

~~(3) The amount of the arrearage owed by the obligor as 21869
determined by the agency. 21870~~

~~(C) After receipt of an intercept directive and in accordance 21871
with section 3770.071 of the Revised Code, the director or the 21872
director's designee shall deduct the amount or amounts specified 21873
from the proceeds of the lottery prize award referred to in the 21874
directive and transmit the amounts to the office of child support. 21875~~

~~(D)~~ The department of job and family services shall develop 21876
and implement a real time data match program with the state 21877
lottery commission and its lottery sales agents and lottery agents 21878
to identify obligors who are subject to a final and enforceable 21879
determination of default made under sections 3123.01 to 3123.07 of 21880
the Revised Code ~~in accordance with section 3770.071 of the~~ 21881
~~Revised Code.~~ 21882

~~(E)~~(B) Upon the data match program's implementation, the 21883
department, in consultation with the commission, shall promulgate 21884
rules to facilitate withholding, in appropriate circumstances and 21885
in accordance with section 3770.071 of the Revised Code, by the 21886
commission or its lottery sales agents or lottery agents of an 21887
amount sufficient to satisfy any past due support owed by an 21888
obligor from a lottery prize award owed to the obligor up to the 21889
amount of the award. The rules shall describe an expedited method 21890
for withholding, and the time frame for transmission of the amount 21891
withheld to the department. 21892

~~(F)~~(C) As used in this section, "lottery prize award" has the 21893
same meaning as in section 3770.10 of the Revised Code. 21894

Sec. 3123.90. (A) As used in this section: 21895

(1) "Casino facility," "casino operator," and "management 21896
company" have the meanings defined in section 3772.01 of the 21897
Revised Code. 21898

(2) "Sports gaming proprietor" has the meaning defined in 21899
section 3775.01 of the Revised Code. 21900

(B) The department of job and family services shall develop 21901
and implement a real time data match program with each casino 21902
facility's casino operator or management company and with each 21903
sports gaming proprietor to identify obligors who are subject to a 21904
final and enforceable determination of default made under sections 21905

3123.01 to 3123.07 of the Revised Code. 21906

(C) Upon the data match program's implementation, if a person 21907
receives a payout of winnings at a casino facility or from sports 21908
gaming in an amount for which reporting to the internal revenue 21909
service of the amount is required by section 6041 of the Internal 21910
Revenue Code, as amended, the casino operator, management company, 21911
or sports gaming proprietor shall refer to the data match program 21912
to determine if the person entitled to the winnings is in default 21913
under a support order. If the data match program indicates that 21914
the person is in default, the casino operator, management company, 21915
or sports gaming proprietor shall withhold from the person's 21916
winnings an amount sufficient to satisfy any past due support owed 21917
by the obligor identified in the data match up to the amount of 21918
the winnings. 21919

(D) Not later than fourteen days after withholding the 21920
amount, the casino operator, management company, or sports gaming 21921
proprietor shall electronically transmit any amount withheld to 21922
the department as payment on the support obligation. 21923

(E) The department, in consultation with the Ohio casino 21924
control commission, may adopt rules under Chapter 119. of the 21925
Revised Code as are necessary for implementation of this section. 21926

Sec. 3125.18. A child support enforcement agency shall 21927
administer a Title IV-A program identified under division 21928
(A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that 21929
the department of job and family services provides for the agency 21930
to administer under the department's supervision pursuant to 21931
section 5101.801 of the Revised Code. 21932

Sec. 3301.071. (A)(1) In the case of nontax-supported 21933
schools, standards for teacher certification prescribed under 21934
section 3301.07 of the Revised Code shall provide for 21935

certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree or a master's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing.

(2) In the case of nonchartered, nontax-supported schools, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a diploma from a "bible college" or "bible institute" described in division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A)(1) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative

officer evidence of completion of a teacher training program named 21967
in the affidavit. 21968

(B) Each person applying for a certificate under this section 21969
for purposes of serving in a nonpublic school chartered by the 21970
state board under section 3301.16 of the Revised Code shall pay a 21971
fee in the amount established under division (A) of section 21972
3319.51 of the Revised Code. Any fees received under this division 21973
shall be paid into the state treasury to the credit of the state 21974
board of education certification fund established under division 21975
(B) of section 3319.51 of the Revised Code. 21976

(C) A person applying for or holding any certificate pursuant 21977
to this section for purposes of serving in a nonpublic school 21978
chartered by the state board is subject to sections 3123.41 to 21979
3123.50 of the Revised Code and any applicable rules adopted under 21980
section 3123.63 of the Revised Code and sections 3319.31 and 21981
3319.311 of the Revised Code. 21982

(D) Divisions (B) and (C) of this section and sections 21983
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 21984
to any administrators, supervisors, or teachers in nonchartered, 21985
nontax-supported schools. 21986

Sec. 3301.0711. (A) The department of education shall: 21987

(1) Annually furnish to, grade, and score all assessments 21988
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 21989
the Revised Code to be administered by city, local, exempted 21990
village, and joint vocational school districts, except that each 21991
district shall score any assessment administered pursuant to 21992
division (B)(10) of this section. Each assessment so furnished 21993
shall include the data verification code of the student to whom 21994
the assessment will be administered, as assigned pursuant to 21995
division (D)(2) of section 3301.0714 of the Revised Code. In 21996
furnishing the practice versions of Ohio graduation tests 21997

prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division	22028
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	22029
annually to all students in the seventh grade.	22030
(7) Administer the assessments prescribed under division	22031
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	22032
annually to all students in the eighth grade.	22033
(8) Except as provided in division (B)(9) of this section,	22034
administer any assessment prescribed under division (B)(1) of	22035
section 3301.0710 of the Revised Code as follows:	22036
(a) At least once annually to all tenth grade students and at	22037
least twice annually to all students in eleventh or twelfth grade	22038
who have not yet attained the score on that assessment designated	22039
under that division;	22040
(b) To any person who has successfully completed the	22041
curriculum in any high school or the individualized education	22042
program developed for the person by any high school pursuant to	22043
section 3323.08 of the Revised Code but has not received a high	22044
school diploma and who requests to take such assessment, at any	22045
time such assessment is administered in the district.	22046
(9) In lieu of the board of education of any city, local, or	22047
exempted village school district in which the student is also	22048
enrolled, the board of a joint vocational school district shall	22049
administer any assessment prescribed under division (B)(1) of	22050
section 3301.0710 of the Revised Code at least twice annually to	22051
any student enrolled in the joint vocational school district who	22052
has not yet attained the score on that assessment designated under	22053
that division. A board of a joint vocational school district may	22054
also administer such an assessment to any student described in	22055
division (B)(8)(b) of this section.	22056
(10) If the district has a three-year average graduation rate	22057
of not more than seventy-five per cent, administer each assessment	22058

prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D)(1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(c) A student shall not be required to retake the Algebra I end-of-course examination or the English language arts II end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code in grades nine through twelve if the student demonstrates at least a proficient level of skill, as prescribed under division (B)(5)(a) of that section, or achieves a competency score, as prescribed under division (B)(10)

of that section, in an administration of the examination prior to 22091
grade nine. 22092

(C)(1)(a) In the case of a student receiving special 22093
education services under Chapter 3323. of the Revised Code, the 22094
individualized education program developed for the student under 22095
that chapter shall specify the manner in which the student will 22096
participate in the assessments administered under this section, 22097
except that a student with significant cognitive disabilities to 22098
whom an alternate assessment is administered in accordance with 22099
division (C)(1) of this section and a student determined to have a 22100
disability that includes an intellectual disability as outlined in 22101
guidance issued by the department shall not be required to take 22102
the assessment prescribed under division (B)(1) of section 22103
3301.0712 of the Revised Code. The individualized education 22104
program may excuse the student from taking any particular 22105
assessment required to be administered under this section if it 22106
instead specifies an alternate assessment method approved by the 22107
department of education as conforming to requirements of federal 22108
law for receipt of federal funds for disadvantaged pupils. To the 22109
extent possible, the individualized education program shall not 22110
excuse the student from taking an assessment unless no reasonable 22111
accommodation can be made to enable the student to take the 22112
assessment. No board shall prohibit a student who is not required 22113
to take an assessment under division (C)(1) of this section from 22114
taking the assessment. 22115

(b) Any alternate assessment approved by the department for a 22116
student under this division shall produce measurable results 22117
comparable to those produced by the assessment it replaces in 22118
order to allow for the student's results to be included in the 22119
data compiled for a school district or building under section 22120
3302.03 of the Revised Code. 22121

(c)(i) Any student enrolled in a chartered nonpublic school 22122

who has been identified, based on an evaluation conducted in 22123
accordance with section 3323.03 of the Revised Code or section 504 22124
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 22125
794, as amended, as a child with a disability shall be excused 22126
from taking any particular assessment required to be administered 22127
under this section if either of the following apply: 22128

(I) A plan developed for the student pursuant to rules 22129
adopted by the state board excuses the student from taking that 22130
assessment. 22131

(II) The chartered nonpublic school develops a written plan 22132
in which the school, in consultation with the student's parents, 22133
determines that an assessment or alternative assessment with 22134
accommodations does not accurately assess the student's academic 22135
performance. The plan shall include an academic profile of the 22136
student's academic performance and shall be reviewed annually to 22137
determine if the student's needs continue to require excusal from 22138
taking the assessment. 22139

(ii) A student with significant cognitive disabilities to 22140
whom an alternate assessment is administered in accordance with 22141
division (C)(1) of this section and a student determined to have a 22142
disability that includes an intellectual disability as outlined in 22143
guidance issued by the department shall not be required to take 22144
the assessment prescribed under division (B)(1) of section 22145
3301.0712 of the Revised Code. 22146

(iii) In the case of any student so excused from taking an 22147
assessment under division (C)(1)(c) of this section, the chartered 22148
nonpublic school shall not prohibit the student from taking the 22149
assessment. 22150

(2) A district board may, for medical reasons or other good 22151
cause, excuse a student from taking an assessment administered 22152
under this section on the date scheduled, but that assessment 22153

shall be administered to the excused student not later than nine 22154
days following the scheduled date. The district board shall 22155
annually report the number of students who have not taken one or 22156
more of the assessments required by this section to the state 22157
board not later than the thirtieth day of June. 22158

~~(3) As used in this division, "English learner" has the same 22159
meaning as in 20 U.S.C. 7801. 22160~~

No school district board shall excuse any English learner 22161
from taking any particular assessment required to be administered 22162
under this section, except ~~as follows:~~ 22163

~~(a) Any that any English learner who has been enrolled in 22164
United States schools for less than two years and for whom no 22165
appropriate accommodations are available based on guidance issued 22166
by the department shall not be required to take the assessment 22167
prescribed under division (B)(1) of section 3301.0712 of the 22168
Revised Code. 22169~~

~~(b) Any English learner who has been enrolled in United 22170
States schools for less than one full school year shall not be 22171
required to take any reading, writing, or English language arts 22172
assessment. 22173~~

However, no board shall prohibit an English learner who is 22174
not required to take ~~an that assessment under division (C)(3) of 22175
this section~~ from taking the assessment. A 22176

A board may permit any English learner to take an assessment 22177
required to be administered under this section with appropriate 22178
accommodations, as determined by the department. ~~For~~ 22179

For each English learner, each school district shall annually 22180
assess that student's progress in learning English, in accordance 22181
with procedures approved by the department. 22182

The guidance and procedures issued by the department for the 22183

purposes of division (C)(3) of this section shall comply with the 22184
state board's rules adopted under section 3301.0731 of the Revised 22185
Code. 22186

(4)(a) The governing authority of a chartered nonpublic 22187
school may excuse an English learner from taking any assessment 22188
administered under this section. 22189

(b) No governing authority shall require an English learner 22190
who has been enrolled in United States schools for less than two 22191
years and for whom no appropriate accommodations are available 22192
based on guidance issued by the department to take the assessment 22193
prescribed under division (B)(1) of section 3301.0712 of the 22194
Revised Code. 22195

(c) No governing authority shall prohibit an English learner 22196
from taking an assessment from which the student was excused under 22197
division (C)(4) of this section. 22198

(D)(1) In the school year next succeeding the school year in 22199
which the assessments prescribed by division (A)(1) or (B)(1) of 22200
section 3301.0710 of the Revised Code or former division (A)(1), 22201
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 22202
existed prior to September 11, 2001, are administered to any 22203
student, the board of education of any school district in which 22204
the student is enrolled in that year shall provide to the student 22205
intervention services commensurate with the student's performance, 22206
including any intensive intervention required under section 22207
3313.608 of the Revised Code, in any skill in which the student 22208
failed to demonstrate at least a score at the proficient level on 22209
the assessment. 22210

(2) Following any administration of the assessments 22211
prescribed by division (D) of section 3301.0710 of the Revised 22212
Code to ninth grade students, each school district that has a 22213
three-year average graduation rate of not more than seventy-five 22214

per cent shall determine for each high school in the district 22215
whether the school shall be required to provide intervention 22216
services to any students who took the assessments. In determining 22217
which high schools shall provide intervention services based on 22218
the resources available, the district shall consider each school's 22219
graduation rate and scores on the practice assessments. The 22220
district also shall consider the scores received by ninth grade 22221
students on the English language arts and mathematics assessments 22222
prescribed under division (A)(1)(f) of section 3301.0710 of the 22223
Revised Code in the eighth grade in determining which high schools 22224
shall provide intervention services. 22225

Each high school selected to provide intervention services 22226
under this division shall provide intervention services to any 22227
student whose results indicate that the student is failing to make 22228
satisfactory progress toward being able to attain scores at the 22229
proficient level on the Ohio graduation tests. Intervention 22230
services shall be provided in any skill in which a student 22231
demonstrates unsatisfactory progress and shall be commensurate 22232
with the student's performance. Schools shall provide the 22233
intervention services prior to the end of the school year, during 22234
the summer following the ninth grade, in the next succeeding 22235
school year, or at any combination of those times. 22236

(E) Except as provided in section 3313.608 of the Revised 22237
Code and division (N) of this section, no school district board of 22238
education shall utilize any student's failure to attain a 22239
specified score on an assessment administered under this section 22240
as a factor in any decision to deny the student promotion to a 22241
higher grade level. However, a district board may choose not to 22242
promote to the next grade level any student who does not take an 22243
assessment administered under this section or make up an 22244
assessment as provided by division (C)(2) of this section and who 22245
is not exempt from the requirement to take the assessment under 22246

division (C)(3) of this section. 22247

(F) No person shall be charged a fee for taking any 22248
assessment administered under this section. 22249

(G)(1) Each school district board shall designate one 22250
location for the collection of assessments administered in the 22251
spring under division (B)(1) of this section and those 22252
administered under divisions (B)(2) to (7) of this section. Each 22253
district board shall submit the assessments to the entity with 22254
which the department contracts for the scoring of the assessments 22255
as follows: 22256

(a) If the district's total enrollment in grades kindergarten 22257
through twelve during the first full school week of October was 22258
less than two thousand five hundred, not later than the Friday 22259
after all of the assessments have been administered; 22260

(b) If the district's total enrollment in grades kindergarten 22261
through twelve during the first full school week of October was 22262
two thousand five hundred or more, but less than seven thousand, 22263
not later than the Monday after all of the assessments have been 22264
administered; 22265

(c) If the district's total enrollment in grades kindergarten 22266
through twelve during the first full school week of October was 22267
seven thousand or more, not later than the Tuesday after all of 22268
the assessments have been administered. 22269

However, any assessment that a student takes during the 22270
make-up period described in division (C)(2) of this section shall 22271
be submitted not later than the Friday following the day the 22272
student takes the assessment. 22273

(2) The department or an entity with which the department 22274
contracts for the scoring of the assessment shall send to each 22275
school district board a list of the individual scores of all 22276
persons taking a state achievement assessment as follows: 22277

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, or chartered nonpublic school may administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment

in a paper format to all students in the third grade, except that 22310
any student whose individualized education program or plan 22311
developed under section 504 of the "Rehabilitation Act of 1973," 22312
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 22313
assessment in an online format is an appropriate accommodation for 22314
the student may take the assessment in an online format. 22315

(H) Individual scores on any assessments administered under 22316
this section shall be released by a district board only in 22317
accordance with section 3319.321 of the Revised Code and the rules 22318
adopted under division (A) of this section. No district board or 22319
its employees shall utilize individual or aggregate results in any 22320
manner that conflicts with rules for the ethical use of 22321
assessments adopted pursuant to division (A) of this section. 22322

(I) Except as provided in division (G) of this section, the 22323
department or an entity with which the department contracts for 22324
the scoring of the assessment shall not release any individual 22325
scores on any assessment administered under this section. The 22326
state board shall adopt rules to ensure the protection of student 22327
confidentiality at all times. The rules may require the use of the 22328
data verification codes assigned to students pursuant to division 22329
(D)(2) of section 3301.0714 of the Revised Code to protect the 22330
confidentiality of student scores. 22331

(J) Notwithstanding division (D) of section 3311.52 of the 22332
Revised Code, this section does not apply to the board of 22333
education of any cooperative education school district except as 22334
provided under rules adopted pursuant to this division. 22335

(1) In accordance with rules that the state board shall 22336
adopt, the board of education of any city, exempted village, or 22337
local school district with territory in a cooperative education 22338
school district established pursuant to divisions (A) to (C) of 22339
section 3311.52 of the Revised Code may enter into an agreement 22340
with the board of education of the cooperative education school 22341

district for administering any assessment prescribed under this 22342
section to students of the city, exempted village, or local school 22343
district who are attending school in the cooperative education 22344
school district. 22345

(2) In accordance with rules that the state board shall 22346
adopt, the board of education of any city, exempted village, or 22347
local school district with territory in a cooperative education 22348
school district established pursuant to section 3311.521 of the 22349
Revised Code shall enter into an agreement with the cooperative 22350
district that provides for the administration of any assessment 22351
prescribed under this section to both of the following: 22352

(a) Students who are attending school in the cooperative 22353
district and who, if the cooperative district were not 22354
established, would be entitled to attend school in the city, 22355
local, or exempted village school district pursuant to section 22356
3313.64 or 3313.65 of the Revised Code; 22357

(b) Persons described in division (B)(8)(b) of this section. 22358

Any assessment of students pursuant to such an agreement 22359
shall be in lieu of any assessment of such students or persons 22360
pursuant to this section. 22361

(K)(1)(a) Except as otherwise provided in division (K)(1) or 22362
(2) of this section, each chartered nonpublic school for which at 22363
least sixty-five per cent of its total enrollment is made up of 22364
students who are participating in state scholarship programs shall 22365
administer the assessments prescribed by division (A) of section 22366
3301.0710 of the Revised Code or an alternative standardized 22367
assessment determined by the department. In accordance with 22368
procedures and deadlines prescribed by the department, the parent 22369
or guardian of a student enrolled in the school who is not 22370
participating in a state scholarship program may submit notice to 22371
the chief administrative officer of the school that the parent or 22372

guardian does not wish to have the student take the assessments 22373
prescribed for the student's grade level under division (A) of 22374
section 3301.0710 of the Revised Code. If a parent or guardian 22375
submits an opt-out notice, the school shall not administer the 22376
assessments to that student. This option does not apply to any 22377
assessment required for a high school diploma under section 22378
3313.612 of the Revised Code. 22379

(b) Any chartered nonpublic school that enrolls students who 22380
are participating in state scholarship programs may administer an 22381
alternative standardized assessment determined by the department 22382
instead of the assessments prescribed by division (A) of section 22383
3301.0710 of the Revised Code. 22384

Each chartered nonpublic school subject to division (K)(1)(a) 22385
or (b) of this section shall report the results of each assessment 22386
administered under those divisions to the department. 22387

(2) A chartered nonpublic school may submit to the 22388
superintendent of public instruction a request for a waiver from 22389
administering the elementary assessments prescribed by division 22390
(A) of section 3301.0710 of the Revised Code. The state 22391
superintendent shall approve or disapprove a request for a waiver 22392
submitted under division (K)(2) of this section. No waiver shall 22393
be approved for any school year prior to the 2015-2016 school 22394
year. 22395

To be eligible to submit a request for a waiver, a chartered 22396
nonpublic school shall meet the following conditions: 22397

(a) At least ninety-five per cent of the students enrolled in 22398
the school are children with disabilities, as defined under 22399
section 3323.01 of the Revised Code, or have received a diagnosis 22400
by a school district or from a physician, including a 22401
neuropsychiatrist or psychiatrist, or a psychologist who is 22402
authorized to practice in this or another state as having a 22403

condition that impairs academic performance, such as dyslexia, 22404
dyscalculia, attention deficit hyperactivity disorder, or 22405
Asperger's syndrome. 22406

(b) The school has solely served a student population 22407
described in division (K)(1)(a) of this section for at least ten 22408
years. 22409

(c) The school provides to the department at least five years 22410
of records of internal testing conducted by the school that 22411
affords the department data required for accountability purposes, 22412
including diagnostic assessments and nationally standardized 22413
norm-referenced achievement assessments that measure reading and 22414
math skills. 22415

(3) Any chartered nonpublic school that is not subject to 22416
division (K)(1) of this section may participate in the assessment 22417
program by administering any of the assessments prescribed by 22418
division (A) of section 3301.0710 of the Revised Code. The chief 22419
administrator of the school shall specify which assessments the 22420
school will administer. Such specification shall be made in 22421
writing to the superintendent of public instruction prior to the 22422
first day of August of any school year in which assessments are 22423
administered and shall include a pledge that the nonpublic school 22424
will administer the specified assessments in the same manner as 22425
public schools are required to do under this section and rules 22426
adopted by the department. 22427

(4) The department of education shall furnish the assessments 22428
prescribed by section 3301.0710 of the Revised Code to each 22429
chartered nonpublic school that is subject to division (K)(1) of 22430
this section or participates under division (K)(3) of this 22431
section. 22432

(L) If a chartered nonpublic school is educating students in 22433
grades nine through twelve, the following shall apply: 22434

(1) Except as provided in division (L)(4) of this section, 22435
for a student who is enrolled in a chartered nonpublic school that 22436
is accredited through the independent schools association of the 22437
central states and who is attending the school under a state 22438
scholarship program, the student shall either take all of the 22439
assessments prescribed by division (B) of section 3301.0712 of the 22440
Revised Code or take an alternative assessment approved by the 22441
department under section 3313.619 of the Revised Code. However, a 22442
student who is excused from taking an assessment under division 22443
(C) of this section or has presented evidence to the chartered 22444
nonpublic school of having satisfied the condition prescribed by 22445
division (A)(1) of section 3313.618 of the Revised Code to qualify 22446
for a high school diploma prior to the date of the administration 22447
of the assessment prescribed under division (B)(1) of section 22448
3301.0712 of the Revised Code shall not be required to take that 22449
assessment. No governing authority of a chartered nonpublic school 22450
shall prohibit a student who is not required to take such 22451
assessment from taking the assessment. 22452

(2) For a student who is enrolled in a chartered nonpublic 22453
school that is accredited through the independent schools 22454
association of the central states, and who is not attending the 22455
school under a state scholarship program, the student shall not be 22456
required to take any assessment prescribed under section 3301.0712 22457
or 3313.619 of the Revised Code. 22458

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 22459
this section, for a student who is enrolled in a chartered 22460
nonpublic school that is not accredited through the independent 22461
schools association of the central states, regardless of whether 22462
the student is attending or is not attending the school under a 22463
state scholarship program, the student shall do one of the 22464
following: 22465

(i) Take all of the assessments prescribed by division (B) of 22466

section 3301.0712 of the Revised Code; 22467

(ii) Take only the assessment prescribed by division (B)(1) 22468
of section 3301.0712 of the Revised Code, provided that the 22469
student's school publishes the results of that assessment for each 22470
graduating class. The published results of that assessment shall 22471
include the overall composite scores, mean scores, twenty-fifth 22472
percentile scores, and seventy-fifth percentile scores for each 22473
subject area of the assessment. 22474

(iii) Take an alternative assessment approved by the 22475
department under section 3313.619 of the Revised Code. 22476

(b) A student who is excused from taking an assessment under 22477
division (C) of this section or has presented evidence to the 22478
chartered nonpublic school of having satisfied the condition 22479
prescribed by division (A)(1) of section 3313.618 of the Revised 22480
Code to qualify for a high school diploma prior to the date of the 22481
administration of the assessment prescribed under division (B)(1) 22482
of section 3301.0712 of the Revised Code shall not be required to 22483
take that assessment. No governing authority of a chartered 22484
nonpublic school shall prohibit a student who is not required to 22485
take such assessment from taking the assessment. 22486

(4) The assessments prescribed by sections 3301.0712 and 22487
3313.619 of the Revised Code shall not be administered to any 22488
student attending the school, if the school meets all of the 22489
following conditions: 22490

(a) At least ninety-five per cent of the students enrolled in 22491
the school are children with disabilities, as defined under 22492
section 3323.01 of the Revised Code, or have received a diagnosis 22493
by a school district or from a physician, including a 22494
neuropsychologist or psychiatrist, or a psychologist who is 22495
authorized to practice in this or another state as having a 22496
condition that impairs academic performance, such as dyslexia, 22497

dyscalculia, attention deficit hyperactivity disorder, or 22498
Asperger's syndrome. 22499

(b) The school has solely served a student population 22500
described in division (L)(4)(a) of this section for at least ten 22501
years. 22502

(c) The school makes available to the department at least 22503
five years of records of internal testing conducted by the school 22504
that affords the department data required for accountability 22505
purposes, including growth in student achievement in reading or 22506
mathematics, or both, as measured by nationally norm-referenced 22507
assessments that have developed appropriate standards for 22508
students. 22509

Division (L)(4) of this section applies to any student 22510
attending such school regardless of whether the student receives 22511
special education or related services and regardless of whether 22512
the student is attending the school under a state scholarship 22513
program. 22514

(M)(1) The superintendent of ~~the state school for the blind~~ 22515
~~and the superintendent of the state school for the deaf~~ Ohio deaf 22516
and blind education services shall administer the assessments 22517
described by sections 3301.0710 and 3301.0712 of the Revised Code 22518
for the state school for the blind and the state school for the 22519
deaf. ~~Each~~ The superintendent of Ohio deaf and blind education 22520
services shall administer the assessments in the same manner as 22521
district boards are required to do under this section and rules 22522
adopted by the department of education and in conformity with 22523
division (C)(1)(a) of this section. 22524

(2) The department of education shall furnish the assessments 22525
described by sections 3301.0710 and 3301.0712 of the Revised Code 22526
to ~~each~~ the superintendent of Ohio deaf and blind education 22527
services. 22528

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), (6), and (7) of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by

division (A) of section 3301.0710 of the Revised Code. 22560

(a) The first administration of each assessment, as specified 22561
in former section 3301.0712 of the Revised Code, shall be a public 22562
record. 22563

(b) For subsequent administrations of each assessment prior 22564
to the 2011-2012 school year, not less than forty per cent of the 22565
questions on the assessment that are used to compute a student's 22566
score shall be a public record. The department shall determine 22567
which questions will be needed for reuse on a future assessment 22568
and those questions shall not be public records and shall be 22569
redacted from the assessment prior to its release as a public 22570
record. However, for each redacted question, the department shall 22571
inform each city, local, and exempted village school district of 22572
the statewide academic standard adopted by the state board under 22573
section 3301.079 of the Revised Code and the corresponding 22574
benchmark to which the question relates. The preceding sentence 22575
does not apply to field test questions that are redacted under 22576
division (O)(3) of this section. 22577

(c) The administrations of each assessment in the 2011-2012, 22578
2012-2013, and 2013-2014 school years shall not be a public 22579
record. 22580

(5) Each assessment prescribed by division (B)(1) of section 22581
3301.0710 of the Revised Code shall not be a public record. 22582

(6)(a) Except as provided in division (O)(6)(b) of this 22583
section, for the administrations in the 2014-2015, 2015-2016, and 22584
2016-2017 school years, questions on the assessments prescribed 22585
under division (A) of section 3301.0710 and division (B)(2) of 22586
section 3301.0712 of the Revised Code and the corresponding 22587
preferred answers that are used to compute a student's score shall 22588
become a public record as follows: 22589

(i) Forty per cent of the questions and preferred answers on 22590

the assessments on the thirty-first day of July following the 22591
administration of the assessment; 22592

(ii) Twenty per cent of the questions and preferred answers 22593
on the assessment on the thirty-first day of July one year after 22594
the administration of the assessment; 22595

(iii) The remaining forty per cent of the questions and 22596
preferred answers on the assessment on the thirty-first day of 22597
July two years after the administration of the assessment. 22598

The entire content of an assessment shall become a public 22599
record within three years of its administration. 22600

The department shall make the questions that become a public 22601
record under this division readily accessible to the public on the 22602
department's web site. Questions on the spring administration of 22603
each assessment shall be released on an annual basis, in 22604
accordance with this division. 22605

(b) No questions and corresponding preferred answers shall 22606
become a public record under division (0)(6) of this section after 22607
July 31, 2017. 22608

(7) Division (0)(7) of this section applies to the 22609
assessments prescribed by division (A) of section 3301.0710 and 22610
division (B)(2) of section 3301.0712 of the Revised Code. 22611

Beginning with the assessments administered in the spring of 22612
the 2017-2018 school year, not less than forty per cent of the 22613
questions on each assessment that are used to compute a student's 22614
score shall be a public record. The department shall determine 22615
which questions will be needed for reuse on a future assessment 22616
and those questions shall not be public records and shall be 22617
redacted from the assessment prior to its release as a public 22618
record. However, for each redacted question, the department shall 22619
inform each city, local, and exempted village school district of 22620
the corresponding statewide academic standard adopted by the state 22621

board under section 3301.079 of the Revised Code and the 22622
corresponding benchmark to which the question relates. The 22623
department is not required to provide corresponding standards and 22624
benchmarks to field test questions that are redacted under 22625
division (O)(3) of this section. 22626

(P) As used in this section: 22627

(1) "Three-year average" means the average of the most recent 22628
consecutive three school years of data. 22629

(2) "Dropout" means a student who withdraws from school 22630
before completing course requirements for graduation and who is 22631
not enrolled in an education program approved by the state board 22632
of education or an education program outside the state. "Dropout" 22633
does not include a student who has departed the country. 22634

(3) "Graduation rate" means the ratio of students receiving a 22635
diploma to the number of students who entered ninth grade four 22636
years earlier. Students who transfer into the district are added 22637
to the calculation. Students who transfer out of the district for 22638
reasons other than dropout are subtracted from the calculation. If 22639
a student who was a dropout in any previous year returns to the 22640
same school district, that student shall be entered into the 22641
calculation as if the student had entered ninth grade four years 22642
before the graduation year of the graduating class that the 22643
student joins. 22644

(4) "State scholarship programs" means the educational choice 22645
scholarship pilot program established under sections 3310.01 to 22646
3310.17 of the Revised Code, the autism scholarship program 22647
established under section 3310.41 of the Revised Code, the Jon 22648
Peterson special needs scholarship program established under 22649
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 22650
project scholarship program established under sections 3313.974 to 22651
3313.979 of the Revised Code. 22652

(5) "Other public school" means a community school 22653
established under Chapter 3314., a STEM school established under 22654
Chapter 3326., or a college-preparatory boarding school 22655
established under Chapter 3328. of the Revised Code. 22656

(6) "English learner" has the same meaning as in section 22657
3301.0731 of the Revised Code. 22658

Sec. 3301.0714. (A) The state board of education shall adopt 22659
rules for a statewide education management information system. The 22660
rules shall require the state board to establish guidelines for 22661
the establishment and maintenance of the system in accordance with 22662
this section and the rules adopted under this section. The 22663
guidelines shall include: 22664

(1) Standards identifying and defining the types of data in 22665
the system in accordance with divisions (B) and (C) of this 22666
section; 22667

(2) Procedures for annually collecting and reporting the data 22668
to the state board in accordance with division (D) of this 22669
section; 22670

(3) Procedures for annually compiling the data in accordance 22671
with division (G) of this section; 22672

(4) Procedures for annually reporting the data to the public 22673
in accordance with division (H) of this section; 22674

(5) Standards to provide strict safeguards to protect the 22675
confidentiality of personally identifiable student data. 22676

(B) The guidelines adopted under this section shall require 22677
the data maintained in the education management information system 22678
to include at least the following: 22679

(1) Student participation and performance data, for each 22680
grade in each school district as a whole and for each grade in 22681
each school building in each school district, that includes: 22682

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the

Revised Code;	22715
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	22716 22717 22718
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	22719 22720 22721 22722
(h) Expulsion rates;	22723
(i) Suspension rates;	22724
(j) Dropout rates;	22725
(k) Rates of retention in grade;	22726
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	22727 22728 22729
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	22730 22731 22732 22733 22734
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	22735 22736 22737 22738 22739 22740 22741 22742 22743
(o) Beginning on July 1, 2018, for each disciplinary action	22744

which is required to be reported under division ~~(B)(4)~~(B)(5) of 22745
this section, districts and schools also shall include an 22746
identification of the person or persons, if any, at whom the 22747
student's violent behavior that resulted in discipline was 22748
directed. The person or persons shall be identified by the 22749
respective classification at the district or school, such as 22750
student, teacher, or nonteaching employee, but shall not be 22751
identified by name. 22752

Division (B)(1)(o) of this section does not apply after the 22753
date that is two years following the submission of the report 22754
required by Section 733.13 of H.B. 49 of the 132nd general 22755
assembly. 22756

(p) The number of students earning each state diploma seal 22757
included in the system prescribed under division (A) of section 22758
3313.6114 of the Revised Code; 22759

(q) The number of students demonstrating competency for 22760
graduation using each option described in divisions (B)(1)(a) to 22761
(d) of section 3313.618 of the Revised Code; 22762

(r) The number of students completing each foundational and 22763
supporting option as part of the demonstration of competency for 22764
graduation pursuant to division (B)(1)(b) of section 3313.618 of 22765
the Revised Code; 22766

(s) The number of students enrolled in all-day kindergarten, 22767
as defined in section 3321.05 of the Revised Code. 22768

(2) Personnel and classroom enrollment data for each school 22769
district, including: 22770

(a) The total numbers of licensed employees and nonlicensed 22771
employees and the numbers of full-time equivalent licensed 22772
employees and nonlicensed employees providing each category of 22773
instructional service, instructional support service, and 22774
administrative support service used pursuant to division (C)(3) of 22775

this section. The guidelines adopted under this section shall 22776
require these categories of data to be maintained for the school 22777
district as a whole and, wherever applicable, for each grade in 22778
the school district as a whole, for each school building as a 22779
whole, and for each grade in each school building. 22780

(b) The total number of employees and the number of full-time 22781
equivalent employees providing each category of service used 22782
pursuant to divisions (C)(4)(a) and (b) of this section, and the 22783
total numbers of licensed employees and nonlicensed employees and 22784
the numbers of full-time equivalent licensed employees and 22785
nonlicensed employees providing each category used pursuant to 22786
division (C)(4)(c) of this section. The guidelines adopted under 22787
this section shall require these categories of data to be 22788
maintained for the school district as a whole and, wherever 22789
applicable, for each grade in the school district as a whole, for 22790
each school building as a whole, and for each grade in each school 22791
building. 22792

(c) The total number of regular classroom teachers teaching 22793
classes of regular education and the average number of pupils 22794
enrolled in each such class, in each of grades kindergarten 22795
through five in the district as a whole and in each school 22796
building in the school district. 22797

(d) The number of lead teachers employed by each school 22798
district and each school building. 22799

(3)(a) Student demographic data for each school district, 22800
including information regarding the gender ratio of the school 22801
district's pupils, the racial make-up of the school district's 22802
pupils, the number of English learners in the district, and an 22803
appropriate measure of the number of the school district's pupils 22804
who reside in economically disadvantaged households. The 22805
demographic data shall be collected in a manner to allow 22806
correlation with data collected under division (B)(1) of this 22807

section. Categories for data collected pursuant to division (B)(3) 22808
of this section shall conform, where appropriate, to standard 22809
practices of agencies of the federal government. 22810

(b) With respect to each student entering kindergarten, 22811
whether the student previously participated in a public preschool 22812
program, a private preschool program, or a head start program, and 22813
the number of years the student participated in each of these 22814
programs. 22815

~~(4)~~(4)(a) The core curriculum and instructional materials 22816
being used for English language arts in each of grades 22817
pre-kindergarten to five; 22818

(b) The reading intervention programs being used in each of 22819
grades pre-kindergarten to twelve. 22820

(5) Any data required to be collected pursuant to federal 22821
law. 22822

(C) The education management information system shall include 22823
cost accounting data for each district as a whole and for each 22824
school building in each school district. The guidelines adopted 22825
under this section shall require the cost data for each school 22826
district to be maintained in a system of mutually exclusive cost 22827
units and shall require all of the costs of each school district 22828
to be divided among the cost units. The guidelines shall require 22829
the system of mutually exclusive cost units to include at least 22830
the following: 22831

(1) Administrative costs for the school district as a whole. 22832
The guidelines shall require the cost units under this division 22833
(C)(1) to be designed so that each of them may be compiled and 22834
reported in terms of average expenditure per pupil in enrolled ADM 22835
in the school district, as determined pursuant to section 3317.03 22836
of the Revised Code. 22837

(2) Administrative costs for each school building in the 22838

school district. The guidelines shall require the cost units under 22839
this division (C)(2) to be designed so that each of them may be 22840
compiled and reported in terms of average expenditure per 22841
full-time equivalent pupil receiving instructional or support 22842
services in each building. 22843

(3) Instructional services costs for each category of 22844
instructional service provided directly to students and required 22845
by guidelines adopted pursuant to division (B)(1)(a) of this 22846
section. The guidelines shall require the cost units under 22847
division (C)(3) of this section to be designed so that each of 22848
them may be compiled and reported in terms of average expenditure 22849
per pupil receiving the service in the school district as a whole 22850
and average expenditure per pupil receiving the service in each 22851
building in the school district and in terms of a total cost for 22852
each category of service and, as a breakdown of the total cost, a 22853
cost for each of the following components: 22854

(a) The cost of each instructional services category required 22855
by guidelines adopted under division (B)(1)(a) of this section 22856
that is provided directly to students by a classroom teacher; 22857

(b) The cost of the instructional support services, such as 22858
services provided by a speech-language pathologist, classroom 22859
aide, multimedia aide, or librarian, provided directly to students 22860
in conjunction with each instructional services category; 22861

(c) The cost of the administrative support services related 22862
to each instructional services category, such as the cost of 22863
personnel that develop the curriculum for the instructional 22864
services category and the cost of personnel supervising or 22865
coordinating the delivery of the instructional services category. 22866

(4) Support or extracurricular services costs for each 22867
category of service directly provided to students and required by 22868
guidelines adopted pursuant to division (B)(1)(b) of this section. 22869

The guidelines shall require the cost units under division (C)(4) 22870
of this section to be designed so that each of them may be 22871
compiled and reported in terms of average expenditure per pupil 22872
receiving the service in the school district as a whole and 22873
average expenditure per pupil receiving the service in each 22874
building in the school district and in terms of a total cost for 22875
each category of service and, as a breakdown of the total cost, a 22876
cost for each of the following components: 22877

(a) The cost of each support or extracurricular services 22878
category required by guidelines adopted under division (B)(1)(b) 22879
of this section that is provided directly to students by a 22880
licensed employee, such as services provided by a guidance 22881
counselor or any services provided by a licensed employee under a 22882
supplemental contract; 22883

(b) The cost of each such services category provided directly 22884
to students by a nonlicensed employee, such as janitorial 22885
services, cafeteria services, or services of a sports trainer; 22886

(c) The cost of the administrative services related to each 22887
services category in division (C)(4)(a) or (b) of this section, 22888
such as the cost of any licensed or nonlicensed employees that 22889
develop, supervise, coordinate, or otherwise are involved in 22890
administering or aiding the delivery of each services category. 22891

(D)(1) The guidelines adopted under this section shall 22892
require school districts to collect information about individual 22893
students, staff members, or both in connection with any data 22894
required by division (B) or (C) of this section or other reporting 22895
requirements established in the Revised Code. The guidelines may 22896
also require school districts to report information about 22897
individual staff members in connection with any data required by 22898
division (B) or (C) of this section or other reporting 22899
requirements established in the Revised Code. The guidelines shall 22900
not authorize school districts to request social security numbers 22901

of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2)(a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D)(2)(d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D)(2)(d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b)(i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under section 3317.022 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require 22966
school districts to collect and report data, information, or 22967
reports other than that described in divisions (A), (B), and (C) 22968
of this section for the purpose of complying with other reporting 22969
requirements established in the Revised Code. The other data, 22970
information, or reports may be maintained in the education 22971
management information system but are not required to be compiled 22972
as part of the profile formats required under division (G) of this 22973
section or the annual statewide report required under division (H) 22974
of this section. 22975

(F) Beginning with the school year that begins July 1, 1991, 22976
the board of education of each school district shall annually 22977
collect and report to the state board, in accordance with the 22978
guidelines established by the board, the data required pursuant to 22979
this section. A school district may collect and report these data 22980
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 22981

(G) The state board shall, in accordance with the procedures 22982
it adopts, annually compile the data reported by each school 22983
district pursuant to division (D) of this section. The state board 22984
shall design formats for profiling each school district as a whole 22985
and each school building within each district and shall compile 22986
the data in accordance with these formats. These profile formats 22987
shall: 22988

(1) Include all of the data gathered under this section in a 22989
manner that facilitates comparison among school districts and 22990
among school buildings within each school district; 22991

(2) Present the data on academic achievement levels as 22992
assessed by the testing of student achievement maintained pursuant 22993
to division (B)(1)(d) of this section. 22994

(H)(1) The state board shall, in accordance with the 22995
procedures it adopts, annually prepare a statewide report for all 22996

school districts and the general public that includes the profile 22997
of each of the school districts developed pursuant to division (G) 22998
of this section. Copies of the report shall be sent to each school 22999
district. 23000

(2) The state board shall, in accordance with the procedures 23001
it adopts, annually prepare an individual report for each school 23002
district and the general public that includes the profiles of each 23003
of the school buildings in that school district developed pursuant 23004
to division (G) of this section. Copies of the report shall be 23005
sent to the superintendent of the district and to each member of 23006
the district board of education. 23007

(3) Copies of the reports received from the state board under 23008
divisions (H)(1) and (2) of this section shall be made available 23009
to the general public at each school district's offices. Each 23010
district board of education shall make copies of each report 23011
available to any person upon request and payment of a reasonable 23012
fee for the cost of reproducing the report. The board shall 23013
annually publish in a newspaper of general circulation in the 23014
school district, at least twice during the two weeks prior to the 23015
week in which the reports will first be available, a notice 23016
containing the address where the reports are available and the 23017
date on which the reports will be available. 23018

(I) Any data that is collected or maintained pursuant to this 23019
section and that identifies an individual pupil is not a public 23020
record for the purposes of section 149.43 of the Revised Code. 23021

(J) As used in this section: 23022

(1) "School district" means any city, local, exempted 23023
village, or joint vocational school district and, in accordance 23024
with section 3314.17 of the Revised Code, any community school. As 23025
used in division (L) of this section, "school district" also 23026
includes any educational service center or other educational 23027

entity required to submit data using the system established under 23028
this section. 23029

(2) "Cost" means any expenditure for operating expenses made 23030
by a school district excluding any expenditures for debt 23031
retirement except for payments made to any commercial lending 23032
institution for any loan approved pursuant to section 3313.483 of 23033
the Revised Code. 23034

(K) Any person who removes data from the information system 23035
established under this section for the purpose of releasing it to 23036
any person not entitled under law to have access to such 23037
information is subject to section 2913.42 of the Revised Code 23038
prohibiting tampering with data. 23039

(L)(1) In accordance with division (L)(2) of this section and 23040
the rules adopted under division (L)(10) of this section, the 23041
department of education may sanction any school district that 23042
reports incomplete or inaccurate data, reports data that does not 23043
conform to data requirements and descriptions published by the 23044
department, fails to report data in a timely manner, or otherwise 23045
does not make a good faith effort to report data as required by 23046
this section. 23047

(2) If the department decides to sanction a school district 23048
under this division, the department shall take the following 23049
sequential actions: 23050

(a) Notify the district in writing that the department has 23051
determined that data has not been reported as required under this 23052
section and require the district to review its data submission and 23053
submit corrected data by a deadline established by the department. 23054
The department also may require the district to develop a 23055
corrective action plan, which shall include provisions for the 23056
district to provide mandatory staff training on data reporting 23057
procedures. 23058

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data

submitted by the district likely caused the district to receive a 23089
higher performance rating than it deserved under that section, 23090
issue a revised report card for the district; 23091

(ix) Any other action designed to correct the district's data 23092
reporting problems. 23093

(3) Any time the department takes an action against a school 23094
district under division (L)(2) of this section, the department 23095
shall make a report of the circumstances that prompted the action. 23096
The department shall send a copy of the report to the district 23097
superintendent or chief administrator and maintain a copy of the 23098
report in its files. 23099

(4) If any action taken under division (L)(2) of this section 23100
resolves a school district's data reporting problems to the 23101
department's satisfaction, the department shall not take any 23102
further actions described by that division. If the department 23103
withheld funds from the district under that division, the 23104
department may release those funds to the district, except that if 23105
the department withheld funding under division (L)(2)(c) of this 23106
section, the department shall not release the funds withheld under 23107
division (L)(2)(b) of this section and, if the department withheld 23108
funding under division (L)(2)(d) of this section, the department 23109
shall not release the funds withheld under division (L)(2)(b) or 23110
(c) of this section. 23111

(5) Notwithstanding anything in this section to the contrary, 23112
the department may use its own staff or an outside entity to 23113
conduct an audit of a school district's data reporting practices 23114
any time the department has reason to believe the district has not 23115
made a good faith effort to report data as required by this 23116
section. If any audit conducted by an outside entity under 23117
division (L)(2)(d)(i) or (5) of this section confirms that a 23118
district has not made a good faith effort to report data as 23119
required by this section, the district shall reimburse the 23120

department for the full cost of the audit. The department may 23121
withhold state funds due to the district for this purpose. 23122

(6) Prior to issuing a revised report card for a school 23123
district under division (L)(2)(d)(viii) of this section, the 23124
department may hold a hearing to provide the district with an 23125
opportunity to demonstrate that it made a good faith effort to 23126
report data as required by this section. The hearing shall be 23127
conducted by a referee appointed by the department. Based on the 23128
information provided in the hearing, the referee shall recommend 23129
whether the department should issue a revised report card for the 23130
district. If the referee affirms the department's contention that 23131
the district did not make a good faith effort to report data as 23132
required by this section, the district shall bear the full cost of 23133
conducting the hearing and of issuing any revised report card. 23134

(7) If the department determines that any inaccurate data 23135
reported under this section caused a school district to receive 23136
excess state funds in any fiscal year, the district shall 23137
reimburse the department an amount equal to the excess funds, in 23138
accordance with a payment schedule determined by the department. 23139
The department may withhold state funds due to the district for 23140
this purpose. 23141

(8) Any school district that has funds withheld under 23142
division (L)(2) of this section may appeal the withholding in 23143
accordance with Chapter 119. of the Revised Code. 23144

(9) In all cases of a disagreement between the department and 23145
a school district regarding the appropriateness of an action taken 23146
under division (L)(2) of this section, the burden of proof shall 23147
be on the district to demonstrate that it made a good faith effort 23148
to report data as required by this section. 23149

(10) The state board of education shall adopt rules under 23150
Chapter 119. of the Revised Code to implement division (L) of this 23151

section. 23152

(M) No information technology center or school district shall 23153
acquire, change, or update its student administration software 23154
package to manage and report data required to be reported to the 23155
department unless it converts to a student software package that 23156
is certified by the department. 23157

(N) The state board of education, in accordance with sections 23158
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 23159
license as defined under division (A) of section 3319.31 of the 23160
Revised Code that has been issued to any school district employee 23161
found to have willfully reported erroneous, inaccurate, or 23162
incomplete data to the education management information system. 23163

(O) No person shall release or maintain any information about 23164
any student in violation of this section. Whoever violates this 23165
division is guilty of a misdemeanor of the fourth degree. 23166

(P) The department shall disaggregate the data collected 23167
under division (B)(1)(n) of this section according to the race and 23168
socioeconomic status of the students assessed. 23169

(Q) If the department cannot compile any of the information 23170
required by division (I) of section 3302.03 of the Revised Code 23171
based upon the data collected under this section, the department 23172
shall develop a plan and a reasonable timeline for the collection 23173
of any data necessary to comply with that division. 23174

Sec. 3301.0731. As used in this section, "English learner" 23175
has the same meaning as in 20 U.S.C. 7801. 23176

The state board of education shall adopt rules regarding the 23177
identification, instruction, assessment, and reclassification of 23178
English learners. The rules shall conform to the department of 23179
education's plan, as approved by the United States secretary of 23180
education, to comply with the "Elementary and Secondary Education 23181

Act of 1965," 20 U.S.C. 6311 to 6339. 23182

Sec. 3302.03. Not later than the thirty-first day of July of 23183
each year, the department of education shall submit preliminary 23184
report card data for overall academic performance and for each 23185
separate performance measure for each school district, and each 23186
school building, in accordance with this section. 23187

Annually, not later than the fifteenth day of September or 23188
the preceding Friday when that day falls on a Saturday or Sunday, 23189
the department shall assign a letter grade or performance rating 23190
for overall academic performance and for each separate performance 23191
measure for each school district, and each school building in a 23192
district, in accordance with this section. The state board of 23193
education shall adopt rules pursuant to Chapter 119. of the 23194
Revised Code to implement this section. The state board's rules 23195
shall establish performance criteria for each letter grade or 23196
performance rating and prescribe a method by which the department 23197
assigns each letter grade or performance rating. For a school 23198
building to which any of the performance measures do not apply, 23199
due to grade levels served by the building, the department shall 23200
designate the performance measures that are applicable to the 23201
building and that must be calculated separately and used to 23202
calculate the building's overall grade or performance rating. The 23203
department shall issue annual report cards reflecting the 23204
performance of each school district, each building within each 23205
district, and for the state as a whole using the performance 23206
measures and letter grade or performance rating system described 23207
in this section. The department shall include on the report card 23208
for each district and each building within each district the most 23209
recent two-year trend data in student achievement for each subject 23210
and each grade. 23211

(A)(1) For the 2012-2013 school year, the department shall 23212

issue grades as described in division (F) of this section for each	23213
of the following performance measures:	23214
(a) Annual measurable objectives;	23215
(b) Performance index score for a school district or	23216
building. Grades shall be awarded as a percentage of the total	23217
possible points on the performance index system as adopted by the	23218
state board. In adopting benchmarks for assigning letter grades	23219
under division (A)(1)(b) of this section, the state board shall	23220
designate ninety per cent or higher for an "A," at least seventy	23221
per cent but not more than eighty per cent for a "C," and less	23222
than fifty per cent for an "F."	23223
(c) The extent to which the school district or building meets	23224
each of the applicable performance indicators established by the	23225
state board under section 3302.02 of the Revised Code and the	23226
percentage of applicable performance indicators that have been	23227
achieved. In adopting benchmarks for assigning letter grades under	23228
division (A)(1)(c) of this section, the state board shall	23229
designate ninety per cent or higher for an "A."	23230
(d) The four- and five-year adjusted cohort graduation rates.	23231
In adopting benchmarks for assigning letter grades under	23232
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the	23233
department shall designate a four-year adjusted cohort graduation	23234
rate of ninety-three per cent or higher for an "A" and a five-year	23235
cohort graduation rate of ninety-five per cent or higher for an	23236
"A."	23237
(e) The overall score under the value-added progress	23238
dimension of a school district or building, for which the	23239
department shall use up to three years of value-added data as	23240
available. The letter grade assigned for this growth measure shall	23241
be as follows:	23242
(i) A score that is at least one standard error of measure	23243

above the mean score shall be designated as an "A." 23244

(ii) A score that is less than one standard error of measure 23245
above but greater than one standard error of measure below the 23246
mean score shall be designated as a "B." 23247

(iii) A score that is less than or equal to one standard 23248
error of measure below the mean score but greater than two 23249
standard errors of measure below the mean score shall be 23250
designated as a "C." 23251

(iv) A score that is less than or equal to two standard 23252
errors of measure below the mean score but is greater than three 23253
standard errors of measure below the mean score shall be 23254
designated as a "D." 23255

(v) A score that is less than or equal to three standard 23256
errors of measure below the mean score shall be designated as an 23257
"F." 23258

Whenever the value-added progress dimension is used as a 23259
graded performance measure in this division and divisions (B) and 23260
(C) of this section, whether as an overall measure or as a measure 23261
of separate subgroups, the grades for the measure shall be 23262
calculated in the same manner as prescribed in division (A)(1)(e) 23263
of this section. 23264

(f) The value-added progress dimension score for a school 23265
district or building disaggregated for each of the following 23266
subgroups: students identified as gifted, students with 23267
disabilities, and students whose performance places them in the 23268
lowest quintile for achievement on a statewide basis. Each 23269
subgroup shall be a separate graded measure. 23270

(2) Not later than April 30, 2013, the state board of 23271
education shall adopt a resolution describing the performance 23272
measures, benchmarks, and grading system for the 2012-2013 school 23273
year and, not later than June 30, 2013, shall adopt rules in 23274

accordance with Chapter 119. of the Revised Code that prescribe 23275
the methods by which the performance measures under division 23276
(A)(1) of this section shall be assessed and assigned a letter 23277
grade, including performance benchmarks for each letter grade. 23278

At least forty-five days prior to the state board's adoption 23279
of rules to prescribe the methods by which the performance 23280
measures under division (A)(1) of this section shall be assessed 23281
and assigned a letter grade, the department shall conduct a public 23282
presentation before the standing committees of the house of 23283
representatives and the senate that consider education legislation 23284
describing such methods, including performance benchmarks. 23285

(3) There shall not be an overall letter grade for a school 23286
district or building for the 2012-2013 school year. 23287

(B)(1) For the 2013-2014 school year, the department shall 23288
issue grades as described in division (F) of this section for each 23289
of the following performance measures: 23290

(a) Annual measurable objectives; 23291

(b) Performance index score for a school district or 23292
building. Grades shall be awarded as a percentage of the total 23293
possible points on the performance index system as created by the 23294
department. In adopting benchmarks for assigning letter grades 23295
under division (B)(1)(b) of this section, the state board shall 23296
designate ninety per cent or higher for an "A," at least seventy 23297
per cent but not more than eighty per cent for a "C," and less 23298
than fifty per cent for an "F." 23299

(c) The extent to which the school district or building meets 23300
each of the applicable performance indicators established by the 23301
state board under section 3302.03 of the Revised Code and the 23302
percentage of applicable performance indicators that have been 23303
achieved. In adopting benchmarks for assigning letter grades under 23304
division (B)(1)(c) of this section, the state board shall 23305

designate ninety per cent or higher for an "A." 23306

(d) The four- and five-year adjusted cohort graduation rates; 23307

(e) The overall score under the value-added progress 23308
dimension of a school district or building, for which the 23309
department shall use up to three years of value-added data as 23310
available. 23311

(f) The value-added progress dimension score for a school 23312
district or building disaggregated for each of the following 23313
subgroups: students identified as gifted in superior cognitive 23314
ability and specific academic ability fields under Chapter 3324. 23315
of the Revised Code, students with disabilities, and students 23316
whose performance places them in the lowest quintile for 23317
achievement on a statewide basis. Each subgroup shall be a 23318
separate graded measure. 23319

(g) Whether a school district or building is making progress 23320
in improving literacy in grades kindergarten through three, as 23321
determined using a method prescribed by the state board. The state 23322
board shall adopt rules to prescribe benchmarks and standards for 23323
assigning grades to districts and buildings for purposes of 23324
division (B)(1)(g) of this section. In adopting benchmarks for 23325
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 23326
this section, the state board shall determine progress made based 23327
on the reduction in the total percentage of students scoring below 23328
grade level, or below proficient, compared from year to year on 23329
the reading and writing diagnostic assessments administered under 23330
section 3301.0715 of the Revised Code and the third grade English 23331
language arts assessment under section 3301.0710 of the Revised 23332
Code, as applicable. The state board shall designate for a "C" 23333
grade a value that is not lower than the statewide average value 23334
for this measure. No grade shall be issued under divisions 23335
(B)(1)(g) and (C)(1)(g) of this section for a district or building 23336
in which less than five per cent of students have scored below 23337

grade level on the diagnostic assessment administered to students 23338
in kindergarten under division (B)(1) of section 3313.608 of the 23339
Revised Code. 23340

(h) For a high mobility school district or building, an 23341
additional value-added progress dimension score. For this measure, 23342
the department shall use value-added data from the most recent 23343
school year available and shall use assessment scores for only 23344
those students to whom the district or building has administered 23345
the assessments prescribed by section 3301.0710 of the Revised 23346
Code for each of the two most recent consecutive school years. 23347

As used in this division, "high mobility school district or 23348
building" means a school district or building where at least 23349
twenty-five per cent of its total enrollment is made up of 23350
students who have attended that school district or building for 23351
less than one year. 23352

(2) In addition to the graded measures in division (B)(1) of 23353
this section, the department shall include on a school district's 23354
or building's report card all of the following without an assigned 23355
letter grade: 23356

(a) The percentage of students enrolled in a district or 23357
building participating in advanced placement classes and the 23358
percentage of those students who received a score of three or 23359
better on advanced placement examinations; 23360

(b) The number of a district's or building's students who 23361
have earned at least three college credits through dual enrollment 23362
or advanced standing programs, such as the post-secondary 23363
enrollment options program under Chapter 3365. of the Revised Code 23364
and state-approved career-technical courses offered through dual 23365
enrollment or statewide articulation, that appear on a student's 23366
transcript or other official document, either of which is issued 23367
by the institution of higher education from which the student 23368

earned the college credit. The credits earned that are reported 23369
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 23370
include any that are remedial or developmental and shall include 23371
those that count toward the curriculum requirements established 23372
for completion of a degree. 23373

(c) The percentage of students enrolled in a district or 23374
building who have taken a national standardized test used for 23375
college admission determinations and the percentage of those 23376
students who are determined to be remediation-free in accordance 23377
with standards adopted under division (F) of section 3345.061 of 23378
the Revised Code; 23379

(d) The percentage of the district's or the building's 23380
students who receive industry-recognized credentials as approved 23381
under section 3313.6113 of the Revised Code. 23382

(e) The percentage of students enrolled in a district or 23383
building who are participating in an international baccalaureate 23384
program and the percentage of those students who receive a score 23385
of four or better on the international baccalaureate examinations. 23386

(f) The percentage of the district's or building's students 23387
who receive an honors diploma under division (B) of section 23388
3313.61 of the Revised Code. 23389

(3) Not later than December 31, 2013, the state board shall 23390
adopt rules in accordance with Chapter 119. of the Revised Code 23391
that prescribe the methods by which the performance measures under 23392
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 23393
and assigned a letter grade, including performance benchmarks for 23394
each grade. 23395

At least forty-five days prior to the state board's adoption 23396
of rules to prescribe the methods by which the performance 23397
measures under division (B)(1) of this section shall be assessed 23398
and assigned a letter grade, the department shall conduct a public 23399

presentation before the standing committees of the house of 23400
representatives and the senate that consider education legislation 23401
describing such methods, including performance benchmarks. 23402

(4) There shall not be an overall letter grade for a school 23403
district or building for the 2013-2014, 2014-2015, 2015-2016, and 23404
2016-2017 school years. 23405

(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 23406
2018-2019, 2019-2020, and 2020-2021 school years, the department 23407
shall issue grades as described in division (F) of this section 23408
for each of the performance measures prescribed in division (C)(1) 23409
of this section. The graded measures are as follows: 23410

(a) Annual measurable objectives. For the 2017-2018 school 23411
year, the department shall not include any subgroup data in the 23412
annual measurable objectives that includes data from fewer than 23413
twenty-five students. For the 2018-2019 school year, the 23414
department shall not include any subgroup data in the annual 23415
measurable objectives that includes data from fewer than twenty 23416
students. Beginning with the 2019-2020 school year, the department 23417
shall not include any subgroup data in the annual measurable 23418
objectives that includes data from fewer than fifteen students. 23419

(b) Performance index score for a school district or 23420
building. Grades shall be awarded as a percentage of the total 23421
possible points on the performance index system as created by the 23422
department. In adopting benchmarks for assigning letter grades 23423
under division (C)(1)(b) of this section, the state board shall 23424
designate ninety per cent or higher for an "A," at least seventy 23425
per cent but not more than eighty per cent for a "C," and less 23426
than fifty per cent for an "F." 23427

(c) The extent to which the school district or building meets 23428
each of the applicable performance indicators established by the 23429
state board under section 3302.03 of the Revised Code and the 23430

percentage of applicable performance indicators that have been 23431
achieved. In adopting benchmarks for assigning letter grades under 23432
division (C)(1)(c) of this section, the state board shall 23433
designate ninety per cent or higher for an "A." 23434

(d) The four- and five-year adjusted cohort graduation rates; 23435

(e) The overall score under the value-added progress 23436
dimension, or another measure of student academic progress if 23437
adopted by the state board, of a school district or building, for 23438
which the department shall use up to three years of value-added 23439
data as available. 23440

In adopting benchmarks for assigning letter grades for 23441
overall score on value-added progress dimension under division 23442
(C)(1)(e) of this section, the state board shall prohibit the 23443
assigning of a grade of "A" for that measure unless the district's 23444
or building's grade assigned for value-added progress dimension 23445
for all subgroups under division (C)(1)(f) of this section is a 23446
"C" or higher. 23447

For the metric prescribed by division (C)(1)(e) of this 23448
section, the state board may adopt a student academic progress 23449
measure to be used instead of the value-added progress dimension. 23450
If the state board adopts such a measure, it also shall prescribe 23451
a method for assigning letter grades for the new measure that is 23452
comparable to the method prescribed in division (A)(1)(e) of this 23453
section. 23454

(f) The value-added progress dimension score of a school 23455
district or building disaggregated for each of the following 23456
subgroups: students identified as gifted in superior cognitive 23457
ability and specific academic ability fields under Chapter 3324. 23458
of the Revised Code, students with disabilities, and students 23459
whose performance places them in the lowest quintile for 23460
achievement on a statewide basis, as determined by a method 23461

prescribed by the state board. Each subgroup shall be a separate 23462
graded measure. 23463

The state board may adopt student academic progress measures 23464
to be used instead of the value-added progress dimension. If the 23465
state board adopts such measures, it also shall prescribe a method 23466
for assigning letter grades for the new measures that is 23467
comparable to the method prescribed in division (A)(1)(e) of this 23468
section. 23469

(g) Whether a school district or building is making progress 23470
in improving literacy in grades kindergarten through three, as 23471
determined using a method prescribed by the state board. The state 23472
board shall adopt rules to prescribe benchmarks and standards for 23473
assigning grades to a district or building for purposes of 23474
division (C)(1)(g) of this section. The state board shall 23475
designate for a "C" grade a value that is not lower than the 23476
statewide average value for this measure. No grade shall be issued 23477
under division (C)(1)(g) of this section for a district or 23478
building in which less than five per cent of students have scored 23479
below grade level on the kindergarten diagnostic assessment under 23480
division (B)(1) of section 3313.608 of the Revised Code. 23481

(h) For a high mobility school district or building, an 23482
additional value-added progress dimension score. For this measure, 23483
the department shall use value-added data from the most recent 23484
school year available and shall use assessment scores for only 23485
those students to whom the district or building has administered 23486
the assessments prescribed by section 3301.0710 of the Revised 23487
Code for each of the two most recent consecutive school years. 23488

As used in this division, "high mobility school district or 23489
building" means a school district or building where at least 23490
twenty-five per cent of its total enrollment is made up of 23491
students who have attended that school district or building for 23492
less than one year. 23493

(2) In addition to the graded measures in division (C)(1) of 23494
this section, the department shall include on a school district's 23495
or building's report card all of the following without an assigned 23496
letter grade: 23497

(a) The percentage of students enrolled in a district or 23498
building who have taken a national standardized test used for 23499
college admission determinations and the percentage of those 23500
students who are determined to be remediation-free in accordance 23501
with the standards adopted under division (F) of section 3345.061 23502
of the Revised Code; 23503

(b) The percentage of students enrolled in a district or 23504
building participating in advanced placement classes and the 23505
percentage of those students who received a score of three or 23506
better on advanced placement examinations; 23507

(c) The percentage of a district's or building's students who 23508
have earned at least three college credits through advanced 23509
standing programs, such as the college credit plus program under 23510
Chapter 3365. of the Revised Code and state-approved 23511
career-technical courses offered through dual enrollment or 23512
statewide articulation, that appear on a student's college 23513
transcript issued by the institution of higher education from 23514
which the student earned the college credit. The credits earned 23515
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 23516
section shall not include any that are remedial or developmental 23517
and shall include those that count toward the curriculum 23518
requirements established for completion of a degree. 23519

(d) The percentage of the district's or building's students 23520
who receive an honor's diploma under division (B) of section 23521
3313.61 of the Revised Code; 23522

(e) The percentage of the district's or building's students 23523
who receive industry-recognized credentials as approved under 23524

section 3313.6113 of the Revised Code;	23525
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	23526 23527 23528 23529
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code;	23530 23531 23532
(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer.	23533 23534 23535 23536
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:	23537 23538 23539 23540 23541 23542
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	23543 23544
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	23545 23546
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	23547 23548
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	23549 23550
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	23551 23552 23553
(f) Prepared for success, which shall include the performance	23554

measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 23555
this section. The state board shall develop a method to determine 23556
a grade for the component in division (C)(3)(f) of this section 23557
using the performance measures in divisions (C)(2)(a), (b), (c), 23558
(d), (e), and (f) of this section. When available, the state board 23559
may incorporate the performance measure under division (C)(2)(g) 23560
of this section into the component under division (C)(3)(f) of 23561
this section. When determining the overall grade for the prepared 23562
for success component prescribed by division (C)(3)(f) of this 23563
section, no individual student shall be counted in more than one 23564
performance measure. However, if a student qualifies for more than 23565
one performance measure in the component, the state board may, in 23566
its method to determine a grade for the component, specify an 23567
additional weight for such a student that is not greater than or 23568
equal to 1.0. In determining the overall score under division 23569
(C)(3)(f) of this section, the state board shall ensure that the 23570
pool of students included in the performance measures aggregated 23571
under that division are all of the students included in the four- 23572
and five-year adjusted graduation cohort. 23573

In the rules adopted under division (C)(3) of this section, 23574
the state board shall adopt a method for determining a grade for 23575
each component in divisions (C)(3)(a) to (f) of this section. The 23576
state board also shall establish a method to assign an overall 23577
grade of "A," "B," "C," "D," or "F" using the grades assigned for 23578
each component. The method the state board adopts for assigning an 23579
overall grade shall give equal weight to the components in 23580
divisions (C)(3)(b) and (c) of this section. 23581

At least forty-five days prior to the state board's adoption 23582
of rules to prescribe the methods for calculating the overall 23583
grade for the report card, as required by this division, the 23584
department shall conduct a public presentation before the standing 23585
committees of the house of representatives and the senate that 23586

consider education legislation describing the format for the 23587
report card, weights that will be assigned to the components of 23588
the overall grade, and the method for calculating the overall 23589
grade. 23590

(D) For the 2021-2022 school year and each school year 23591
thereafter, all of the following apply: 23592

(1) The department shall include on a school district's or 23593
building's report card all of the following performance measures 23594
without an assigned performance rating: 23595

(a) Whether the district or building meets the gifted 23596
performance indicator under division (A)(2) of section 3302.02 of 23597
the Revised Code and the extent to which the district or building 23598
meets gifted indicator performance benchmarks; 23599

(b) The extent to which the district or building meets the 23600
chronic absenteeism indicator under division (A)(3) of section 23601
3302.02 of the Revised Code; 23602

(c) Performance index score percentage for a district or 23603
building, which shall be calculated by dividing the district's or 23604
building's performance index score according to the performance 23605
index system created by the department by the maximum performance 23606
index score for a district or building. The maximum performance 23607
index score shall be as follows: 23608

(i) For a building, the average of the highest two per cent 23609
of performance index scores achieved by a building for the school 23610
year for which a report card is issued; 23611

(ii) For a district, the average of the highest two per cent 23612
of performance index scores achieved by a district for the school 23613
year for which a report card is issued. 23614

(d) The overall score under the value-added progress 23615
dimension of a district or building, for which the department 23616

shall use three consecutive years of value-added data. In using 23617
three years of value-added data to calculate the measure 23618
prescribed under division (D)(1)(d) of this section, the 23619
department shall assign a weight of fifty per cent to the most 23620
recent year's data and a weight of twenty-five per cent to the 23621
data of each of the other years. However, if three consecutive 23622
years of value-added data is not available, the department shall 23623
use prior years of value-added data to calculate the measure, as 23624
follows: 23625

(i) If two consecutive years of value-added data is not 23626
available, the department shall use one year of value-added data 23627
to calculate the measure. 23628

(ii) If two consecutive years of value-added data is 23629
available, the department shall use two consecutive years of 23630
value-added data to calculate the measure. In using two years of 23631
value-added data to calculate the measure, the department shall 23632
assign a weight of sixty-seven per cent to the most recent year's 23633
data and a weight of thirty-three per cent to the data of the 23634
other year. 23635

(e) The four-year adjusted cohort graduation rate. 23636

(f) The five-year adjusted cohort graduation rate. 23637

(g) The percentage of students in the district or building 23638
who score proficient or higher on the reading segment of the third 23639
grade English language arts assessment under section 3301.0710 of 23640
the Revised Code. 23641

To the extent possible, the department shall include the 23642
results of the summer administration of the third grade reading 23643
assessment under section 3301.0710 of the Revised Code in the 23644
performance measures prescribed under divisions (D)(1)(g) and (h) 23645
of this section. 23646

(h) Whether a district or building is making progress in 23647

improving literacy in grades kindergarten through three, as 23648
determined using a method prescribed by the department. The method 23649
shall determine progress made based on the reduction in the total 23650
percentage of students scoring below grade level, or below 23651
proficient, compared from year to year on the reading segments of 23652
the diagnostic assessments administered under section 3301.0715 of 23653
the Revised Code, including the kindergarten readiness assessment, 23654
and the third grade English language arts assessment under section 23655
3301.0710 of the Revised Code, as applicable. The method shall not 23656
include a deduction for students who did not pass the third grade 23657
English language arts assessment under section 3301.0710 of the 23658
Revised Code and were not on a reading improvement and monitoring 23659
plan. 23660

The performance measure prescribed under division (D)(1)(h) 23661
of this section shall not be included on the report card of a 23662
district or building in which less than ten per cent of students 23663
have scored below grade level on the diagnostic assessment 23664
administered to students in kindergarten under division (B)(1) of 23665
section 3313.608 of the Revised Code. 23666

(i) The percentage of students in a district or building who 23667
are promoted to the fourth grade and not subject to retention 23668
under division (A)(2) of section 3313.608 of the Revised Code; 23669

(j) A post-secondary readiness measure. This measure shall be 23670
calculated by dividing the number of students included in the 23671
four-year adjusted graduation rate cohort who demonstrate 23672
post-secondary readiness by the total number of students included 23673
in the denominator of the four-year adjusted graduation rate 23674
cohort. Demonstration of post-secondary readiness shall include a 23675
student doing any of the following: 23676

(i) Attaining a remediation-free score, in accordance with 23677
standards adopted under division (F) of section 3345.061 of the 23678
Revised Code, on a nationally standardized assessment prescribed 23679

under division (B)(1) of section 3301.0712 of the Revised Code;	23680
(ii) Attaining required scores on three or more advanced placement or international baccalaureate examinations. The required score for an advanced placement examination shall be a three or better. The required score for an international baccalaureate examination shall be a four or better. A student may satisfy this condition with any combination of advanced placement or international baccalaureate examinations.	23681 23682 23683 23684 23685 23686 23687
(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division (D)(1)(j)(iii) of this section shall include credits that count toward the curriculum requirements established for completion of a degree, but shall not include any remedial or developmental credits.	23688 23689 23690 23691 23692 23693 23694 23695 23696 23697 23698 23699
(iv) Meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code;	23700 23701
(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;	23702 23703 23704 23705
(vi) Satisfying any of the following conditions:	23706
(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;	23707 23708 23709
(II) Completing an apprenticeship registered with the	23710

apprenticeship council established under section 4139.02 of the	23711
Revised Code in the student's chosen career field;	23712
(III) Providing evidence of acceptance into an apprenticeship	23713
program after high school that is restricted to participants	23714
eighteen years of age or older.	23715
(vii) Earning a cumulative score of proficient or higher on	23716
three or more state technical assessments aligned with section	23717
3313.903 of the Revised Code in a single career pathway;	23718
(viii) Earning an OhioMeansJobs-readiness seal established	23719
under section 3313.6112 of the Revised Code and completing two	23720
hundred fifty hours of an internship or other work-based learning	23721
experience that is either:	23722
(I) Approved by the business advisory council established	23723
under section 3313.82 of the Revised Code that represents the	23724
student's district; or	23725
(II) Aligned to the career-technical education pathway	23726
approved by the department in which the student is enrolled.	23727
(ix) Providing evidence that the student has enlisted in a	23728
branch of the armed services of the United States as defined in	23729
section 5910.01 of the Revised Code.	23730
A student who satisfies more than one of the conditions	23731
prescribed under this division shall be counted as one student for	23732
the purposes of calculating the measure prescribed under division	23733
(D)(1)(j) of this section.	23734
(2) In addition to the performance measures under division	23735
(D)(1) of this section, the department shall report on a	23736
district's or building's report card all of the following data	23737
without an assigned performance rating:	23738
(a) The applicable performance indicators established by the	23739
state board under division (A)(1) of section 3302.02 of the	23740

Revised Code;	23741
(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;	23742 23743 23744
(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;	23745 23746 23747 23748
(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories:	23749 23750 23751 23752 23753 23754
(i) Students who are still enrolled in the district or building and receiving general education services;	23755 23756
(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;	23757 23758 23759 23760 23761
(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;	23762 23763 23764 23765
(iv) Students who are no longer enrolled in any district or building;	23766 23767
(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code	23768 23769 23770

than other students in the four- or five-year adjusted cohort 23771
graduation rate. 23772

The department may disaggregate the data prescribed under 23773
division (D)(2)(d) of this section according to other categories 23774
that the department determines are appropriate. 23775

(e) The results of the kindergarten diagnostic assessment 23776
prescribed under division (D) of section 3301.079 of the Revised 23777
Code; 23778

(f) Post-graduate outcomes for students who were enrolled in 23779
a district or building and received a high school diploma under 23780
section 3313.61 or 3325.08 of the Revised Code in the school year 23781
prior to the school year for which the report card is issued, 23782
including the percentage of students who: 23783

(i) Enrolled in a post-secondary educational institution. To 23784
the extent possible, the department shall disaggregate that data 23785
according to whether the student enrolled in a four-year 23786
institution of higher education, a two-year institution of higher 23787
education, an Ohio technical center that provides adult technical 23788
education services and is recognized by the chancellor of higher 23789
education, or another type of post-secondary educational 23790
institution. 23791

(ii) Entered an apprenticeship program registered with the 23792
apprenticeship council established under Chapter 4139. of the 23793
Revised Code. The department may include other job training 23794
programs with similar rigor and outcomes. 23795

(iii) Attained gainful employment, as determined by the 23796
department; 23797

(iv) Enlisted in a branch of the armed forces of the United 23798
States, as defined in section 5910.01 of the Revised Code. 23799

(g) Whether the school district or building has implemented a 23800

positive behavior intervention and supports framework in 23801
compliance with the requirements of section 3319.46 of the Revised 23802
Code, notated with a "yes" or "no"; 23803

(h) The number and percentage of high school seniors in each 23804
school year who completed the free application for federal student 23805
aid; 23806

(i) Beginning with the report card issued under this section 23807
for the 2022-2023 school year, a student opportunity profile 23808
measure that reports data regarding the opportunities provided to 23809
students by a district or building. To the extent possible, and 23810
when appropriate, the data shall be disaggregated by grade level 23811
and subgroup. The measure also shall include data regarding the 23812
statewide average, the average for similar school districts, and, 23813
for a building, the average for the district in which the building 23814
is located. The measure shall include all of the following data 23815
for the district or building: 23816

(i) The average ratio of teachers of record to students in 23817
each grade level in a district or building; 23818

(ii) The average ratio of school counselors to students in a 23819
district or building; 23820

(iii) The average ratio of nurses to students in a district 23821
or building; 23822

(iv) The average ratio of licensed librarians and library 23823
media specialists to students in a district or building; 23824

(v) The average ratio of social workers to students in a 23825
district or building; 23826

(vi) The average ratio of mental health professionals to 23827
students in a district or building; 23828

(vii) The average ratio of paraprofessionals to students in a 23829
district or building; 23830

(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	23831 23832
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	23833 23834
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	23835 23836
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	23837 23838 23839
(xii) The percentage of students enrolled in a performing or visual arts course;	23840 23841
(xiii) The percentage of students enrolled in a physical education or wellness course;	23842 23843
(xiv) The percentage of students enrolled in a world language course;	23844 23845
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	23846 23847
(xvi) The percentage of students participating in one or more cocurricular activities;	23848 23849
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	23850 23851 23852 23853
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	23854 23855 23856 23857
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	23858 23859 23860

(xx) The percentage of eligible students participating each 23861
school day in school breakfast programs offered by the district or 23862
building in accordance with section 3313.813 or 3313.818 of the 23863
Revised Code; 23864

(xxi) The percentage of students who are transported by a 23865
school bus each school day; 23866

(xxii) The ratio of portable technology devices that students 23867
may take home to the number of students. 23868

The department shall include only opportunity measures at the 23869
building level for which data for buildings is available, as 23870
determined by a school district. 23871

(j)(i) The percentage of students included in the four- and 23872
five-year adjusted cohort graduation rates of the district or 23873
building who completed all of grades nine through twelve while 23874
enrolled in the district or building; 23875

(ii) The four-year adjusted cohort graduation rate for only 23876
those students who were continuously enrolled in the same district 23877
or building for grades nine through twelve. 23878

(k) The percentage of students in the district or building to 23879
whom both of the following apply: 23880

(i) The students are promoted to fourth grade and not subject 23881
to retention under division (A)(2) of section 3313.608 of the 23882
Revised Code. 23883

(ii) The students completed all of the grade levels offered 23884
prior to the fourth grade in the district or building. 23885

(3) Except as provided in division (D)(3)(f) of this section, 23886
the department shall use the state board's method prescribed under 23887
rules adopted under division (D)(4) of this section to assign 23888
performance ratings of "one star," "two stars," "three stars," 23889
"four stars," or "five stars," as described in division (F) of 23890

this section, for a district or building for the individual 23891
components prescribed under division (D)(3) of this section. The 23892
department also shall assign an overall performance rating for a 23893
district or building in accordance with division (D)(3)(g) of this 23894
section. The method shall use the performance measures prescribed 23895
under division (D)(1) of this section to calculate performance 23896
ratings for components. The method may report data under division 23897
(D)(2) of this section with corresponding components, but shall 23898
not use the data to calculate performance ratings for that 23899
component. The performance measures and reported data shall be 23900
grouped together into components as follows: 23901

(a) Gap closing. In addition to other criteria determined 23902
appropriate by the department, performance ratings for the gap 23903
closing component shall reflect whether each of the following 23904
performance measures are met or not met: 23905

(i) The gifted performance indicator as described in division 23906
(D)(1)(a) of this section; 23907

(ii) The chronic absenteeism indicator as described in 23908
division (D)(1)(b) of this section; 23909

(iii) For English learners, an English language proficiency 23910
improvement indicator established by the department; 23911

(iv) The subgroup graduation targets; 23912

(v) The subgroup achievement targets in both mathematics and 23913
English language arts; 23914

(vi) The subgroup progress targets in both mathematics and 23915
English language arts. 23916

Achievement and progress targets under division (D)(3)(a) of 23917
this section shall be calculated individually, and districts and 23918
buildings shall receive a status of met or not met on each 23919
measure. The department shall not require a subgroup of a district 23920

or building to meet both the achievement and progress targets at 23921
the same time to receive a status of met. 23922

The department shall not include any subgroup data in this 23923
measure that includes data from fewer than fifteen students. Any 23924
penalty for failing to meet the required assessment participation 23925
rate must be partially in proportion to how close the district or 23926
building was to meeting the rate requirement. 23927

(b) Achievement, which shall include the performance measure 23928
in division (D)(1)(c) of this section and the reported data in 23929
division (D)(2)(a) of this section. Performance ratings for the 23930
achievement component shall be awarded as a percentage of the 23931
maximum performance index score described in division (D)(1)(c) of 23932
this section. 23933

(c) Progress, which shall include the performance measure in 23934
division (D)(1)(d) of this section and the reported data in 23935
divisions (D)(2)(b) and (c) of this section; 23936

(d) Graduation, which shall include the performance measures 23937
in divisions (D)(1)(e) and (f) of this section and the reported 23938
data in divisions (D)(2)(d) and (j) of this section. The four-year 23939
adjusted cohort graduation rate shall be assigned a weight of 23940
sixty per cent and the five-year adjusted cohort graduation rate 23941
shall be assigned a weight of forty per cent; 23942

(e) Early literacy, which shall include the performance 23943
measures in divisions (D)(1)(g), (h), and (i) of this section and 23944
the reported data in divisions (D)(2)(e) and (k) of this section. 23945

If the measure prescribed under division (D)(1)(h) of this 23946
section is included in a report card, performance ratings for the 23947
early literacy component shall give a weight of forty per cent to 23948
the measure prescribed under division (D)(1)(g) of this section, a 23949
weight of thirty-five per cent to the measure prescribed under 23950
division (D)(1)(i) of this section, and a weight of twenty-five 23951

per cent to the measure prescribed under division (D)(1)(h) of 23952
this section. 23953

If the measure prescribed under division (D)(1)(h) of this 23954
section is not included in a report card of a district or 23955
building, performance ratings for the early literacy component 23956
shall give a weight of sixty per cent to the measure prescribed 23957
under division (D)(1)(g) of this section and a weight of forty per 23958
cent to the measure prescribed under division (D)(1)(i) of this 23959
section. 23960

(f) College, career, workforce, and military readiness, which 23961
shall include the performance measure in division (D)(1)(j) of 23962
this section and the reported data in division (D)(2)(f) of this 23963
section. 23964

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 23965
department only shall report the data for, and not assign a 23966
performance rating to, the college, career, workforce, and 23967
military readiness component. The reported data shall include the 23968
percentage of students who demonstrate post-secondary readiness 23969
using any of the options described in division (D)(1)(j) of this 23970
section. 23971

The department shall analyze the data included in the 23972
performance measure prescribed in division (D)(1)(j) of this 23973
section for the 2021-2022, 2022-2023, and 2023-2024 school years. 23974
Using that data, the department shall develop and propose rules 23975
for a method to assign a performance rating to the college, 23976
career, workforce, and military readiness component based on that 23977
measure. The method to assign a performance rating shall not 23978
include a tiered structure or per student bonuses. The rules shall 23979
specify that a district or building shall not receive lower than a 23980
performance rating of three stars for the component if the 23981
district's or building's performance on the component meets or 23982
exceeds a level of improvement set by the department. 23983

Notwithstanding division (D)(4)(b) of this section, more than half 23984
of the total districts and buildings may earn a performance rating 23985
of three stars on this component to account for the districts and 23986
buildings that earned a performance rating of three stars because 23987
they met or exceeded the level of improvement set by the 23988
department. 23989

The department shall submit the rules to the joint committee 23990
on agency rule review. The committee shall conduct at least one 23991
public hearing on the proposed rules and approve or disapprove the 23992
rules. If the committee approves the rules, the state board shall 23993
adopt the rules in accordance with Chapter 119. of the Revised 23994
Code. If the rules are adopted, the department shall assign a 23995
performance rating to the college, career, workforce, and military 23996
readiness component under the rules beginning with the 2024-2025 23997
school year, and for each school year thereafter. If the committee 23998
disapproves the rules, the component shall be included in the 23999
report card only as reported data for the 2024-2025 school year, 24000
and each school year thereafter. 24001

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 24002
this section, beginning with the 2022-2023 school year, under the 24003
state board's method prescribed under rules adopted in division 24004
(D)(4) of this section, the department shall use the performance 24005
ratings assigned for the components prescribed in divisions 24006
(D)(3)(a) to (e) of this section to determine and assign an 24007
overall performance rating of "one star," "one and one-half 24008
stars," "two stars," "two and one-half stars," "three stars," 24009
"three and one-half stars," "four stars," "four and one-half 24010
stars," or "five stars" for a district or building. The method 24011
shall give equal weight to the components in divisions (D)(3)(b) 24012
and (c) of this section. The method shall give equal weight to the 24013
components in divisions (D)(3)(a), (d), and (e) of this section. 24014
The individual weights of each of the components prescribed in 24015

divisions (D)(3)(a), (d), and (e) of this section shall be equal 24016
to one-half of the weight given to the component prescribed in 24017
division (D)(3)(b) of this section. 24018

(ii) If the joint committee on agency rule review approves 24019
the department's rules regarding the college, career, workforce, 24020
and military readiness component as described in division 24021
(D)(3)(f) of this section, for the 2024-2025 school year, and each 24022
school year thereafter, the state board's method shall use the 24023
components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of 24024
this section to calculate the overall performance rating. The 24025
method shall give equal weight to the components in divisions 24026
(D)(3)(b) and (c) of this section. The method shall give equal 24027
weight to the components prescribed in divisions (D)(3)(a), (d), 24028
(e), and (f) of this section. The individual weights of each of 24029
the components prescribed in divisions (D)(3)(a), (d), (e), and 24030
(f) of this section shall be equal to one-half the weight given to 24031
the component prescribed in division (D)(3)(b) of this section. 24032

If the joint committee on agency rule review disapproves the 24033
department's rules regarding the college, career, workforce, and 24034
military readiness component as described in division (D)(3)(f) of 24035
this section, division (D)(3)(g)(ii) of this section does not 24036
apply. 24037

(4)(a) The state board shall adopt rules in accordance with 24038
Chapter 119. of the Revised Code to establish the performance 24039
criteria, benchmarks, and rating system necessary to implement 24040
divisions (D) and (F) of this section, including the method for 24041
the department to assign performance ratings under division (D)(3) 24042
of this section. 24043

(b) In establishing the performance criteria, benchmarks, and 24044
rating system, the state board shall consult with stakeholder 24045
groups and advocates that represent parents, community members, 24046
students, business leaders, and educators from different school 24047

typology regions. The state board shall use data from prior school 24048
years and simulations to ensure that there is meaningful 24049
differentiation among districts and buildings across all 24050
performance ratings and that, except as permitted in division 24051
(D)(3)(f) of this section, more than half of all districts or 24052
buildings do not earn the same performance rating in any component 24053
or overall performance rating. 24054

(c) The state board shall adopt the rules prescribed by 24055
division (D)(4) of this section not later than March 31, 2022. 24056
However, the department shall notify districts and buildings of 24057
the changes to the report card prescribed in law not later than 24058
one week after ~~the effective date of this amendment~~ September 30, 24059
2021. 24060

(d) Prior to adopting or updating rules under division (D)(4) 24061
of this section, the president of the state board and the 24062
department shall conduct a public presentation before the standing 24063
committees of the house of representatives and the senate that 24064
consider primary and secondary education legislation describing 24065
the format for the report card and the performance criteria, 24066
benchmarks, and rating system, including the method to assign 24067
performance ratings under division (D)(3) of this section. 24068

(E) On or after July 1, 2015, the state board may develop a 24069
measure of student academic progress for high school students 24070
using only data from assessments in English language arts and 24071
mathematics. If the state board develops this measure, each school 24072
district and applicable school building shall be assigned a 24073
separate letter grade for it not sooner than the 2017-2018 school 24074
year. The district's or building's grade for that measure shall 24075
not be included in determining the district's or building's 24076
overall letter grade. 24077

(F)(1) The letter grades assigned to a school district or 24078
building under this section shall be as follows: 24079

(a) "A" for a district or school making excellent progress;	24080
(b) "B" for a district or school making above average progress;	24081 24082
(c) "C" for a district or school making average progress;	24083
(d) "D" for a district or school making below average progress;	24084 24085
(e) "F" for a district or school failing to meet minimum progress.	24086 24087
(2) For the overall performance rating under division (D)(3) of this section, the department shall include a descriptor for each performance rating as follows:	24088 24089 24090
(a) "Significantly exceeds state standards" for a performance rating of five stars;	24091 24092
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	24093 24094
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	24095 24096
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	24097 24098
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	24099 24100
(3) For performance ratings for each component under divisions (D)(3)(a) to (f) of this section, the state board shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the state board. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the state board shall include the	24101 24102 24103 24104 24105 24106 24107 24108 24109

descriptors in division (F)(2) of this section for component	24110
performance ratings.	24111
(4) Each report card issued under this section shall include	24112
all of the following:	24113
(a) A graphic that depicts the performance ratings of a	24114
district or school on a color scale. The color associated with a	24115
performance rating of three stars shall be green and the color	24116
associated with a performance rating of one star shall be red.	24117
(b) An arrow graphic that shows data trends for performance	24118
ratings for school districts or buildings. The state board shall	24119
determine the data to be used for this graphic, which shall	24120
include at least the three most recent years of data.	24121
(c) A description regarding the weights that are assigned to	24122
each component and used to determine an overall performance	24123
rating, as prescribed under division (D)(3)(g) of this section,	24124
which shall be included in the presentation of the overall	24125
performance rating on each report card.	24126
(G) When reporting data on student achievement and progress,	24127
the department shall disaggregate that data according to the	24128
following categories:	24129
(1) Performance of students by grade-level;	24130
(2) Performance of students by race and ethnic group;	24131
(3) Performance of students by gender;	24132
(4) Performance of students grouped by those who have been	24133
enrolled in a district or school for three or more years;	24134
(5) Performance of students grouped by those who have been	24135
enrolled in a district or school for more than one year and less	24136
than three years;	24137
(6) Performance of students grouped by those who have been	24138
enrolled in a district or school for one year or less;	24139

(7) Performance of students grouped by those who are economically disadvantaged;	24140 24141
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	24142 24143 24144
(9) Performance of students grouped by those who are classified as English learners;	24145 24146
(10) Performance of students grouped by those who have disabilities;	24147 24148
(11) Performance of students grouped by those who are classified as migrants;	24149 24150
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	24151 24152 24153 24154 24155 24156 24157 24158 24159
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	24160 24161 24162
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (G)(1) to (13) of this section that it deems relevant.	24163 24164 24165 24166 24167 24168
In reporting data pursuant to division (G) of this section,	24169

the department shall not include in the report cards any data 24170
statistical in nature that is statistically unreliable or that 24171
could result in the identification of individual students. For 24172
this purpose, the department shall not report student performance 24173
data for any group identified in division (G) of this section that 24174
contains less than ten students. If the department does not report 24175
student performance data for a group because it contains less than 24176
ten students, the department shall indicate on the report card 24177
that is why data was not reported. 24178

(H) The department may include with the report cards any 24179
additional education and fiscal performance data it deems 24180
valuable. 24181

(I) The department shall include on each report card a list 24182
of additional information collected by the department that is 24183
available regarding the district or building for which the report 24184
card is issued. When available, such additional information shall 24185
include student mobility data disaggregated by race and 24186
socioeconomic status, college enrollment data, and the reports 24187
prepared under section 3302.031 of the Revised Code. 24188

The department shall maintain a site on the world wide web. 24189
The report card shall include the address of the site and shall 24190
specify that such additional information is available to the 24191
public at that site. The department shall also provide a copy of 24192
each item on the list to the superintendent of each school 24193
district. The district superintendent shall provide a copy of any 24194
item on the list to anyone who requests it. 24195

(J)(1)(a) Except as provided in division (J)(1)(b) of this 24196
section, for any district that sponsors a conversion community 24197
school under Chapter 3314. of the Revised Code, the department 24198
shall combine data regarding the academic performance of students 24199
enrolled in the community school with comparable data from the 24200
schools of the district for the purpose of determining the 24201

performance of the district as a whole on the report card issued 24202
for the district under this section or section 3302.033 of the 24203
Revised Code. 24204

(b) The department shall not combine data from any conversion 24205
community school that a district sponsors if a majority of the 24206
students enrolled in the conversion community school are enrolled 24207
in a dropout prevention and recovery program that is operated by 24208
the school, as described in division (A)(4)(a) of section 3314.35 24209
of the Revised Code. The department shall include as an addendum 24210
to the district's report card the ratings and performance measures 24211
that are required under section 3314.017 of the Revised Code for 24212
any community school to which division (J)(1)(b) of this section 24213
applies. This addendum shall include, at a minimum, the data 24214
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 24215
3314.017 of the Revised Code. 24216

(2) Any district that leases a building to a community school 24217
located in the district or that enters into an agreement with a 24218
community school located in the district whereby the district and 24219
the school endorse each other's programs may elect to have data 24220
regarding the academic performance of students enrolled in the 24221
community school combined with comparable data from the schools of 24222
the district for the purpose of determining the performance of the 24223
district as a whole on the district report card. Any district that 24224
so elects shall annually file a copy of the lease or agreement 24225
with the department. 24226

(3) Any municipal school district, as defined in section 24227
3311.71 of the Revised Code, that sponsors a community school 24228
located within the district's territory, or that enters into an 24229
agreement with a community school located within the district's 24230
territory whereby the district and the community school endorse 24231
each other's programs, may exercise either or both of the 24232
following elections: 24233

(a) To have data regarding the academic performance of 24234
students enrolled in that community school combined with 24235
comparable data from the schools of the district for the purpose 24236
of determining the performance of the district as a whole on the 24237
district's report card; 24238

(b) To have the number of students attending that community 24239
school noted separately on the district's report card. 24240

The election authorized under division (J)(3)(a) of this 24241
section is subject to approval by the governing authority of the 24242
community school. 24243

Any municipal school district that exercises an election to 24244
combine or include data under division (J)(3) of this section, by 24245
the first day of October of each year, shall file with the 24246
department documentation indicating eligibility for that election, 24247
as required by the department. 24248

(K) The department shall include on each report card the 24249
percentage of teachers in the district or building who are 24250
properly certified or licensed teachers, as defined in section 24251
3319.074 of the Revised Code, and a comparison of that percentage 24252
with the percentages of such teachers in similar districts and 24253
buildings. 24254

(L)(1) In calculating English language arts, mathematics, 24255
science, American history, or American government assessment 24256
passage rates used to determine school district or building 24257
performance under this section, the department shall include all 24258
students taking an assessment with accommodation or to whom an 24259
alternate assessment is administered pursuant to division (C)(1) 24260
or (3) of section 3301.0711 of the Revised Code and all students 24261
who take substitute examinations approved under division (B)(4) of 24262
section 3301.0712 of the Revised Code in the subject areas of 24263
science, American history and American government. 24264

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment and, to the extent possible, the summer administration of that assessment;

(c) ~~Except as required by the No Child Left Behind Act of 2001, exclude~~ Include for each district or building any English learner ~~who has been enrolled in United States schools for less than one full school year in accordance with the department's plan, as approved by the United States secretary of education, to comply with the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339.~~

As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

(M) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades or performance ratings to the performance measures and components prescribed under divisions (C)(3), (D), and (E) of this

section. 24296

Sec. 3310.032. (A) A student is an "eligible student" for 24297
purposes of the expansion of the educational choice scholarship 24298
pilot program under this section if the student's resident 24299
district is not a school district in which the pilot project 24300
scholarship program is operating under sections 3313.974 to 24301
3313.979 of the Revised Code, the student is not eligible for an 24302
educational choice scholarship under section 3310.03 of the 24303
Revised Code, and either of the following apply: 24304

(1) The student's family income is at or below ~~two hundred~~ 24305
~~fifty~~ four hundred per cent of the federal poverty guidelines, as 24306
defined in section 5101.46 of the Revised Code, when the student 24307
applies for a scholarship under this section. 24308

(2) The student's sibling, as defined in section 3310.033 of 24309
the Revised Code, receives a scholarship under this section for at 24310
least one of the following: 24311

(a) For the school year immediately prior to the school year 24312
for which the student is seeking a scholarship; 24313

(b) For the school year for which the student is seeking a 24314
scholarship. 24315

(B) In each fiscal year for which the general assembly 24316
appropriates funds for purposes of this section, the department of 24317
education shall pay scholarships to attend chartered nonpublic 24318
schools in accordance with section 3317.022 of the Revised Code. 24319
The number of scholarships awarded under this section shall not 24320
exceed the number that can be funded for that school year as 24321
authorized by the general assembly. 24322

(C) Scholarships under this section shall be awarded as 24323
follows: 24324

(1) For the 2013-2014 school year, to eligible students who 24325

are entering kindergarten in that school year for the first time; 24326

(2) For each subsequent school year through the 2019-2020 24327
school year, scholarships shall be awarded to eligible students in 24328
the next grade level above the highest grade level awarded in the 24329
preceding school year, in addition to the grade levels for which 24330
students received scholarships in the preceding school year; 24331

(3) Beginning with the 2020-2021 school year, to eligible 24332
students who are entering any of grades kindergarten through 24333
twelve in that school year for the first time. 24334

(D) If the number of eligible students who apply for a 24335
scholarship under this section exceeds the scholarships available 24336
based on the appropriation for this section, the department shall 24337
award scholarships in the following order of priority: 24338

(1) First, to eligible students who received scholarships 24339
under this section in the prior school year; 24340

(2) Second, to eligible students with family incomes at or 24341
below ~~one~~ two hundred fifty per cent of the federal poverty 24342
guidelines. If the number of students described in division (D)(2) 24343
of this section who apply for a scholarship exceeds the number of 24344
available scholarships after awards are made under division (D)(1) 24345
of this section, the department shall select students described in 24346
division (D)(2) of this section by lot to receive any remaining 24347
scholarships. 24348

(3) Third, to other eligible students who qualify under this 24349
section. If the number of students described in division (D)(3) of 24350
this section exceeds the number of available scholarships after 24351
awards are made under divisions (D)(1) and (2) of this section, 24352
the department shall select students described in division (D)(3) 24353
of this section by lot to receive any remaining scholarships. 24354

(E) A student who receives a scholarship under this section 24355
remains an eligible student and may continue to receive 24356

scholarships under this section in subsequent school years until 24357
the student completes grade twelve, so long as the student 24358
satisfies the conditions specified in divisions (D)(2) and (3) of 24359
section 3310.03 of the Revised Code. 24360

Once a scholarship is awarded under this section, the student 24361
shall remain eligible for that scholarship for the current school 24362
year and subsequent school years even if the student's family 24363
income rises above the amount specified in division (A) of this 24364
section, provided the student remains enrolled in a chartered 24365
nonpublic school. 24366

Sec. 3313.6028. (A) As used in this section, "three-cueing 24367
approach" means an instructional method that encourages students 24368
to predict words based on story structure, pictures, typical word 24369
order, letter sounds, or other contextual cues. 24370

(B) The department of education shall establish a list of 24371
high-quality core curriculum and instructional materials in 24372
English language arts, and a list of evidence-based reading 24373
intervention programs, that are aligned with the science of 24374
reading and strategies for effective literacy instruction. 24375

(C) Beginning not later than the 2024-2025 school year, each 24376
school district, community school established under Chapter 3314. 24377
of the Revised Code, and STEM school established under Chapter 24378
3326. of the Revised Code, shall use core curriculum and 24379
instructional materials in English language arts and 24380
evidence-based reading intervention programs only from the lists 24381
established under division (B) of this section. Except as provided 24382
in division (D) of this section, no district or school shall use 24383
any core curriculum, instructional materials, or intervention 24384
program in grades pre-kindergarten to five that use the 24385
three-cueing approach to teach students to read. 24386

(D) A district or school may apply to the department for a 24387

waiver on an individual student basis to use curriculum, 24388
instructional materials, or an intervention program in grades 24389
pre-kindergarten through five that uses the three-cueing approach 24390
to teach students to read, except as follows: 24391

(1) No student for whom a reading improvement and monitoring 24392
plan has been developed under division (C) of section 3313.608 of 24393
the Revised Code shall be eligible for a waiver. 24394

(2) If a student has an individualized education program that 24395
explicitly indicates the three-cueing approach is appropriate for 24396
the student's learning needs, the student shall not be required to 24397
have a waiver. 24398

In determining whether to approve a waiver requested under 24399
this section, the department shall consider the performance of the 24400
student's district or school on the state report card issued under 24401
section 3302.03 of the Revised Code, including on the early 24402
literacy component prescribed under division (D)(3)(e) of that 24403
section. 24404

Sec. 3313.61. (A) A diploma shall be granted by the board of 24405
education of any city, exempted village, or local school district 24406
that operates a high school to any person to whom all of the 24407
following apply: 24408

(1) The person has successfully completed the curriculum in 24409
any high school or the individualized education program developed 24410
for the person by any high school pursuant to section 3323.08 of 24411
the Revised Code, or has qualified under division (D) or (F) of 24412
section 3313.603 of the Revised Code, provided that no school 24413
district shall require a student to remain in school for any 24414
specific number of semesters or other terms if the student 24415
completes the required curriculum early; 24416

(2) Subject to section 3313.614 of the Revised Code, the 24417

person has met the assessment requirements of division (A)(2)(a) 24418
or (b) of this section, as applicable. 24419

(a) If the person entered the ninth grade prior to July 1, 24420
2014, the person either: 24421

(i) Has attained at least the applicable scores designated 24422
under division (B)(1) of section 3301.0710 of the Revised Code on 24423
all the assessments required by that division unless the person 24424
was excused from taking any such assessment pursuant to section 24425
3313.532 of the Revised Code or unless division (H) or (L) of this 24426
section applies to the person; 24427

(ii) Has satisfied the alternative conditions prescribed in 24428
section 3313.615 of the Revised Code. 24429

(b) If the person entered the ninth grade on or after July 1, 24430
2014, the person has met the requirement prescribed by section 24431
3313.618 of the Revised Code, except to the extent that the person 24432
is excused from an assessment prescribed by that section pursuant 24433
to section 3313.532 of the Revised Code or division (H) or (L) of 24434
this section. 24435

(3) The person is not eligible to receive an honors diploma 24436
granted pursuant to division (B) of this section. 24437

Except as provided in divisions (C), (E), (J), and (L) of 24438
this section, no diploma shall be granted under this division to 24439
anyone except as provided under this division. 24440

(B) In lieu of a diploma granted under division (A) of this 24441
section, an honors diploma shall be granted, in accordance with 24442
rules of the state board, by any such district board to anyone who 24443
accomplishes all of the following: 24444

(1) Successfully completes the curriculum in any high school 24445
or the individualized education program developed for the person 24446
by any high school pursuant to section 3323.08 of the Revised 24447

Code; 24448

(2) Subject to section 3313.614 of the Revised Code, has met 24449
the assessment requirements of division (B)(2)(a) or (b) of this 24450
section, as applicable. 24451

(a) If the person entered the ninth grade prior to July 1, 24452
2014, the person either: 24453

(i) Has attained at least the applicable scores designated 24454
under division (B)(1) of section 3301.0710 of the Revised Code on 24455
all the assessments required by that division; 24456

(ii) Has satisfied the alternative conditions prescribed in 24457
section 3313.615 of the Revised Code. 24458

(b) If the person entered the ninth grade on or after July 1, 24459
2014, the person has met the requirement prescribed under section 24460
3313.618 of the Revised Code. 24461

(3) Has met additional criteria established by the state 24462
board for the granting of such a diploma. 24463

An honors diploma shall not be granted to a student who is 24464
subject to the requirements prescribed in division (C) of section 24465
3313.603 of the Revised Code but elects the option of division (D) 24466
or (F) of that section. Except as provided in divisions (C), (E), 24467
and (J) of this section, no honors diploma shall be granted to 24468
anyone failing to comply with this division and no more than one 24469
honors diploma shall be granted to any student under this 24470
division. 24471

The state board shall adopt rules prescribing the granting of 24472
honors diplomas under this division. These rules may prescribe the 24473
granting of honors diplomas that recognize a student's achievement 24474
as a whole or that recognize a student's achievement in one or 24475
more specific subjects or both. The rules may prescribe the 24476
granting of an honors diploma recognizing technical expertise for 24477

a career-technical student. In any case, the rules shall designate 24478
two or more criteria for the granting of each type of honors 24479
diploma the board establishes under this division and the number 24480
of such criteria that must be met for the granting of that type of 24481
diploma. The number of such criteria for any type of honors 24482
diploma shall be at least one less than the total number of 24483
criteria designated for that type and no one or more particular 24484
criteria shall be required of all persons who are to be granted 24485
that type of diploma. 24486

(C) Any district board administering any of the assessments 24487
required by section 3301.0710 of the Revised Code to any person 24488
requesting to take such assessment pursuant to division (B)(8)(b) 24489
of section 3301.0711 of the Revised Code shall award a diploma to 24490
such person if the person attains at least the applicable scores 24491
designated under division (B)(1) of section 3301.0710 of the 24492
Revised Code on all the assessments administered and if the person 24493
has previously attained the applicable scores on all the other 24494
assessments required by division (B)(1) of that section or has 24495
been exempted or excused from attaining the applicable score on 24496
any such assessment pursuant to division (H) or (L) of this 24497
section or from taking any such assessment pursuant to section 24498
3313.532 of the Revised Code. 24499

(D) Each diploma awarded under this section shall be signed 24500
by the president and treasurer of the issuing board, the 24501
superintendent of schools, and the principal of the high school. 24502
Each diploma shall bear the date of its issue, be in such form as 24503
the district board prescribes, and be paid for out of the 24504
district's general fund. 24505

(E) A person who is a resident of Ohio and is eligible under 24506
state board of education minimum standards to receive a high 24507
school diploma based in whole or in part on credits earned while 24508
an inmate of a correctional institution operated by the state or 24509

any political subdivision thereof, shall be granted such diploma 24510
by the correctional institution operating the programs in which 24511
such credits were earned, and by the board of education of the 24512
school district in which the inmate resided immediately prior to 24513
the inmate's placement in the institution. The diploma granted by 24514
the correctional institution shall be signed by the director of 24515
the institution, and by the person serving as principal of the 24516
institution's high school and shall bear the date of issue. 24517

(F) Persons who are not residents of Ohio but who are inmates 24518
of correctional institutions operated by the state or any 24519
political subdivision thereof, and who are eligible under state 24520
board of education minimum standards to receive a high school 24521
diploma based in whole or in part on credits earned while an 24522
inmate of the correctional institution, shall be granted a diploma 24523
by the correctional institution offering the program in which the 24524
credits were earned. The diploma granted by the correctional 24525
institution shall be signed by the director of the institution and 24526
by the person serving as principal of the institution's high 24527
school and shall bear the date of issue. 24528

(G) The state board of education shall provide by rule for 24529
the administration of the assessments required by sections 24530
3301.0710 and 3301.0712 of the Revised Code to inmates of 24531
correctional institutions. 24532

(H) Any person to whom all of the following apply shall be 24533
exempted from attaining the applicable score on the assessment in 24534
social studies designated under division (B)(1) of section 24535
3301.0710 of the Revised Code, any American history end-of-course 24536
examination and any American government end-of-course examination 24537
required under division (B) of section 3301.0712 of the Revised 24538
Code if such an exemption is prescribed by rule of the state board 24539
under division (D)(3) of section 3301.0712 of the Revised Code, or 24540
the test in citizenship designated under former division (B) of 24541

section 3301.0710 of the Revised Code as it existed prior to 24542
September 11, 2001: 24543

(1) The person is not a citizen of the United States; 24544

(2) The person is not a permanent resident of the United 24545
States; 24546

(3) The person indicates no intention to reside in the United 24547
States after the completion of high school. 24548

(I) Notwithstanding division (D) of section 3311.19 and 24549
division (D) of section 3311.52 of the Revised Code, this section 24550
and section 3313.611 of the Revised Code do not apply to the board 24551
of education of any joint vocational school district or any 24552
cooperative education school district established pursuant to 24553
divisions (A) to (C) of section 3311.52 of the Revised Code. 24554

(J) Upon receipt of a notice under division (D) of section 24555
3325.08 or division (D) of section 3328.25 of the Revised Code 24556
that a student has received a diploma under either section, the 24557
board of education receiving the notice may grant a high school 24558
diploma under this section to the student, except that such board 24559
shall grant the student a diploma if the student meets the 24560
graduation requirements that the student would otherwise have had 24561
to meet to receive a diploma from the district. The diploma 24562
granted under this section shall be of the same type the notice 24563
indicates the student received under section 3325.08 or 3328.25 of 24564
the Revised Code. 24565

(K) As used in this division, "English learner" has the same 24566
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 24567
the Revised Code. 24568

Notwithstanding division (C)(3) of section 3301.0711 of the 24569
Revised Code, no English learner who has not either attained the 24570
applicable scores designated under division (B)(1) of section 24571
3301.0710 of the Revised Code on all the assessments required by 24572

that division, or met the requirement prescribed by section 24573
3313.618 of the Revised Code, shall be awarded a diploma under 24574
this section. 24575

(L)(1) Any student described by division (A)(1) of this 24576
section who is subject to divisions (A)(1) to (3) of section 24577
3313.618 of the Revised Code may be awarded a diploma without 24578
meeting the requirements prescribed by those divisions provided an 24579
individualized education program specifically exempts the student 24580
from meeting such requirement. This division does not negate the 24581
requirement for a student to take the assessments prescribed by 24582
section 3301.0710 or under division (B) of section 3301.0712 of 24583
the Revised Code, or alternate assessments required by division 24584
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 24585
of assessing student progress as required by federal law. 24586

(2) Any student described by division (A)(1) of this section 24587
who is subject to division (B) of section 3313.618 of the Revised 24588
Code may be awarded a diploma without meeting the requirement 24589
prescribed by division (B)(1) of that section provided the 24590
student's individualized education program specifically exempts 24591
the student from meeting that requirement and either division 24592
(L)(2)(a) or (b) of this section applies to the student, as 24593
follows: 24594

(a)(i) The student took an alternate assessment in 24595
mathematics and English language arts administered to the student 24596
in accordance with division (C)(1) of section 3301.0711 of the 24597
Revised Code and failed to attain a score established by the state 24598
board on one or both assessments. 24599

(ii) The school district offered remedial support to the 24600
student in each subject area in which the student did not attain 24601
the established score and the student received that support. 24602

(iii) The student retook each alternate assessment in which 24603

the student did not attain the established score and the student 24604
did not attain the established score on the retake assessment. 24605

(b)(i) The student took the Algebra I and English language 24606
arts II end-of-course examinations and failed to attain the 24607
competency score as determined under division (B)(10) of section 24608
3301.0712 of the Revised Code on one or both examinations. 24609

(ii) The school district offered remedial support to the 24610
student in each subject area in which the student did not attain 24611
the competency score and the student received that support. 24612

(iii) The student retook each examination in which the 24613
student did not attain the competency score and the student did 24614
not attain the competency score on the retake examination. 24615

Sec. 3313.611. (A) The state board of education shall adopt, 24616
by rule, standards for awarding high school credit equivalent to 24617
credit for completion of high school academic and vocational 24618
education courses to applicants for diplomas under this section. 24619
The standards may permit high school credit to be granted to an 24620
applicant for any of the following: 24621

(1) Work experiences or experiences as a volunteer; 24622

(2) Completion of academic, vocational, or self-improvement 24623
courses offered to persons over the age of twenty-one by a 24624
chartered public or nonpublic school; 24625

(3) Completion of academic, vocational, or self-improvement 24626
courses offered by an organization, individual, or educational 24627
institution other than a chartered public or nonpublic school; 24628

(4) Other life experiences considered by the board to provide 24629
knowledge and learning experiences comparable to that gained in a 24630
classroom setting. 24631

(B) The board of education of any city, exempted village, or 24632
local school district that operates a high school shall grant a 24633

diploma of adult education to any applicant if all of the 24634
following apply: 24635

(1) The applicant is a resident of the district; 24636

(2) The applicant is over the age of twenty-one and has not 24637
been issued a diploma as provided in section 3313.61 of the 24638
Revised Code; 24639

(3) Subject to section 3313.614 of the Revised Code, the 24640
applicant has met the assessment requirements of division 24641
(B)(3)(a) or (b) of this section, as applicable. 24642

(a) Prior to July 1, 2014, the applicant either: 24643

(i) Has attained the applicable scores designated under 24644
division (B)(1) of section 3301.0710 of the Revised Code on all of 24645
the assessments required by that division or was excused or 24646
exempted from any such assessment pursuant to section 3313.532 or 24647
was exempted from attaining the applicable score on any such 24648
assessment pursuant to division (H) or (L) of section 3313.61 of 24649
the Revised Code; 24650

(ii) Has satisfied the alternative conditions prescribed in 24651
section 3313.615 of the Revised Code. 24652

(b) On or after July 1, 2014, has met the requirement 24653
prescribed by section 3313.618 of the Revised Code, except and 24654
only to the extent that the applicant is excused from some portion 24655
of that section pursuant to section 3313.532 of the Revised Code 24656
or division (H) or (L) of section 3313.61 of the Revised Code. 24657

(4) The district board determines, in accordance with the 24658
standards adopted under division (A) of this section, that the 24659
applicant has attained sufficient high school credits, including 24660
equivalent credits awarded under such standards, to qualify as 24661
having successfully completed the curriculum required by the 24662
district for graduation. 24663

(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, it shall inform the applicant of the reason the applicant is ineligible and shall provide a list of any courses required for the diploma for which the applicant has not received credit. An applicant may reapply for a diploma under this section at any time.

(D) If a district board awards an adult education diploma under this section, the president and treasurer of the board and the superintendent of schools shall sign it. Each diploma shall bear the date of its issuance, be in such form as the district board prescribes, and be paid for from the district's general fund, except that the state board may by rule prescribe standard language to be included on each diploma.

(E) As used in this division, "English learner" has the same meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has not met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

Sec. 3313.612. (A) No nonpublic school chartered by the state board of education shall grant a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores

designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United

States after completion of high school. 24725

(4) Any person who attends a chartered nonpublic school that 24726
satisfies the requirements of division (L)(4) of section 3301.0711 24727
of the Revised Code. In the case of such a student, the student's 24728
chartered nonpublic school shall determine the student's 24729
eligibility for graduation based on the standards of the school's 24730
accrediting body. 24731

(C) As used in this division, "English learner" has the same 24732
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 24733
the Revised Code. 24734

Notwithstanding division (C)(3) of section 3301.0711 of the 24735
Revised Code, no English learner who has not either attained the 24736
applicable scores designated under division (B)(1) of section 24737
3301.0710 of the Revised Code on all the assessments required by 24738
that division, or met the requirement prescribed by section 24739
3313.618 or 3313.619 of the Revised Code, shall be awarded a 24740
diploma under this section. 24741

(D) The state board shall not impose additional requirements 24742
or assessments for the granting of a high school diploma under 24743
this section that are not prescribed by this section. 24744

(E) The department of education shall furnish the assessment 24745
administered by a nonpublic school pursuant to division (B)(1) of 24746
section 3301.0712 of the Revised Code. 24747

Sec. 3313.618. (A) In addition to the curriculum requirements 24748
specified by the board of education of a school district or 24749
governing authority of a chartered nonpublic school, each student 24750
entering ninth grade for the first time on or after July 1, 2014, 24751
but prior to July 1, 2019, shall satisfy at least one of the 24752
following conditions or the conditions prescribed under division 24753
(B) of this section in order to qualify for a high school diploma: 24754

24755

(1) Be remediation-free, in accordance with standards adopted 24756
under division (F) of section 3345.061 of the Revised Code, on 24757
each of the nationally standardized assessments in English, 24758
mathematics, and reading; 24759

(2) Attain a score specified under division (B)(5)(c) of 24760
section 3301.0712 of the Revised Code on the end-of-course 24761
examinations prescribed under division (B) of section 3301.0712 of 24762
the Revised Code. 24763

(3) Attain a score that demonstrates workforce readiness and 24764
employability on a nationally recognized job skills assessment 24765
selected by the state board of education under division (G) of 24766
section 3301.0712 of the Revised Code and obtain either an 24767
industry-recognized credential or a license issued by a state 24768
agency or board for practice in a vocation that requires an 24769
examination for issuance of that license. 24770

For the purposes of this division, the industry-recognized 24771
credentials and licenses shall be as approved under section 24772
3313.6113 of the Revised Code. 24773

A student may choose to qualify for a high school diploma by 24774
satisfying any of the separate requirements prescribed by 24775
divisions (A)(1) to (3) of this section. If the student's school 24776
district or school does not administer the examination prescribed 24777
by one of those divisions that the student chooses to take to 24778
satisfy the requirements of this section, the school district or 24779
school may require that student to arrange for the applicable 24780
scores to be sent directly to the district or school by the 24781
company or organization that administers the examination. 24782

(B) In addition to the curriculum requirements specified by 24783
the district board or school governing authority, each student 24784

entering ninth grade for the first time on or after July 1, 2019, 24785
shall satisfy the following conditions in order to qualify for a 24786
high school diploma: 24787

(1) Except as otherwise provided in division (D) of this 24788
section, attain a competency score as determined under division 24789
(B)(10) of section 3301.0712 of the Revised Code on each of the 24790
Algebra I and English language arts II end-of-course examinations 24791
prescribed under division (B)(2) of section 3301.0712 of the 24792
Revised Code. 24793

School districts and chartered nonpublic schools shall offer 24794
remedial support to any student who fails to attain a competency 24795
score on one or both of the Algebra I and English language arts II 24796
end-of-course examinations. 24797

Following the first administration of the exam, if a student 24798
fails to attain a competency score on one or both of the Algebra I 24799
and English language arts II end-of-course examinations that 24800
student must retake the respective examination at least once. 24801

If a student fails to attain a competency score on a retake 24802
examination, the student may demonstrate competency in the failed 24803
subject area through one of the following options: 24804

(a) Earn course credit taken through the college credit plus 24805
program established under Chapter 3365. of the Revised Code in the 24806
failed subject area; 24807

(b) Complete two of the following options, one of which must 24808
be foundational: 24809

(i) Foundational options to demonstrate competency, which 24810
include earning a cumulative score of proficient or higher on 24811
three or more state technical assessments aligned with section 24812
3313.903 of the Revised Code in a single career pathway, obtaining 24813
an industry-recognized credential, or group of credentials, 24814
approved under section 3313.6113 of the Revised Code that is at 24815

least equal to the total number of points established under that 24816
section to qualify for a high school diploma, obtaining a license 24817
approved under section 3313.6113 of the Revised Code that is 24818
issued by a state agency or board for practice in a vocation that 24819
requires an examination for issuance of that license, completing a 24820
pre-apprenticeship aligned with options established under section 24821
3313.904 of the Revised Code in the student's chosen career field, 24822
completing an apprenticeship registered with the apprenticeship 24823
council established under section 4139.02 of the Revised Code in 24824
the student's chosen career field, or providing evidence of 24825
acceptance into an apprenticeship program after high school that 24826
is restricted to participants eighteen years of age or older; 24827

(ii) Supporting options to demonstrate competency, which 24828
include completing two hundred fifty hours of a work-based 24829
learning experience with evidence of positive evaluations, 24830
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 24831
of the Revised Code, or attaining a workforce readiness score, as 24832
determined by the department of education, on the nationally 24833
recognized job skills assessment selected by the state board under 24834
division (G) of section 3301.0712 of the Revised Code. 24835

(c) Provide evidence that the student has enlisted in a 24836
branch of the armed services of the United States as defined in 24837
section 5910.01 of the Revised Code. 24838

(d) Be remediation-free, in accordance with standards adopted 24839
under division (F) of section 3345.061 of the Revised Code, in the 24840
failed subject area on a nationally standardized assessment 24841
prescribed under division (B)(1) of section 3301.0712 of the 24842
Revised Code. For English language arts II, a student must be 24843
remediation-free in the subjects of English and reading on the 24844
nationally standardized assessment. 24845

Subject to division (L)(2) of section 3313.61 of the Revised 24846
Code, for any students receiving special education and related 24847

services under Chapter 3323. of the Revised Code, the 24848
individualized education program developed for the student under 24849
that chapter shall specify the manner in which the student will 24850
participate in the assessments administered under this division or 24851
an alternate assessment in accordance with division (C)(1) of 24852
section 3301.0711 of the Revised Code. 24853

(2) Earn at least two of the state diploma seals prescribed 24854
under division (A) of section 3313.6114 of the Revised Code, at 24855
least one of which shall be any of the following: 24856

(a) The state seal of biliteracy established under section 24857
3313.6111 of the Revised Code; 24858

(b) The OhioMeansJobs-readiness seal established under 24859
section 3313.6112 of the Revised Code; 24860

(c) One of the state diploma seals established under 24861
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 24862

(3) Provide evidence of having completed and submitted the 24863
free application for federal student aid, unless either of the 24864
following apply: 24865

(a) The student's parent or guardian, or the student if the 24866
student is at least eighteen years of age, has indicated, in a 24867
manner prescribed by the department, to the district or school 24868
that the student will not complete and submit the free application 24869
for federal student aid. 24870

(b) The district or school has made a record, in a manner 24871
prescribed by the department, describing circumstances that exist 24872
which make it impossible or impracticable for the student to 24873
complete the free application for federal student aid. 24874

(C) A student who transfers into an Ohio public or chartered 24875
nonpublic high school from another state or enrolls in such a high 24876
school after receiving home instruction or attending a 24877

nonchartered, nontax-supported school in the previous school year 24878
shall meet the requirements of division (B) of this section in 24879
order to qualify for a high school diploma under that division. 24880
However, any such student who transfers or enrolls after the start 24881
of the student's twelfth grade year and fails to attain a 24882
competency score on the Algebra I or English language arts II 24883
end-of-course examination shall not be required to retake the 24884
applicable examination prior to demonstrating competency in the 24885
failed subject area under the options prescribed in divisions 24886
(B)(1)(a) to (d) of this section. 24887

(D) A chartered nonpublic school student subject to division 24888
(L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be 24889
considered to have demonstrated competency for the purposes of 24890
division (B)(1) of this section if the student earns a 24891
remediation-free score in the areas of English, mathematics, and 24892
reading, in accordance with standards adopted under division (F) 24893
of section 3345.061 of the Revised Code, on a nationally 24894
standardized assessment prescribed under division (B)(1) of 24895
section 3301.0712 of the Revised Code. No such student shall be 24896
required to take the Algebra I or English language arts II 24897
end-of-course examination under this section. 24898

A student to whom division (D) of this section applies is 24899
subject to division (B)(3) of this section. 24900

(E) The state board of education shall not create or require 24901
any additional assessment for the granting of any type of high 24902
school diploma other than as prescribed by this section. Except as 24903
provided in sections 3313.6111, 3313.6112, and 3313.6114 of the 24904
Revised Code, the state board or the superintendent of public 24905
instruction shall not create any endorsement or designation that 24906
may be affiliated with a high school diploma. 24907

Sec. 3313.619. (A) In lieu of the assessment requirements 24908

prescribed by division (A) of section 3313.618 of the Revised Code 24909
or the requirements to demonstrate competency and earn diploma 24910
seals prescribed by division (B) of that section, a chartered 24911
nonpublic school may grant a high school diploma to a student who 24912
attains at least the designated score on an assessment approved by 24913
the department of education under division (B) of this section and 24914
selected by the school's governing authority. Nothing in this 24915
section waives the requirement for a student to complete the free 24916
application for federal student aid as required under division 24917
(B)(3) of section 3313.618 of the Revised Code, except as provided 24918
for in that division. 24919

(B) For purposes of division (A) of this section, the 24920
department shall approve assessments that meet the conditions 24921
specified under division (C) of this section and shall designate 24922
passing scores for each of those assessments. 24923

(C) Each assessment approved under division (B) of this 24924
section shall be nationally norm-referenced, have internal 24925
consistency reliability coefficients of at least "0.8," be 24926
standardized, have specific evidence of content, concurrent, or 24927
criterion validity, have evidence of norming studies in the 24928
previous ten years, have a measure of student achievement in core 24929
academic areas, and have high validity evidenced by the alignment 24930
of the assessment with nationally recognized content. 24931

(D) Nothing in this section shall prohibit a chartered 24932
nonpublic school from granting a high school diploma to a student 24933
if the student satisfies the applicable requirements prescribed by 24934
section 3313.618 of the Revised Code. 24935

Sec. 3313.901. (A) As used in this section, "Ohio technical 24936
center" has the same meaning as in section 3333.94 of the Revised 24937
Code. 24938

(B) Upon approval by the department of education, any city, exempted village, local, or joint vocational school district may contract with an Ohio technical center to serve students in any of grades seven to twelve who are enrolled in a career-technical education program at the district but cannot enroll in a course at the district for any of the following reasons:

(1) The course is at capacity and cannot serve all students who want to enroll in the course.

(2) The student has a scheduling conflict that prevents the student from taking the course at the time offered by the district.

(3) The district does not offer the course due to lack of enrollment, lack of a qualified teacher, or lack of facilities.

(4) Any other reason determined by the department.

(C) School districts shall apply to the department for approval to contract with an Ohio technical center under this section. Applicants shall submit a plan to the department describing how the district and the Ohio technical center will establish a collaborative partnership to provide career-technical education to students. Prior to approval, the department shall consider the extent to which the partnership will increase access to career-technical education courses for students.

(D) If the department approves an application under this section, the school district that received that approval shall do all of the following:

(1) Award a student high school credit for completion of any career-technical education course at an Ohio technical center;

(2) Report the student in the education management information system established under section 3301.0714 of the Revised Code as enrolled in the district for the time the student

is taking a course at an Ohio technical center, but the district shall indicate that the course is being taken through a center rather than at the district; 24969
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(3) Not count a student taking a course at an Ohio technical center as more than one full-time equivalent student, unless the student is enrolled full-time in the district during the regularly scheduled school day and takes the course at the center during time outside of normal school hours; 24972
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(4) Pay the Ohio technical center for each student taking a course at the technical center. The payment amount shall be the lesser of the standard tuition charged for the course by the center or the applicable one of the following: 24977
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(a) If the center is located on the same campus as the high school in which the student is enrolled, the amount equal to the statewide average base cost per pupil and the amount applicable to the student pursuant to division (C) of section 3317.014 of the Revised Code for the portion of the full-time equivalency the student is enrolled in the course, without application of the district's state share percentage; 24981
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(b) If the center is not located on the same campus as the high school in which the student is enrolled, \$7,500. 24988
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(E) A district and an Ohio technical center may enter into an agreement under this section to establish alternate amounts than those prescribed under division (D) of this section that the district will pay to the center. 24990
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(F) A district may use career-technical education funds received under division (C) of section 3317.014 of the Revised Code to pay for any costs incurred by students enrolling in courses at an Ohio technical center under this section. The department shall consider that cost as an approved career-technical education expense under division (F) of section 24994
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<u>3317.014 of the Revised Code.</u>	25000
<u>(G) Notwithstanding anything to the contrary in the Revised Code, an individual who holds an adult education permit issued by the state board of education and is employed by an Ohio technical center may provide instruction to a student in grades seven through twelve who is taking a course at an Ohio technical center under this section.</u>	25001 25002 25003 25004 25005 25006
<u>(H) If the department approves an application from a school district to contract with an Ohio technical center under this section, the district shall not prohibit a student enrolled in the district from taking any course for which the district has contracted at the technical center.</u>	25007 25008 25009 25010 25011
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	25012 25013 25014 25015 25016
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	25017 25018 25019
(1) That the school shall be established as either of the following:	25020 25021
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	25022 25023
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	25024 25025
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	25026 25027 25028 25029

- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 25030
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 25033
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 25037
25038
- (6)(a) Dismissal procedures; 25039
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 25040
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 25045
25046
- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 25047
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- (9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 25053
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- (a) A detailed description of each facility used for instructional purposes; 25055
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- (b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 25057
25058
- (c) The annual mortgage principal and interest payments that 25059

are paid by the school; 25060

(d) The name of the lender or landlord, identified as such, 25061
and the lender's or landlord's relationship to the operator, if 25062
any. 25063

(10) Qualifications of ~~teachers~~ employees, including a both 25064
of the following: 25065

(a) A requirement that the school's classroom teachers be 25066
licensed in accordance with sections 3319.22 to 3319.31 of the 25067
Revised Code, except that a community school may engage 25068
noncertificated persons to teach up to twelve hours or forty hours 25069
per week pursuant to section 3319.301 of the Revised Code. i 25070

(b) A prohibition against the school employing an individual 25071
described in section 3314.104 of the Revised Code in any position. 25072

(11) That the school will comply with the following 25073
requirements: 25074

(a) The school will provide learning opportunities to a 25075
minimum of twenty-five students for a minimum of nine hundred 25076
twenty hours per school year. 25077

(b) The governing authority will purchase liability 25078
insurance, or otherwise provide for the potential liability of the 25079
school. 25080

(c) The school will be nonsectarian in its programs, 25081
admission policies, employment practices, and all other 25082
operations, and will not be operated by a sectarian school or 25083
religious institution. 25084

(d) The school will comply with sections 9.90, 9.91, 109.65, 25085
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 25086
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 25087
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 25088
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 25089

3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 25090
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 25091
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 25092
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 25093
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 25094
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 25095
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 25096
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 25097
3321.18, 3321.19, 3322.20, 3322.21, 3322.24, 3323.251, 3327.10, 25098
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 25099
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 25100
of the Revised Code as if it were a school district and will 25101
comply with section 3301.0714 of the Revised Code in the manner 25102
specified in section 3314.17 of the Revised Code. 25103

(e) The school shall comply with Chapter 102. and section 25104
2921.42 of the Revised Code. 25105

(f) The school will comply with sections 3313.61, 3313.611, 25106
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 25107
except that for students who enter ninth grade for the first time 25108
before July 1, 2010, the requirement in sections 3313.61 and 25109
3313.611 of the Revised Code that a person must successfully 25110
complete the curriculum in any high school prior to receiving a 25111
high school diploma may be met by completing the curriculum 25112
adopted by the governing authority of the community school rather 25113
than the curriculum specified in Title XXXIII of the Revised Code 25114
or any rules of the state board of education. Beginning with 25115
students who enter ninth grade for the first time on or after July 25116
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 25117
Revised Code that a person must successfully complete the 25118
curriculum of a high school prior to receiving a high school 25119
diploma shall be met by completing the requirements prescribed in 25120
section 3313.6027 and division (C) of section 3313.603 of the 25121

Revised Code, unless the person qualifies under division (D) or 25122
(F) of that section. Each school shall comply with the plan for 25123
awarding high school credit based on demonstration of subject area 25124
competency, and beginning with the 2017-2018 school year, with the 25125
updated plan that permits students enrolled in seventh and eighth 25126
grade to meet curriculum requirements based on subject area 25127
competency adopted by the state board of education under divisions 25128
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 25129
with the 2018-2019 school year, the school shall comply with the 25130
framework for granting units of high school credit to students who 25131
demonstrate subject area competency through work-based learning 25132
experiences, internships, or cooperative education developed by 25133
the department under division (J)(3) of section 3313.603 of the 25134
Revised Code. 25135

(g) The school governing authority will submit within four 25136
months after the end of each school year a report of its 25137
activities and progress in meeting the goals and standards of 25138
divisions (A)(3) and (4) of this section and its financial status 25139
to the sponsor and the parents of all students enrolled in the 25140
school. 25141

(h) The school, unless it is an internet- or computer-based 25142
community school, will comply with section 3313.801 of the Revised 25143
Code as if it were a school district. 25144

(i) If the school is the recipient of moneys from a grant 25145
awarded under the federal race to the top program, Division (A), 25146
Title XIV, Sections 14005 and 14006 of the "American Recovery and 25147
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 25148
school will pay teachers based upon performance in accordance with 25149
section 3317.141 and will comply with section 3319.111 of the 25150
Revised Code as if it were a school district. 25151

(j) If the school operates a preschool program that is 25152
licensed by the department of education under sections 3301.52 to 25153

3301.59 of the Revised Code, the school shall comply with sections 25154
3301.50 to 3301.59 of the Revised Code and the minimum standards 25155
for preschool programs prescribed in rules adopted by the state 25156
board under section 3301.53 of the Revised Code. 25157

(k) The school will comply with sections 3313.6021 and 25158
3313.6023 of the Revised Code as if it were a school district 25159
unless it is either of the following: 25160

(i) An internet- or computer-based community school; 25161

(ii) A community school in which a majority of the enrolled 25162
students are children with disabilities as described in division 25163
(A)(4)(b) of section 3314.35 of the Revised Code. 25164

(l) The school will comply with section 3321.191 of the 25165
Revised Code, unless it is an internet- or computer-based 25166
community school that is subject to section 3314.261 of the 25167
Revised Code. 25168

(12) Arrangements for providing health and other benefits to 25169
employees; 25170

(13) The length of the contract, which shall begin at the 25171
beginning of an academic year. No contract shall exceed five years 25172
unless such contract has been renewed pursuant to division (E) of 25173
this section. 25174

(14) The governing authority of the school, which shall be 25175
responsible for carrying out the provisions of the contract; 25176

(15) A financial plan detailing an estimated school budget 25177
for each year of the period of the contract and specifying the 25178
total estimated per pupil expenditure amount for each such year. 25179

(16) Requirements and procedures regarding the disposition of 25180
employees of the school in the event the contract is terminated or 25181
not renewed pursuant to section 3314.07 of the Revised Code; 25182

(17) Whether the school is to be created by converting all or 25183

part of an existing public school or educational service center 25184
building or is to be a new start-up school, and if it is a 25185
converted public school or service center building, specification 25186
of any duties or responsibilities of an employer that the board of 25187
education or service center governing board that operated the 25188
school or building before conversion is delegating to the 25189
governing authority of the community school with respect to all or 25190
any specified group of employees provided the delegation is not 25191
prohibited by a collective bargaining agreement applicable to such 25192
employees; 25193

(18) Provisions establishing procedures for resolving 25194
disputes or differences of opinion between the sponsor and the 25195
governing authority of the community school; 25196

(19) A provision requiring the governing authority to adopt a 25197
policy regarding the admission of students who reside outside the 25198
district in which the school is located. That policy shall comply 25199
with the admissions procedures specified in sections 3314.06 and 25200
3314.061 of the Revised Code and, at the sole discretion of the 25201
authority, shall do one of the following: 25202

(a) Prohibit the enrollment of students who reside outside 25203
the district in which the school is located; 25204

(b) Permit the enrollment of students who reside in districts 25205
adjacent to the district in which the school is located; 25206

(c) Permit the enrollment of students who reside in any other 25207
district in the state. 25208

(20) A provision recognizing the authority of the department 25209
of education to take over the sponsorship of the school in 25210
accordance with the provisions of division (C) of section 3314.015 25211
of the Revised Code; 25212

(21) A provision recognizing the sponsor's authority to 25213
assume the operation of a school under the conditions specified in 25214

division (B) of section 3314.073 of the Revised Code; 25215

(22) A provision recognizing both of the following: 25216

(a) The authority of public health and safety officials to 25217
inspect the facilities of the school and to order the facilities 25218
closed if those officials find that the facilities are not in 25219
compliance with health and safety laws and regulations; 25220

(b) The authority of the department of education as the 25221
community school oversight body to suspend the operation of the 25222
school under section 3314.072 of the Revised Code if the 25223
department has evidence of conditions or violations of law at the 25224
school that pose an imminent danger to the health and safety of 25225
the school's students and employees and the sponsor refuses to 25226
take such action. 25227

(23) A description of the learning opportunities that will be 25228
offered to students including both classroom-based and 25229
non-classroom-based learning opportunities that is in compliance 25230
with criteria for student participation established by the 25231
department under division (H)(2) of section 3314.08 of the Revised 25232
Code; 25233

(24) The school will comply with sections 3302.04 and 25234
3302.041 of the Revised Code, except that any action required to 25235
be taken by a school district pursuant to those sections shall be 25236
taken by the sponsor of the school. However, the sponsor shall not 25237
be required to take any action described in division (F) of 25238
section 3302.04 of the Revised Code. 25239

(25) Beginning in the 2006-2007 school year, the school will 25240
open for operation not later than the thirtieth day of September 25241
each school year, unless the mission of the school as specified 25242
under division (A)(2) of this section is solely to serve dropouts. 25243
In its initial year of operation, if the school fails to open by 25244
the thirtieth day of September, or within one year after the 25245

adoption of the contract pursuant to division (D) of section 25246
3314.02 of the Revised Code if the mission of the school is solely 25247
to serve dropouts, the contract shall be void. 25248

(26) Whether the school's governing authority is planning to 25249
seek designation for the school as a STEM school equivalent under 25250
section 3326.032 of the Revised Code; 25251

(27) That the school's attendance and participation policies 25252
will be available for public inspection; 25253

(28) That the school's attendance and participation records 25254
shall be made available to the department of education, auditor of 25255
state, and school's sponsor to the extent permitted under and in 25256
accordance with the "Family Educational Rights and Privacy Act of 25257
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 25258
regulations promulgated under that act, and section 3319.321 of 25259
the Revised Code; 25260

(29) If a school operates using the blended learning model, 25261
as defined in section 3301.079 of the Revised Code, all of the 25262
following information: 25263

(a) An indication of what blended learning model or models 25264
will be used; 25265

(b) A description of how student instructional needs will be 25266
determined and documented; 25267

(c) The method to be used for determining competency, 25268
granting credit, and promoting students to a higher grade level; 25269

(d) The school's attendance requirements, including how the 25270
school will document participation in learning opportunities; 25271

(e) A statement describing how student progress will be 25272
monitored; 25273

(f) A statement describing how private student data will be 25274
protected; 25275

(g) A description of the professional development activities that will be offered to teachers.	25276 25277
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	25278 25279 25280 25281
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	25282 25283 25284 25285
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	25286 25287 25288 25289 25290
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	25291 25292 25293
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	25294 25295 25296
(1) The process by which the governing authority of the school will be selected in the future;	25297 25298
(2) The management and administration of the school;	25299
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	25300 25301 25302 25303 25304
(4) The instructional program and educational philosophy of	25305

the school; 25306

(5) Internal financial controls. 25307

When submitting the plan under this division, the school 25308
shall also submit copies of all policies and procedures regarding 25309
internal financial controls adopted by the governing authority of 25310
the school. 25311

(C) A contract entered into under section 3314.02 of the 25312
Revised Code between a sponsor and the governing authority of a 25313
community school may provide for the community school governing 25314
authority to make payments to the sponsor, which is hereby 25315
authorized to receive such payments as set forth in the contract 25316
between the governing authority and the sponsor. The total amount 25317
of such payments for monitoring, oversight, and technical 25318
assistance of the school shall not exceed three per cent of the 25319
total amount of payments for operating expenses that the school 25320
receives from the state. 25321

(D) The contract shall specify the duties of the sponsor 25322
which shall be in accordance with the written agreement entered 25323
into with the department of education under division (B) of 25324
section 3314.015 of the Revised Code and shall include the 25325
following: 25326

(1) Monitor the community school's compliance with all laws 25327
applicable to the school and with the terms of the contract; 25328

(2) Monitor and evaluate the academic and fiscal performance 25329
and the organization and operation of the community school on at 25330
least an annual basis; 25331

(3) Report on an annual basis the results of the evaluation 25332
conducted under division (D)(2) of this section to the department 25333
of education and to the parents of students enrolled in the 25334
community school; 25335

(4) Provide technical assistance to the community school in 25336
complying with laws applicable to the school and terms of the 25337
contract; 25338

(5) Take steps to intervene in the school's operation to 25339
correct problems in the school's overall performance, declare the 25340
school to be on probationary status pursuant to section 3314.073 25341
of the Revised Code, suspend the operation of the school pursuant 25342
to section 3314.072 of the Revised Code, or terminate the contract 25343
of the school pursuant to section 3314.07 of the Revised Code as 25344
determined necessary by the sponsor; 25345

(6) Have in place a plan of action to be undertaken in the 25346
event the community school experiences financial difficulties or 25347
closes prior to the end of a school year. 25348

(E) Upon the expiration of a contract entered into under this 25349
section, the sponsor of a community school may, with the approval 25350
of the governing authority of the school, renew that contract for 25351
a period of time determined by the sponsor, but not ending earlier 25352
than the end of any school year, if the sponsor finds that the 25353
school's compliance with applicable laws and terms of the contract 25354
and the school's progress in meeting the academic goals prescribed 25355
in the contract have been satisfactory. Any contract that is 25356
renewed under this division remains subject to the provisions of 25357
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 25358

(F) If a community school fails to open for operation within 25359
one year after the contract entered into under this section is 25360
adopted pursuant to division (D) of section 3314.02 of the Revised 25361
Code or permanently closes prior to the expiration of the 25362
contract, the contract shall be void and the school shall not 25363
enter into a contract with any other sponsor. A school shall not 25364
be considered permanently closed because the operations of the 25365
school have been suspended pursuant to section 3314.072 of the 25366
Revised Code. 25367

Sec. 3314.08. (A) As used in this section:	25368
(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	25369 25370
(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	25371 25372 25373
(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:	25374 25375 25376
(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	25377 25378 25379 25380
(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	25381 25382 25383 25384
(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	25385 25386 25387 25388
(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;	25389 25390 25391 25392 25393
(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5)	25394 25395 25396 25397

of section 3317.014 of the Revised Code at a joint vocational 25398
school district or another district in the career-technical 25399
planning district to which the school is assigned; 25400

(6) The number of students reported under divisions (B)(1) 25401
and (2) of this section who are category one to three English 25402
learners described in each of divisions (A) to (C) of section 25403
3317.016 of the Revised Code; 25404

(7) The number of students reported under divisions (B)(1) 25405
and (2) of this section who are economically disadvantaged, as 25406
defined by the department. A student shall not be categorically 25407
excluded from the number reported under division (B)(7) of this 25408
section based on anything other than family income. 25409

(8) For each student, the city, exempted village, or local 25410
school district in which the student is entitled to attend school 25411
under section 3313.64 or 3313.65 of the Revised Code. 25412

(9) The number of students enrolled in a preschool program 25413
operated by the school that is licensed by the department of 25414
education under sections 3301.52 to 3301.59 of the Revised Code 25415
who are not receiving special education and related services 25416
pursuant to an IEP. 25417

A school district board and a community school governing 25418
authority shall include in their respective reports under division 25419
(B) of this section any child admitted in accordance with division 25420
(A)(2) of section 3321.01 of the Revised Code. 25421

A governing authority of a community school shall not include 25422
in its report under divisions (B)(1) to (9) of this section any 25423
student for whom tuition is charged under division (F) of this 25424
section. 25425

(C)(1)(a) If a community school's costs for a fiscal year for 25426
a student receiving special education and related services 25427
pursuant to an IEP for a disability described in divisions (B) to 25428

(F) of section 3317.013 of the Revised Code exceed the threshold 25429
catastrophic cost for serving the student as specified in division 25430
(B) of section 3317.0214 of the Revised Code, the school may 25431
submit to the superintendent of public instruction documentation, 25432
as prescribed by the superintendent, of all its costs for that 25433
student. Upon submission of documentation for a student of the 25434
type and in the manner prescribed, the department shall pay to the 25435
community school an amount equal to the school's costs for the 25436
student in excess of the threshold catastrophic costs. 25437

(b) The community school shall report under division 25438
(C)(1)(a) of this section, and the department shall pay for, only 25439
the costs of educational expenses and the related services 25440
provided to the student in accordance with the student's 25441
individualized education program. Any legal fees, court costs, or 25442
other costs associated with any cause of action relating to the 25443
student may not be included in the amount. 25444

(2) In any fiscal year, a community school receiving funds 25445
under division (A)(7) of section 3317.022 of the Revised Code 25446
shall spend those funds only for the purposes that the department 25447
designates as approved for career-technical education expenses. 25448
Career-technical education expenses approved by the department 25449
shall include only expenses connected to the delivery of 25450
career-technical programming to career-technical students. The 25451
department shall require the school to report data annually so 25452
that the department may monitor the school's compliance with the 25453
requirements regarding the manner in which funding received under 25454
division (A)(7) of section 3317.022 of the Revised Code may be 25455
spent. 25456

(3) Notwithstanding anything to the contrary in section 25457
3313.90 of the Revised Code, except as provided in division (C)(5) 25458
of this section, all funds received under division (A)(7) of 25459
section 3317.022 of the Revised Code shall be spent in the 25460

following manner: 25461

(a) At least seventy-five per cent of the funds shall be 25462
spent on curriculum development, purchase, and implementation; 25463
instructional resources and supplies; industry-based program 25464
certification; student assessment, credentialing, and placement; 25465
curriculum specific equipment purchases and leases; 25466
career-technical student organization fees and expenses; home and 25467
agency linkages; work-based learning experiences; professional 25468
development; and other costs directly associated with 25469
career-technical education programs including development of new 25470
programs. 25471

(b) Not more than twenty-five per cent of the funds shall be 25472
used for personnel expenditures. 25473

(4) A community school shall spend the funds it receives 25474
under division (A)(4) of section 3317.022 of the Revised Code in 25475
accordance with section 3317.25 of the Revised Code. 25476

(5) The department may waive the requirement in division 25477
(C)(3) of this section for any community school that exclusively 25478
provides one or more career-technical workforce development 25479
programs in arts and communications that are not 25480
equipment-intensive, as determined by the department. 25481

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a community 25482
school shall spend the funds it receives under division (A)(5) of 25483
section 3317.022 of the Revised Code only for services for English 25484
learners. 25485

(D) A board of education sponsoring a community school may 25486
utilize local funds to make enhancement grants to the school or 25487
may agree, either as part of the contract or separately, to 25488
provide any specific services to the community school at no cost 25489
to the school. 25490

(E) A community school may not levy taxes or issue bonds 25491

secured by tax revenues. 25492

(F) No community school shall charge tuition for the 25493
enrollment of any student who is a resident of this state. A 25494
community school may charge tuition for the enrollment of any 25495
student who is not a resident of this state. 25496

(G)(1)(a) A community school may borrow money to pay any 25497
necessary and actual expenses of the school in anticipation of the 25498
receipt of any portion of the payments to be received by the 25499
school pursuant to section 3317.022 of the Revised Code. The 25500
school may issue notes to evidence such borrowing. The proceeds of 25501
the notes shall be used only for the purposes for which the 25502
anticipated receipts may be lawfully expended by the school. 25503

(b) A school may also borrow money for a term not to exceed 25504
fifteen years for the purpose of acquiring facilities. 25505

(2) ~~Except for any amount guaranteed under section 3318.50 of~~ 25506
~~the Revised Code, the~~ The state is not liable for debt incurred by 25507
the governing authority of a community school. 25508

(H) The department of education shall adjust the amounts paid 25509
under section 3317.022 of the Revised Code to reflect any 25510
enrollment of students in community schools for less than the 25511
equivalent of a full school year. The state board of education 25512
within ninety days after April 8, 2003, shall adopt in accordance 25513
with Chapter 119. of the Revised Code rules governing the payments 25514
to community schools under section 3317.022 of the Revised Code 25515
including initial payments in a school year and adjustments and 25516
reductions made in subsequent periodic payments to community 25517
schools as provided under section 3317.022 of the Revised Code. 25518
For purposes of this division: 25519

(1) A student shall be considered enrolled in the community 25520
school for any portion of the school year the student is 25521
participating at a college under Chapter 3365. of the Revised 25522

Code. 25523

(2) A student shall be considered to be enrolled in a 25524
community school for the period of time beginning on the later of 25525
the date on which the school both has received documentation of 25526
the student's enrollment from a parent and the student has 25527
commenced participation in learning opportunities as defined in 25528
the contract with the sponsor, or thirty days prior to the date on 25529
which the student is entered into the education management 25530
information system established under section 3301.0714 of the 25531
Revised Code. For purposes of applying this division and divisions 25532
(H)(3) and (4) of this section to a community school student, 25533
"learning opportunities" shall be defined in the contract, which 25534
shall describe both classroom-based and non-classroom-based 25535
learning opportunities and shall be in compliance with criteria 25536
and documentation requirements for student participation which 25537
shall be established by the department. Any student's instruction 25538
time in non-classroom-based learning opportunities shall be 25539
certified by an employee of the community school. A student's 25540
enrollment shall be considered to cease on the date on which any 25541
of the following occur: 25542

(a) The community school receives documentation from a parent 25543
terminating enrollment of the student. 25544

(b) The community school is provided documentation of a 25545
student's enrollment in another public or private school. 25546

(c) The community school ceases to offer learning 25547
opportunities to the student pursuant to the terms of the contract 25548
with the sponsor or the operation of any provision of this 25549
chapter. 25550

Except as otherwise specified in this paragraph, beginning in 25551
the 2011-2012 school year, any student who completed the prior 25552
school year in an internet- or computer-based community school 25553

shall be considered to be enrolled in the same school in the 25554
subsequent school year until the student's enrollment has ceased 25555
as specified in division (H)(2) of this section. The department 25556
shall continue paying amounts for the student under section 25557
3317.022 of the Revised Code without interruption at the start of 25558
the subsequent school year. However, if the student without a 25559
legitimate excuse fails to participate in the first seventy-two 25560
consecutive hours of learning opportunities offered to the student 25561
in that subsequent school year, the student shall be considered 25562
not to have re-enrolled in the school for that school year and the 25563
department shall recalculate the payments to the school for that 25564
school year to account for the fact that the student is not 25565
enrolled. 25566

(3) The department shall determine each community school 25567
student's percentage of full-time equivalency based on the 25568
percentage of learning opportunities offered by the community 25569
school to that student, reported either as number of hours or 25570
number of days, is of the total learning opportunities offered by 25571
the community school to a student who attends for the school's 25572
entire school year. However, no internet- or computer-based 25573
community school shall be credited for any time a student spends 25574
participating in learning opportunities beyond ten hours within 25575
any period of twenty-four consecutive hours. Whether it reports 25576
hours or days of learning opportunities, each community school 25577
shall offer not less than nine hundred twenty hours of learning 25578
opportunities during the school year. 25579

(4) With respect to the calculation of full-time equivalency 25580
under division (H)(3) of this section, the department shall waive 25581
the number of hours or days of learning opportunities not offered 25582
to a student because the community school was closed during the 25583
school year due to disease epidemic, hazardous weather conditions, 25584
law enforcement emergencies, inoperability of school buses or 25585

other equipment necessary to the school's operation, damage to a 25586
school building, or other temporary circumstances due to utility 25587
failure rendering the school building unfit for school use, so 25588
long as the school was actually open for instruction with students 25589
in attendance during that school year for not less than the 25590
minimum number of hours required by this chapter. The department 25591
shall treat the school as if it were open for instruction with 25592
students in attendance during the hours or days waived under this 25593
division. 25594

(I) The department of education shall reduce the amounts paid 25595
under section 3317.022 of the Revised Code to reflect payments 25596
made to colleges under section 3365.07 of the Revised Code. 25597

(J)(1) No student shall be considered enrolled in any 25598
internet- or computer-based community school or, if applicable to 25599
the student, in any community school that is required to provide 25600
the student with a computer pursuant to division (C) of section 25601
3314.22 of the Revised Code, unless both of the following 25602
conditions are satisfied: 25603

(a) The student possesses or has been provided with all 25604
required hardware and software materials and all such materials 25605
are operational so that the student is capable of fully 25606
participating in the learning opportunities specified in the 25607
contract between the school and the school's sponsor as required 25608
by division (A)(23) of section 3314.03 of the Revised Code; 25609

(b) The school is in compliance with division (A) of section 25610
3314.22 of the Revised Code, relative to such student. 25611

(2) In accordance with policies adopted by the superintendent 25612
of public instruction, in consultation with the auditor of state, 25613
the department shall reduce the amounts otherwise payable under 25614
section 3317.022 of the Revised Code to any community school that 25615
includes in its program the provision of computer hardware and 25616

software materials to any student, if such hardware and software 25617
materials have not been delivered, installed, and activated for 25618
each such student in a timely manner or other educational 25619
materials or services have not been provided according to the 25620
contract between the individual community school and its sponsor. 25621

The superintendent of public instruction and the auditor of 25622
state shall jointly establish a method for auditing any community 25623
school to which this division pertains to ensure compliance with 25624
this section. 25625

The superintendent, auditor of state, and the governor shall 25626
jointly make recommendations to the general assembly for 25627
legislative changes that may be required to assure fiscal and 25628
academic accountability for such schools. 25629

(K)(1) If the department determines that a review of a 25630
community school's enrollment is necessary, such review shall be 25631
completed and written notice of the findings shall be provided to 25632
the governing authority of the community school and its sponsor 25633
within ninety days of the end of the community school's fiscal 25634
year, unless extended for a period not to exceed thirty additional 25635
days for one of the following reasons: 25636

(a) The department and the community school mutually agree to 25637
the extension. 25638

(b) Delays in data submission caused by either a community 25639
school or its sponsor. 25640

(2) If the review results in a finding that additional 25641
funding is owed to the school, such payment shall be made within 25642
thirty days of the written notice. If the review results in a 25643
finding that the community school owes moneys to the state, the 25644
following procedure shall apply: 25645

(a) Within ten business days of the receipt of the notice of 25646
findings, the community school may appeal the department's 25647

determination to the state board of education or its designee. 25648

(b) The board or its designee shall conduct an informal 25649
hearing on the matter within thirty days of receipt of such an 25650
appeal and shall issue a decision within fifteen days of the 25651
conclusion of the hearing. 25652

(c) If the board has enlisted a designee to conduct the 25653
hearing, the designee shall certify its decision to the board. The 25654
board may accept the decision of the designee or may reject the 25655
decision of the designee and issue its own decision on the matter. 25656

(d) Any decision made by the board under this division is 25657
final. 25658

(3) If it is decided that the community school owes moneys to 25659
the state, the department shall deduct such amount from the 25660
school's future payments in accordance with guidelines issued by 25661
the superintendent of public instruction. 25662

(L) The department shall not pay to a community school under 25663
section 3317.022 of the Revised Code any amount for any of the 25664
following: 25665

(1) Any student who has graduated from the twelfth grade of a 25666
public or nonpublic high school; 25667

(2) Any student who is not a resident of the state; 25668

(3) Any student who was enrolled in the community school 25669
during the previous school year when assessments were administered 25670
under section 3301.0711 of the Revised Code but did not take one 25671
or more of the assessments required by that section and was not 25672
excused pursuant to division (C)(1) or (3) of that section, unless 25673
the superintendent of public instruction grants the student a 25674
waiver from the requirement to take the assessment and a parent is 25675
not paying tuition for the student pursuant to section 3314.26 of 25676
the Revised Code. The superintendent may grant a waiver only for 25677

good cause in accordance with rules adopted by the state board of education. 25678
25679

(4) Any student who has attained the age of twenty-two years, 25680
except for veterans of the armed services whose attendance was 25681
interrupted before completing the recognized twelve-year course of 25682
the public schools by reason of induction or enlistment in the 25683
armed forces and who apply for enrollment in a community school 25684
not later than four years after termination of war or their 25685
honorable discharge. If, however, any such veteran elects to 25686
enroll in special courses organized for veterans for whom tuition 25687
is paid under federal law, or otherwise, the department shall not 25688
pay to a community school under section 3317.022 of the Revised 25689
Code any amount for that veteran. 25690

Sec. 3314.104. No community school shall employ an individual 25691
in any position if the state board of education permanently 25692
revoked or permanently denied the individual a license under 25693
section 3319.31 of the Revised Code or if the individual entered 25694
into a consent agreement under division (E) of section 3319.311 of 25695
the Revised Code in which the individual agreed never to apply for 25696
a license after the date on which the agreement was entered into. 25697
25698

Sec. 3314.23. (A) Subject to division (B) of this section, 25699
each internet- or computer-based community school shall comply 25700
with the national standards developed by the international 25701
association for K-12 quality online learning developed under a 25702
project led by a partnership between quality matters, the virtual 25703
learning leadership alliance, and the digital learning 25704
collaborative, or any successor organization. 25705

(B) Each internet- or computer-based community school that 25706
initially opens for operation on or after January 1, 2013, shall 25707

comply with the standards required by division (A) of this section 25708
at the time it opens. Each internet- or computer-based community 25709
school that initially opened for operation prior to January 1, 25710
2013, shall comply with the standards required by division (A) of 25711
this section not later than July 1, 2013. 25712

(C) The sponsor of each internet- or computer-based community 25713
school shall be responsible for monitoring, ensuring, and 25714
reporting compliance with the online learning standards described 25715
in divisions (A) and (B) of this section. 25716

Sec. 3315.37. The board of education of a school district may 25717
establish a teacher education loan program and may expend school 25718
funds for the program. The program shall be for the purpose of 25719
making loans to students who are residents of the school district 25720
or graduates of schools in the school district, who are enrolled 25721
in teacher preparation programs at institutions approved by the 25722
chancellor of ~~the Ohio board of regents~~ higher education pursuant 25723
to section 3333.048 of the Revised Code, and who indicate an 25724
intent to teach in the school district providing the loan. The 25725
district board may forgive the obligation to repay any or all of 25726
the principal and interest on the loan if the borrower teaches in 25727
that school district. 25728

The district board shall adopt rules establishing eligibility 25729
criteria, application procedures, procedures for review of 25730
applications, loan amounts, interest, repayment schedules, 25731
conditions under which principal and interest obligations incurred 25732
under the program will be forgiven, and any other matter 25733
incidental to the operation of the program. 25734

The board may contract with a private, nonprofit foundation, 25735
one or more institutions of higher education, or other educational 25736
agencies to administer the program. 25737

The receipt of a loan under this section does not affect a 25738

student's eligibility for assistance, or the amount of such 25739
assistance, granted under section 3315.33, ~~3333.12~~, 3333.122, 25740
3333.22, 3333.26, 5910.04, or 5919.34 of the Revised Code, but the 25741
board's rules may provide for taking such assistance into 25742
consideration when determining a student's eligibility for a loan 25743
under this section. 25744

Sec. 3316.042. The auditor of state, on the auditor of 25745
state's initiative, may conduct a performance audit of a school 25746
district that is under a fiscal caution under section 3316.031 of 25747
the Revised Code, in a state of fiscal watch, or in a state of 25748
fiscal emergency, in which the auditor of state reviews any 25749
programs or areas of operation in which the auditor of state 25750
believes that greater operational efficiencies or enhanced program 25751
results can be achieved. 25752

The auditor of state, in consultation with the department of 25753
education ~~and the office of budget and management, shall determine~~ 25754
~~for which school districts to conduct performance audits under~~ 25755
~~this section. Priority shall be given to districts, may conduct a~~ 25756
performance audit of a school district in fiscal distress, 25757
including districts employing fiscal practices or experiencing 25758
budgetary conditions that could produce a state of fiscal watch or 25759
fiscal emergency, as determined by the auditor of state, ~~in~~ 25760
~~consultation with the department and the office of budget and~~ 25761
~~management.~~ 25762

The cost of a performance audit conducted under this section 25763
shall be paid by the auditor of state with funds appropriated by 25764
the general assembly for that purpose. 25765

A performance audit under this section shall not include 25766
review or evaluation of school district academic performance. 25767

Sec. 3317.011. This section shall apply only for fiscal years 25768

2022 and 2023 <u>through 2025.</u>	25769
(A) As used in this section:	25770
(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000 for the most recent fiscal year for which data is available, as determined by the department of education.	25771 25772 25773 25774 25775 25776
(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$80,000 for the most recent fiscal year for which data is available, as determined by the department.	25777 25778 25779 25780 25781 25782
(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than \$15,000 but less than \$50,000 for the most recent fiscal year for which data is available, as determined by the department.	25783 25784 25785 25786 25787
(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department.	25788 25789 25790 25791 25792
(5) "Average education management information system support employee salary" means the average salary of accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$90,000 for the most recent fiscal year for which data is available, as determined by the department.	25793 25794 25795 25796 25797 25798

(6) "Average librarian and media staff salary" means the average salary of librarians and media staff employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department.

(7) "Average other district administrator salary" means the average salary of all assistant superintendents and directors employed by city, local, and exempted village school districts in this state with salaries greater than \$50,000 but less than \$135,000 for the most recent fiscal year for which data is available, as determined by the department.

(8) "Average principal salary" means the average salary of all principals employed by city, local, and exempted village school districts in this state with salaries greater than \$50,000 but less than \$120,000 for the most recent fiscal year for which data is available, as determined by the department.

(9) "Average superintendent salary" means the average salary of all superintendents employed by city, local, and exempted village school districts in this state with salaries greater than \$60,000 but less than \$180,000 for the most recent fiscal year for which data is available, as determined by the department.

(10) "Average teacher cost" for a fiscal year is equal to the sum of the following:

(a) The average salary of teachers employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department;

(b) An amount for teacher benefits equal to 0.16 times the average salary calculated under division (A)(10)(a) of this

section; 25830

(c) An amount for district-paid insurance costs equal to the 25831
following product: 25832

The statewide weighted average employer-paid monthly premium based 25833
on data reported by city, local, and exempted village school 25834
districts to the state employment relations board for the health 25835
insurance survey conducted in accordance with divisions (K)(5) and 25836
(6) of section 4117.02 of the Revised Code for the most recent 25837
fiscal year for which data is available X 12 25838

(11) "Eligible school district" means a city, local, or 25839
exempted village school district that satisfies one of the 25840
following: 25841

(a) The district is a member of an organization that 25842
regulates interscholastic athletics. 25843

(b) The district has teams in at least three different sports 25844
that participate in an interscholastic league. 25845

(B) When calculating a district's aggregate base cost under 25846
this section, the department shall use data from fiscal year 2018 25847
for all of the following: 25848

(1) The average salaries determined under divisions (A)(1), 25849
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 25850
section; 25851

(2) The amount for teacher benefits determined under division 25852
(A)(10)(b) of this section; 25853

(3) The district-paid insurance costs determined under 25854
division (A)(10)(c) of this section; 25855

(4) The spending determined under divisions (E)(4)(a), 25856
(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the 25857
corresponding student counts determined under divisions (E)(4)(b), 25858
(E)(5)(b), (E)(6)(b), and (H)(2) of this section; 25859

(5) The information determined under division (G)(3) of this section.	25860 25861
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	25862 25863 25864
(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)	25865 25866 25867 25868 25869 25870 25871 25872 25873 25874
(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:	25875 25876
(1) Calculate the district's classroom teacher cost for that fiscal year as follows:	25877 25878
(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;	25879 25880 25881
(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;	25882 25883 25884
(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;	25885 25886 25887 25888 25889
(d) Determine the full-time equivalency of students in the	25890

district's base cost enrolled ADM for that fiscal year that are 25891
enrolled in grades nine through twelve but are not enrolled in a 25892
career-technical education program or class described under 25893
section 3317.014 of the Revised Code and divide that number by 27; 25894

(e) Determine the full-time equivalency of students in the 25895
district's base cost enrolled ADM for that fiscal year that are 25896
enrolled in a career-technical education program or class, as 25897
certified under divisions (B)(11), (12), (13), (14), and (15) of 25898
section 3317.03 of the Revised Code, and divide that number by 18; 25899

(f) Compute the sum of the quotients obtained under divisions 25900
(D)(1)(a), (b), (c), (d), and (e) of this section; 25901

(g) Compute the classroom teacher cost by multiplying the 25902
average teacher cost for that fiscal year by the sum computed 25903
under division (D)(1)(f) of this section. 25904

(2) Calculate the district's special teacher cost for that 25905
fiscal year as follows: 25906

(a) Divide the district's base cost enrolled ADM for that 25907
fiscal year by 150; 25908

(b) If the quotient obtained under division (D)(2)(a) of this 25909
section is greater than 6, the special teacher cost shall be equal 25910
to that quotient multiplied by the average teacher cost for that 25911
fiscal year. 25912

(c) If the quotient obtained under division (D)(2)(a) of this 25913
section is less than or equal to 6, the special teacher cost shall 25914
be equal to 6 multiplied by the average teacher cost for that 25915
fiscal year. 25916

(3) Calculate the district's substitute teacher cost for that 25917
fiscal year in accordance with the following formula: 25918

(a) Compute the substitute teacher daily rate with benefits 25919
by multiplying the substitute teacher daily rate of \$90 by 1.16; 25920

(b) Compute the substitute teacher cost in accordance with 25921
the following formula: 25922
[The sum computed under division (D)(1)(f) of this section + (the 25923
greater of the quotient obtained under division (D)(2)(a) of this 25924
section and 6)] X the amount computed under division (D)(3)(a) of 25925
this section X 5 25926

(4) Calculate the district's professional development cost 25927
for that fiscal year in accordance with the following formula: 25928
[The sum computed under division (D)(1)(f) of this section + (the 25929
greater of the quotient obtained under division (D)(2)(a) of this 25930
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 25931
this section for that fiscal year)/180] X 4 25932

(5) Calculate the district's teacher base cost for that 25933
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 25934
and (4) of this section. 25935

(E) The department shall compute a district's student support 25936
base cost for a fiscal year as follows: 25937

(1) Calculate the district's guidance counselor cost for that 25938
fiscal year as follows: 25939

(a) Determine the number of students in the district's base 25940
cost enrolled ADM for that fiscal year that are enrolled in grades 25941
nine through twelve and divide that number by 360; 25942

(b) Compute the counselor cost in accordance with the 25943
following formula: 25944
(The greater of the quotient obtained under division (E)(1)(a) of 25945
this section and 1) X [(the average counselor salary for that 25946
fiscal year X 1.16) + the amount specified under division 25947
(A)(10)(c) of this section for that fiscal year] 25948

(2) Calculate the district's librarian and media staff cost 25949
for that fiscal year as follows: 25950

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	25951 25952
(b) Compute the librarian and media staff cost in accordance with the following formula:	25953 25954
The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	25955 25956 25957 25958
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	25959 25960
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	25961 25962
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	25963 25964
(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	25965 25966 25967 25968
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	25969 25970
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;	25971 25972 25973 25974
(b) Determine the sum of the enrolled ADM of every school district in the state for the most recent fiscal year for which the data specified under division (E)(4)(a) of this section is available;	25975 25976 25977 25978
(c) Compute the academic co-curricular activities cost in accordance with the following formula:	25979 25980

(The amount determined under division (E)(4)(a) of this section / 25981
the sum determined under division (E)(4)(b) of this section) X the 25982
district's base cost enrolled ADM for the fiscal year for which 25983
the academic co-curricular activities cost is computed 25984

(5) Calculate the district's building safety and security 25985
cost for that fiscal year as follows: 25986

(a) Determine the total amount of spending for building 25987
safety and security reported by city, local, and exempted village 25988
school districts to the department for the most recent fiscal year 25989
for which data is available; 25990

(b) Determine the sum of the enrolled ADM of every school 25991
district in the state that reported the data specified under 25992
division (E)(5)(a) of this section for the most recent fiscal year 25993
for which the data is available; 25994

(c) Compute the building safety and security cost in 25995
accordance with the following formula: 25996

(The amount determined under division (E)(5)(a) of this section / 25997
the sum determined under division (E)(5)(a) of this section) X the 25998
district's base cost enrolled ADM for the fiscal year for which 25999
the building safety and security cost is computed 26000

(6) Calculate the district's supplies and academic content 26001
cost for that fiscal year as follows: 26002

(a) Determine the total amount of spending for supplies and 26003
academic content, excluding supplies for transportation and 26004
maintenance, reported by city, local, and exempted village school 26005
districts to the department for the most recent fiscal year for 26006
which data is available; 26007

(b) Determine the sum of the enrolled ADM of every school 26008
district in the state for the most recent fiscal year for which 26009
the data specified under division (E)(6)(a) of this section is 26010
available; 26011

(c) Compute the supplies and academic content cost in accordance with the following formula:
(The amount determined under division (E)(6)(a) of this section / the sum determined under division (E)(6)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:
\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:
(1) Calculate the district's superintendent cost for that fiscal year as follows:
(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].
(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:
(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};
(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.
(c) If the district's base cost enrolled ADM is less than

500, then the district's superintendent cost shall be equal to 26042
[($\$80,000 \times 1.16$) + the amount specified under division (A)(10)(c) 26043
of this section for that fiscal year]. 26044

(2) Calculate the district's treasurer cost for that fiscal 26045
year as follows: 26046

(a) If the district's base cost enrolled ADM for that fiscal 26047
year is greater than 4,000, then the district's treasurer cost 26048
shall be equal to [($\$130,000 \times 1.16$) + the amount specified under 26049
division (A)(10)(c) of this section for that fiscal year]. 26050

(b) If the district's base cost enrolled ADM for that fiscal 26051
year is less than or equal to 4,000 but greater than or equal to 26052
500, the district's treasurer cost shall be equal to the sum of 26053
the following: 26054

(i) (The district's base cost enrolled ADM for that fiscal 26055
year - 500) X {[($\$130,000 \times 1.16$) - ($\$60,000 \times 1.16$)]/3500}; 26056

(ii) ($\$60,000 \times 1.16$) + the amount specified under division 26057
(A)(10)(c) of this section for that fiscal year. 26058

(c) If the district's base cost enrolled ADM is less than 26059
500, then the district's treasurer cost shall be equal to 26060
[($\$60,000 \times 1.16$) + the amount specified under division (A)(10)(c) 26061
of this section for that fiscal year]. 26062

(3) Calculate the district's other district administrator 26063
cost for that fiscal year as follows: 26064

(a) Divide the average other district administrator salary 26065
for that fiscal year by the average superintendent salary for that 26066
fiscal year; 26067

(b) Divide the district's base cost enrolled ADM for that 26068
fiscal year by 750; 26069

(c) Compute the other district administrator cost in 26070
accordance with the following formula: 26071

{[(The district's superintendent cost for that fiscal year
calculated under division (F)(1) of this section - the amount
specified under division (A)(10)(c) of this section for that
fiscal year) X the quotient obtained under division (F)(3)(a) of
this section] + the amount specified under division (A)(10)(c) of
this section} X (the greater of the quotient obtained under
division (F)(3)(b) of this section and 2)

(4) Calculate the district's fiscal support cost for that
fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division
(F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the
following formula:

The number obtained under division (F)(4)(b) of this section X
[(the average bookkeeping and accounting employee salary for that
fiscal year X 1.16) + the amount specified under division
(A)(10)(c) of this section for that fiscal year]

(5) Calculate the district's education management information
system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 5,000;

(b) Compute the education management information system
support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(5)(a) of
this section and 1) X [(the average education management
information system support employee salary for that fiscal year X

1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year] 26102
26103

(6) Calculate the district's leadership support cost for that fiscal year as follows: 26104
26105

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number; 26106
26107
26108

(b) Divide the number obtained under division (F)(6)(a) of this section by 3; 26109
26110

(c) Compute the leadership support cost in accordance with the following formula: 26111
26112

(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year] 26113
26114
26115
26116

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: 26117
26118
26119

\$31 X the district's base cost enrolled ADM for that fiscal year 26120

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section. 26121
26122
26123
26124

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 26125
26126

(1) Calculate the district's building leadership cost for that fiscal year as follows: 26127
26128

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 26129
26130

(b) Divide the district's base cost enrolled ADM for that 26131

fiscal year by 450; 26132

(c) Compute the building leadership cost in accordance with 26133
the following formula: 26134

{[(The district's superintendent cost for that fiscal year 26135
calculated under division (F)(1) of this section - the amount 26136
specified under division (A)(10)(c) of this section for that 26137
fiscal year) X the quotient obtained under division (G)(1)(a) of 26138
this section] + the amount specified under division (A)(10)(c) of 26139
this section for that fiscal year} X the quotient obtained under 26140
division (G)(1)(b) of this section 26141

(2) Calculate the district's building leadership support cost 26142
for that fiscal year as follows: 26143

(a) Divide the district's base cost enrolled ADM for that 26144
fiscal year by 400; 26145

(b) Determine the number of school buildings in the district 26146
for that fiscal year; 26147

(c) Compute the building leadership support cost in 26148
accordance with the following formula: 26149

(i) If the quotient obtained under division (G)(2)(a) of this 26150
section is less than the number obtained under division (G)(2)(b) 26151
of this section, then the district's building leadership support 26152
cost shall be equal to {the number obtained under division 26153
(G)(2)(b) of this section for that fiscal year X [(the average 26154
clerical staff salary for that fiscal year X 1.16) + the amount 26155
specified under division (A)(10)(c) of this section for that 26156
fiscal year]}. 26157

(ii) If the quotient obtained under division (G)(2)(a) of 26158
this section is greater than or equal to the number obtained under 26159
division (G)(2)(b) of this section, then the district's building 26160
leadership support cost shall be equal to {[the lesser of (the 26161
number obtained under division (G)(2)(b) of this section X 3) and 26162

the quotient obtained under division (G)(2)(a) of this section] X 26163
[(the average clerical staff salary for that fiscal year X 1.16) + 26164
the amount specified under division (A)(10)(c) of this section for 26165
that fiscal year]]. 26166

(3) Calculate the district's building operations cost for 26167
that fiscal year as follows: 26168

~~(a) Using data for the six most recent fiscal years for which~~ 26169
~~data is available, determine~~ Determine both of the following: 26170

(i) The ~~six-year average of the~~ average building square feet 26171
per pupil for all city, local, and exempted village school 26172
district buildings in the state; 26173

(ii) The ~~six-year~~ average cost per square foot for all city, 26174
local, and exempted village school district buildings in the 26175
state. 26176

(b) Compute the building operations cost in accordance with 26177
the following formula: 26178

The district's base cost enrolled ADM for that fiscal year X [(the 26179
number determined under division (G)(3)(a)(i) of this section X 26180
the number determined under division (G)(3)(a)(ii) of this 26181
section) - (the amount determined under division (E)(5)(a) of this 26182
section for that fiscal year/ the sum determined under division 26183
(E)(5)(a) of this section for that fiscal year)] 26184

(4) Calculate the district's building leadership and 26185
operations base cost for that fiscal year, which equals the sum of 26186
divisions (G)(1), (2), and (3) of this section. 26187

(H) If a district is an eligible school district, the 26188
department shall compute the district's athletic co-curricular 26189
activities base cost for a fiscal year as follows: 26190

(1) Determine the total amount of spending for athletic 26191
co-curricular activities reported by city, local, and exempted 26192

village school districts to the department for that fiscal year;	26193
(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;	26194 26195
(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:	26196 26197
(The amount determined under division (H)(1) of this section / the sum determined under division (H)(2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed	26198 26199 26200 26201
Sec. 3317.012. This section shall apply only for fiscal years 2022 and 2023 <u>through 2025</u> .	26202 26203
(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.	26204 26205 26206 26207 26208 26209 26210 26211 26212
(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:	26213 26214 26215
(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code;	26216 26217 26218
(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code;	26219 26220
(3) The district-paid insurance costs determined under division (A)(10)(c) of section 3317.011 of the Revised Code;	26221 26222

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), 26223
and (H)(1) of section 3317.011 of the Revised Code and the 26224
corresponding student counts determined under divisions (E)(4)(b), 26225
(E)(5)(b), and (H)(2) of that section; 26226

(5) The information determined under division (G)(3) of 26227
section 3317.011 of the Revised Code. 26228

(C) A joint vocational school district's aggregate base cost 26229
for a fiscal year shall be equal to the following sum: 26230

The district's teacher base cost for that fiscal year computed 26231
under division (D) of this section + the district's student 26232
support base cost for that fiscal year computed under division (E) 26233
of this section + the district's leadership and accountability 26234
base cost for that fiscal year computed under division (F) of this 26235
section + the district's building leadership and operations base 26236
cost for that fiscal year computed under division (G) of this 26237
section 26238

(D) The department of education shall compute a district's 26239
teacher base cost for a fiscal year as follows: 26240

(1) Calculate the district's classroom teacher cost for that 26241
fiscal year as follows: 26242

(a) Determine the full-time equivalency of students in the 26243
district's base cost enrolled ADM for that fiscal year that are 26244
enrolled in a career-technical education program or class, as 26245
certified under divisions (D)(2)(h), (i), (j), (k), and (l) of 26246
section 3317.03 of the Revised Code, and divide that number by 18; 26247

(b) Determine the full-time equivalency of students in the 26248
district's base cost enrolled ADM for that fiscal year that are 26249
enrolled in grades six through eight but are not enrolled in a 26250
career-technical education program or class described under 26251
section 3317.014 of the Revised Code and divide that number by 25; 26252

(c) Determine the full-time equivalency of students in the 26253

district's base cost enrolled ADM for that fiscal year that are 26254
enrolled in grades nine through twelve but are not enrolled in a 26255
career-technical education program or class described under 26256
section 3317.014 of the Revised Code and divide that number by 27; 26257

(d) Compute the sum of the quotients obtained under divisions 26258
(D)(1)(a), (b), and (c) of this section; 26259

(e) Compute the classroom teacher base cost by multiplying 26260
the average teacher cost for that fiscal year by the sum computed 26261
under division (D)(1)(d) of this section. 26262

(2) Calculate the district's cost for that fiscal year for 26263
teachers providing health and physical education, instruction 26264
regarding employability and soft skills, development and 26265
coordination of internships and job placements, career-technical 26266
student organization activities, pre-apprenticeship and 26267
apprenticeship coordination, and any assessment related to 26268
career-technical education, including any nationally recognized 26269
job skills or end-of-course assessment, as follows: 26270

(a) Divide the district's base cost enrolled ADM for that 26271
fiscal year by 150; 26272

(b) If the quotient obtained under division (D)(2)(a) of this 26273
section is greater than 6, the teacher cost shall be equal to that 26274
quotient multiplied by the average teacher cost for that fiscal 26275
year. 26276

(c) If the quotient obtained under division (D)(2)(a) of this 26277
section is less than or equal to 6, the teacher cost shall be 26278
equal to 6 multiplied by the average teacher cost for that fiscal 26279
year. 26280

(3) Calculate the district's substitute teacher cost for that 26281
fiscal year in accordance with the following formula: 26282

(a) Compute the substitute teacher daily rate with benefits 26283

by multiplying the substitute teacher daily rate of \$90 by 1.16; 26284

(b) Compute the substitute teacher cost in accordance with 26285
the following formula: 26286

[The sum computed under division (D)(1)(d) of this section + (the 26287
greater of the quotient obtained under division (D)(2)(a) of this 26288
section and 6)] X the amount computed under division (D)(3)(a) of 26289
this section X 5 26290

(4) Calculate the district's professional development cost 26291
for that fiscal year in accordance with the following formula: 26292

[The sum computed under division (D)(1)(d) of this section + (the 26293
greater of the quotient obtained under division (D)(2)(a) of this 26294
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 26295
section 3317.011 of the Revised Code for that fiscal year)/180] X 26296
4 26297

(5) Calculate the district's teacher base cost for that 26298
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 26299
and (4) of this section. 26300

(E) The department shall compute a district's student support 26301
base cost for a fiscal year as follows: 26302

(1) Calculate the district's guidance counselor cost for that 26303
fiscal year as follows: 26304

(a) Determine the number of students in the district's base 26305
cost enrolled ADM for that fiscal year that are enrolled in grades 26306
nine through twelve and divide that number by 360; 26307

(b) Compute the counselor cost in accordance with the 26308
following formula: 26309

(The greater of the quotient obtained under division (E)(1)(a) of 26310
this section and 1) X [(the average counselor salary for that 26311
fiscal year X 1.16) + the amount specified under division 26312
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 26313

year]	26314
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	26315 26316
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	26317 26318
(b) Compute the librarian and media staff cost in accordance with the following formula:	26319 26320
The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	26321 26322 26323 26324
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	26325 26326
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	26327 26328
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	26329 26330
The quotient obtained under division (E)(3)(a) of this section X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	26331 26332 26333 26334
(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:	26335 26336 26337 26338 26339 26340 26341
[(The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(4)(b) of section 3317.011 of the	26342 26343 26344

Revised Code) + (the amount determined under division (H)(1) of 26345
section 3317.011 of the Revised Code for that fiscal year / the 26346
sum determined under division (H)(2) of section 3317.011 of the 26347
Revised Code)] X the district's base cost enrolled ADM for the 26348
fiscal year for which the district's cost under this division is 26349
computed 26350

(5) Compute the district's building safety and security cost 26351
for that fiscal year in accordance with the following formula: 26352
(The amount determined under division (E)(5)(a) of section 26353
3317.011 of the Revised Code for that fiscal year / the sum 26354
determined under division (E)(5)(b) of section 3317.011 of the 26355
Revised Code) X the district's base cost enrolled ADM for the 26356
fiscal year for which the building safety and security cost is 26357
computed 26358

(6) Compute the district's supplies and academic content cost 26359
for that fiscal year in accordance with the following formula: 26360
(The amount determined under division (E)(6)(a) of section 26361
3317.011 of the Revised Code for that fiscal year / the sum 26362
determined under division (E)(6)(b) of section 3317.011 of the 26363
Revised Code) X the district's base cost enrolled ADM for the 26364
fiscal year for which the supplies and academic content cost is 26365
computed 26366

(7) Calculate the district's technology cost for that fiscal 26367
year in accordance with the following formula: 26368
\$37.50 X the district's base cost enrolled ADM for that fiscal 26369
year 26370

(8) Calculate the district's student support base cost for 26371
that fiscal year, which equals the sum of divisions (E)(1), (2), 26372
(3), (4), (5), (6), and (7) of this section. 26373

(F) The department shall compute a district's leadership and 26374
accountability base cost for a fiscal year as follows: 26375

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}]$.

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) $(\text{The district's base cost enrolled ADM for that fiscal year} - 500) \times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$;

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}$.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}]$.

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}]$.

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of

the following: 26406

(i) (The district's base cost enrolled ADM for that fiscal 26407
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 26408

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division 26409
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 26410
year. 26411

(c) If the district's base cost enrolled ADM is less than 26412
500, then the district's treasurer cost shall be equal to 26413
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A)(10)(c)}$ 26414
of section 3317.011 of the Revised Code for that fiscal year]. 26415

(3) Calculate the district's other district administrator 26416
cost for that fiscal year as follows: 26417

(a) Divide the average other district administrator salary 26418
for that fiscal year by the average superintendent salary for that 26419
fiscal year; 26420

(b) Divide the district's base cost enrolled ADM for that 26421
fiscal year by 750; 26422

(c) Compute the other district administrator cost in 26423
accordance with the following formula: 26424

$\{[(\text{The district's superintendent cost for that fiscal year}$ 26425
calculated under division (F)(1) of this section - the amount 26426
specified under division (A)(10)(c) of section 3317.011 of the 26427
Revised Code for that fiscal year) X the quotient obtained under 26428
division (F)(3)(a) of this section] + the amount specified under 26429
division (A)(10)(c) of section 3317.011 of the Revised Code} X 26430
(the greater of the quotient obtained under division (F)(3)(b) of 26431
this section and 2) 26432

(4) Calculate the district's fiscal support cost for that 26433
fiscal year as follows: 26434

(a) Divide the district's base cost enrolled ADM for that 26435

the following formula: 26466

(The greater of the quotient obtained under division (F)(6)(b) of 26467
this section and 1) X [(the average administrative assistant 26468
salary for that fiscal year X 1.16) + the amount specified under 26469
division (A)(10)(c) of section 3317.011 of the Revised Code for 26470
that fiscal year] 26471

(7) Calculate the district's information technology center 26472
support cost for that fiscal year in accordance with the following 26473
formula: 26474

\$31 X the district's base cost enrolled ADM for that fiscal year 26475

(8) Calculate the district's district leadership and 26476
accountability base cost for that fiscal year, which equals the 26477
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 26478
section; 26479

(G) The department shall compute a district's building 26480
leadership and operations base cost for a fiscal year as follows: 26481

(1) Calculate the district's building leadership cost for 26482
that fiscal year as follows: 26483

(a) Divide the average principal salary for that fiscal year 26484
by the average superintendent salary for that fiscal year; 26485

(b) Divide the district's base cost enrolled ADM for that 26486
fiscal year by 450; 26487

(c) Compute the building leadership cost in accordance with 26488
the following formula: 26489

{[(The district's superintendent cost for that fiscal year 26490
calculated under division (F)(1) of this section - the amount 26491
specified under division (A)(10)(c) of section 3317.011 of the 26492
Revised Code for that fiscal year) X the quotient obtained under 26493
division (G)(1)(a) of this section] + the amount specified under 26494
division (A)(10)(c) of section 3317.011 of the Revised Code for 26495

that fiscal year} X the quotient obtained under division (G)(1)(b) 26496
of this section 26497

(2) Calculate the district's building leadership support cost 26498
for that fiscal year as follows: 26499

(a) Divide the district's base cost enrolled ADM for that 26500
fiscal year by 400; 26501

(b) Determine the number of school buildings in the district 26502
for that fiscal year; 26503

(c) Compute the building leadership support cost in 26504
accordance with the following formula: 26505

(i) If the quotient obtained under division (G)(2)(a) of this 26506
section is less than the number obtained under division (G)(2)(b) 26507
of this section, then the district's building leadership support 26508
cost shall be equal to {the number obtained under division 26509
(G)(2)(b) of this section X [(the average clerical staff salary X 26510
1.16) + the amount specified under division (A)(10)(c) of section 26511
3317.011 of the Revised Code for that fiscal year]}. 26512

(ii) If the quotient obtained under division (G)(2)(a) of 26513
this section is greater than or equal to the number obtained under 26514
division (G)(2)(b) of this section, then the district's building 26515
leadership support cost shall be equal to {[the lesser of (the 26516
number obtained under division (G)(2)(b) of this section X 3) and 26517
the quotient obtained under division (G)(2)(a) of this section] X 26518
[(the average clerical staff salary for that fiscal year X 1.16) + 26519
the amount specified under division (A)(10)(c) of section 3317.011 26520
of the Revised Code for that fiscal year]}. 26521

(3) Compute the district's building operations cost for that 26522
fiscal year in accordance with the following formula: 26523
The district's base cost enrolled ADM for that fiscal year X [(the 26524
number determined under division (G)(3)(a)(i) of section 3317.011 26525
of the Revised Code X the number determined under division 26526

(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 26527
amount determined under division (E)(5)(a) of section 3317.011 of 26528
the Revised Code for that fiscal year / the sum determined under 26529
division (E)(5)(b) of section 3317.011 of the Revised Code for 26530
that fiscal year)] 26531

(4) Calculate the district's building leadership and 26532
operations base cost for that fiscal year, which equals the sum of 26533
divisions (G)(1), (2), and (3) of this section. 26534

Sec. 3317.014. (A) The multiples for the following categories 26535
of career-technical education programs approved by the department 26536
of education under section 3317.161 of the Revised Code shall be 26537
as follows: 26538

(1) A multiple of 0.6230 for students enrolled in 26539
career-technical education workforce development programs in 26540
agricultural and environmental systems, construction technologies, 26541
engineering and science technologies, finance, health science, 26542
information technology, and manufacturing technologies, each of 26543
which shall be defined by the department in consultation with the 26544
governor's office of workforce transformation; 26545

(2) A multiple of 0.5905 for students enrolled in workforce 26546
development programs in business and administration, hospitality 26547
and tourism, human services, law and public safety, transportation 26548
systems, and arts and communications, each of which shall be 26549
defined by the department in consultation with the governor's 26550
office of workforce transformation; 26551

(3) A multiple of 0.2154 for students enrolled in 26552
career-based intervention programs, which shall be defined by the 26553
department in consultation with the governor's office of workforce 26554
transformation; 26555

(4) A multiple of 0.1830 for students enrolled in workforce 26556
development programs in education and training, marketing, 26557

workforce development academics, public administration, and career 26558
development, each of which shall be defined by the department of 26559
education in consultation with the governor's office of workforce 26560
transformation; 26561

(5) A multiple of 0.1570 for students enrolled in family and 26562
consumer science programs, which shall be defined by the 26563
department of education in consultation with the governor's office 26564
of workforce transformation. 26565

(B) The multiple for career-technical education associated 26566
services, as defined by the department, shall be 0.0294. 26567

(C) The department of education shall calculate 26568
career-technical education funds for each funding unit that is a 26569
city, local, exempted village, or joint vocational school district 26570
or the community and STEM school unit as follows: 26571

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 26572
following: 26573

(a) The funding unit's category one career-technical 26574
education ADM X the multiple specified in division (A)(1) of this 26575
section X the statewide average career-technical base cost per 26576
pupil for that fiscal year X if the funding unit is a city, local, 26577
exempted village, or joint vocational school district, the 26578
district's state share percentage; 26579

(b) The funding unit's category two career-technical 26580
education ADM X the multiple specified in division (A)(2) of this 26581
section X the statewide average career-technical base cost per 26582
pupil for that fiscal year X if the funding unit is a city, local, 26583
exempted village, or joint vocational school district, the 26584
district's state share percentage; 26585

(c) The funding unit's category three career-technical 26586
education ADM X the multiple specified in division (A)(3) of this 26587
section X the statewide average career-technical base cost per 26588

pupil for that fiscal year X if the funding unit is a city, local, 26589
exempted village, or joint vocational school district, the 26590
district's state share percentage; 26591

(d) The funding unit's category four career-technical 26592
education ADM X the multiple specified in division (A)(4) of this 26593
section X the statewide average career-technical base cost per 26594
pupil for that fiscal year X if the funding unit is a city, local, 26595
exempted village, or joint vocational school district, the 26596
district's state share percentage; 26597

(e) The funding unit's category five career-technical 26598
education ADM X the multiple specified in division (A)(5) of this 26599
section X the statewide average career-technical base cost per 26600
pupil for that fiscal year X if the funding unit is a city, local, 26601
exempted village, or joint vocational school district, the 26602
district's state share percentage. 26603

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 26604
thereafter, the sum of the following: 26605

(a) An amount calculated in a manner determined by the 26606
general assembly times the funding unit's category one 26607
career-technical education ADM; 26608

(b) An amount calculated in a manner determined by the 26609
general assembly times the funding unit's category two 26610
career-technical education ADM; 26611

(c) An amount calculated in a manner determined by the 26612
general assembly times the funding unit's category three 26613
career-technical education ADM; 26614

(d) An amount calculated in a manner determined by the 26615
general assembly times the funding unit's category four 26616
career-technical education ADM; 26617

(e) An amount calculated in a manner determined by the 26618

general assembly times the funding unit's category five 26619
career-technical education ADM. 26620

(3) Payment of funds calculated under division (C) of this 26621
section is subject to approval under section 3317.161 of the 26622
Revised Code. 26623

(D) Subject to division (I) of section 3317.023 of the 26624
Revised Code, the department shall calculate career-technical 26625
associated services funds for each funding unit that is a city, 26626
local, exempted village, or joint vocational school district or 26627
the community and STEM school unit as follows: 26628

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 26629
product: 26630

(If the funding unit is a city, local, exempted village, or joint 26631
vocational school district, the funding unit's state share 26632
percentage) X the multiple for career-technical education 26633
associated services specified under division (B) of this section X 26634
the statewide average career-technical base cost per pupil for 26635
that fiscal year X the sum of the funding unit's categories one 26636
through five career-technical education ADM 26637

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 26638
thereafter, an amount calculated in a manner determined by the 26639
general assembly times the funding unit's categories one through 26640
five career-technical education ADM. 26641

(E)(1) In accordance with division (I) of section 3317.023 of 26642
the Revised Code, the department shall compute career awareness 26643
and exploration funds for each city, local, exempted village, and 26644
joint vocational school district, community school established 26645
under Chapter 3314. of the Revised Code, and STEM school 26646
established under Chapter 3326. of the Revised Code that is part 26647
of a career technical planning district. The department shall pay 26648
the lead district in each career technical planning district as 26649

follows: 26650

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 26651
to the following product: 26652

The sum of enrolled ADM for all districts and schools within the 26653
career technical planning district X ~~\$2.50~~ \$7.50, for fiscal year 26654
~~2022~~ 2024, or ~~\$5~~ \$10, for fiscal year ~~2023~~ 2025 26655

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 26656
thereafter, an amount calculated in a manner determined by the 26657
general assembly, if the general assembly authorizes such a 26658
payment to city, local, exempted village, and joint vocational 26659
school districts, community schools, and STEM schools. 26660

(2) The lead district of a career technical planning district 26661
shall use career awareness and exploration funds in accordance 26662
with division (H) of this section. 26663

(F)(1) In any fiscal year, a school district receiving funds 26664
calculated under division (C) of this section shall spend those 26665
funds only for the purposes that the department designates as 26666
approved for career-technical education expenses. Career-technical 26667
education expenses approved by the department shall include only 26668
expenses connected to the delivery of career-technical programming 26669
to career-technical students. The department shall require the 26670
school district to report data annually so that the department may 26671
monitor the district's compliance with the requirements regarding 26672
the manner in which funding calculated under division (C) of this 26673
section may be spent. 26674

(2) All funds received under division (C) of this section 26675
shall be spent in the following manner: 26676

(a) At least seventy-five per cent of the funds shall be 26677
spent on curriculum development, purchase, and implementation; 26678
instructional resources and supplies; industry-based program 26679
certification; student assessment, credentialing, and placement; 26680

curriculum specific equipment purchases and leases; 26681
career-technical student organization fees and expenses; home and 26682
agency linkages; work-based learning experiences; professional 26683
development; and other costs directly associated with 26684
career-technical education programs including development of new 26685
programs. 26686

(b) Not more than twenty-five per cent of the funds shall be 26687
used for personnel expenditures. 26688

(G) In any fiscal year, a school district receiving funds 26689
calculated under division (D) of this section, or through a 26690
transfer of funds pursuant to division (I) of section 3317.023 of 26691
the Revised Code, shall spend those funds only for the purposes 26692
that the department designates as approved for career-technical 26693
education associated services expenses, which may include such 26694
purposes as apprenticeship coordinators, coordinators for other 26695
career-technical education services, career-technical evaluation, 26696
and other purposes designated by the department. The department 26697
may deny payment of funds calculated under division (D) of this 26698
section to any district that the department determines is not 26699
operating those services or is using funds calculated under 26700
division (D) of this section, or through a transfer of funds 26701
pursuant to division (I) of section 3317.023 of the Revised Code, 26702
for other purposes. 26703

(H) In any fiscal year, a lead district of a career-technical 26704
planning district receiving funds under division (E) of this 26705
section, shall utilize those funds to deliver relevant career 26706
awareness and exploration programs to all students within its 26707
career technical planning district in a manner that is consistent 26708
with the career-technical planning district's plan that is on file 26709
with the department of education. The lead district that receives 26710
funds under this division shall spend those funds only for the 26711
following purposes: 26712

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;	26713 26714
(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;	26715 26716
(3) Assistance to teachers in providing a career development curriculum to students;	26717 26718
(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;	26719 26720 26721
(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.	26722 26723 26724
The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.	26725 26726 26727
Sec. 3317.016. <u>As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.</u>	26728 26729
The multiples for English learners shall be as follows:	26730
(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less.	26731 26732 26733 26734
(B) A multiple of 0.1577 for each student who, for fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division (C)(3)(b) <u>(C)(3)</u> of section 3301.0711 of the Revised Code or who, for fiscal year 2024 <u>2026</u>	26735 26736 26737 26738 26739 26740 26741 26742

and each fiscal year thereafter, satisfies criteria specified by 26743
the general assembly for purposes of this division. 26744

(C) A multiple of 0.1053 for each student who, for fiscal 26745
years ~~2022~~ 2024 and ~~2023~~ 2025, achieves a score of proficient on 26746
the spring administration of the state's English language 26747
proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of 26748
section 3301.0711 of the Revised Code for the two school years 26749
following the school year in which the student achieved that level 26750
of achievement or who, for fiscal year ~~2024~~ 2026 and each fiscal 26751
year thereafter, satisfies criteria specified by the general 26752
assembly for purposes of this division. 26753

Sec. 3317.017. This section shall apply only for fiscal years 26754
~~2022~~ 2024 and ~~2023~~ 2025. 26755

(A) The department of education shall compute a city, local, 26756
or exempted village school district's per-pupil local capacity 26757
amount for a fiscal year as follows: 26758

(1) Calculate the district's valuation per pupil for that 26759
fiscal year as follows: 26760

(a) Determine the minimum of the district's three-year 26761
average valuation for the fiscal year for which the calculation is 26762
made and the district's taxable value for the most recent tax year 26763
for which data is available; 26764

(b) Divide the amount determined under division (A)(1)(a) of 26765
this section by the district's base cost enrolled ADM for the 26766
fiscal year for which the calculation is made. 26767

(2) Calculate the district's local share federal adjusted 26768
gross income per pupil for that fiscal year as follows: 26769

(a) Determine the minimum of the following: 26770

(i) The average of the total federal adjusted gross income of 26771
the district's residents for the three most recent tax years for 26772

which data is available, as certified under section 3317.021 of the Revised Code; 26773
26774

(ii) The total federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code. 26775
26776
26777
26778

(b) Divide the amount determined under division (A)(2)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made. 26779
26780
26781

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows: 26782
26783

(a) Determine both of the following: 26784

(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code; 26785
26786
26787
26788

(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code. 26789
26790
26791
26792

(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section; 26793
26794

(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made. 26795
26796
26797

(4) Calculate the district's per-pupil local capacity percentage as follows: 26798
26799

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year; 26800
26801
26802

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section - 1)} + 0.0225

(iii) If the ratio calculated for the district under division

(A)(4)(b) of this section is less than or equal to 1.0, the 26834
district's per-pupil local capacity percentage shall be equal to 26835
the amount calculated under division (A)(4)(b) of this section 26836
times 0.0225. 26837

(5) Calculate the district's per-pupil local capacity amount 26838
for that fiscal year as follows: 26839

(The district's valuation per pupil calculated under division 26840
(A)(1) of this section for that fiscal year X the district's 26841
per-pupil local capacity percentage calculated under division 26842
(A)(4) of this section X 0.60) + (the district's local share 26843
adjusted federal gross income per pupil calculated under division 26844
(A)(2) of this section for that fiscal year X the district's 26845
per-pupil local capacity percentage calculated under division 26846
(A)(4) of this section X 0.20) + (the district's adjusted local 26847
share federal adjusted gross income per pupil calculated under 26848
division (A)(3) of this section for that fiscal year X the 26849
district's per-pupil local capacity percentage calculated under 26850
division (A)(4) of this section X 0.20) 26851

(B) The department shall compute a city, local, or exempted 26852
village school district's state share for a fiscal year as 26853
follows: 26854

(1) If the district's per-pupil local capacity amount for 26855
that fiscal year divided by the district's base cost per pupil for 26856
that fiscal year is greater than 0.95, then the district's state 26857
share shall be equal to (the district's base cost per pupil for 26858
that fiscal year X 0.05 X the district's enrolled ADM for that 26859
fiscal year). 26860

(2) If the district's per-pupil local capacity amount for 26861
that fiscal year divided by the district's base cost per pupil for 26862
that fiscal year is less than or equal to 0.95, then the 26863
district's state share for that fiscal year shall be equal to 26864
[(the district's base cost per pupil for that fiscal year - the 26865

district's per-pupil local capacity amount for that fiscal year) X 26866
the district's enrolled ADM for that fiscal year]. 26867

(C) The department shall compute a city, local, or exempted 26868
village school district's state share percentage for a fiscal year 26869
as follows: 26870

(the district's base cost per pupil amount for that fiscal year - 26871
the district's per pupil local capacity amount for that fiscal 26872
year)/(the district's base cost per pupil amount for that fiscal 26873
year). 26874

If the result is less than 0.05, the state share percentage 26875
shall be 0.05. 26876

Sec. 3317.018. (A) The statewide average base cost per pupil 26877
shall be determined as follows: 26878

(1) For fiscal year 2022, the statewide average base cost per 26879
pupil shall be equal to the sum of the aggregate base cost 26880
calculated for all city, local, and exempted village school 26881
districts in the state for that fiscal year under section 3317.011 26882
of the Revised Code divided by the sum of the base cost enrolled 26883
ADMs of all of the city, local, and exempted village school 26884
districts in the state for that fiscal year. 26885

(2) For fiscal ~~year~~ years 2023 through 2025, the statewide 26886
average base cost per pupil shall be equal to the amount 26887
calculated under division (A)(1) of this section. 26888

(B) The statewide average career-technical base cost per 26889
pupil shall be determined as follows: 26890

(1) For fiscal year 2022, the statewide average 26891
career-technical base cost per pupil shall be equal to the sum of 26892
the aggregate base cost calculated for all joint vocational school 26893
districts in the state for that fiscal year under section 3317.012 26894
of the Revised Code divided by the sum of the base cost enrolled 26895

ADMs of all of the joint vocational school districts in the state 26896
for that fiscal year. 26897

(2) For fiscal ~~year~~ years 2023 through 2025, the statewide 26898
average career-technical base cost per pupil shall be equal to the 26899
amount calculated under division (B)(1) of this section. 26900

Sec. 3317.019. (A)(1) Subject to division (C) of this 26901
section, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 26902
of education shall pay temporary transitional aid to each city, 26903
local, and exempted village school district according to the 26904
following formula: 26905

(The district's funding base, as that term is defined in section 26906
3317.02 of the Revised Code) - (the district's payment under 26907
section 3317.022 of the Revised Code - the district's payment for 26908
supplemental targeted assistance under section 3317.0218 of the 26909
Revised Code for the fiscal year for which each payment is 26910
computed) 26911

If the computation made under division (A)(1) of this section 26912
results in a negative number, the district's funding under 26913
division (A)(1) of this section shall be zero. 26914

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 26915
shall pay temporary transitional transportation aid to that 26916
district according to the following formula: 26917

(The amount calculated for the district for fiscal year 2020 under 26918
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 26919
general assembly, prior to any funding reductions authorized by 26920
Executive Order 2020-19D, "Implementing Additional Spending 26921
Controls to Balance the State Budget" issued on May 7, 2020) - 26922
(the district's payment for fiscal year 2019 under division (D)(2) 26923
of section 3314.091 of the Revised Code as that division existed 26924
prior to September 30, 2021) - (the district's payment under 26925
section 3317.0212 of the Revised Code for the fiscal year for 26926

which the payment is computed) 26927

If the computation made under division (A)(2) of this section 26928
results in a negative number, the district's funding under 26929
division (A)(2) of this section shall be zero. 26930

(B) If a local school district participates in the 26931
establishment of a joint vocational school district that begins 26932
receiving payments under section 3317.16 of the Revised Code for 26933
fiscal year ~~2022~~ 2024 or fiscal year ~~2023~~ 2025, but does not 26934
receive payments for the fiscal year immediately preceding that 26935
fiscal year, the department shall adjust, as necessary, the 26936
district's funding base, as that term is defined in section 26937
3317.02 of the Revised Code, according to the amounts received by 26938
the district in the immediately preceding fiscal year for 26939
career-technical education students who attend the newly 26940
established joint vocational school district. 26941

(C)(1) For purposes of division (C) of this section, a 26942
district's "decrease threshold" for a fiscal year is the greater 26943
of the following: 26944

(a) Twenty; 26945

(b) Ten per cent of the number of the district's students 26946
counted under division (A)(1)(b) of section 3317.03 of the Revised 26947
Code for the previous fiscal year. 26948

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if a district 26949
has fewer students counted under division (A)(1)(b) of section 26950
3317.03 of the Revised Code for that fiscal year than for the 26951
previous fiscal year and the positive difference between those two 26952
student counts is greater than or equal to the district's decrease 26953
threshold for that fiscal year, the amount paid to the district 26954
under division (A) of this section shall be reduced by the 26955
following amount: 26956

The statewide average base cost per pupil X [(the positive 26957

difference between the number of the district's students counted 26958
under division (A)(1)(b) of section 3317.03 of the Revised Code 26959
for that fiscal year and the number of the district's students 26960
counted under that division for the previous fiscal year) - the 26961
district's decrease threshold for that fiscal year] 26962

At no time, however, shall the amount paid to a district 26963
under division (A) of this section be less than zero. 26964

Sec. 3317.0110. This section shall apply only for fiscal 26965
years ~~2022~~ 2024 and ~~2023~~ 2025. 26966

(A) As used in this section: 26967

(1) "Average teacher cost" for a fiscal year has the same 26968
meaning as in section 3317.011 of the Revised Code. 26969

(2) "Eligible community or STEM school" means a community or 26970
STEM school that satisfies one of the following: 26971

(a) The school is a member of an organization that regulates 26972
interscholastic athletics. 26973

(b) The school has teams in at least three different sports 26974
that participate in an interscholastic league. 26975

(B) When calculating a community or STEM school's aggregate 26976
base cost under this section, the department shall use data from 26977
fiscal year 2018 for the average teacher cost. 26978

(C) A community or STEM school's aggregate base cost for a 26979
fiscal year shall be equal to the following sum: 26980

(The school's teacher base cost for that fiscal year computed 26981
under division (D) of this section) + (the school's student 26982
support base cost for that fiscal year computed under division (E) 26983
of this section) + (the school's leadership and accountability 26984
base cost for that fiscal year computed under division (F) of this 26985
section) + (the school's building leadership and operations base 26986
cost for that fiscal year computed under division (G) of this 26987

section) + (the school's athletic co-curricular activities base	26988
cost for that fiscal year computed under division (H) of this	26989
section, if the school is an eligible community or STEM school)	26990
(D) The department of education shall compute a community or	26991
STEM school's teacher base cost for a fiscal year as follows:	26992
(1) Calculate the school's classroom teacher cost for that	26993
fiscal year as follows:	26994
(a) Determine the full-time equivalency of students enrolled	26995
in the school for that fiscal year that are enrolled in	26996
kindergarten and divide that number by 20;	26997
(b) Determine the full-time equivalency of students enrolled	26998
in the school for that fiscal year that are enrolled in grades one	26999
through three and divide that number by 23;	27000
(c) Determine the full-time equivalency of students enrolled	27001
in the school for that fiscal year that are enrolled in grades	27002
four through eight but are not enrolled in a career-technical	27003
education program or class described under section 3317.014 of the	27004
Revised Code and divide that number by 25;	27005
(d) Determine the full-time equivalency of students enrolled	27006
in the school for that fiscal year that are enrolled in grades	27007
nine through twelve but are not enrolled in a career-technical	27008
education program or class described under section 3317.014 of the	27009
Revised Code and divide that number by 27;	27010
(e) Determine the full-time equivalency of students enrolled	27011
in the school for that fiscal year that are enrolled in a	27012
career-technical education program or class, as reported under	27013
division (B)(4) of section 3314.08 of the Revised Code, and divide	27014
that number by 18;	27015
(f) Compute the sum of the quotients obtained under divisions	27016
(D)(1)(a), (b), (c), (d), and (e) of this section;	27017

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.	27018 27019 27020
(2) Calculate the school's special teacher cost for that fiscal year as follows:	27021 27022
(a) Divide the number of students enrolled in the school for that fiscal year by 150;	27023 27024
(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year.	27025 27026 27027
(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:	27028 27029
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	27030 27031
(b) Compute the substitute teacher cost in accordance with the following formula:	27032 27033
(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the amount computed under division (D)(3)(a) of this section X 5	27034 27035 27036
(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:	27037 27038
(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4	27039 27040 27041 27042
(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.	27043 27044 27045
(E) The department shall compute a community or STEM school's student support base cost for a fiscal year as follows:	27046 27047

The number of students enrolled in the school for that fiscal year 27048
X [(the sum of the student support base cost calculated for all 27049
city, local, and exempted village school districts in the state 27050
for that fiscal year under division (E) of section 3317.011 of the 27051
Revised Code) / the sum of the base cost enrolled ADMs of all of 27052
the city, local, and exempted village school districts in the 27053
state for that fiscal year] 27054

(F) The department shall compute a community or STEM school's 27055
leadership and accountability base cost for a fiscal year as 27056
follows: 27057

The number of students enrolled in the school for that fiscal year 27058
X (the sum of the leadership and accountability base cost 27059
calculated for all city, local, and exempted village school 27060
districts in the state for that fiscal year under division (F) of 27061
section 3317.011 of the Revised Code / the sum of the base cost 27062
enrolled ADMs of all of the city, local, and exempted village 27063
school districts in the state for that fiscal year) 27064

(G) The department shall compute a community or STEM school's 27065
building leadership and operations base cost for a fiscal year as 27066
follows: 27067

The number of students enrolled in the school for that fiscal year 27068
X (the sum of the building leadership and accountability base cost 27069
calculated for all city, local, and exempted village school 27070
districts in the state for that fiscal year under division (G) of 27071
section 3317.011 of the Revised Code / the sum of the base cost 27072
enrolled ADMs of all of the city, local, and exempted village 27073
school districts in the state for that fiscal year) 27074

(H) If a community or STEM school is an eligible community or 27075
STEM school, the department shall compute the school's athletic 27076
co-curricular activities base cost for a fiscal year as follows: 27077

The number of students enrolled in the school for that fiscal year 27078
X (the amount determined under division (H)(1) of section 3317.011 27079

of the Revised Code / the sum determined under division (H)(2) of	27080
section 3317.011 of the Revised Code)	27081
Sec. 3317.02. As used in this chapter:	27082
(A) "Alternative school" has the same meaning as in section	27083
3313.974 of the Revised Code.	27084
(B) "Autism scholarship unit" means a unit that consists of	27085
all of the students for whom autism scholarships are awarded under	27086
section 3310.41 of the Revised Code.	27087
(C) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , a district's	27088
"base cost enrolled ADM" for a fiscal year means the greater of	27089
the following:	27090
(1) The district's enrolled ADM for the previous fiscal year;	27091
(2) The average of the district's enrolled ADM for the	27092
previous three fiscal years.	27093
(D)(1) "Base cost per pupil" means the following for a city,	27094
local, or exempted village school district:	27095
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the aggregate	27096
base cost calculated for that district for that fiscal year under	27097
section 3317.011 of the Revised Code divided by the district's	27098
base cost enrolled ADM for that fiscal year;	27099
(b) For fiscal year 2024 <u>2026</u> and each fiscal year	27100
thereafter, an amount calculated in a manner determined by the	27101
general assembly.	27102
(2) "Base cost per pupil" means the following for a joint	27103
vocational school district:	27104
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the aggregate	27105
base cost calculated for that district for that fiscal year under	27106
section 3317.012 of the Revised Code divided by the district's	27107
base cost enrolled ADM for that fiscal year;	27108

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 271109
thereafter, an amount calculated in a manner determined by the 271110
general assembly. 271111

(E)(1) "Category one career-technical education ADM" means 271112
the enrollment of students during the school year on a full-time 271113
equivalency basis in career-technical education programs described 271114
in division (A)(1) of section 3317.014 of the Revised Code and, in 271115
the case of a funding unit that is a city, local, exempted 271116
village, or joint vocational school district, certified under 271117
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 271118
Code or, in the case of the community and STEM school unit, 271119
reported by all community and STEM schools statewide under 271120
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 271121
and division (D) of section 3326.32 of the Revised Code. 271122

(2) "Category two career-technical education ADM" means the 271123
enrollment of students during the school year on a full-time 271124
equivalency basis in career-technical education programs described 271125
in division (A)(2) of section 3317.014 of the Revised Code and, in 271126
the case of a funding unit that is a city, local, exempted 271127
village, or joint vocational school district, certified under 271128
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 271129
Code or, in the case of the community and STEM school unit, 271130
reported by all community and STEM schools statewide under 271131
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 271132
and division (D) of section 3326.32 of the Revised Code. 271133

(3) "Category three career-technical education ADM" means the 271134
enrollment of students during the school year on a full-time 271135
equivalency basis in career-technical education programs described 271136
in division (A)(3) of section 3317.014 of the Revised Code and, in 271137
the case of a funding unit that is a city, local, exempted 271138
village, or joint vocational school district, certified under 271139
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 271140

Code or, in the case of the community and STEM school unit, 27141
reported by all community and STEM schools statewide under 27142
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 27143
and division (D) of section 3326.32 of the Revised Code. 27144

(4) "Category four career-technical education ADM" means the 27145
enrollment of students during the school year on a full-time 27146
equivalency basis in career-technical education programs described 27147
in division (A)(4) of section 3317.014 of the Revised Code and, in 27148
the case of a funding unit that is a city, local, exempted 27149
village, or joint vocational school district, certified under 27150
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 27151
Code or, in the case of the community and STEM school unit, 27152
reported by all community and STEM schools statewide under 27153
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 27154
and division (D) of section 3326.32 of the Revised Code. 27155

(5) "Category five career-technical education ADM" means the 27156
enrollment of students during the school year on a full-time 27157
equivalency basis in career-technical education programs described 27158
in division (A)(5) of section 3317.014 of the Revised Code and, in 27159
the case of a funding unit that is a city, local, exempted 27160
village, or joint vocational school district, certified under 27161
division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised 27162
Code or, in the case of the community and STEM school unit, 27163
reported by all community and STEM schools statewide under 27164
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 27165
and division (D) of section 3326.32 of the Revised Code. 27166

(F)(1) "Category one English learner ADM" means the full-time 27167
equivalent number of English learners described in division (A) of 27168
section 3317.016 of the Revised Code and, in the case of a funding 27169
unit that is a city, local, exempted village, or joint vocational 27170
school district, certified under division (B)(16) or (D)(2)(m) of 27171
section 3317.03 of the Revised Code or, in the case of the 27172

community and STEM school unit, reported by all community and STEM 27173
schools statewide under division (B)(6) of section 3314.08 of the 27174
Revised Code and division (E) of section 3326.32 of the Revised 27175
Code. 27176

(2) "Category two English learner ADM" means the full-time 27177
equivalent number of English learners described in division (B) of 27178
section 3317.016 of the Revised Code and, in the case of a funding 27179
unit that is a city, local, exempted village, or joint vocational 27180
school district, certified under division (B)(17) or (D)(2)(n) of 27181
section 3317.03 of the Revised Code or, in the case of the 27182
community and STEM school unit, reported by all community and STEM 27183
schools statewide under division (B)(6) of section 3314.08 of the 27184
Revised Code and division (E) of section 3326.32 of the Revised 27185
Code. 27186

(3) "Category three English learner ADM" means the full-time 27187
equivalent number of English learners described in division (C) of 27188
section 3317.016 of the Revised Code and, in the case of a funding 27189
unit that is a city, local, exempted village, or joint vocational 27190
school district, certified under division (B)(18) or (D)(2)(o) of 27191
section 3317.03 of the Revised Code or, in the case of the 27192
community and STEM school unit, reported by all community and STEM 27193
schools statewide under division (B)(6) of section 3314.08 of the 27194
Revised Code and division (E) of section 3326.32 of the Revised 27195
Code. 27196

(G)(1) "Category one special education ADM" means the 27197
full-time equivalent number of children with disabilities 27198
receiving special education services for the disability specified 27199
in division (A) of section 3317.013 of the Revised Code and, in 27200
the case of a funding unit that is a city, local, exempted 27201
village, or joint vocational school district, certified under 27202
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 27203
Code or, in the case of the community and STEM school unit, 27204

reported by all community and STEM schools statewide under 27205
division (B)(3) of section 3314.08 of the Revised Code and 27206
division (C) of section 3326.32 of the Revised Code. 27207

(2) "Category two special education ADM" means the full-time 27208
equivalent number of children with disabilities receiving special 27209
education services for those disabilities specified in division 27210
(B) of section 3317.013 of the Revised Code and, in the case of a 27211
funding unit that is a city, local, exempted village, or joint 27212
vocational school district, certified under division (B)(6) or 27213
(D)(2)(c) of section 3317.03 of the Revised Code or, in the case 27214
of the community and STEM school unit, reported by all community 27215
and STEM schools statewide under division (B)(3) of section 27216
3314.08 of the Revised Code and division (C) of section 3326.32 of 27217
the Revised Code. 27218

(3) "Category three special education ADM" means the 27219
full-time equivalent number of students receiving special 27220
education services for those disabilities specified in division 27221
(C) of section 3317.013 of the Revised Code, and, in the case of a 27222
funding unit that is a city, local, exempted village, or joint 27223
vocational school district, certified under division (B)(7) or 27224
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 27225
of the community and STEM school unit, reported by all community 27226
and STEM schools statewide under division (B)(3) of section 27227
3314.08 of the Revised Code and division (C) of section 3326.32 of 27228
the Revised Code. 27229

(4) "Category four special education ADM" means the full-time 27230
equivalent number of students receiving special education services 27231
for those disabilities specified in division (D) of section 27232
3317.013 of the Revised Code and, in the case of a funding unit 27233
that is a city, local, exempted village, or joint vocational 27234
school district, certified under division (B)(8) or (D)(2)(e) of 27235
section 3317.03 of the Revised Code or, in the case of the 27236

community and STEM school unit, reported by all community and STEM 27237
schools statewide under division (B)(3) of section 3314.08 of the 27238
Revised Code and division (C) of section 3326.32 of the Revised 27239
Code. 27240

(5) "Category five special education ADM" means the full-time 27241
equivalent number of students receiving special education services 27242
for the disabilities specified in division (E) of section 3317.013 27243
of the Revised Code and, in the case of a funding unit that is a 27244
city, local, exempted village, or joint vocational school 27245
district, certified under division (B)(9) or (D)(2)(f) of section 27246
3317.03 of the Revised Code or, in the case of the community and 27247
STEM school unit, reported by all community and STEM schools 27248
statewide under division (B)(3) of section 3314.08 of the Revised 27249
Code and division (C) of section 3326.32 of the Revised Code. 27250

(6) "Category six special education ADM" means the full-time 27251
equivalent number of students receiving special education services 27252
for the disabilities specified in division (F) of section 3317.013 27253
of the Revised Code and, in the case of a funding unit that is a 27254
city, local, exempted village, or joint vocational school district 27255
certified under division (B)(10) or (D)(2)(g) of section 3317.03 27256
of the Revised Code or, in the case of the community and STEM 27257
school unit, reported by all community and STEM schools statewide 27258
under division (B)(3) of section 3314.08 of the Revised Code and 27259
division (C) of section 3326.32 of the Revised Code. 27260

(H) "Community and STEM school unit" means a unit that 27261
consists of all of the students enrolled in community schools 27262
established under Chapter 3314. of the Revised Code and science, 27263
technology, engineering, and mathematics schools established under 27264
Chapter 3326. of the Revised Code. 27265

(I)(1) "Economically disadvantaged index for a school 27266
district" means the following: 27267

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of
the quotient of that district's percentage of students in its
enrolled ADM who are identified as economically disadvantaged as
defined by the department of education, divided by the percentage
of students in the statewide ADM identified as economically
disadvantaged. For purposes of this calculation:

(i) For a city, local, or exempted village school district,
the "statewide ADM" equals the sum of the following:

(I) The enrolled ADM for all city, local, and exempted
village school districts combined;

(II) The statewide enrollment of students in community
schools established under Chapter 3314. of the Revised Code;

(III) The statewide enrollment of students in science,
technology, engineering, and mathematics schools established under
Chapter 3326. of the Revised Code.

(ii) For a joint vocational school district, the "statewide
ADM" equals the sum of the enrolled ADM for all joint vocational
school districts combined.

(b) For fiscal year ~~2024~~ 2026 and each fiscal year
thereafter, an index calculated in a manner determined by the
general assembly.

(2) "Economically disadvantaged index for a community or STEM
school" means the following:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of
the quotient of the percentage of students enrolled in the school
who are identified as economically disadvantaged as defined by the
department of education, divided by the percentage of students in
the statewide ADM identified as economically disadvantaged. For
purposes of this calculation, the "statewide ADM" equals the
"statewide ADM" for city, local, and exempted village school

districts described in division (I)(1)(a)(i) of this section. 27298

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 27299
thereafter, an index calculated in a manner determined by the 27300
general assembly. 27301

(J) "Educational choice scholarship unit" means a unit that 27302
consists of all of the students for whom educational choice 27303
scholarships are awarded under sections 3310.03 and 3310.032 of 27304
the Revised Code. 27305

(K) "Enrolled ADM" means the following: 27306

(1) For a city, local, or exempted village school district, 27307
the enrollment reported under division (A) of section 3317.03 of 27308
the Revised Code, as verified by the superintendent of public 27309
instruction and adjusted if so ordered under division (K) of that 27310
section, and as further adjusted by the department of education, 27311
as follows: 27312

(a) Add the students described in division (A)(1)(b) of 27313
section 3317.03 of the Revised Code; 27314

(b) Subtract the students counted under divisions (A)(2)(a), 27315
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 27316
Code; 27317

(c) Count only twenty per cent of the number of joint 27318
vocational school district students counted under division (A)(3) 27319
of section 3317.03 of the Revised Code; 27320

(d) Add twenty per cent of the number of students who are 27321
entitled to attend school in the district under section 3313.64 or 27322
3313.65 of the Revised Code and are enrolled in another school 27323
district under a career-technical education compact; 27324

(e) Add twenty per cent of the number of students described 27325
in division (A)(1)(b) of section 3317.03 of the Revised Code who 27326
enroll in a joint vocational school district or under a 27327

career-technical education compact. 27328

(2) For a joint vocational school district, the final number 27329
verified by the superintendent of public instruction, based on the 27330
enrollment reported and certified under division (D) of section 27331
3317.03 of the Revised Code, as adjusted, if so ordered, under 27332
division (K) of that section, and as further adjusted by the 27333
department of education by adding the students described in 27334
division (D)(1)(b) of section 3317.03 of the Revised Code; 27335

(3) For the community and STEM school unit, the sum of the 27336
number of students reported as enrolled in community schools under 27337
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 27338
and the number of students reported as enrolled in STEM schools 27339
under division (A) of section 3326.32 of the Revised Code; 27340

(4) For the educational choice scholarship unit, the number 27341
of students for whom educational choice scholarships are awarded 27342
under sections 3310.03 and 3310.032 of the Revised Code as 27343
reported under division (A)(2)(g) of section 3317.03 of the 27344
Revised Code; 27345

(5) For the pilot project scholarship unit, the number of 27346
students for whom pilot project scholarships are awarded under 27347
sections 3313.974 to 3313.979 of the Revised Code as reported 27348
under division (A)(2)(b) of section 3317.03 of the Revised Code; 27349

(6) For the autism scholarship unit, the number of students 27350
for whom autism scholarships are awarded under section 3310.41 of 27351
the Revised Code as reported under division (A)(2)(h) of section 27352
3317.03 of the Revised Code; 27353

(7) For the Jon Peterson special needs scholarship unit, the 27354
number of students for whom Jon Peterson special needs 27355
scholarships are awarded under sections 3310.51 to 3310.64 of the 27356
Revised Code as reported under division (A)(2)(h) of section 27357
3317.03 of the Revised Code. 27358

(L)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:	27390
(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;	27391 27392 27393 27394 27395 27396 27397
(ii) Either of the following:	27398
(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;	27399 27400 27401 27402
(II) For fiscal year 2023 <u>years 2024 and 2025</u> , the district's payments for fiscal year 2020 under divisions (C)(1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.	27403 27404 27405 27406
(b) Subtract from the amount calculated in division (N)(1)(a) of this section the sum of the following:	27407 27408
(i) The following difference:	27409
(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)	27410 27411 27412 27413 27414 27415 27416 27417 27418 27419
(ii) The payments deducted from the district and paid to a	27420

community school for fiscal year 2020 under divisions (C)(1)(a), 27421
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised 27422
Code as those divisions existed prior to September 30, 2021, in 27423
accordance with division (A) of Section 265.230 of H.B. 166 of the 27424
133rd general assembly; 27425

(iii) The payments deducted from the district and paid to a 27426
science, technology, engineering, and mathematics school for 27427
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and 27428
(G) of section 3326.33 of the Revised Code as those divisions 27429
existed prior to September 30, 2021, in accordance with division 27430
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly; 27431

(iv) The payments deducted from the district under division 27432
(C) of section 3310.08 of the Revised Code as that division 27433
existed prior to September 30, 2021, division (C)(2) of section 27434
3310.41 of the Revised Code as that division existed prior to 27435
September 30, 2021, and former section 3310.55 of the Revised Code 27436
for fiscal year 2020 and, in the case of a pilot project school 27437
district as defined in section 3313.975 of the Revised Code, the 27438
funds deducted from the district under Section 265.210 of H.B. 166 27439
of the 133rd general assembly to operate the pilot project 27440
scholarship program for fiscal year 2020 under sections 3313.974 27441
to 3313.979 of the Revised Code; 27442

(v) ~~Either of the following:~~ 27443

~~(I) For fiscal year 2022, the payments subtracted from the 27444
district for fiscal year 2020 under divisions (B)(1), (2), and (3) 27445
of section 3313.981 of the Revised Code as those divisions existed 27446
prior to September 30, 2021;~~ 27447

~~(II) For fiscal year ~~2023~~ years 2024 and 2025, the payments 27448
subtracted from the district for fiscal year 2020 under divisions 27449
(B)(1) and (3) of section 3313.981 of the Revised Code as those 27450
divisions existed prior to September 30, 2021. 27451~~

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference: 27452
27453
(The amount paid to the district under division (A)(5) of section 27454
3317.022 of the Revised Code, as that division existed prior to 27455
September 30, 2021, for fiscal year 2019) - (the amounts deducted 27456
from the district and paid to a community school under division 27457
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 27458
technology, engineering, and mathematics school under division (E) 27459
of section 3326.33 of the Revised Code as those divisions existed 27460
prior to September 30, 2021, for fiscal year 2020 in accordance 27461
with division (A) of Section 265.235 of H.B. 166 of the 133rd 27462
general assembly) 27463
(O) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 27464
means, for a joint vocational school district, the sum of the 27465
following as calculated by the department: 27466
(1) The district's "general funding base," which equals the 27467
amount calculated as follows: 27468
(a) Compute the sum of the following: 27469
(i) The district's payments for fiscal year 2020 under 27470
Section 265.225 of H.B. 166 of the 133rd general assembly after 27471
any adjustments required under Section 265.227 of H.B. 166 of the 27472
133rd general assembly; 27473
(ii) ~~Either of the following:~~ 27474
~~(I) For fiscal year 2022, the district's payments for fiscal~~ 27475
~~year 2020 under divisions (D)(1), (2), and (E)(3) of section~~ 27476
~~3313.981 of the Revised Code as those divisions existed prior to~~ 27477
~~September 30, 2021;~~ 27478
~~(II) For fiscal year 2023~~ years 2024 and 2025, the district's 27479
payments for fiscal year 2020 under divisions (D)(1) and (2) of 27480
section 3313.981 of the Revised Code as those divisions existed 27481
prior to September 30, 2021. 27482

(b) Subtract from the amount paid to the district under 27483
division (A)(3) of section 3317.16 of the Revised Code, as that 27484
division existed prior to September 30, 2021, for fiscal year 27485
2019. 27486

(2) The district's "disadvantaged pupil impact aid funding 27487
base," which equals the amount paid to the district under division 27488
(A)(3) of section 3317.16 of the Revised Code, as that division 27489
existed prior to September 30, 2021, for fiscal year 2019. 27490

(P) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 27491
for a community school means the following: 27492

(1) For a community school that was in operation for the 27493
entirety of fiscal year 2020, the amount paid to the school for 27494
that fiscal year under division (C)(1) of section 3314.08 of the 27495
Revised Code as that division existed prior to September 30, 2021, 27496
in accordance with division (A) of Section 265.230 of H.B. 166 of 27497
the 133rd general assembly and the amount, if any, paid to the 27498
school for that fiscal year under section 3314.085 of the Revised 27499
Code in accordance with division (B) of Section 265.230 of H.B. 27500
166 of the 133rd general assembly; 27501

(2) For a community school that was in operation for part of 27502
fiscal year 2020, the amount that would have been paid to the 27503
school for that fiscal year under division (C)(1) of section 27504
3314.08 of the Revised Code as that division existed prior to 27505
September 30, 2021, in accordance with division (A) of Section 27506
265.230 of H.B. 166 of the 133rd general assembly if the school 27507
had been in operation for the entirety of that fiscal year, as 27508
calculated by the department, and the amount that would have been 27509
paid to the school for that fiscal year under section 3314.085 of 27510
the Revised Code in accordance with division (B) of Section 27511
265.230 of H.B. 166 of the 133rd general assembly, if any, if the 27512
school had been in operation for the entirety of that fiscal year, 27513
as calculated by the department; 27514

(3) For a community school that was not in operation for 27515
fiscal year 2020, the amount that would have been paid to the 27516
school if it was in operation for that school year under division 27517
(C)(1) of section 3314.08 of the Revised Code as that division 27518
existed prior to September 30, 2021, in accordance with division 27519
(A) of Section 265.230 of H.B. 166 of the 133rd general assembly 27520
if the school had been in operation for the entirety of that 27521
fiscal year, as calculated by the department, and the amount that 27522
would have been paid to the school for that fiscal year under 27523
section 3314.085 of the Revised Code in accordance with division 27524
(B) of Section 265.230 of H.B. 166 of the 133rd general assembly, 27525
if any, if the school had been in operation for the entirety of 27526
that fiscal year, as calculated by the department. 27527

(Q) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 27528
for a STEM school means the following: 27529

(1) For a science, technology, engineering, and mathematics 27530
school that was in operation for the entirety of fiscal year 2020, 27531
the amount paid to the school for that fiscal year under section 27532
3326.33 of the Revised Code as that section existed prior to 27533
September 30, 2021, in accordance with division (A) of Section 27534
265.235 of H.B. 166 of the 133rd general assembly and the amount, 27535
if any, paid to the school for that fiscal year under section 27536
3326.41 of the Revised Code in accordance with division (B) of 27537
Section 265.235 of H.B. 166 of the 133rd general assembly; 27538

(2) For a science, technology, engineering, and mathematics 27539
school that was in operation for part of fiscal year 2020, the 27540
amount that would have been paid to the school for that fiscal 27541
year under section 3326.33 of the Revised Code as that section 27542
existed prior to September 30, 2021, in accordance with division 27543
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 27544
if the school had been in operation for the entirety of that 27545
fiscal year, as calculated by the department, and the amount that 27546

would have been paid to the school for that fiscal year under 27547
section 3326.41 of the Revised Code in accordance with division 27548
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 27549
if any, if the school had been in operation for the entirety of 27550
that fiscal year, as calculated by the department; 27551

(3) For a science, technology, engineering, and mathematics 27552
school that was not in operation for fiscal year 2020, the amount 27553
that would have been paid to the school if it was in operation for 27554
that school year under section 3326.33 of the Revised Code as that 27555
section existed prior to September 30, 2021, in accordance with 27556
division (A) of Section 265.235 of H.B. 166 of the 133rd general 27557
assembly if the school had been in operation for the entirety of 27558
that fiscal year, as calculated by the department, and the amount 27559
that would have been paid to the school for that fiscal year under 27560
section 3326.41 of the Revised Code in accordance with division 27561
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 27562
if any, if the school had been in operation for the entirety of 27563
that fiscal year, as calculated by the department. 27564

(R) "Funding unit" means any of the following: 27565

(1) A city, local, exempted village, or joint vocational 27566
school district; 27567

(2) The community and STEM school unit; 27568

(3) The educational choice scholarship unit; 27569

(4) The pilot project scholarship unit; 27570

(5) The autism scholarship unit; 27571

(6) The Jon Peterson special needs scholarship unit. 27572

(S) "Jon Peterson special needs scholarship unit" means a 27573
unit that consists of all of the students for whom Jon Peterson 27574
scholarships are awarded under sections 3310.51 to 3310.64 of the 27575
Revised Code. 27576

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	27577 27578
(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."	27579 27580 27581 27582 27583 27584 27585 27586
(V) "Medically fragile child" means a child to whom all of the following apply:	27587 27588
(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.	27589 27590 27591
(2) The child requires the services of a registered nurse on a daily basis.	27592 27593
(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	27594 27595 27596
(W)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:	27597 27598 27599 27600
(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."	27601 27602 27603 27604
(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district	27605 27606

superintendent may petition the superintendent of public 27607
instruction for a determination that a child is a medically 27608
fragile child. 27609

(2) A child may be identified as having an "other health 27610
impairment-minor" if the child's condition meets the definition of 27611
"other health impaired" established in rules previously adopted by 27612
the state board of education but the child's condition does not 27613
meet either of the conditions specified in division (W)(1)(a) or 27614
(b) of this section. 27615

(X)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 27616
local, exempted village, or joint vocational school district's, 27617
community school's, or STEM school's "general phase-in percentage" 27618
is equal to the percentage for that fiscal year that is determined 27619
by the general assembly. 27620

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, 27621
exempted village, or joint vocational school district's "phase-in 27622
percentage for disadvantaged pupil impact aid" is equal to the 27623
percentage for that fiscal year that is determined by the general 27624
assembly. 27625

(Y) "Pilot project scholarship unit" means a unit that 27626
consists of all of the students for whom pilot project 27627
scholarships are awarded under sections 3313.974 to 3313.979 of 27628
the Revised Code. 27629

(Z) "Preschool child with a disability" means a child with a 27630
disability, as defined in section 3323.01 of the Revised Code, who 27631
is at least age three but is not of compulsory school age, as 27632
defined in section 3321.01 of the Revised Code, and who is not 27633
currently enrolled in kindergarten. 27634

(AA) "Related services" includes: 27635

(1) Child study, special education supervisors and 27636
coordinators, speech and hearing services, adaptive physical 27637

development services, occupational or physical therapy, teacher 27638
assistants for children with disabilities whose disabilities are 27639
described in division (B) of section 3317.013 or division (G)(3) 27640
of this section, behavioral intervention, interpreter services, 27641
work study, nursing services, and specialized integrative services 27642
as those terms are defined by the department; 27643

(2) Speech and language services provided to any student with 27644
a disability, including any student whose primary or only 27645
disability is a speech and language disability; 27646

(3) Any related service not specifically covered by other 27647
state funds but specified in federal law, including but not 27648
limited to, audiology and school psychological services; 27649

(4) Any service included in units funded under former 27650
division (O)(1) of section 3317.024 of the Revised Code; 27651

(5) Any other related service needed by children with 27652
disabilities in accordance with their individualized education 27653
programs. 27654

(BB) "School district," unless otherwise specified, means 27655
city, local, and exempted village school districts. 27656

(CC) "Separately educated student with a disability" has the 27657
same meaning as in section 3313.974 of the Revised Code. 27658

(DD) "State education aid" has the same meaning as in section 27659
5751.20 of the Revised Code. 27660

(EE)(1) "State share percentage" means the following for a 27661
city, local, or exempted village school district: 27662

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the state share 27663
percentage calculated under section 3317.017 of the Revised Code; 27664

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 27665
thereafter, a percentage calculated in a manner determined by the 27666
general assembly. 27667

(2) "State share percentage" means the following for a joint vocational school district: 27668
27669

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the percentage calculated in accordance with the following formula: 27670
27671

The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code 27672
27673
27674
27675

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 27676
27677
27678

(FF) "Statewide average base cost per pupil" means the following: 27679
27680

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code; 27681
27682
27683

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 27684
27685
27686

(GG) "Statewide average career-technical base cost per pupil" means the following: 27687
27688

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code; 27689
27690
27691

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 27692
27693
27694

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 27695
27696
27697

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(JJ) For purposes of sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.	27728
(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.	27729 27730 27731
Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.	27732 27733 27734 27735 27736 27737 27738 27739 27740 27741
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	27742 27743 27744
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	27745 27746 27747
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	27748 27749 27750 27751 27752 27753
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	27754 27755 27756 27757

(4) The value of all real and public utility real property in 27758
the school district exempted from taxation minus both of the 27759
following: 27760

(a) The value of real and public utility real property in the 27761
district owned by the United States government and used 27762
exclusively for a public purpose; 27763

(b) The value of real and public utility real property in the 27764
district exempted from taxation under Chapter 725. or 1728. or 27765
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 27766
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 27767

(5) The total federal adjusted gross income of the residents 27768
of the school district, based on tax returns filed by the 27769
residents of the district, for the most recent year for which this 27770
information is available, and the median Ohio adjusted gross 27771
income of the residents of the school district determined on the 27772
basis of tax returns filed for the second preceding tax year by 27773
the residents of the district. 27774

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the number of 27775
state tax returns filed by the residents of the district for the 27776
most recent year for which this information is available. 27777

(B) On or before the first day of May each year, the tax 27778
commissioner shall certify to the department of education and the 27779
office of budget and management the total taxable real property 27780
value of railroads and, separately, the total taxable tangible 27781
personal property value of all public utilities for the preceding 27782
tax year, by school district and by county of location. 27783

(C) If on the basis of the information certified under 27784
division (A) of this section, the department determines that any 27785
district fails in any year to meet the qualification requirement 27786
specified in division (A) of section 3317.01 of the Revised Code, 27787
the department shall immediately request the tax commissioner to 27788

determine the extent to which any school district income tax 27789
levied by the district under Chapter 5748. of the Revised Code 27790
shall be included in meeting that requirement. Within five days of 27791
receiving such a request from the department, the tax commissioner 27792
shall make the determination required by this division and report 27793
the quotient obtained under division (C)(3) of this section to the 27794
department and the office of budget and management. This quotient 27795
represents the number of mills that the department shall include 27796
in determining whether the district meets the qualification 27797
requirement of division (A) of section 3317.01 of the Revised 27798
Code. 27799

The tax commissioner shall make the determination required by 27800
this division as follows: 27801

(1) Multiply one mill times the total taxable value of the 27802
district as determined in divisions (A)(1) and (2) of this 27803
section; 27804

(2) Estimate the total amount of tax liability for the 27805
current tax year under taxes levied by Chapter 5748. of the 27806
Revised Code that are apportioned to current operating expenses of 27807
the district, excluding any income tax receipts allocated for the 27808
project cost, debt service, or maintenance set-aside associated 27809
with a state-assisted classroom facilities project as authorized 27810
by section 3318.052 of the Revised Code; 27811

(3) Divide the amount estimated under division (C)(2) of this 27812
section by the product obtained under division (C)(1) of this 27813
section. 27814

Sec. 3317.022. The department of education shall compute and 27815
distribute state core foundation funding to each eligible funding 27816
unit that is a city, local, or exempted village school district, 27817
the community and STEM school unit, the educational choice 27818
scholarship unit, the pilot project scholarship unit, the autism 27819

scholarship unit, and the Jon Peterson special needs scholarship 27820
unit for the fiscal year, using the information obtained under 27821
section 3317.021 of the Revised Code in the calendar year in which 27822
the fiscal year begins in accordance with the following: 27823

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for a funding unit 27824
that is a city, local, or exempted village school district: 27825

The district's funding base + [(the district's state core 27826
foundation funding components for that fiscal year calculated 27827
under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this 27828
section - the district's general funding base calculated in 27829
accordance with division (N)(1) of section 3317.02 of the Revised 27830
Code) X the district's general phase-in percentage for that fiscal 27831
year] + [(the district's disadvantaged pupil impact aid for that 27832
fiscal year calculated under division (A)(4) of this section - the 27833
district's disadvantaged pupil impact aid funding base calculated 27834
in accordance with division (N)(2) of section 3317.02 of the 27835
Revised Code) X the district's phase-in percentage for 27836
disadvantaged pupil impact aid for that fiscal year] + the 27837
district's supplemental targeted assistance funds calculated under 27838
section 3317.0218 of the Revised Code 27839

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 27840
for a funding unit that is a city, local, or exempted village 27841
school district, the sum of the district's state core foundation 27842
funding components for that fiscal year calculated under divisions 27843
(A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and 27844
the district's supplemental targeted assistance funds calculated 27845
under section 3317.0218 of the Revised Code, if the general 27846
assembly authorizes such payments to these funding units. 27847

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for the community 27848
and STEM school unit, an amount calculated in accordance with 27849
section 3317.026 of the Revised Code. 27850

For fiscal years ~~2024~~ 2026 and each fiscal year thereafter, 27851
for the community and STEM school unit, an amount calculated in 27852
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 27853
of this section, if the general assembly authorizes such payments 27854
to these funding units. 27855

For the educational choice scholarship unit, the amount 27856
calculated under division (A)(10) of this section. 27857

For the pilot project scholarship unit, the amount calculated 27858
under division (A)(11) of this section. 27859

For the autism scholarship unit, the amount calculated under 27860
division (A)(12) of this section. 27861

For the Jon Peterson special needs scholarship unit, the 27862
amount calculated under division (A)(13) of this section. 27863

(A) A funding unit's state core foundation funding components 27864
shall be the following: 27865

(1)(a) If the funding unit is a city, local, or exempted 27866
village school district, the district's state share, which is 27867
equal to the following: 27868

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 27869
calculated under division (B) of section 3317.017 of the Revised 27870
Code; 27871

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 27872
thereafter, an amount calculated in a manner determined by the 27873
general assembly. 27874

(b) If the funding unit is the community and STEM school 27875
unit, the aggregate base cost for all schools in that unit, which 27876
is equal to the following: 27877

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 27878
calculated under section 3317.0110 of the Revised Code; 27879

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 27880

thereafter, an amount calculated in a manner determined by the 27881
general assembly. 27882

(2) If the funding unit is a city, local, or exempted village 27883
school district, targeted assistance funds equal to the following: 27884

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 27885
calculated under section 3317.0217 of the Revised Code; 27886

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 27887
thereafter, an amount calculated in a manner determined by the 27888
general assembly. 27889

(3) If the funding unit is a city, local, or exempted village 27890
school district or the community and STEM school unit, additional 27891
state aid for special education and related services provided 27892
under Chapter 3323. of the Revised Code calculated as follows: 27893

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 27894
following: 27895

(i) The funding unit's category one special education ADM X 27896
the multiple specified in division (A) of section 3317.013 of the 27897
Revised Code X the statewide average base cost per pupil for that 27898
fiscal year X if the funding unit is a city, local, or exempted 27899
village school district, the district's state share percentage; 27900

(ii) The funding unit's category two special education ADM X 27901
the multiple specified in division (B) of section 3317.013 of the 27902
Revised Code X the statewide average base cost per pupil for that 27903
fiscal year X if the funding unit is a city, local, or exempted 27904
village school district, the district's state share percentage; 27905

(iii) The funding unit's category three special education ADM 27906
X the multiple specified in division (C) of section 3317.013 of 27907
the Revised Code X the statewide average base cost per pupil for 27908
that fiscal year X if the funding unit is a city, local, or 27909
exempted village school district, the district's state share 27910

percentage; 27911

(iv) The funding unit's category four special education ADM X 27912
the multiple specified in division (D) of section 3317.013 of the 27913
Revised Code X the statewide average base cost per pupil for that 27914
fiscal year X if the funding unit is a city, local, or exempted 27915
village school district, the district's state share percentage; 27916

(v) The funding unit's category five special education ADM X 27917
the multiple specified in division (E) of section 3317.013 of the 27918
Revised Code X the statewide average base cost per pupil for that 27919
fiscal year X if the funding unit is a city, local, or exempted 27920
village school district, the district's state share percentage; 27921

(vi) The funding unit's category six special education ADM X 27922
the multiple specified in division (F) of section 3317.013 of the 27923
Revised Code X the statewide average base cost per pupil for that 27924
fiscal year X if the funding unit is a city, local, or exempted 27925
village school district, the district's state share percentage. 27926

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 27927
thereafter, the sum of the following: 27928

(i) An amount calculated in a manner determined by the 27929
general assembly times the funding unit's category one special 27930
education ADM; 27931

(ii) An amount calculated in a manner determined by the 27932
general assembly times the funding unit's category two special 27933
education ADM; 27934

(iii) An amount calculated in a manner determined by the 27935
general assembly times the funding unit's category three special 27936
education ADM; 27937

(iv) An amount calculated in a manner determined by the 27938
general assembly times the funding unit's category four special 27939
education ADM; 27940

(v) An amount calculated in a manner determined by the 27941
general assembly times the funding unit's category five special 27942
education ADM; 27943

(vi) An amount calculated in a manner determined by the 27944
general assembly times the funding unit's category six special 27945
education ADM. 27946

(4) If the funding unit is a city, local, or exempted village 27947
school district or the community and STEM school unit, 27948
disadvantaged pupil impact aid calculated according to the 27949
following formula: 27950

(a) If the funding unit is a city, local, or exempted village 27951
school district, an amount equal to the following: 27952

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 27953
product: 27954

\$422 X (the district's economically disadvantaged index) X the 27955
number of students who are economically disadvantaged as certified 27956
under division (B)(21) of section 3317.03 of the Revised Code 27957

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 27958
thereafter, an amount calculated in a manner determined by the 27959
general assembly. 27960

(b) If the funding unit is the community and STEM school 27961
unit, an amount equal to the following: 27962

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 27963
calculated as follows: 27964

(I) For each student in the funding unit's enrolled ADM who 27965
is economically disadvantaged and is not enrolled in an internet- 27966
or computer-based community school, multiply \$422 by the 27967
economically disadvantaged index of the school in which the 27968
student is enrolled; 27969

(II) Compute the funding unit's disadvantaged pupil impact 27970

aid by calculating the sum of the amounts determined under 27971
division (A)(4)(b)(i)(I) of this section. 27972

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 27973
thereafter, an amount calculated as follows: 27974

(I) For each student in the funding unit's enrolled ADM who 27975
is economically disadvantaged and is not enrolled in an internet- 27976
or computer-based community school, calculate an amount in the 27977
manner determined by the general assembly; 27978

(II) Compute the funding unit's disadvantaged pupil impact 27979
aid by calculating the sum of the amounts determined under 27980
division (A)(4)(b)(ii)(I) of this section. 27981

(5) If the funding unit is a city, local, or exempted village 27982
school district or the community and STEM school unit, English 27983
learner funds calculated as follows: 27984

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 27985
following: 27986

(i) The funding unit's category one English learner ADM X the 27987
multiple specified in division (A) of section 3317.016 of the 27988
Revised Code X the statewide average base cost per pupil for that 27989
fiscal year X if the funding unit is a city, local, or exempted 27990
village school district, the district's state share percentage; 27991

(ii) The funding unit's category two English learner ADM X 27992
the multiple specified in division (B) of section 3317.016 of the 27993
Revised Code X the statewide average base cost per pupil for that 27994
fiscal year X if the funding unit is a city, local, or exempted 27995
village school district, the district's state share percentage; 27996

(iii) The funding unit's category three English learner ADM X 27997
the multiple specified in division (C) of section 3317.016 of the 27998
Revised Code X the statewide average base cost per pupil for that 27999
fiscal year X if the funding unit is a city, local, or exempted 28000

village school district, the district's state share percentage. 28001

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 28002
thereafter, the sum of the following: 28003

(i) An amount calculated in a manner determined by the 28004
general assembly times the funding unit's category one English 28005
learner ADM; 28006

(ii) An amount calculated in a manner determined by the 28007
general assembly times the funding unit's category two English 28008
learner ADM; 28009

(iii) An amount calculated in a manner determined by the 28010
general assembly times the funding unit's category three English 28011
learner ADM. 28012

(6)(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if the 28013
funding unit is a city, local, or exempted village school 28014
district, all of the following: 28015

(i) Gifted identification funds calculated according to the 28016
following formula: 28017

\$24 X the district's enrolled ADM for grades kindergarten through 28018
six X the district's state share percentage 28019

(ii) Gifted referral funds calculated according to the 28020
following formula: 28021

\$2.50 X the district's enrolled ADM X the district's state share 28022
percentage 28023

(iii) Gifted professional development funds calculated 28024
according to the following formula: 28025

(The greater of the number of gifted students enrolled in the 28026
district as certified under division (B)(22) of section 3317.03 of 28027
the Revised Code and ten per cent of the district's enrolled ADM) 28028
X the district's state share percentage X ~~\$7~~ \$21, for fiscal year 28029
~~2022~~ 2024, or ~~\$14~~ \$28, for fiscal year ~~2023~~ 2025 28030

(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code. 28031
28032

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, all of the following: 28033
28034

(i) Gifted identification funds calculated in a manner determined by the general assembly; 28035
28036

(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment; 28037
28038
28039

(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment; 28040
28041
28042

(iv) Gifted unit funding calculated in an amount determined by the general assembly. 28043
28044

(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code. 28045
28046
28047
28048

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code. 28049
28050
28051
28052

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows: 28053
28054

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following: 28055
28056

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the 28057
28058
28059
28060

Revised Code / the funding unit's enrolled ADM) X.20] 28061

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 28062
thereafter, an amount calculated in a manner determined by the 28063
general assembly. 28064

(10) If the funding unit is the educational choice 28065
scholarship unit, an amount calculated as follows: 28066

(a) For each student in the funding unit's enrolled ADM, 28067
determine the lesser of the following: 28068

(i) The base tuition of the chartered nonpublic school in 28069
which the student is enrolled minus the total amount of any 28070
applicable tuition discounts for which the student qualifies; 28071

(ii) \$5,500, if the student is in grades kindergarten through 28072
eight, or \$7,500, if the student is in grades nine through twelve. 28073

The amounts specified in division (A)(10)(a)(ii) of this 28074
section shall increase in future fiscal years by the same 28075
percentage that the statewide average base cost per pupil 28076
increases in future fiscal years. 28077

(b) Compute the sum of the amounts calculated under division 28078
(A)(10)(a) of this section. 28079

(11) If the funding unit is the pilot project scholarship 28080
unit, an amount calculated as follows: 28081

(a) For each student in the funding unit's enrolled ADM, 28082
determine the lesser of the following: 28083

(i) The net tuition charges of the student's alternative 28084
school; 28085

(ii) \$5,500, if the student is in grades kindergarten through 28086
eight, or \$7,500, if the student is in grades nine through twelve. 28087

The amounts specified in division (A)(11)(a)(ii) of this 28088
section shall increase in future fiscal years by the same 28089
percentage that the statewide average base cost per pupil 28090

increases in future fiscal years. 28091

For purposes of division (A)(11)(a) of this section, the net 28092
tuition and fees charged to a student shall be the tuition amount 28093
specified by the alternative school minus all other financial aid, 28094
discounts, and adjustments received for the student. In cases 28095
where discounts are offered for multiple students from the same 28096
family, and not all students in the same family are scholarship 28097
recipients, the net tuition amount attributable to the scholarship 28098
recipient shall be the lowest net tuition to which the family is 28099
entitled. 28100

The department shall provide for an increase in the amount 28101
determined for any student who is an LRE student with a disability 28102
and shall further increase such amount in the case of any 28103
separately educated student with a disability, as that term is 28104
defined in section 3313.974 of the Revised Code. Such increases 28105
shall take into account the instruction, related services, and 28106
transportation costs of educating such students. 28107

(b) Compute the sum of the amounts calculated under division 28108
(A)(17)(a) of this section. 28109

(12) If the funding unit is the autism scholarship unit, an 28110
amount calculated as follows: 28111

(a) For each student in the funding unit's enrolled ADM, 28112
determine the lesser of the following: 28113

(i) The tuition charged for the student's special education 28114
program, as that term is defined in section 3310.41 of the Revised 28115
Code; 28116

(ii) ~~\$31,500, for fiscal year 2022, and \$32,445, for fiscal~~ 28117
~~year 2023 and each fiscal year thereafter.~~ 28118

(b) Compute the sum of the amounts calculated under division 28119
(A)(12)(a) of this section. 28120

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:	28121 28122
(a) For each student in the funding unit's enrolled ADM, determine the least of the following:	28123 28124
(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;	28125 28126 28127 28128
(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:	28129 28130
(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023;	28131 28132 28133 28134
(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023;	28135 28136 28137 28138
(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023;	28139 28140 28141 28142
(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023;	28143 28144 28145 28146
(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023;	28147 28148 28149 28150

(VI) If the student is receiving special education services 28151
for a disability specified in division (F) of section 3317.013 of 28152
the Revised Code, ~~\$24,591, for fiscal year 2022, and \$25,370, for~~ 28153
~~fiscal year 2023.~~ 28154

(iii) \$27,000. 28155

The amount specified ~~for fiscal year 2023~~ in division 28156
(A)(13)(a)(ii) of this section shall increase in future fiscal 28157
years by the same percentage that the statewide average base cost 28158
per pupil increases in future fiscal years. 28159

The amounts specified ~~for fiscal year 2023~~ in divisions 28160
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 28161
fiscal years by the same percentage that the amounts calculated by 28162
the general assembly for those categories of special education 28163
services under division (A)(3) of this section increase in future 28164
fiscal years. 28165

(b) Compute the sum of the amounts calculated under division 28166
(A)(13)(a) of this section. 28167

(B) In any fiscal year, a funding unit that is a city, local, 28168
or exempted village school district shall spend for purposes that 28169
the department designates as approved for special education and 28170
related services expenses at least the amount calculated as 28171
follows: 28172

(The base cost per pupil calculated for the district for that 28173
fiscal year X the total special education ADM) + (the district's 28174
category one special education ADM X the multiple specified in 28175
division (A) of section 3317.013 of the Revised Code X the 28176
statewide average base cost per pupil) + (the district's category 28177
two special education ADM X the multiple specified in division (B) 28178
of section 3317.013 of the Revised Code X the statewide average 28179
base cost per pupil) + (the district's category three special 28180
education ADM X the multiple specified in division (C) of section 28181

3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

(C) A funding unit that is a city, local, or exempted village school district shall spend the funds it receives under division (A)(4) of this section in accordance with section 3317.25 of the Revised Code.

(D)(1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> :	28214
The aggregate base cost calculated for the school for that fiscal	28215
year under section 3317.0110 of the Revised Code / the number of	28216
students enrolled in the school for that fiscal year	28217
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year	28218
thereafter, an amount determined by the general assembly under	28219
division (A)(1)(b)(ii) of this section divided by the number of	28220
students enrolled in the school for that fiscal year.	28221
(b) If the student is a special education student:	28222
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the multiple	28223
specified for the student's special education category under	28224
section 3317.013 of the Revised Code times the statewide average	28225
base cost per pupil;	28226
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year	28227
thereafter, the amount calculated for the student's special	28228
education category in a manner determined by the general assembly	28229
under division (A)(3)(b) of this section.	28230
(c) If the school is not an internet- or computer-based	28231
community school and the student is economically disadvantaged:	28232
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the amount	28233
calculated for the student under division (A)(4)(b)(i)(I) of this	28234
section;	28235
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year	28236
thereafter, an amount calculated for the student in the manner	28237
determined by the general assembly under division (A)(4)(b)(ii)(I)	28238
of this section.	28239
(d) If the school is not an internet- or computer-based	28240
community school and the student is an English learner:	28241
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the multiple	28242
specified for the student's English learner category under section	28243

3317.016 of the Revised Code times the statewide average base cost per pupil; 28244
28245

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section. 28246
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(e) If the student is a career-technical education student: 28250

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 28251
28252
28253
28254

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code. 28255
28256
28257
28258

(f) If the student is a career-technical education student: 28259

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 28260
28261
28262
28263

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code. 28264
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(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount equal to the amount calculated for the school under division (A)(9) of this section. 28268
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(E) The department shall distribute to the parent of each student for whom an educational choice scholarship is awarded under section 3310.03 or 3310.032 of the Revised Code, or to the student if at least eighteen years of age, from the funds paid to the educational choice scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(10)(a) of this section. The scholarship shall be distributed in monthly partial payments, and the department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year.

For purposes of divisions (E) and (F) of this section, in the case of a student who is not living with the student's parent, the department shall distribute the scholarship payments to the student's guardian, legal custodian, kinship caregiver, foster caregiver, or caretaker. For the purposes of this division, "caretaker" has the same meaning as in section 3310.033 of the Revised Code, "kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code, and "foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(F) If a student is awarded a pilot project scholarship under sections 3313.974 to 3313.979 of the Revised Code, the department shall distribute to the parent of the student, if the student is attending a registered private school as defined in section 3313.974 of the Revised Code, or the student's school district of attendance, if the scholarship is to be used for payments to a public school in a school district adjacent to the pilot project school district pursuant to section 3327.06 of the Revised Code, a scholarship from the funds paid to the pilot project scholarship unit under this section that is equal to the amount calculated for the student under division (A)(11)(a) of this section.

In the case of a scholarship distributed to a student's

parent, the scholarship shall be distributed in monthly partial 28306
payments. The scholarship amount shall be proportionately reduced 28307
in the case of any such student who is not enrolled in a 28308
registered private school, as that term is defined in section 28309
3313.974 of the Revised Code, for the entire school year. 28310

In the case of a scholarship distributed to a student's 28311
school district of attendance, the department shall, on behalf of 28312
the student's parents, use the scholarship to make the tuition 28313
payments required by section 3327.06 of the Revised Code to the 28314
student's school district of attendance, except that, 28315
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 28316
Revised Code, the total payments in any school year shall not 28317
exceed the scholarship amount calculated for the student under 28318
division (A)(11)(a) of this section. 28319

(G) The department shall distribute to the parent of each 28320
student for whom an autism scholarship is awarded under section 28321
3310.41 of the Revised Code, from the funds paid to the autism 28322
scholarship unit under this section, a scholarship equal to the 28323
amount calculated for the student under division (A)(12)(a) of 28324
this section. The scholarship shall be distributed from time to 28325
time in partial payments. The scholarship amount shall be 28326
proportionately reduced in the case of any student who is not 28327
enrolled in the special education program for which a scholarship 28328
was awarded under section 3310.41 of the Revised Code for the 28329
entire school year. The department shall make no payments to the 28330
parent of a student while any administrative or judicial mediation 28331
or proceedings with respect to the content of the student's 28332
individualized education program are pending. 28333

(H) The department shall distribute to the parent of each 28334
student for whom a Jon Peterson special needs scholarship is 28335
awarded under sections 3310.51 to 3310.64 of the Revised Code, 28336
from the funds paid to the Jon Peterson special needs scholarship 28337

unit under this section, a scholarship equal to the amount 28338
calculated for the student under division (A)(13)(a) of this 28339
section. The scholarship shall be distributed in periodic 28340
payments, and the department shall proportionately reduce or 28341
terminate the payments for any student who is not enrolled in the 28342
special education program of an alternative public provider or a 28343
registered private provider, as those terms are defined in section 28344
3310.51 of the Revised Code, for the entire school year. 28345

(I) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 28346
district shall spend the funds it receives under division (A)(5) 28347
of this section only for services for English learners. 28348

(J) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 28349
district shall spend the funds it receives under division (A)(6) 28350
of this section only for the identification of gifted students, 28351
gifted coordinator services, gifted intervention specialist 28352
services, other service providers approved by the department of 28353
education, and gifted professional development. For fiscal years 28354
~~2022~~ 2024 and ~~2023~~ 2025, if the department determines that a 28355
district is not in compliance with this division, it shall reduce 28356
the district's payments for that fiscal year under this chapter by 28357
an amount equal to the amount paid to the district for that fiscal 28358
year under division (A)(6) of this section that was not spent in 28359
accordance with this division. 28360

Sec. 3317.024. The following shall be distributed monthly, 28361
quarterly, or annually as may be determined by the state board of 28362
education: 28363

(A) An amount for each island school district and each joint 28364
state school district for the operation of each high school and 28365
each elementary school maintained within such district and for 28366
capital improvements for such schools. Such amounts shall be 28367
determined on the basis of standards adopted by the state board of 28368

education. However, for fiscal years 2012 and 2013, an island 28369
district shall receive the lesser of its actual cost of operation, 28370
as certified to the department of education, or ninety-three per 28371
cent of the amount the district received in state operating 28372
funding for fiscal year 2011. If an island district received no 28373
funding for fiscal year 2011, it shall receive no funding for 28374
either of fiscal year 2012 or 2013. 28375

(B) An amount for each school district required to pay 28376
tuition for a child in an institution maintained by the department 28377
of youth services pursuant to section 3317.082 of the Revised 28378
Code, provided the child was not included in the calculation of 28379
the district's formula ADM, as that term is defined in section 28380
3317.02 of the Revised Code, for the preceding school year. 28381

(C)(1) An amount for the approved cost of transporting 28382
eligible pupils with disabilities attending a special education 28383
program approved by the department of education whom it is 28384
impossible or impractical to transport by regular school bus in 28385
the course of regular route transportation provided by the school 28386
district or educational service center. For fiscal years ~~2022~~ 2024 28387
and ~~2023~~ 2025, this amount shall be equal to the actual costs 28388
incurred in the prior fiscal year by the district or service 28389
center when transporting those students, as reported to the 28390
department, multiplied by one of the following: 28391

(a) For a district, the percentage determined for the 28392
district for that fiscal year under divisions (E)(1)(c)(i) and 28393
(ii) of section 3317.0212 of the Revised Code; 28394

(b) For a service center, ~~twenty-nine~~ thirty-seven and 28395
~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 2024 and 28396
~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent for 28397
fiscal year ~~2023~~ 2025. 28398

(2) No district or service center is eligible to receive a 28399

payment under division (C) of this section for the cost of 28400
transporting any pupil whom it transports by regular school bus 28401
and who is included in the district's transportation ADM. 28402

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, both of the 28403
following apply: 28404

(a) The state board shall also establish the deadline for 28405
each district and service center to report its actual costs for 28406
transporting students described in division (C)(1) of this 28407
section. 28408

(b) The costs reported by each district and service center 28409
under division (C) of this section shall be subject to periodic, 28410
random audits by the department. 28411

(D) An amount to each school district, including each 28412
cooperative education school district, pursuant to section 3313.81 28413
of the Revised Code to assist in providing free lunches to needy 28414
children. The amounts shall be determined on the basis of rules 28415
adopted by the state board of education. 28416

(E)(1) An amount for auxiliary services to each school 28417
district, for each pupil attending a chartered nonpublic 28418
elementary or high school within the district that has not elected 28419
to receive funds under division (E)(2) of this section. 28420

(2)(a) An amount for auxiliary services paid directly to each 28421
chartered nonpublic school that has elected to receive funds under 28422
division (E)(2) of this section for each pupil attending the 28423
school. To elect to receive funds under division (E)(2) of this 28424
section, a school, by the first day of April of each odd-numbered 28425
year, shall notify the department and the school district in which 28426
the school is located of the election and shall submit to the 28427
department an affidavit certifying that the school shall expend 28428
the funds in the manner outlined in section 3317.062 of the 28429
Revised Code. The election shall take effect the following first 28430

day of July. The school subsequently may rescind its election, but 28431
it may do so only in an odd-numbered year by notifying the 28432
department and the school district in which the school is located 28433
of the rescission not later than the first day of April of that 28434
year. Beginning the following first day of July after the 28435
rescission, the school shall receive funds under division (E)(1) 28436
of this section. 28437

(b) Not later later than ten days after the notification of 28438
approval and issuance of a charter to a nonpublic school, that 28439
school may elect to receive funds under division (E)(2) of this 28440
section. If no election is made, the chartered nonpublic school 28441
shall receive funds under division (E)(1) of this section. The 28442
school may subsequently change its election in accordance with 28443
division (E)(2)(a) of this section. 28444

(c) A chartered nonpublic school that elects to receive 28445
auxiliary services funds under division (E)(2) of this section may 28446
designate an organization that oversees one or more nonpublic 28447
schools to receive those funds on its behalf. 28448

(i) Each chartered nonpublic school that designates an 28449
organization to receive auxiliary services funds on its behalf 28450
shall notify the department of education of the organization's 28451
name not later than the first day of April of each odd-numbered 28452
year. 28453

(ii) A school may rescind its decision, but may do so only in 28454
each odd-numbered year by notifying the department of that 28455
rescission not later than the first day of April of that year. A 28456
rescission submitted in compliance with this division takes effect 28457
on the following first day of July, and the school district may 28458
elect to then begin receiving auxiliary services funds directly or 28459
as specified under division (E)(1) of this section. 28460

(iii) An organization shall disburse the auxiliary services 28461

funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with division ~~(E)(2)(b)~~ (E)(2)(c) of this section. If multiple chartered nonpublic schools designate the same organization to receive auxiliary services funds on their behalf, that organization may use one or more accounts for the purposes of managing the funds. The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled.

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E)(2) of this section or the organization designated to receive and disburse auxiliary services funds on behalf of a chartered nonpublic school shall maintain records of receipt and expenditures of the funds in a manner that conforms with generally accepted accounting principles.

(v) The department of education shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division ~~(E)(2)(b)~~ (E)(2)(c) of this section may use to comply with division ~~(E)(2)(b)(iv)~~ (E)(2)(c)(iv) of this section. However, the department shall not require schools to use that form.

(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division ~~(E)(2)(b)~~ (E)(2)(c) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division ~~(E)(2)(b)(vi)~~ (E)(2)(c)(vi) of this section using auxiliary services funds.

~~(e)~~(d) The amount paid under divisions (E)(1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day of October of each school year.

(F) An amount for each county board of developmental disabilities for the approved cost of transportation required for children attending special education programs operated by the county board under section 3323.09 of the Revised Code. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, this amount shall be equal to the actual costs incurred in the prior fiscal year by the county board when transporting those students multiplied by ~~twenty-nine~~ thirty-seven and ~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 2024 and ~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent for fiscal year ~~2023~~ 2025.

(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state or any agency, department, or political subdivision thereof.

Sec. 3317.026. This section shall apply only for fiscal years 28526
~~2022~~ 2024 and ~~2023~~ 2025. 28527

(A) For each fiscal year, the department of education shall 28528
calculate an amount for the community and STEM school unit as 28529
follows: 28530

(1) For each community school and STEM school, determine the 28531
sum of the following: 28532

(a) The aggregate base cost calculated for the school for 28533
that fiscal year under section 3317.0110 of the Revised Code; 28534

(b) The sum of the following: 28535

(i) The school's category one special education ADM X the 28536
multiple specified in division (A) of section 3317.013 of the 28537
Revised Code X the statewide average base cost per pupil for that 28538
fiscal year; 28539

(ii) The school's category two special education ADM X the 28540
multiple specified in division (B) of section 3317.013 of the 28541
Revised Code X the statewide average base cost per pupil for that 28542
fiscal year; 28543

(iii) The school's category three special education ADM X the 28544
multiple specified in division (C) of section 3317.013 of the 28545
Revised Code X the statewide average base cost per pupil for that 28546
fiscal year; 28547

(iv) The school's category four special education ADM X the 28548
multiple specified in division (D) of section 3317.013 of the 28549
Revised Code X the statewide average base cost per pupil for that 28550
fiscal year; 28551

(v) The school's category five special education ADM X the 28552
multiple specified in division (E) of section 3317.013 of the 28553
Revised Code X the statewide average base cost per pupil for that 28554
fiscal year; 28555

(vi) The school's category six special education ADM X the 28556
multiple specified in division (F) of section 3317.013 of the 28557
Revised Code X the statewide average base cost per pupil for that 28558
fiscal year. 28559

(c) If the school is not an internet- or computer-based 28560
community school, an amount of disadvantaged pupil impact aid 28561
equal to the following: 28562

\$422 X the school's economically disadvantaged index X the number 28563
of students in the school's enrolled ADM who are economically 28564
disadvantaged 28565

(d) If the school is not an internet- or computer-based 28566
community school, the sum of the following: 28567

(i) The school's category one English learner ADM X the 28568
multiple specified in division (A) of section 3317.016 of the 28569
Revised Code X the statewide average base cost per pupil for that 28570
fiscal year; 28571

(ii) The school's category two English learner ADM X the 28572
multiple specified in division (B) of section 3317.016 of the 28573
Revised Code X the statewide average base cost per pupil for that 28574
fiscal year; 28575

(iii) The school's category three English learner ADM X the 28576
multiple specified in division (C) of section 3317.016 of the 28577
Revised Code X the statewide average base cost per pupil for that 28578
fiscal year. 28579

(e) The sum of the following: 28580

(i) The school's category one career-technical education ADM 28581
X the multiple specified under division (A)(1) of section 3317.014 28582
of the Revised Code X the statewide average career-technical base 28583
cost per pupil for that fiscal year; 28584

(ii) The school's category two career-technical education ADM 28585

X the multiple specified under division (A)(2) of section 3317.014	28586
of the Revised Code X the statewide average career-technical base	28587
cost per pupil for that fiscal year;	28588
(iii) The school's category three career-technical education	28589
ADM X the multiple specified under division (A)(3) of section	28590
3317.014 of the Revised Code X the statewide average	28591
career-technical base cost per pupil for that fiscal year;	28592
(iv) The school's category four career-technical education	28593
ADM X the multiple specified under division (A)(4) of section	28594
3317.014 of the Revised Code X the statewide average	28595
career-technical base cost per pupil for that fiscal year;	28596
(v) The school's category five career-technical education ADM	28597
X the multiple specified under division (A)(5) of section 3317.014	28598
of the Revised Code X the statewide average career-technical base	28599
cost per pupil for that fiscal year.	28600
(f) An amount equal to the following:	28601
The multiple for career-technical associated services specified	28602
under division (B) of section 3317.014 of the Revised Code X the	28603
statewide average career-technical base cost per pupil for that	28604
fiscal year X the sum of the school's categories one through five	28605
career-technical education ADM	28606
(g) If the school is a community school, an amount equal to	28607
the following:	28608
The number of students reported by the community school under	28609
division (B)(5) of section 3314.08 of the Revised Code X (the	28610
aggregate base cost calculated for the school for that fiscal year	28611
under section 3317.0110 of the Revised Code / the school's	28612
enrolled ADM) X 0.20	28613
(2) For each community and STEM school, determine the lesser	28614
of the following:	28615
(a) The following sum:	28616

The school's funding base + {[the sum calculated for the school 28617
under division (A) of this section) - the school's funding base] X 28618
the school's general phase-in percentage for that fiscal year} 28619

(b) The sum of the amounts calculated for the school for that 28620
fiscal year under division (A) of this section. 28621

(3) Compute the sum of the amounts determined under division 28622
(B) of this section to determine the amount calculated for the 28623
community and STEM school unit. 28624

(B) Notwithstanding division (D) of section 3317.022 of the 28625
Revised Code, for each fiscal year, the department shall 28626
distribute to each community school and each STEM school, from the 28627
funds paid to the community and STEM school unit under section 28628
3317.022 of the Revised Code, an amount equal to the amount 28629
determined for that school under division (A)(2) of this section. 28630

Sec. 3317.0212. (A) As used in this section: 28631

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "assigned bus" 28632
means a school bus used to transport qualifying riders. 28633

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "density" means 28634
the total riders per square mile of a school district. 28635

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "nontraditional 28636
ridership" means the average number of qualifying riders who are 28637
enrolled in a community school established under Chapter 3314. of 28638
the Revised Code, in a STEM school established under Chapter 3326. 28639
of the Revised Code, or in a nonpublic school and are provided 28640
school bus service by a school district during the first full week 28641
of October. 28642

(4) "Qualifying riders" means the following: 28643

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, resident 28644
students enrolled in preschool and regular education in grades 28645
kindergarten to twelve who are provided school bus service by a 28646

school district, including students with dual enrollment in a 28647
joint vocational school district or a cooperative education school 28648
district, and students enrolled in a community school, STEM 28649
school, or nonpublic school; 28650

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 28651
thereafter, students specified by the general assembly. 28652

(5) "Qualifying ridership" means the following: 28653

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the greater of 28654
the average number of qualifying riders counted in the morning or 28655
counted in the afternoon who are provided school bus service by a 28656
school district during the first full week of October; 28657

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 28658
thereafter, a ridership determined in a manner specified by the 28659
general assembly. 28660

(6) "Rider density" means the following: 28661

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 28662
quotient: 28663

A school district's total number of qualifying riders/ the number 28664
of square miles in the district 28665

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 28666
thereafter, a number calculated in a manner determined by the 28667
general assembly. 28668

(7) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "riders" means 28669
students enrolled in regular and special education in grades 28670
kindergarten through twelve who are provided school bus service by 28671
a school district, including students with dual enrollment in a 28672
joint vocational school district or a cooperative education school 28673
district, and students enrolled in a community school, STEM 28674
school, or nonpublic school. 28675

(8) "School bus service" means a school district's 28676

transportation of qualifying riders in any of the following types 28677
of vehicles: 28678

(a) School buses owned or leased by the district; 28679

(b) School buses operated by a private contractor hired by 28680
the district; 28681

(c) School buses operated by another school district or 28682
entity with which the district has contracted, either as part of a 28683
consortium for the provision of transportation or otherwise. 28684

(B) Not later than the first day of November, for fiscal 28685
years ~~2022~~ 2024 and ~~2023~~ 2025, or a date determined by the general 28686
assembly, for fiscal year ~~2024~~ 2026 and each fiscal year 28687
thereafter, of each year, each city, local, and exempted village 28688
school district shall report to the department of education its 28689
qualifying ridership and any other information requested by the 28690
department. Subsequent adjustments to the reported numbers shall 28691
be made only in accordance with rules adopted by the department. 28692

(C) The department shall calculate the statewide 28693
transportation cost per student as follows: 28694

(1) Determine each city, local, and exempted village school 28695
district's transportation cost per student by dividing the 28696
district's total costs for school bus service in the previous 28697
fiscal year by its qualifying ridership in the previous fiscal 28698
year. 28699

(2) After excluding districts that do not provide school bus 28700
service and the ten districts with the highest transportation 28701
costs per student and the ten districts with the lowest 28702
transportation costs per student, divide the aggregate cost for 28703
school bus service for the remaining districts in the previous 28704
fiscal year by the aggregate qualifying ridership of those 28705
districts in the previous fiscal year. 28706

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025:

(a) Calculate the sum of the following:

(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;

(iii) 2.0 times the statewide transportation cost per student

times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools. 28737
28738
28739

(b) Calculate the sum of the following: 28740

(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district; 28741
28742
28743
28744

(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools; 28745
28746
28747
28748

(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in nonpublic schools. 28749
28750
28751
28752

(c) Multiply the greater of the amounts calculated under divisions (E)(1)(a) and (b) of this section by the following: 28753
28754

(i) For fiscal year ~~2022~~ 2024, the greater of ~~twenty-nine~~ thirty-seven and ~~one-sixth~~ one-half per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code; 28755
28756
28757
28758

(ii) For fiscal year ~~2023~~ 2025, the greater of ~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent or the district's state share percentage. 28759
28760
28761

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount determined by the general assembly. 28762
28763

(F) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year ~~2024~~ 28764
28765
28766

2026 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such a payment to districts.

(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(H)(1) For purposes of division (H) of this section, a school district's "transportation supplement percentage" means the following:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following quotient:

$$(28 - \text{the district's rider density}) / 100$$

If the result of the calculation for a district under division (H)(1)(a) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E)(1)(b) of this section X 0.55

(I)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according

to the terms of the agreement for each student actually 28829
transported under division (C)(1) of that section. If a community 28830
school governing authority accepts transportation responsibility 28831
under division (B) of that section, the department shall make 28832
payments to the community school for each student actually 28833
transported or for whom transportation is arranged by the 28834
community school under division (C)(1) of that section, calculated 28835
as follows: 28836

(a) For any fiscal year which the general assembly has 28837
specified that transportation payments to school districts be 28838
based on an across-the-board percentage of the district's payment 28839
for the previous school year, the per pupil payment to the 28840
community school shall be the following quotient: 28841

(i) The total amount calculated for the school district in 28842
which the child is entitled to attend school for student 28843
transportation other than transportation of children with 28844
disabilities; divided by 28845

(ii) The number of students included in the district's 28846
transportation ADM for the current fiscal year, as calculated 28847
under section 3317.03 of the Revised Code, plus the number of 28848
students enrolled in the community school not counted in the 28849
district's transportation ADM who are transported under division 28850
(B)(1) or (2) of section 3314.091 of the Revised Code. 28851

(b) For any fiscal year which the general assembly has 28852
specified that the transportation payments to school districts be 28853
calculated in accordance with this section and any rules of the 28854
state board of education implementing this section, the payment to 28855
the community school shall be the following: 28856

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, either of the 28857
following: 28858

(I) If the school district in which the student is entitled 28859

to attend school would have used a method of transportation for 28860
the student for which payments are computed and paid under 28861
division (E) of this section, 1.0 times the statewide 28862
transportation cost per student, as calculated in division (C) of 28863
this section; 28864

(II) If the school district in which the student is entitled 28865
to attend school would have used a method of transportation for 28866
the student for which payments are computed and paid in a manner 28867
described in division (G) of this section, the amount that would 28868
otherwise be computed for and paid to the district. 28869

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 28870
thereafter, an amount calculated in a manner determined by the 28871
general assembly. 28872

The community school, however, is not required to use the 28873
same method to transport the student. 28874

As used in this division, "entitled to attend school" means 28875
entitled to attend school under section 3313.64 or 3313.65 of the 28876
Revised Code. 28877

(2) A community school shall be paid under division (I)(2) of 28878
this section only for students who are eligible as specified in 28879
section 3327.01 of the Revised Code and division (C)(1) of section 28880
3314.091 of the Revised Code, and whose transportation to and from 28881
school is actually provided, who actually utilized transportation 28882
arranged, or for whom a payment in lieu of transportation is made 28883
by the community school's governing authority. To qualify for the 28884
payments, the community school shall report to the department, in 28885
the form and manner required by the department, data on the number 28886
of students transported or whose transportation is arranged, the 28887
number of miles traveled, cost to transport, and any other 28888
information requested by the department. 28889

Sec. 3317.0213. (A) The department of education shall compute 28890
and pay in accordance with this section additional state aid for 28891
preschool children with disabilities to each city, local, and 28892
exempted village school district and to each institution, as 28893
defined in section 3323.091 of the Revised Code. Funding shall be 28894
provided for children who are not enrolled in kindergarten and who 28895
are under age six on the thirtieth day of September of the 28896
academic year, or on the first day of August of the academic year 28897
if the school district in which the child is enrolled has adopted 28898
a resolution under division (A)(3) of section 3321.01 of the 28899
Revised Code, but not less than age three on the first day of 28900
December of the academic year. 28901

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the additional 28902
state aid shall be calculated under the following formula: 28903

(\$4,000 X the number of students who are preschool children 28904
with disabilities) + the sum of the following: 28905

(1) The district's or institution's category one special 28906
education students who are preschool children with disabilities X 28907
the multiple specified in division (A) of section 3317.013 of the 28908
Revised Code X the statewide average base cost per pupil for that 28909
fiscal year X the district's state share percentage X 0.50; 28910

(2) The district's or institution's category two special 28911
education students who are preschool children with disabilities X 28912
the multiple specified in division (B) of section 3317.013 of the 28913
Revised Code X the statewide average base cost per pupil for that 28914
fiscal year X the district's state share percentage X 0.50; 28915

(3) The district's or institution's category three special 28916
education students who are preschool children with disabilities X 28917
the multiple specified in division (C) of section 3317.013 of the 28918
Revised Code X the statewide average base cost per pupil for that 28919
fiscal year X the district's state share percentage X 0.50; 28920

(4) The district's or institution's category four special 28921
education students who are preschool children with disabilities X 28922
the multiple specified in division (D) of section 3317.013 of the 28923
Revised Code X the statewide average base cost per pupil for that 28924
fiscal year X the district's state share percentage X 0.50; 28925

(5) The district's or institution's category five special 28926
education students who are preschool children with disabilities X 28927
the multiple specified in division (E) of section 3317.013 of the 28928
Revised Code X the statewide average base cost per pupil for that 28929
fiscal year X the district's state share percentage X 0.50; 28930

(6) The district's or institution's category six special 28931
education students who are preschool children with disabilities X 28932
the multiple specified in division (F) of section 3317.013 of the 28933
Revised Code X the statewide average base cost per pupil for that 28934
fiscal year X the district's state share percentage X 0.50. 28935

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 28936
the additional state aid shall be calculated for each category of 28937
special education students who are preschool children with 28938
disabilities using a formula specified by the general assembly. 28939

The special education disability categories for preschool 28940
children used in this section are the same categories prescribed 28941
in section 3317.013 of the Revised Code. 28942

As used in division (A) of this section, the state share 28943
percentage of a student enrolled in an institution is the state 28944
share percentage of the school district in which the student is 28945
entitled to attend school under section 3313.64 or 3313.65 of the 28946
Revised Code. 28947

(B) If an educational service center is providing services to 28948
students who are preschool children with disabilities under 28949
agreement with the city, local, or exempted village school 28950
district in which the students are entitled to attend school, that 28951

district may authorize the department to transfer funds computed 28952
under this section to the service center providing those services. 28953

(C) If a county DD board is providing services to students 28954
who are preschool children with disabilities under agreement with 28955
the city, local, or exempted village school district in which the 28956
students are entitled to attend school, the department shall 28957
deduct from the district's payment computed under division (A) of 28958
this section the total amount of those funds that are attributable 28959
to the students served by the county DD board and pay that amount 28960
to that board. 28961

Sec. 3317.0215. (A)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 28962
2025, the department of education shall withhold from the 28963
aggregate amount paid for a fiscal year to each city, local, 28964
exempted village, and joint vocational school district, community 28965
school established under Chapter 3314. of the Revised Code, and 28966
science, technology, engineering, and mathematics school 28967
established under Chapter 3326. of the Revised Code an amount 28968
equal to the following: 28969

(a) In the case of a city, local, or exempted village school 28970
district, the aggregate amount of special education funding paid 28971
to the district under division (A)(3) of section 3317.022 of the 28972
Revised Code times 0.10, subject to any funding limitations 28973
enacted by the general assembly to the computation. 28974

(b) In the case of a community school or STEM school, the 28975
aggregate amount of special education funding paid to the school 28976
under division (A)(1)(b) of section 3317.026 of the Revised Code 28977
times 0.10, subject to any funding limitations enacted by the 28978
general assembly to the computation. 28979

(c) In the case of a joint vocational school district, the 28980
aggregate amount of special education funding paid to the school 28981
under division (A)(2) of section 3317.16 of the Revised Code times 28982

0.10, subject to any funding limitations enacted by the general assembly to the computation. 28983
28984

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school, and science, technology, engineering, and mathematics school an amount determined by the general assembly, if any, for purposes of this section. 28985
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28991

(B) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C)(1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B) of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code. 28992
28993
28994
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For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly. 28998
28999
29000
29001

Sec. 3317.0217. This section shall apply only for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025. 29002
29003

Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code. 29004
29005
29006

(A) For each fiscal year, the department of education shall compute targeted assistance funds for city, local, and exempted village school districts, in accordance with the following formula: 29007
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29009
29010

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that 29011
29012

fiscal year calculated under division (C) of this section	29013
(B) The department shall calculate each district's capacity amount for a fiscal year as follows:	29014 29015
(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum:	29016 29017
(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6)	29018 29019
+ (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4)	29020 29021 29022
(2) Determine the median weighted wealth of all school districts in this state for that fiscal year;	29023 29024
(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year;	29025 29026 29027 29028
(4) Compute each district's capacity amount for that fiscal year as follows:	29029 29030
(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:	29031 29032 29033
(i) The district's capacity index is less than 1.	29034
(ii) The district's enrolled ADM is less than 200.	29035
(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows:	29036 29037 29038 29039
(i) Compute the following amount for the district:	29040
(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth	29041 29042

for that fiscal year X 0.008) 29043

(ii) If the district's enrolled ADM for that fiscal year is 29044
greater than or equal to 200 but less than or equal to 400, the 29045
district's capacity amount for that fiscal year shall be equal to 29046
0.05 X the amount computed under division (B)(4)(b)(i) of this 29047
section. 29048

(iii) If the district's enrolled ADM for that fiscal year is 29049
greater than 400 and less than 600, the district's capacity amount 29050
for that fiscal year shall be calculated in accordance with the 29051
following formula: 29052

{[0.95 X (the district's enrolled ADM for that fiscal year - 29053
400)/200] + 0.05} X the amount computed under division 29054
(B)(4)(b)(i) of this section 29055

(iv) If the district's enrolled ADM for that fiscal year is 29056
greater than or equal to 600, the district's capacity amount for 29057
that fiscal year shall be equal to the amount computed under 29058
division (B)(4)(b)(i) of this section. 29059

(C) The department shall calculate each district's wealth 29060
amount for a fiscal year as follows: 29061

(1) Calculate each district's weighted wealth per pupil for 29062
that fiscal year, which equals the following quotient: 29063

The district's weighted wealth for that fiscal year calculated 29064
under division (B)(1) of this section/ (the district's enrolled 29065
ADM for that fiscal year - the students described in division 29066
(A)(1)(b) of section 3317.03 of the Revised Code + the students 29067
described in division (A)(2)(d) of section 3317.03 of the Revised 29068
Code) 29069

(2) Determine the median weighted wealth per pupil of all 29070
school districts in this state for that fiscal year; 29071

(3) Compute each district's wealth index for that fiscal year 29072
by dividing the median weighted wealth per pupil of all school 29073

districts in this state for that fiscal year by the district's
weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal
year, as follows:

(a) If the district's wealth index computed under division
(C)(3) of this section for that fiscal year is less than 0.8, the
district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division
(C)(3) of this section for that fiscal year is greater than or
equal to 0.8, the district's wealth amount for that fiscal year
shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in
this state for that fiscal year X 0.014) - (the district's
weighted wealth per pupil for that fiscal year X 0.0112)] X the
district's enrolled ADM for that fiscal year

Sec. 3317.0218. This section shall apply only for fiscal
years ~~2022~~ 2024 and ~~2023~~ 2025.

For each fiscal year, the department of education shall
compute supplemental targeted assistance for each city, local, and
exempted village school district as follows:

(A) Determine if the district satisfies both of the following
criteria:

(1) The wealth index calculated for the district for fiscal
year 2019 under division (A)(4) of former section 3317.0217 of the
Revised Code as it existed prior to ~~the effective date of this~~
~~section~~ September 30, 2021, is greater than 1.6;

(2) The district's enrolled ADM for fiscal year 2019 is less
than eighty-eight per cent of the district's total ADM for fiscal
year 2019.

(B) Determine the maximum of the wealth indices calculated

under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to ~~the effective date of this section~~ September 30, 2021, for all districts that satisfy both of the criteria specified under division (A) of this section;

(C) If the district satisfies both of the criteria specified under division (A) of this section, compute the district's supplemental amount as the product of the following:

(1) $\{[(\text{The number specified under division (A)(1) of this section} - 1.6) / (\text{the number determined under division (B) of this section} - 1.6)] \times 675\} + 75$;

(2) The district's enrolled ADM.

(D) If the district does not satisfy both of the criteria specified under division (A) of this section, the district's supplemental amount shall be equal to zero.

Sec. 3317.051. (A) The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following sum:

(\$85,776 X the number of units allocated to a school district under division (B)(1)(a) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B)(1)(b) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B)(1)(c) of this section X the district's state share percentage)

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.11. (A) As used in this section:

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "base amount" is equal to \$356,250.

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base"

means an amount calculated by the department of education that is 29163
equal to the amount an educational service center would have 29164
received under Section 265.360 of H.B. 166 of the 133rd general 29165
assembly for fiscal year 2020 using the student counts of the 29166
school districts with which the service center has service 29167
agreements for the fiscal year for which payments under this 29168
section are being made. 29169

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "general 29170
phase-in percentage" for an educational service center means the 29171
"general phase-in percentage" for school districts as defined in 29172
section 3317.02 of the Revised Code. 29173

(4) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "student count" 29174
means the count calculated under division (G)(1) of section 29175
3313.843 of the Revised Code. 29176

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the 29177
department of education shall pay the governing board of each 29178
educational service center an amount equal to the following: 29179

The educational service center's funding base + [(the amount 29180
calculated for the educational service center for that fiscal year 29181
under division (C) of this section - the educational service 29182
center's funding base) X the educational service center's general 29183
phase-in percentage for that fiscal year] 29184

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 29185
thereafter, the department shall pay the governing board of each 29186
educational service center an amount calculated in a manner 29187
determined by the general assembly. 29188

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 29189
shall calculate an amount for each educational service center as 29190
follows: 29191

(1) If the educational service center has a student count of 29192
5,000 students or less, the base amount. 29193

(2) If the educational service center has a student count 29194
greater than 5,000 students but less than or equal to 35,000 29195
students, the following sum: 29196
The base amount + [(the educational service center's student count 29197
- 5,000) X \$24.72] 29198

(3) If the educational service center has a student count 29199
greater than 35,000 students, the following sum: 29200
The base amount + (30,000 X \$24.72) + [(the educational service 29201
center's student count - 35,000) X \$30.90] 29202

Sec. 3317.16. The department of education shall compute and 29203
distribute state core foundation funding to each funding unit that 29204
is a joint vocational school district for the fiscal year as 29205
follows: 29206

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 29207

The district's funding base + [(the district's state core 29208
foundation funding components for that fiscal year calculated 29209
under divisions (A)(1), (2), (4), (5), and (6) of this section - 29210
the district's general funding base) X the district's general 29211
phase-in percentage for that fiscal year] + [(the district's 29212
disadvantaged pupil impact aid for that fiscal year calculated 29213
under division (A)(3) of this section - the district's 29214
disadvantaged pupil impact aid funding base) X the district's 29215
phase-in percentage for disadvantaged pupil impact aid for that 29216
fiscal year] 29217

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 29218
the sum of the district's state core foundation funding components 29219
for that fiscal year calculated under divisions (A)(1), (2), (3), 29220
(4), (5), and (6) of this section. 29221

(A) A district's state core foundation funding components 29222
shall be all of the following: 29223

(1) The district's state share of the base cost, which is equal to the following:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount calculated according to the following formula:

(The district's base cost calculated under section 3317.012 of the Revised Code) - (0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation)

However, no district shall receive an amount under division (A)(1) of this section that is less than 0.05 times the base cost calculated for the district under section 3317.012 of the Revised Code.

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the following:

(i) The district's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(ii) The district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(iii) The district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that

fiscal year X the district's state share percentage; 29254

(iv) The district's category four special education ADM X the 29255
multiple specified in division (D) of section 3317.013 of the 29256
Revised Code X the statewide average base cost per pupil for that 29257
fiscal year X the district's state share percentage; 29258

(v) The district's category five special education ADM X the 29259
multiple specified in division (E) of section 3317.013 of the 29260
Revised Code X the statewide average base cost per pupil for that 29261
fiscal year X the district's state share percentage; 29262

(vi) The district's category six special education ADM X the 29263
multiple specified in division (F) of section 3317.013 of the 29264
Revised Code X the statewide average base cost per pupil for that 29265
fiscal year X the district's state share percentage. 29266

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 29267
thereafter, the sum of the following: 29268

(i) An amount calculated in a manner determined by the 29269
general assembly times the funding unit's category one special 29270
education ADM; 29271

(ii) An amount calculated in a manner determined by the 29272
general assembly times the funding unit's category two special 29273
education ADM; 29274

(iii) An amount calculated in a manner determined by the 29275
general assembly times the funding unit's category three special 29276
education ADM; 29277

(iv) An amount calculated in a manner determined by the 29278
general assembly times the funding unit's category four special 29279
education ADM; 29280

(v) An amount calculated in a manner determined by the 29281
general assembly times the funding unit's category five special 29282
education ADM; 29283

(vi) An amount calculated in a manner determined by the 29284
general assembly times the funding unit's category six special 29285
education ADM. 29286

(3) Disadvantaged pupil impact aid calculated as follows: 29287

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 29288
calculated according to the following formula: 29289

\$422 X the district's economically disadvantaged index X the 29290
number of students who are economically disadvantaged as certified 29291
under division (D)(2)(p) of section 3317.03 of the Revised Code 29292

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 29293
thereafter, an amount calculated in a manner determined by the 29294
general assembly. 29295

(4) English learner funds calculated as follows: 29296

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 29297
following: 29298

(i) The district's category one English learner ADM X the 29299
multiple specified in division (A) of section 3317.016 of the 29300
Revised Code X the statewide average base cost per pupil for that 29301
fiscal year X the district's state share percentage; 29302

(ii) The district's category two English learner ADM X the 29303
multiple specified in division (B) of section 3317.016 of the 29304
Revised Code X the statewide average base cost per pupil for that 29305
fiscal year X the district's state share percentage; 29306

(iii) The district's category three English learner ADM X the 29307
multiple specified in division (C) of section 3317.016 of the 29308
Revised Code X the statewide average base cost per pupil for that 29309
fiscal year X the district's state share percentage. 29310

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 29311
thereafter, the sum of the following: 29312

(i) An amount calculated in a manner determined by the 29313

general assembly times the funding unit's category one English learner ADM;	29314 29315
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	29316 29317 29318
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	29319 29320 29321
(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	29322 29323
(6) Career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.	29324 29325 29326
(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:	29327 29328 29329 29330 29331 29332 29333 29334 29335 29336
(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	29337 29338
(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.	29339 29340 29341
(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of	29342 29343

educational expenses and the related services provided to the 29344
student in accordance with the student's individualized education 29345
program. Any legal fees, court costs, or other costs associated 29346
with any cause of action relating to the student may not be 29347
included in the amount. 29348

(C)(1) For each student with a disability receiving special 29349
education and related services under an individualized education 29350
program, as defined in section 3323.01 of the Revised Code, at a 29351
joint vocational school district, the resident district or, if the 29352
student is enrolled in a community school, the community school 29353
shall be responsible for the amount of any costs of providing 29354
those special education and related services to that student that 29355
exceed the sum of the amount calculated for those services 29356
attributable to that student under division (A) of this section. 29357

Those excess costs shall be calculated using a formula 29358
approved by the department. 29359

(2) The board of education of the joint vocational school 29360
district may report the excess costs calculated under division 29361
(C)(1) of this section to the department of education. 29362

(3) If the board of education of the joint vocational school 29363
district reports excess costs under division (C)(2) of this 29364
section, the department shall pay the amount of excess cost 29365
calculated under division (C)(2) of this section to the joint 29366
vocational school district and shall deduct that amount as 29367
provided in division (C)(3)(a) or (b) of this section, as 29368
applicable: 29369

(a) If the student is not enrolled in a community school, the 29370
department shall deduct the amount from the account of the 29371
student's resident district pursuant to division (J) of section 29372
3317.023 of the Revised Code. 29373

(b) If the student is enrolled in a community school, the 29374

department shall deduct the amount from the account of the 29375
community school pursuant to section 3314.083 of the Revised Code. 29376

(D) A joint vocational school district shall spend the funds 29377
it receives under division (A)(3) of this section in accordance 29378
with section 3317.25 of the Revised Code. 29379

(E) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 29380
district shall spend the funds it receives under division (A)(4) 29381
of this section only for services for English learners. 29382

(F) As used in this section: 29383

(1) "Community school" means a community school established 29384
under Chapter 3314. of the Revised Code. 29385

(2) "Resident district" means the city, local, or exempted 29386
village school district in which a student is entitled to attend 29387
school under section 3313.64 or 3313.65 of the Revised Code. 29388

Sec. 3317.162. (A) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 29389
the department of education shall pay temporary transitional aid 29390
to each joint vocational school district according to the 29391
following formula: 29392

(The district's funding base, as that term is defined in 29393
section 3317.02 of the Revised Code) - (the district's payment 29394
under section 3317.16 of the Revised Code for the fiscal year for 29395
which the payment is computed) 29396

If the computation made under division (A) of this section 29397
results in a negative number, the district's funding under 29398
division (A) of this section shall be zero. 29399

(B) If a joint vocational school district begins receiving 29400
payments under section 3317.16 of the Revised Code for fiscal year 29401
~~2022~~ 2024 or fiscal year ~~2023~~ 2025 but does not receive payments 29402
for the fiscal year immediately preceding that fiscal year, the 29403
department shall establish the district's funding base, as that 29404

term is defined in section 3317.02 of the Revised Code, as an 29405
amount equal to the absolute value of the sum of the associated 29406
adjustments of any local school district's funding base under 29407
division (C) of section 3317.019 of the Revised Code. 29408

Sec. 3317.20. This section does not apply to preschool 29409
children with disabilities. 29410

(A) As used in this section: 29411

(1) "Applicable special education amount" means the amount 29412
specified in section 3317.013 of the Revised Code for a disability 29413
described in that section. 29414

(2) "Child's school district" means the school district in 29415
which a child is entitled to attend school pursuant to section 29416
3313.64 or 3313.65 of the Revised Code. 29417

(3) "State share percentage" means the state share percentage 29418
of the child's school district. 29419

(B) The department shall annually pay each county board of 29420
developmental disabilities for each child with a disability, other 29421
than a preschool child with a disability, for whom the county 29422
board provides special education and related services an amount 29423
equal to the following: 29424

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 29425
average base cost per pupil + (state share percentage X the 29426
applicable special education multiple X the statewide average base 29427
cost per pupil); 29428

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 29429
thereafter, an amount determined by the general assembly. 29430

(C) Each county board of developmental disabilities shall 29431
report to the department, in the manner specified by the 29432
department, the name of each child for whom the county board of 29433
developmental disabilities provides special education and related 29434

services and the child's school district. 29435

(D)(1) For the purpose of verifying the accuracy of the 29436
payments under this section, the department may request from 29437
either of the following entities the data verification code 29438
assigned under division (D)(2) of section 3301.0714 of the Revised 29439
Code to any child who is placed with a county board of 29440
developmental disabilities: 29441

(a) The child's school district; 29442

(b) The independent contractor engaged to create and maintain 29443
data verification codes. 29444

(2) Upon a request by the department under division (D)(1) of 29445
this section for the data verification code of a child, the 29446
child's school district shall submit that code to the department 29447
in the manner specified by the department. If the child has not 29448
been assigned a code, the district shall assign a code to that 29449
child and submit the code to the department by a date specified by 29450
the department. If the district does not assign a code to the 29451
child by the specified date, the department shall assign a code to 29452
the child. 29453

The department annually shall submit to each school district 29454
the name and data verification code of each child residing in the 29455
district for whom the department has assigned a code under this 29456
division. 29457

(3) The department shall not release any data verification 29458
code that it receives under division (D) of this section to any 29459
person except as provided by law. 29460

(E) Any document relative to special education and related 29461
services provided by a county board of developmental disabilities 29462
that the department holds in its files that contains both a 29463
student's name or other personally identifiable information and 29464
the student's data verification code shall not be a public record 29465

under section 149.43 of the Revised Code. 29466

Sec. 3317.201. This section does not apply to preschool 29467
children with disabilities. 29468

(A) As used in this section, the "total special education 29469
amount" for an institution means the following: 29470

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 29471
following amounts: 29472

(a) The number of children certified by the institution under 29473
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 29474
receiving services for a disability described in division (A) of 29475
section 3317.013 of the Revised Code multiplied by the multiple 29476
specified in that division multiplied by the statewide average 29477
base cost per pupil; 29478

(b) The number of children certified by the institution under 29479
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 29480
receiving services for a disability described in division (B) of 29481
section 3317.013 of the Revised Code multiplied by the multiple 29482
specified in that division multiplied by the statewide average 29483
base cost per pupil; 29484

(c) The number of children certified by the institution under 29485
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 29486
receiving services for a disability described in division (C) of 29487
section 3317.013 of the Revised Code multiplied by the multiple 29488
specified in that division multiplied by the statewide average 29489
base cost per pupil; 29490

(d) The number of children certified by the institution under 29491
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 29492
receiving services for a disability described in division (D) of 29493
section 3317.013 of the Revised Code multiplied by the multiple 29494
specified in that division multiplied by the statewide average 29495

base cost per pupil;	29496
(e) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;	29497 29498 29499 29500 29501 29502
(f) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil.	29503 29504 29505 29506 29507 29508
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, the sum of the following amounts:	29509 29510
(a) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code;	29511 29512 29513 29514 29515
(b) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code;	29516 29517 29518 29519 29520
(c) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code;	29521 29522 29523 29524 29525
(d) An amount calculated in a manner determined by the	29526

general assembly times the number of children certified by the 29527
institution under division (G)(1)(a)(i) of section 3317.03 of the 29528
Revised Code as receiving services for a disability described in 29529
division (D) of section 3317.013 of the Revised Code; 29530

(e) An amount calculated in a manner determined by the 29531
general assembly times the number of children certified by the 29532
institution under division (G)(1)(a)(i) of section 3317.03 of the 29533
Revised Code as receiving services for a disability described in 29534
division (E) of section 3317.013 of the Revised Code; 29535

(f) An amount calculated in a manner determined by the 29536
general assembly times the number of children certified by the 29537
institution under division (G)(1)(a)(i) of section 3317.03 of the 29538
Revised Code as receiving services for a disability described in 29539
division (F) of section 3317.013 of the Revised Code. 29540

(B) For each fiscal year, the department of education shall 29541
pay each state institution required to provide special education 29542
services under division (A) of section 3323.091 of the Revised 29543
Code an amount equal to the institution's total special education 29544
amount. 29545

Sec. 3317.25. (A) As used in this section, "disadvantaged 29546
pupil impact aid" means the following: 29547

(1) For a city, local, or exempted village school district, 29548
the funds received under division (A)(4)(a) of section 3317.022 of 29549
the Revised Code; 29550

(2) For a joint vocational school district, the funds 29551
received under division (A)(3) of section 3317.16 of the Revised 29552
Code; 29553

(3) For a community school established under Chapter 3314. of 29554
the Revised Code, the funds received under division (A)(4)(b) of 29555
section 3317.022 of the Revised Code; 29556

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code.

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives:

(a) Extended school day and school year;

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction;

(c) Instructional technology or blended learning;

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade;

(e) Dropout prevention;

(f) School safety and security measures;

(g) Community learning centers that address barriers to learning;

(h) Academic interventions for students in any of grades six through twelve;

(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;

(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;

(k) Culturally appropriate, evidence-based or

evidence-informed prevention ~~education~~ services, including 29586
youth-led programming and ~~social and emotional learning~~ curricula 29587
to promote mental health and prevent substance use and suicide, 29588
and trauma-informed services; 29589

(l) Services for homeless youth; 29590

(m) Services for child welfare involved youth; 29591

(n) Community liaisons or programs that connect students to 29592
community resources, including behavioral wellness coordinators 29593
and city connects, communities in schools, and other similar 29594
programs; 29595

(o) Physical health care services, including telehealth 29596
services and community-based health services; 29597

(p) Family engagement and support services; 29598

(q) Student services provided prior to or after the regularly 29599
scheduled school day or any time school is not in session, 29600
including mentoring programs. 29601

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 29602
thereafter, each city, local, exempted village, and joint 29603
vocational school district, community school, and STEM school 29604
shall spend the disadvantaged pupil impact aid it receives for one 29605
or more initiatives specified by the general assembly. 29606

(C)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, each city, 29607
local, exempted village, and joint vocational school district, 29608
community school, and STEM school that is subject to the 29609
requirements of this section shall develop a plan for utilizing 29610
the disadvantaged pupil impact aid it receives in coordination 29611
with at least one of the following community partners: 29612

(a) A board of alcohol, drug addiction, and mental health 29613
services established under Chapter 340. of the Revised Code; 29614

(b) An educational service center; 29615

(c) A county board of developmental disabilities;	29616
(d) A community-based mental health treatment provider;	29617
(e) A board of health of a city or general health district;	29618
(f) A county department of job and family services;	29619
(g) A nonprofit organization with experience serving children;	29620 29621
(h) A public hospital agency.	29622
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.	29623 29624 29625 29626 29627 29628 29629 29630 29631
(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.	29632 29633 29634 29635 29636 29637 29638 29639 29640
(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the general assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	29641 29642 29643 29644 29645

Sec. 3317.26. (A) As used in this section, "student wellness and success funds" means the following: 29646
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(1) For a city, local, or exempted village school district, the funds received under division (E)(3) of section 3317.011 of the Revised Code, subject to the state share and any phase-in established by the general assembly; 29648
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(2) For a joint vocational school district, the funds received under division (E)(3) of section 3317.012 of the Revised Code, subject to the state share and any phase-in established by the general assembly; 29652
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(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (E) of section 3317.0110 of the Revised Code for student wellness and success funds, as determined by the department, subject to any phase-in established by the general assembly; 29656
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(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (E) of section 3317.0110 of the Revised Code for student wellness and success funds, as determined by the department, subject to any phase-in established by the general assembly. 29661
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(B) For each fiscal year, the department of education shall notify each city, local, exempted village, and joint vocational school district, community school, and STEM school, of the portion of the district or school's state share of the base cost calculated under section 3317.022 or 3317.16 of the Revised Code, that is attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the department. 29666
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(C) In each fiscal year, a city, local, exempted village or joint vocational school district, community school, or STEM school 29674
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shall spend the student wellness and success funds it receives for 29676
any of the initiatives, or a combination of any of the 29677
initiatives, described in divisions (B)(1)(j) to (g) of section 29678
3317.25 of the Revised Code. 29679

(D) Not less than fifty per cent of the amount determined 29680
under division (B) of this section shall be spent on initiatives 29681
described under division (B)(1)(j) or (o) of section 3317.25 of 29682
the Revised Code, or a combination of both. 29683

(E) Each city, local, exempted village, joint vocational 29684
school district, community school, and STEM school that is subject 29685
to the requirements of this section shall develop a plan to 29686
utilize the student wellness and success funds it receives in 29687
coordination with a community mental health prevention or 29688
treatment provider or local board of alcohol, drug addiction, and 29689
mental health services established under Chapter 340. of the 29690
Revised Code and one of the community partners identified under 29691
division (C) of section 3317.25 of the Revised Code. 29692

(F) Within thirty days of the creation or amendment of the 29693
plan required under division (E) of this section, each city, 29694
local, exempted village, or joint vocational school district, 29695
community school, and STEM school shall share the plan at a public 29696
meeting of the board of education or governing authority and post 29697
the plan on the district or school's web site. 29698

(G)(1) All student wellness and success funds allocated in 29699
any of fiscal years 2020 to 2023 shall be expended prior to June 29700
30, 2025. Any unexpended funds shall be repaid to the department. 29701

(2) Beginning in fiscal year 2024, all student wellness and 29702
success funds shall be spent by the end of the following fiscal 29703
year. Any unexpended funds shall be repaid to the department. 29704

(H)(1) If the department determines that a city, local, 29705
exempted village, joint vocational school district, community 29706

school, or STEM school has not spent funds in accordance with 29707
divisions (C) and (D) of this section, the department may require 29708
a corrective action plan. 29709

(2) If a city, local, exempted village, joint vocational 29710
school district, community school, or STEM school is determined to 29711
be out of compliance with the corrective action plan described 29712
under division (H)(1) of this section, the department may withhold 29713
student wellness and success from that district or school. 29714

(I) At the end of each fiscal year, each district and school 29715
shall submit a report to the department, in a manner determined by 29716
the department, describing the initiative or initiatives on which 29717
the district or school's funds were spent under this section 29718
during that fiscal year. 29719

Sec. 3319.077. (A) As used in this section: 29720

(1) "Dyslexia" has the same meaning as in section 3323.25 of 29721
the Revised Code. 29722

(2) "Ohio dyslexia committee" means the committee established 29723
under section 3325.25 of the Revised Code. 29724

(3) "Special education" has the same meaning as in section 29725
3323.01 of the Revised Code. 29726

(4) "Teacher" does not include any teacher who provides 29727
instruction in fine arts, music, or physical education. 29728

(B)(1) The department of education, in collaboration with the 29729
Ohio dyslexia committee, shall maintain a list of training that 29730
fulfills the professional development requirements prescribed in 29731
division (C) of this section. The list may consist of online or 29732
classroom learning models. 29733

(2) Each approved training shall align with the guidebook 29734
developed under section 3323.25 of the Revised Code, be 29735
evidence-based, and require instruction and training for 29736

identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia.

(3) The Ohio dyslexia committee shall prescribe a total number of clock hours of instruction in training approved under this section for a teacher to complete to satisfy the professional development requirements prescribed in division (C) of this section. The Ohio dyslexia committee shall prescribe a total number of clock hours that is not less than six clock hours and not more than eighteen clock hours.

(C)(1) Division (C)(1) of this section applies to any teacher who was employed by a local, city, or exempted village school district on April 12, 2021, and is still employed by that district on the dates specified under division (C)(1)(a), (b), or (c) of this section as follows:

(a) Not later than the beginning of the 2023-2024 school year July 1, 2023, each district teacher employed by a local, city, or exempted village school district who provides instruction for students in kindergarten and first grade, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section.

(2)(b) Not later than the beginning of the 2024-2025 school year July 1, 2024, each district teacher employed by a school district who provides instruction for students in grades two and three, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section.

(3)(c) Not later than the beginning of the 2025-2026 school year July 1, 2025, each district teacher employed by a school district who provides special education instruction for students

in grades four through twelve shall complete a professional 29768
development training approved under division (B) of this section. 29769

(2) Any teacher hired by a local, city, or exempted village 29770
school district after April 12, 2021, who provides instruction for 29771
students in any of grades kindergarten through three, including a 29772
teacher providing special education instruction, or who provides 29773
special education instruction for students in any of grades four 29774
through twelve shall complete professional development training in 29775
accordance with division (C)(1)(a), (b), or (c) of this section by 29776
the later of two years after the date of hire or the date 29777
specified under division (C)(1)(a), (b), or (c) of this section, 29778
unless the teacher completed the training while employed by a 29779
different district under division (C)(1) of this section. 29780

(D) Any professional development training completed by a 29781
teacher prior to April 12, 2021, that is then included on the list 29782
of training approved under division (B)(1) of this section shall 29783
count toward the number of instructional hours in approved 29784
professional development training required under division (C) of 29785
this section. 29786

(E) Nothing in this section shall prohibit a school district 29787
from requiring employees who are not subject to this section from 29788
completing professional development training approved under 29789
division (B) of this section. 29790

Sec. 3319.088. As used in this section, "educational 29791
assistant" means any nonteaching employee in a school district who 29792
directly assists a teacher as defined in section 3319.09 of the 29793
Revised Code, by performing duties for which a license issued 29794
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 29795
required. 29796

(A) The state board of education shall issue educational aide 29797
permits and educational paraprofessional licenses for educational 29798

assistants and shall adopt rules for the issuance and renewal of 29799
such permits and licenses which shall be consistent with the 29800
provisions of this section. Educational aide permits and 29801
educational paraprofessional licenses may be of several types and 29802
the rules shall prescribe the minimum qualifications of education 29803
and health for the service to be authorized under each type. The 29804
prescribed minimum qualifications may require special training or 29805
educational courses designed to qualify a person to perform 29806
effectively the duties authorized under an educational aide permit 29807
or educational paraprofessional license. 29808

(B)(1) Any application for a permit or license, or a renewal 29809
or duplicate of a permit or license, under this section shall be 29810
accompanied by the payment of a fee in the amount established 29811
under division (A) of section 3319.51 of the Revised Code. Any 29812
fees received under this division shall be paid into the state 29813
treasury to the credit of the state board of education licensure 29814
fund established under division (B) of section 3319.51 of the 29815
Revised Code. 29816

(2) Any person applying for or holding a permit or license 29817
pursuant to this section is subject to sections 3123.41 to 3123.50 29818
of the Revised Code and any applicable rules adopted under section 29819
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 29820
the Revised Code. 29821

(C) Educational assistants shall at all times while in the 29822
performance of their duties be under the supervision and direction 29823
of a teacher as defined in section 3319.09 of the Revised Code. 29824
Educational assistants may assist a teacher to whom assigned in 29825
the supervision of pupils, in assisting with instructional tasks, 29826
and in the performance of duties which, in the judgment of the 29827
teacher to whom the assistant is assigned, may be performed by a 29828
person not licensed pursuant to sections 3319.22 to 3319.30 of the 29829
Revised Code and for which a teaching license, issued pursuant to 29830

sections 3319.22 to 3319.30 of the Revised Code is not required. 29831
The duties of an educational assistant shall not include the 29832
assignment of grades to pupils. The duties of an educational 29833
assistant need not be performed in the physical presence of the 29834
teacher to whom assigned, but the activity of an educational 29835
assistant shall at all times be under the direction of the teacher 29836
to whom assigned. The assignment of an educational assistant need 29837
not be limited to assisting a single teacher. In the event an 29838
educational assistant is assigned to assist more than one teacher 29839
the assignments shall be clearly delineated and so arranged that 29840
the educational assistant shall never be subject to simultaneous 29841
supervision or direction by more than one teacher. 29842

Educational assistants assigned to supervise children shall, 29843
when the teacher to whom assigned is not physically present, 29844
maintain the degree of control and discipline that would be 29845
maintained by the teacher. 29846

Educational assistants may not be used in place of classroom 29847
teachers or other employees and any payment of compensation by 29848
boards of education to educational assistants for such services is 29849
prohibited. The ratio between the number of licensed teachers and 29850
the pupils in a school district may not be decreased by 29851
utilization of educational assistants and no grouping, or other 29852
organization of pupils, for utilization of educational assistants 29853
shall be established which is inconsistent with sound educational 29854
practices and procedures. A school district may employ up to one 29855
full time equivalent educational assistant for each six full time 29856
equivalent licensed employees of the district. Educational 29857
assistants shall not be counted as licensed employees for purposes 29858
of state support in the school foundation program and no grouping 29859
or regrouping of pupils with educational assistants may be counted 29860
as a class or unit for school foundation program purposes. Neither 29861
special courses required by the regulations of the state board of 29862

education, prescribing minimum qualifications of education for an 29863
educational assistant, nor years of service as an educational 29864
assistant shall be counted in any way toward qualifying for a 29865
teacher license, for a teacher contract of any type, or for 29866
determining placement on a salary schedule in a school district as 29867
a teacher. 29868

(D) Educational assistants employed by a board of education 29869
shall have all rights, benefits, and legal protection available to 29870
other nonteaching employees in the school district, except that 29871
provisions of Chapter 124. of the Revised Code shall not apply to 29872
any person employed as an educational assistant, and shall be 29873
members of the school employees retirement system. Educational 29874
assistants shall be compensated according to a salary plan adopted 29875
annually by the board. 29876

Except as provided in this section nonteaching employees 29877
shall not serve as educational assistants without first obtaining 29878
an appropriate educational aide permit or educational 29879
paraprofessional license from the state board of education. A 29880
nonteaching employee who is the holder of a valid educational aide 29881
permit or educational paraprofessional license shall neither 29882
render nor be required to render services inconsistent with the 29883
type of services authorized by the permit or license held. No 29884
person shall receive compensation from a board of education for 29885
services rendered as an educational assistant in violation of this 29886
provision. 29887

Nonteaching employees whose functions are solely 29888
secretarial-clerical and who do not perform any other duties as 29889
educational assistants, even though they assist a teacher and work 29890
under the direction of a teacher shall not be required to hold a 29891
permit or license issued pursuant to this section. ~~Students~~ 29892
~~preparing to become licensed teachers or educational assistants~~ 29893
~~shall not be required to hold an educational aide permit or~~ 29894

~~paraprofessional license for such periods of time as such students
are assigned, as part of their training program, to work with a
teacher in a school district. Such students shall not be
compensated for such services.~~

Following the determination of the assignment and general job
description of an educational assistant and subject to supervision
by the teacher's immediate administrative officer, a teacher to
whom an educational assistant is assigned shall make all final
determinations of the duties to be assigned to such assistant.
Teachers shall not be required to hold a license designated for
being a supervisor or administrator in order to perform the
necessary supervision of educational assistants.

(E) No person who is, or who has been employed as an
educational assistant shall divulge, except to the teacher to whom
assigned, or the administrator of the school in the absence of the
teacher to whom assigned, or when required to testify in a court
or proceedings, any personal information concerning any pupil in
the school district which was obtained or obtainable by the
educational assistant while so employed. Violation of this
provision is grounds for disciplinary action or dismissal, or
both.

(F) Notwithstanding anything to the contrary in this section,
the superintendent of a school district may allow an employee who
does not hold a permit or license issued under this section to
work as a substitute for an educational assistant who is absent on
account of illness or on a leave of absence, or to fill a
temporary position created by an emergency, provided that the
superintendent believes the employee's application materials
indicate that the employee is qualified to obtain a permit or
license under this section.

An employee shall begin work as a substitute under this
division not earlier than on the date on which the employee files

an application with the state board for a permit or license under 29927
this section. An employee shall cease working as a substitute 29928
under this division on the earliest of the following: 29929

(1) The date on which the employee files a valid permit or 29930
license issued under this section with the superintendent; 29931

(2) The date on which the employee is denied a permit or 29932
license under this section; 29933

(3) Sixty days following the date on which the employee began 29934
work as a substitute under this division. 29935

The superintendent shall ensure that an employee assigned to 29936
work as a substitute under division (F) of this section has 29937
undergone a criminal records check in accordance with section 29938
3319.391 of the Revised Code. 29939

Sec. 3319.0812. (A) The state board of education shall adopt 29940
rules in accordance with Chapter 119. of the Revised Code, 29941
establishing the standards and requirements for obtaining a 29942
pre-service teacher permit. The permit shall be required for an 29943
individual who is enrolled in an educator preparation program in 29944
order to participate in any student classroom teaching or other 29945
training experience that involves students in any of grades 29946
pre-kindergarten through twelve in a public or chartered nonpublic 29947
school and that is required for completion of the program. 29948

(B) Notwithstanding section 3319.226 of the Revised Code, a 29949
school district or school may employ an individual who holds a 29950
permit issued under this section as a substitute teacher. The 29951
individual may teach for up to the equivalent of one full 29952
semester, subject to the approval of the employing district board 29953
of education or school governing authority and may be compensated 29954
for that service. The district superintendent or chief 29955
administrator of the school may request that the board or 29956

governing authority approve one or more additional subsequent 29957
semester-long periods of teaching for the individual. 29958

(C) A pre-service teacher permit shall be valid for three 29959
years. The department of education, on a case-by-case basis, may 29960
extend the permit's duration as needed to enable the permit holder 29961
to complete the educator preparation program in which the permit 29962
holder is enrolled. 29963

(D) An individual applying for a pre-service teacher permit 29964
shall be subject to a criminal records check as prescribed by 29965
section 3319.39 of the Revised Code. In the manner prescribed by 29966
the department, the individual shall submit the criminal records 29967
check to the department. The department shall use the information 29968
submitted to enroll the individual in the retained applicant 29969
fingerprint database, established under section 109.5721 of the 29970
Revised Code, in the same manner as any teacher licensed under 29971
section 3319.22 to 3319.31 of the Revised Code. 29972

If the department receives notification of the arrest or 29973
conviction of an individual under division (D) of this section, 29974
the department shall promptly notify the applicable educator 29975
preparation program and any school district or school in which the 29976
pre-service teacher has been employed or assigned as part of the 29977
program and may take any action authorized under sections 3319.31 29978
and 3319.311 of the Revised Code that it considers to be 29979
appropriate. Upon receiving notification from the department of an 29980
arrest or conviction of an individual under division (D) of this 29981
section, the educator preparation program shall provide to the 29982
department a list of all school districts and schools to which the 29983
pre-service teacher has been assigned as a part of the program. 29984

Sec. 3319.22. (A)(1) The state board of education shall issue 29985
the following educator licenses: 29986

(a) A resident educator license, which shall be valid for two 29987

years and shall be renewable for reasons specified by rules 29988
adopted by the state board pursuant to division (A)(3) of this 29989
section. The state board, on a case-by-case basis, may extend the 29990
license's duration as necessary to enable the license holder to 29991
complete the Ohio teacher residency program established under 29992
section 3319.223 of the Revised Code; 29993

(b) A professional educator license, which shall be valid for 29994
five years and shall be renewable; 29995

(c) A senior professional educator license, which shall be 29996
valid for five years and shall be renewable; 29997

(d) A lead professional educator license, which shall be 29998
valid for five years and shall be renewable. 29999

Licenses issued under division (A)(1) of this section on and 30000
after November 2, 2018, shall specify whether the educator is 30001
licensed to teach grades pre-kindergarten through five, grades 30002
four through nine, or grades seven through twelve. The changes to 30003
the grade band specifications under this amendment shall not apply 30004
to a person who holds a license under division (A)(1) of this 30005
section prior to November 2, 2018. Further, the changes to the 30006
grade band specifications under this amendment shall not apply to 30007
any license issued to teach in the area of ~~computer information~~ 30008
~~science~~, bilingual education, dance, drama or theater, world 30009
language, health, library or media, music, physical education, 30010
teaching English to speakers of other languages, career-technical 30011
education, or visual arts or to any license issued to an 30012
intervention specialist, including a gifted intervention 30013
specialist, or to any other license that does not align to the 30014
grade band specifications. 30015

(2) The state board may issue any additional educator 30016
licenses of categories, types, and levels the board elects to 30017
provide. 30018

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section.

(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former

section 3319.22 of the Revised Code;	30049
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	30050 30051 30052 30053
(4) An applicant for a lead professional educator license shall:	30054 30055
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	30056 30057 30058
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	30059 30060 30061 30062
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	30063 30064 30065
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	30066 30067 30068 30069 30070
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	30071 30072 30073 30074
(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by	30075 30076 30077 30078

state and federal law. 30079

(E) Any rules the state board of education adopts, amends, or 30080
rescinds for educator licenses under this section, division (D) of 30081
section 3301.07 of the Revised Code, or any other law shall be 30082
adopted, amended, or rescinded under Chapter 119. of the Revised 30083
Code except as follows: 30084

(1) Notwithstanding division (E) of section 119.03 and 30085
division (A)(1) of section 119.04 of the Revised Code, in the case 30086
of the adoption of any rule or the amendment or rescission of any 30087
rule that necessitates institutions' offering preparation programs 30088
for educators and other school personnel that are approved by the 30089
chancellor of higher education under section 3333.048 of the 30090
Revised Code to revise the curriculum of those programs, the 30091
effective date shall not be as prescribed in division (E) of 30092
section 119.03 and division (A)(1) of section 119.04 of the 30093
Revised Code. Instead, the effective date of such rules, or the 30094
amendment or rescission of such rules, shall be the date 30095
prescribed by section 3333.048 of the Revised Code. 30096

(2) Notwithstanding the authority to adopt, amend, or rescind 30097
emergency rules in division (G) of section 119.03 of the Revised 30098
Code, this authority shall not apply to the state board of 30099
education with regard to rules for educator licenses. 30100

(F)(1) The rules adopted under this section establishing 30101
standards requiring additional coursework for the renewal of any 30102
educator license shall require a school district and a chartered 30103
nonpublic school to establish local professional development 30104
committees. In a nonpublic school, the chief administrative 30105
officer shall establish the committees in any manner acceptable to 30106
such officer. The committees established under this division shall 30107
determine whether coursework that a district or chartered 30108
nonpublic school teacher proposes to complete meets the 30109
requirement of the rules. The department of education shall 30110

provide technical assistance and support to committees as the 30111
committees incorporate the professional development standards 30112
adopted by the state board of education pursuant to section 30113
3319.61 of the Revised Code into their review of coursework that 30114
is appropriate for license renewal. The rules shall establish a 30115
procedure by which a teacher may appeal the decision of a local 30116
professional development committee. 30117

(2) In any school district in which there is no exclusive 30118
representative established under Chapter 4117. of the Revised 30119
Code, the professional development committees shall be established 30120
as described in division (F)(2) of this section. 30121

Not later than the effective date of the rules adopted under 30122
this section, the board of education of each school district shall 30123
establish the structure for one or more local professional 30124
development committees to be operated by such school district. The 30125
committee structure so established by a district board shall 30126
remain in effect unless within thirty days prior to an anniversary 30127
of the date upon which the current committee structure was 30128
established, the board provides notice to all affected district 30129
employees that the committee structure is to be modified. 30130
Professional development committees may have a district-level or 30131
building-level scope of operations, and may be established with 30132
regard to particular grade or age levels for which an educator 30133
license is designated. 30134

Each professional development committee shall consist of at 30135
least three classroom teachers employed by the district, one 30136
principal employed by the district, and one other employee of the 30137
district appointed by the district superintendent. For committees 30138
with a building-level scope, the teacher and principal members 30139
shall be assigned to that building, and the teacher members shall 30140
be elected by majority vote of the classroom teachers assigned to 30141
that building. For committees with a district-level scope, the 30142

teacher members shall be elected by majority vote of the classroom 30143
teachers of the district, and the principal member shall be 30144
elected by a majority vote of the principals of the district, 30145
unless there are two or fewer principals employed by the district, 30146
in which case the one or two principals employed shall serve on 30147
the committee. If a committee has a particular grade or age level 30148
scope, the teacher members shall be licensed to teach such grade 30149
or age levels, and shall be elected by majority vote of the 30150
classroom teachers holding such a license and the principal shall 30151
be elected by all principals serving in buildings where any such 30152
teachers serve. The district superintendent shall appoint a 30153
replacement to fill any vacancy that occurs on a professional 30154
development committee, except in the case of vacancies among the 30155
elected classroom teacher members, which shall be filled by vote 30156
of the remaining members of the committee so selected. 30157

Terms of office on professional development committees shall 30158
be prescribed by the district board establishing the committees. 30159
The conduct of elections for members of professional development 30160
committees shall be prescribed by the district board establishing 30161
the committees. A professional development committee may include 30162
additional members, except that the majority of members on each 30163
such committee shall be classroom teachers employed by the 30164
district. Any member appointed to fill a vacancy occurring prior 30165
to the expiration date of the term for which a predecessor was 30166
appointed shall hold office as a member for the remainder of that 30167
term. 30168

The initial meeting of any professional development 30169
committee, upon election and appointment of all committee members, 30170
shall be called by a member designated by the district 30171
superintendent. At this initial meeting, the committee shall 30172
select a chairperson and such other officers the committee deems 30173
necessary, and shall adopt rules for the conduct of its meetings. 30174

Thereafter, the committee shall meet at the call of the 30175
chairperson or upon the filing of a petition with the district 30176
superintendent signed by a majority of the committee members 30177
calling for the committee to meet. 30178

(3) In the case of a school district in which an exclusive 30179
representative has been established pursuant to Chapter 4117. of 30180
the Revised Code, professional development committees shall be 30181
established in accordance with any collective bargaining agreement 30182
in effect in the district that includes provisions for such 30183
committees. 30184

If the collective bargaining agreement does not specify a 30185
different method for the selection of teacher members of the 30186
committees, the exclusive representative of the district's 30187
teachers shall select the teacher members. 30188

If the collective bargaining agreement does not specify a 30189
different structure for the committees, the board of education of 30190
the school district shall establish the structure, including the 30191
number of committees and the number of teacher and administrative 30192
members on each committee; the specific administrative members to 30193
be part of each committee; whether the scope of the committees 30194
will be district levels, building levels, or by type of grade or 30195
age levels for which educator licenses are designated; the lengths 30196
of terms for members; the manner of filling vacancies on the 30197
committees; and the frequency and time and place of meetings. 30198
However, in all cases, except as provided in division (F)(4) of 30199
this section, there shall be a majority of teacher members of any 30200
professional development committee, there shall be at least five 30201
total members of any professional development committee, and the 30202
exclusive representative shall designate replacement members in 30203
the case of vacancies among teacher members, unless the collective 30204
bargaining agreement specifies a different method of selecting 30205
such replacements. 30206

(4) Whenever an administrator's coursework plan is being 30207
discussed or voted upon, the local professional development 30208
committee shall, at the request of one of its administrative 30209
members, cause a majority of the committee to consist of 30210
administrative members by reducing the number of teacher members 30211
voting on the plan. 30212

(G)(1) The department of education, educational service 30213
centers, county boards of developmental disabilities, college and 30214
university departments of education, head start programs, and the 30215
Ohio education computer network may establish local professional 30216
development committees to determine whether the coursework 30217
proposed by their employees who are licensed or certificated under 30218
this section or section 3319.222 of the Revised Code, or under the 30219
former version of either section as it existed prior to October 30220
16, 2009, meet the requirements of the rules adopted under this 30221
section. They may establish local professional development 30222
committees on their own or in collaboration with a school district 30223
or other agency having authority to establish them. 30224

Local professional development committees established by 30225
county boards of developmental disabilities shall be structured in 30226
a manner comparable to the structures prescribed for school 30227
districts in divisions (F)(2) and (3) of this section, as shall 30228
the committees established by any other entity specified in 30229
division (G)(1) of this section that provides educational services 30230
by employing or contracting for services of classroom teachers 30231
licensed or certificated under this section or section 3319.222 of 30232
the Revised Code, or under the former version of either section as 30233
it existed prior to October 16, 2009. All other entities specified 30234
in division (G)(1) of this section shall structure their 30235
committees in accordance with guidelines which shall be issued by 30236
the state board. 30237

(2) Educational service centers may establish local 30238

professional development committees to serve educators who are not 30239
employed in schools in this state, including pupil services 30240
personnel who are licensed under this section. Local professional 30241
development committees shall be structured in a manner comparable 30242
to the structures prescribed for school districts in divisions 30243
(F)(2) and (3) of this section. 30244

These committees may agree to review the coursework, 30245
continuing education units, or other equivalent activities related 30246
to classroom teaching or the area of licensure that is proposed by 30247
an individual who satisfies both of the following conditions: 30248

(a) The individual is licensed or certificated under this 30249
section or under the former version of this section as it existed 30250
prior to October 16, 2009. 30251

(b) The individual is not currently employed as an educator 30252
or is not currently employed by an entity that operates a local 30253
professional development committee under this section. 30254

Any committee that agrees to work with such an individual 30255
shall work to determine whether the proposed coursework, 30256
continuing education units, or other equivalent activities meet 30257
the requirements of the rules adopted by the state board under 30258
this section. 30259

(3) Any public agency that is not specified in division 30260
(G)(1) or (2) of this section but provides educational services 30261
and employs or contracts for services of classroom teachers 30262
licensed or certificated under this section or section 3319.222 of 30263
the Revised Code, or under the former version of either section as 30264
it existed prior to October 16, 2009, may establish a local 30265
professional development committee, subject to the approval of the 30266
department of education. The committee shall be structured in 30267
accordance with guidelines issued by the state board. 30268

(H) Not later than July 1, 2016, the state board, in 30269

accordance with Chapter 119. of the Revised Code, shall adopt 30270
rules pursuant to division (A)(3) of this section that do both of 30271
the following: 30272

(1) Exempt consistently high-performing teachers from the 30273
requirement to complete any additional coursework for the renewal 30274
of an educator license issued under this section or section 30275
3319.26 of the Revised Code. The rules also shall specify that 30276
such teachers are exempt from any requirements prescribed by 30277
professional development committees established under divisions 30278
(F) and (G) of this section. 30279

(2) For purposes of division (H)(1) of this section, the 30280
state board shall define the term "consistently high-performing 30281
teacher." 30282

Sec. 3319.236. (A) Except as provided in division (B) or (E) 30283
of this section, a school district shall require an individual to 30284
hold a valid educator license in computer science, or have a 30285
license endorsement in computer technology and a passing score on 30286
a content examination in the area of computer science, to teach 30287
computer science courses. 30288

(B) A school district may employ an individual, for the 30289
purpose of teaching computer science courses, who holds a valid 30290
educator license ~~in any of grades kindergarten through twelve,~~ 30291
provided the individual meets the requirements established by 30292
rules of the state board of education to qualify for a 30293
supplemental teaching license for teaching computer science. The 30294
rules shall require an applicant for a supplemental teaching 30295
license to pass a content examination in the area of computer 30296
science. The rules also shall permit an individual, after at least 30297
two years of successfully teaching computer science courses under 30298
the supplemental teaching license, to advance to a standard 30299
educator license in computer science by completing a pedagogy 30300

course applicable to the grade levels in which the individual is 30301
teaching. However, the rules may exempt an individual teaching 30302
computer science from the requirement to complete a pedagogy 30303
course if the individual previously completed a pedagogy course 30304
applicable to the grade levels in which the individual is 30305
teaching. 30306

(C) In order for an individual to teach advanced placement 30307
computer science courses, a school district shall require the 30308
individual to also complete a professional development program 30309
endorsed or provided by the organization that creates and 30310
administers national advanced placement examinations. For this 30311
purpose, the individual may complete the program at any time 30312
during the calendar year. 30313

(D) Notwithstanding section 3301.012 of the Revised Code, as 30314
used in this section, "computer science courses" means any courses 30315
that are reported in the education management information system 30316
established under section 3301.0714 of the Revised Code as 30317
computer science courses and which are aligned to computer science 30318
standards adopted by the state board of education. 30319

(E) The state board of education shall adopt rules to create 30320
a computer science teaching license for industry professionals to 30321
teach computer science to specific grades. The holder of a 30322
computer science teaching license for industry professionals shall 30323
be limited to teaching forty hours in a week in the subject area 30324
of computer science, as defined in section 3322.01 of the Revised 30325
Code. The superintendent of public instruction shall consult with 30326
the office of computer science education established under section 30327
3333.96 of the Revised Code in creating and revising the 30328
requirements for computer science teacher licensure. 30329

(F) Licenses issued under this section shall specify whether 30330
the educator is licensed to teach grades pre-kindergarten through 30331
five, grades four through nine, or grades seven through twelve. 30332

<u>Sec. 3319.285. (A) As used in this section:</u>	30333
<u>(1) "Eligible military individual" includes any of the following:</u>	30334
<u>(a) An active-duty member of any branch of the United States armed forces;</u>	30335
<u>(a) An active-duty member of any branch of the United States armed forces;</u>	30336
<u>(a) An active-duty member of any branch of the United States armed forces;</u>	30337
<u>(b) A veteran of any branch of the United States armed forces who separated from service with an honorable discharge;</u>	30338
<u>(b) A veteran of any branch of the United States armed forces who separated from service with an honorable discharge;</u>	30339
<u>(c) A member of the national guard or a member of a reserve component of the United States armed forces;</u>	30340
<u>(c) A member of the national guard or a member of a reserve component of the United States armed forces;</u>	30341
<u>(d) A spouse of a member or veteran described in division (A)(1)(a), (b), or (c) of this section.</u>	30342
<u>(d) A spouse of a member or veteran described in division (A)(1)(a), (b), or (c) of this section.</u>	30343
<u>(2) "Teacher" has the same meaning as in section 3319.09 of the Revised Code.</u>	30344
<u>(2) "Teacher" has the same meaning as in section 3319.09 of the Revised Code.</u>	30345
<u>(B) The state board of education, in consultation with the chancellor of higher education, shall adopt rules to establish an alternative military educator license for eligible military individuals. The rules shall ensure that eligible military individuals can obtain an educator license to work as a teacher in a public school on an expedited timeline. The rules shall allow eligible military individuals to apply leadership training or other military training toward requirements for college coursework, professional development, content knowledge examinations, or other licensure requirements.</u>	30346
<u>(B) The state board of education, in consultation with the chancellor of higher education, shall adopt rules to establish an alternative military educator license for eligible military individuals. The rules shall ensure that eligible military individuals can obtain an educator license to work as a teacher in a public school on an expedited timeline. The rules shall allow eligible military individuals to apply leadership training or other military training toward requirements for college coursework, professional development, content knowledge examinations, or other licensure requirements.</u>	30347
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<u>(C) The department of education may work with the credential review board created under section 3319.65 of the Revised Code to determine the types of military training that correspond with the educational training needed to be a successful teacher.</u>	30356
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<u>Sec. 3322.01. As used in this chapter:</u>	30360
<u>(A) "Computer science" includes logical reasoning, computing</u>	30361

systems, networks and the internet, data and data analysis, 30362
algorithms and programming, impacts of computing, web development, 30363
and structured problem solving skills related to these 30364
disciplines. 30365

(B) "Council" means the Ohio computer science council 30366
established under section 3322.02 of the Revised Code. 30367

(C) "Governing entity" and "nonpublic secondary school" have 30368
the same meanings as in section 3365.01 of the Revised Code. 30369

(D) "Public secondary school" means a school serving grades 30370
seven through twelve in a city, local, or exempted village school 30371
district, a joint vocational school district, a community school 30372
established under Chapter 3314. of the Revised Code, a STEM school 30373
established under Chapter 3326. of the Revised Code, a 30374
college-preparatory boarding school established under Chapter 30375
3328. of the Revised Code, the state school for the deaf, the 30376
state school for the blind, or an institution operated by the 30377
department of youth services. 30378

Sec. 3322.02. The Ohio computer science council is hereby 30379
created. The council shall foster and encourage increased 30380
participation in computer science education across all counties 30381
through afterschool programs, summer camps, and other educational 30382
enrichment partnerships. 30383

The council shall consist of eleven voting members appointed 30384
by the governor, with the advice and consent of the senate, two 30385
nonvoting members of the house of representatives appointed by the 30386
speaker of the house, and two nonvoting members of the senate 30387
appointed by the president of the senate. The members appointed 30388
from each house of the general assembly shall not be from the same 30389
political party. 30390

Terms of office for members appointed by the governor shall 30391

be for five years, beginning on the second day of July and ending 30392
on the first day of July. 30393

The legislative members shall be appointed within ten days of 30394
the convening of the first regular session of each general 30395
assembly and shall serve through December 31 of the following 30396
year. Each member shall hold office from the date of appointment 30397
until the end of the term for which the member was appointed. Any 30398
member appointed to fill a vacancy occurring prior to the 30399
expiration of the term for which the member's predecessor was 30400
appointed shall hold office for the remainder of that term. 30401

Any member appointed by the governor shall continue in office 30402
subsequent to the expiration date of the member's term until the 30403
member's successor takes office, or until a period of sixty days 30404
has elapsed, whichever occurs first. The governor shall name the 30405
chair and vice-chair of the council, who shall serve in those 30406
positions at the governor's pleasure. Members of the council shall 30407
serve without compensation but are entitled to reimbursement for 30408
expenses incurred in connection with official business of the 30409
council. 30410

Persons appointed to the council by the governor shall have 30411
broad knowledge and experience in computer science, business, 30412
primary education, secondary education, or postsecondary 30413
education. 30414

The office of computer science education shall provide staff 30415
and other administrative services for the council. 30416

Sec. 3322.03. The council shall do all of the following: 30417

(A) Survey the computer science educational resources and 30418
needs of the state; 30419

(B) Develop a plan for and fund grants for afterschool, 30420
summer, and related enrichment programs to increase participation 30421

and foster deeper engagement by all youth in the state with 30422
computer science; 30423

(C) Create and maintain records on the distribution of funds 30424
awarded through the council. 30425

Sec. 3322.04. The council may do all of the following: 30426

(A) Within the limits of available funds, award and 30427
administer grants for afterschool, summer, and other enrichment 30428
programs that support the objectives of the council; 30429

(B) Establish and appoint members to advisory committees to 30430
advise and assist in the performance of its functions, and, within 30431
the limits of available funds, contract with consultants to 30432
facilitate its work; 30433

(C) Adopt, in accordance with Chapter 119. of the Revised 30434
Code, any rules necessary to administer Chapter 3322. of the 30435
Revised Code. 30436

Sec. 3322.05. The council shall meet at least once each 30437
calendar year and may meet more frequently if its workload 30438
demands. Council members, however, may not receive expenses for 30439
attendance at more than four meetings each year. The council may 30440
meet anywhere in the state. 30441

Sec. 3322.06. The council may receive and administer any 30442
funds granted to this state by the federal government for purposes 30443
compatible with the mission of this chapter and shall administer 30444
any state funds appropriated for that purpose. The council may 30445
also accept and administer on behalf of the state any gifts, 30446
donations, or bequests made to it for the encouragement and 30447
development of computer science education, afterschool programs, 30448
summer programs, or other related educational enrichment. 30449

Sec. 3322.07. The Ohio computer science council gifts and 30450
donations fund is hereby created in the state treasury. The fund 30451
shall consist of gifts and donations made to the council and fees 30452
paid for conferences the council sponsors. The fund may be used to 30453
pay for the council's operating expenses, including payroll, 30454
personnel services, maintenance, equipment, and subsidy payments 30455
as well as for grants awarded as part of the council's mission. 30456
All moneys deposited into the fund shall be received and expended 30457
pursuant to the council's duty to foster and encourage increased 30458
participation in computer science education across all counties in 30459
this state through afterschool programs, summer camps, and other 30460
educational enrichment partnerships. 30461

Sec. 3322.20. (A) The Ohio computer science promise program 30462
is hereby established. Beginning with the 2024-2025 school year, 30463
under the program, a student in any of grades seven through twelve 30464
who is a resident of this state may, at no cost to the student, 30465
enroll in and receive high school credit for one computer science 30466
course per academic year that is not offered by the student's 30467
public or nonpublic secondary school, provided the student is 30468
accepted into an eligible course offered by an approved provider 30469
and there are sufficient funds to support enrollment. 30470

(B) All Ohio computer science promise program eligible 30471
courses and providers shall be approved by the department of 30472
education in consultation with the office of computer science 30473
education to be eligible for funding. The department annually 30474
shall publish a list of approved providers and courses. 30475

(C) Courses shall be funded within the limits of available 30476
funds administered by the office of computer science education. 30477
The department shall assist with administering these funds. The 30478
office of computer science education may determine prioritization 30479
of funding to address situations in which funding is expected to 30480

be exhausted. 30481

(D)(1) Any student enrolled in a public secondary school may participate in the program if the student meets the applicable eligibility criteria. 30482
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(2) Any student enrolled in a nonpublic secondary school may participate in the program in a manner prescribed by the office of computer science education if the nonpublic school chooses to participate in the program. 30485
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(E) Governing entities shall grant high school credit for courses approved to receive funding through the Ohio computer science promise program. 30489
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(F) All public secondary schools shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school that chooses to participate in the program shall also be subject to the requirements of this chapter. 30492
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(G) The chancellor of higher education, in accordance with Chapter 119. of the Revised Code and in consultation with the state superintendent, shall adopt rules governing the program. 30496
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Sec. 3322.21. The office of computer science education shall determine rules regarding payment rates, processes, terms, and schedules for approved Ohio computer science promise program providers. 30499
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In doing so, the office may consider the rates provided under the college credit plus program, but may also consider different rates, as determined by the chancellor of higher education. The office may reimburse or otherwise arrange for payments that help defray costs of both enrollment in college credit plus computer science courses and high school credit only eligible computer science courses offered by an approved provider. 30503
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The department of education shall work with the chancellor 30510

and office of computer science education to calculate and make 30511
payments, within the limits of available funds, to approved 30512
providers for courses as approved by the department of education 30513
in consultation with the office of computer science education. 30514

No participating student enrolled in the Ohio computer 30515
science promise program shall be charged for tuition, textbooks, 30516
or other fees related to participation in the program. 30517

Sec. 3322.24. (A) All governing entities shall count courses 30518
successfully completed under this chapter for high school credit 30519
toward the graduation requirements and subject area requirements 30520
of the governing entity. If a course comparable to one a 30521
participant completed with an approved provider is offered by the 30522
governing entity, the governing entity shall award comparable 30523
credit. If no comparable course is offered, the governing entity 30524
shall grant an appropriate number of elective credits to the 30525
participant. 30526

(B) If there is a dispute between the governing entity of a 30527
participant's school and a participant regarding high school 30528
credits granted for a course, the participant may appeal the 30529
decision to the department of education. The department's decision 30530
regarding any high school credits granted under this section is 30531
final. 30532

(C) Evidence of successful completion of each course and the 30533
high school credits awarded by the school shall be included in the 30534
student's record. The record shall indicate that the credits were 30535
earned as a participant under this chapter and shall include the 30536
name of the educational provider at which the credits were earned. 30537

Sec. 3323.25. (A) As used in this section and section 30538
3323.251 of the Revised Code: 30539

(1) "Dyslexia" means a specific learning disorder that is 30540

neurological in origin and that is characterized by unexpected 30541
difficulties with accurate or fluent word recognition and by poor 30542
spelling and decoding abilities not consistent with the person's 30543
intelligence, motivation, and sensory capabilities, which 30544
difficulties typically result from a deficit in the phonological 30545
component of language. 30546

(2) "Appropriate certification" means either of the 30547
following: 30548

(a) Certification at a certified level, or higher, from a 30549
research-based, structured literacy program; 30550

(b) Any other certification as recognized by a majority vote 30551
of the Ohio dyslexia committee. 30552

(B)(1) The department of education shall establish the Ohio 30553
dyslexia committee which shall consist of the following members: 30554

(a) A school district superintendent appointed by the 30555
superintendent of public instruction; 30556

(b) An elementary school principal appointed by the state 30557
superintendent; 30558

(c) A classroom teacher appointed by the state 30559
superintendent. The teacher shall have an appropriate 30560
certification and at least two years of experience teaching in a 30561
structured literacy program. 30562

(d) An educational service center employee appointed by the 30563
state superintendent. The employee shall have an appropriate 30564
certification. 30565

(e) An employee of the department of education appointed by 30566
the state superintendent; 30567

(f) A parent of a child with dyslexia or an adult with 30568
dyslexia appointed by the international dyslexia association in 30569
Ohio; 30570

(g) An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification.

(h) A board member of the international dyslexia association in Ohio appointed by the international dyslexia association in Ohio. The board member shall have an appropriate certification.

(i) A school psychologist appointed by the state superintendent;

(j) A reading intervention specialist appointed by the state superintendent. The reading intervention specialist shall have an appropriate certification.

(k) A speech-language pathologist appointed by the state speech and hearing professionals board. The speech-language pathologist shall have an appropriate certification.

(2) Each appointing authority shall determine a selection process for the appointments under this section. Each appointing authority that is not the state superintendent shall make and submit to the department each appointment prescribed under this section not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that date. Members of the committee shall serve at the pleasure of their appointing authority.

(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field.

(4) The state superintendent shall convene the first meeting of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the

committee shall elect one of the members as chairperson. 30602

(5) The department shall provide facilities for the meetings 30603
of the committee. 30604

(C)(1) Not later than December 31, 2021, the Ohio dyslexia 30605
committee shall develop a guidebook regarding the best practices 30606
and methods for universal screening, intervention, and remediation 30607
for children with dyslexia or children displaying dyslexic 30608
characteristics and tendencies using a structured literacy 30609
program. 30610

(2) The committee shall provide an opportunity for public 30611
input when developing the guidebook, in the manner determined by 30612
the committee. 30613

(3) Prior to its distribution, the guidebook shall be subject 30614
to final approval by the state board of education. 30615

(4) The guidebook shall be developed and issued to districts 30616
and schools in an electronic format. After the initial development 30617
of the guidebook, the Ohio dyslexia committee shall update the 30618
guidebook as necessary. 30619

(D) Not later than December 31, 2021, the department, in 30620
collaboration with the Ohio dyslexia committee, shall do all of 30621
the following: 30622

(1) Provide structured literacy program professional 30623
development for teachers in evidence-based dyslexia screening and 30624
intervention practices for the purposes of section 3319.077 of the 30625
Revised Code. 30626

(2) Assist school districts and other public schools in 30627
establishing multidisciplinary teams to support the 30628
identification, intervention, and remediation of dyslexia; 30629

(3) Develop reporting mechanisms for districts and schools to 30630
submit to the department the information and data required in the 30631

guidebook developed under this section; 30632

(4) Develop academic standards for kindergarten in reading 30633
and writing that incorporate a structured literacy program; 30634

(5) Provide on the department's web site information about 30635
training for teachers about dyslexia that is available at minimal 30636
or no cost. 30637

(E) The department, in collaboration with the Ohio dyslexia 30638
committee, shall identify reliable, valid, universal, and 30639
evidence-based screening and intervention measures that evaluate 30640
the literacy skills of students enrolled in grades kindergarten 30641
through five using a structured literacy program. The department 30642
shall identify a tier one dyslexia screening measure by January 1,
2024, and make that screening measure available to districts and 30644
schools at no cost to the districts and schools. Districts and 30645
schools shall use the tier one screening measure provided under 30646
this division to satisfy the screening requirements in section 30647
3323.251 of the Revised Code beginning in the 2024-2025 school 30648
year. 30649

(F) The Ohio dyslexia committee may do any of the following: 30650

(1) Recommend appropriate ratios in school buildings for 30651
students to teachers who have received certification in 30652
identifying and addressing dyslexia; 30653

(2) Recommend which other school personnel, including school 30654
psychologists or speech-language pathologists, should receive 30655
certification in identifying and addressing dyslexia; 30656

(3) Consider and make recommendations regarding whether 30657
professional development required under section 3319.077 of the 30658
Revised Code should require the completion of a practicum. 30659

Sec. 3323.251. (A) Each school district and other public 30660
school shall do all of the following: 30661

(1) For the 2023-2024 school year, administer a tier one dyslexia screening measure to a student to whom either of the following applies: 30662
30663
30664

(a) The student is enrolled in any of grades kindergarten through three, or the student transfers into the district or school midyear and is enrolled in any of grades kindergarten through three. A screening measure shall be administered to a student enrolled in kindergarten after January 1, 2024, but prior to January 1, 2025. 30665
30666
30667
30668
30669
30670

(b) The student is enrolled in any of grades four through six, or the student transfers into the district or school midyear and is enrolled in any of grades four through six, and either of the following applies: 30671
30672
30673
30674

(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student. 30675
30676

(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered. 30677
30678
30679
30680

A school district may implement the screening under division (A)(1) of this section prior to the 2023-2024 school year. 30681
30682

A screening measure administered under division (A)(1) of this section shall be aligned to the grade level in which the student is enrolled at the time the screening is administered. 30683
30684
30685

(2) For the 2024-2025 school year and each school year thereafter, administer a tier one dyslexia screening measure to a student to whom either of the following applies: 30686
30687
30688

(a) A student enrolled in kindergarten, or a student who transfers into the district or school midyear and is enrolled in kindergarten. A screening measure shall be administered to a 30689
30690
30691

student after the first day of January of the school year in which 30692
the student is enrolled in kindergarten and prior to the first day 30693
of January of the following school year. 30694

(b) A student enrolled in any of grades one through six, or a 30695
student who transfers into the district or school midyear and is 30696
enrolled in any of grades one through six, if either of the 30697
following applies: 30698

(i) The student's parent, guardian, or custodian requests 30699
that the screening measure be administered to the student. 30700

(ii) A classroom teacher requests that the screening measure 30701
be administered to the student and the student's parent, guardian, 30702
or custodian grants permission for the screening measure to be 30703
administered. 30704

A district or school may administer a tier two dyslexia 30705
screening measure to a student to whom the district or school 30706
administers a tier one screening measure under division (A)(1) or 30707
(2) of this section. In that case, a district or school shall not 30708
be required to complete division (A)(4) of this section. 30709

A screening measure administered under division (A)(2) of 30710
this section shall be aligned to the grade level in which the 30711
student is enrolled at the time the screening is administered. 30712

(3) Identify each student that is at risk of dyslexia based 30713
on the student's results on the tier one screening measure and 30714
notify the student's parent, guardian, or custodian that the 30715
student has been identified as being at risk. 30716

(4) Monitor the progress of each at-risk student toward 30717
attaining grade-level reading and writing skills for up to six 30718
weeks. The district or school shall check each at-risk student's 30719
progress on at least the second week, fourth week, and sixth week 30720
after the student is identified as being at risk. If no progress 30721
is observed during the monitoring period, the district or school 30722

shall notify the parent, guardian, or custodian of the student and 30723
administer a tier two dyslexia screening measure to the student. 30724

(5) Report to a student's parent or guardian the student's 30725
results on a tier two screening measure approved by the Ohio 30726
dyslexia committee within thirty days after the measure's 30727
administration. If, as determined by the tier two screening 30728
measure, the student is identified as having dyslexia tendencies, 30729
the student's parent or guardian shall be provided with 30730
information about reading development, the risk factors for 30731
dyslexia, and descriptions for evidenced-based interventions. 30732

(6) If a student demonstrates markers for dyslexia, provide 30733
the student's parents or guardian with a written explanation of 30734
the district or school's structured literacy program. 30735

~~(B)(1) Beginning in the 2023-2024 school year, each district~~ 30736
~~or school shall~~ In the case of a transfer student described in 30737
division (A)(1) or (2) of this section, the following apply: 30738

~~(a) Administer a tier one dyslexia screening measure to each~~ 30739
~~kindergarten student that transfers into the district or school~~ 30740
~~midyear during the school's regularly scheduled screening of the~~ 30741
~~kindergarten class or within thirty days after the student's~~ 30742
~~enrollment if the screening already has been completed;~~ If the 30743
student is enrolled in kindergarten, the tier one dyslexia 30744
screening measure shall be administered to the student during the 30745
school's regularly scheduled screening of the kindergarten class 30746
or within thirty days after the student's enrollment if so 30747
required under this section, or within thirty days after the 30748
student's parent, guardian, or custodian requests the screening or 30749
grants permission for a screening. 30750

~~(b) Administer a tier one dyslexia screening measure to each~~ 30751
~~student in grades one through six that transfers into the district~~ 30752
~~or school midyear within thirty days after the student's~~ 30753

enrollment. If the student is enrolled in any of grades one through six, the tier one dyslexia screening measure shall be administered to the student within thirty days after the student's enrollment if so required under this section, or within thirty days after the student's parent, guardian, or custodian requests the screening under division (A)(1)(b)(i) or (A)(2)(b)(i) of this section or grants permission for the screening under division (A)(1)(b)(ii) or (A)(2)(b)(ii) of this section.

(c) No district or school shall be required to administer a tier one dyslexia screening measure to a student who transfers into the district or school midyear if the student's records indicate that such a screening was administered to the student by the district or school from which the student transferred during that school year.

(2) If a student is identified as being at risk of dyslexia under division (B)(1) of this section, the district or school shall administer a tier two screening measure in a timely manner.

(C) Each district or school shall do all of the following:

(1) Comply with any provisions that are statutorily required, as they pertain to the guidebook developed under division (C) of section 3323.25 of the Revised Code;

(2) Select screening and intervention measures to administer to students from the measures identified under division (E) of section 3323.25 of the Revised Code;

(3) Establish a multidisciplinary team to administer screening and intervention measures and analyze the results of the measures. The team shall include trained and certified personnel and a stakeholder with expertise in the identification, intervention, and remediation of dyslexia.

(4) Report to the department of education the results of screening measures administered under this section.

In addition, districts and schools may utilize any best 30785
practices and recommendations contained in the guidebook developed 30786
under division (C) of section 3323.25 of the Revised Code. 30787

Sec. 3325.01. The Ohio deaf and blind education services is 30788
hereby established and shall include the state school for the deaf 30789
and the state school for the blind. Ohio deaf and blind education 30790
services shall be operate under the control and supervision of the 30791
state board of education. On the recommendation of the 30792
superintendent of public instruction, the state board of education 30793
shall appoint a superintendent for Ohio deaf and blind education 30794
services, who shall supervise the state school for the deaf and a 30795
superintendent for the state school for the blind, ~~each of whom.~~ 30796
The superintendent of Ohio deaf and blind education services shall 30797
serve at the pleasure of the state board of education. The 30798
superintendent of Ohio deaf and blind education services may 30799
create additional divisions to meet the educational needs of 30800
students throughout the state who are deaf, hard of hearing, 30801
blind, visually impaired, or deafblind. 30802

Sec. 3325.011. Subject to the regulations adopted by the 30803
state board of education, the state school for the deaf shall be 30804
open to receive persons who are deaf, ~~partially deaf~~ hard of 30805
hearing, and ~~both blind and deaf~~ deafblind residents of this 30806
state, who, in the judgment of the superintendent of public 30807
instruction and the superintendent of ~~the school for the deaf~~ Ohio 30808
deaf and blind education services, due to such disability, cannot 30809
be educated in the public school system and are suitable persons 30810
to receive instructions according to the methods employed in such 30811
school. ~~The superintendent of the school for the deaf may pay the~~ 30812
~~expenses necessary for the instruction of children who are both~~ 30813
~~blind and deaf, who are resident of this state, in any suitable~~ 30814
~~institution.~~ 30815

Sec. 3325.02. (A) As used in this chapter, a person with a 30816
"visual impairment" means ~~blindness, partial blindness,~~ 30817
~~deaf blindness~~ the person is blind, visually impaired, deafblind, 30818
or has multiple disabilities if one of the disabilities is vision 30819
related. 30820

(B) Subject to the regulations adopted by the state board of 30821
education, the state school for the blind shall be open to receive 30822
persons who are residents of this state, whose disabilities are 30823
visual impairments, and who, in the judgment of the superintendent 30824
of public instruction and the superintendent of ~~the school for the~~ 30825
~~blind~~ Ohio deaf and blind education services, due to such 30826
disability, cannot be educated in the public school system and are 30827
suitable persons to receive instructions according to the methods 30828
employed in the school. 30829

Sec. 3325.03. The superintendent of ~~the state school for the~~ 30830
~~deaf or the superintendent of the state school for the blind~~ Ohio 30831
deaf and blind education services may return ~~to its parents,~~ 30832
~~guardian, or proper agency~~ any pupil under his the 30833
superintendent's jurisdiction, ~~who~~ to the pupil's resident school 30834
district if, in the opinion of ~~such~~ the superintendent and the 30835
superintendent of public instruction, that pupil is not making 30836
sufficient progress ~~in its school or industrial work~~ to justify 30837
~~its~~ continuance as a pupil ~~in such school~~ at the state school for 30838
the deaf or the state school for the blind. 30839

Sec. 3325.04. The superintendent of ~~the state school for the~~ 30840
~~deaf and the superintendent of the state school for the blind~~ Ohio 30841
deaf and blind education services, with the approval of the 30842
superintendent of public instruction, shall, ~~for their respective~~ 30843
~~schools and~~ subject to the rules and regulations of the civil 30844
service, employ suitable teachers, nurses, and other help staff 30845

necessary to operate Ohio deaf and blind education services and 30846
provide the proper instruction and care ~~for~~ to the pupils under 30847
~~their~~ the jurisdiction of the superintendent of Ohio deaf and 30848
blind education services. 30849

~~No individual hired on or after the effective date of this~~ 30850
~~amendment as a classroom teacher at the state school for the blind~~ 30851
~~shall be permitted to retain employment as a teacher at the school~~ 30852
~~unless prior to the date of such hiring, or within one year of~~ 30853
~~that date, the individual completes at least two courses of~~ 30854
~~instruction in braille at an institution of higher education or~~ 30855
~~demonstrates equivalent competency in the use of braille to the~~ 30856
~~satisfaction of the superintendent of the state school for the~~ 30857
~~blind.~~ 30858

Sec. 3325.05. The state board of education may provide for 30859
the further and higher education of any blind pupils, who in its 30860
judgment are capable of receiving sufficient benefit to render 30861
them more efficient as citizens, by ~~appointing readers for~~ 30862
providing appropriate assistive technology to enable such persons 30863
to read from textbooks and pamphlets used in their studies while 30864
in attendance as regularly matriculated students in any college, 30865
university, or technical or professional school located in this 30866
state and authorized to grant degrees. Any fund appropriated for 30867
such purpose shall be distributed under the direct supervision of 30868
the state board of education. No person shall receive the benefit 30869
conferred by this section who has not had an actual residence in 30870
this state for at least one year. 30871

Sec. 3325.06. (A) ~~The state board of~~ Ohio deaf and blind 30872
education services shall institute and establish a program of 30873
education ~~by the department of education~~ to train parents of deaf 30874
or hard of hearing children of preschool age. The object and 30875
purpose of the educational program shall be to aid and assist the 30876

parents of deaf or hard of hearing children of preschool age in 30877
affording to the children the means of optimum communicational 30878
facilities. 30879

(B) ~~The state board of education~~ Ohio deaf and blind 30880
education services shall institute and establish a program of 30881
education to train and assist parents of blind or visually 30882
impaired children of preschool age ~~whose disabilities are visual~~ 30883
~~impairments~~. The object and purpose of the educational program 30884
shall be to enable the parents of blind or visually impaired 30885
children of preschool age ~~whose disabilities are visual~~ 30886
~~impairments~~ to provide their children with learning experiences 30887
that develop early literacy, communication, mobility, and daily 30888
living skills so the children can function independently in their 30889
living environments. 30890

Sec. 3325.07. ~~The state board of~~ Ohio deaf and blind 30891
education services in carrying out this section and division (A) 30892
of section 3325.06 of the Revised Code shall, insofar as 30893
practicable, plan, present, and carry into effect an educational 30894
program by means of any of the following methods of instruction: 30895

(A) Classes for parents of deaf or hard of hearing children 30896
of preschool age; 30897

(B) A ~~nursery school~~ preschool where parent and child ~~would~~ 30898
may enter the ~~nursery school~~ preschool as a unit; 30899

(C) Correspondence course; 30900

(D) Personal consultations and interviews; 30901

(E) Day-care or child development courses; 30902

(F) Summer enrichment courses; 30903

(G) By such other means or methods as the superintendent of 30904
~~the state school for the deaf~~ Ohio deaf and blind education 30905
services deems advisable that would permit a deaf or hard of 30906

hearing child of preschool age to ~~construct a pattern of~~ build 30907
communication skills at an early age. 30908

The superintendent may allow children who are not deaf or 30909
hard of hearing to participate in the methods of instruction 30910
described in divisions (A) to (G) of this section as a means to 30911
assist deaf or hard of hearing children to ~~construct a pattern of~~ 30912
build communication skills. The superintendent shall establish 30913
policies and procedures regarding the participation of children 30914
who are not deaf or hard of hearing. 30915

The superintendent may establish reasonable fees for 30916
participation in the methods of instruction described in divisions 30917
(A) to (G) of this section to defray the costs of carrying them 30918
out. The superintendent shall determine the manner by which any 30919
such fees shall be collected. All fees shall be deposited in the 30920
even start fees and gifts fund, which is hereby created in the 30921
state treasury. The money in the fund shall be used to implement 30922
this section. 30923

Sec. 3325.071. ~~The state board of~~ Ohio deaf and blind 30924
education services in carrying out this section and division (B) 30925
of section 3325.06 of the Revised Code shall, insofar as 30926
practicable, plan, present, and carry into effect an educational 30927
program by means of any of the following methods of instruction: 30928

(A) Classes for parents of children of preschool age whose 30929
disabilities are visual impairments, independently or in 30930
cooperation with community agencies; 30931

(B) ~~Periodic interactive parent child classes for infants and~~ 30932
~~toddlers whose disabilities are visual impairments~~ A preschool 30933
where a parent and child may enter the preschool as a unit; 30934

(C) Correspondence course; 30935

(D) Personal consultations and interviews; 30936

(E) Day-care or child development courses for children and parents; 30937
30938

(F) Summer enrichment courses; 30939

(G) By such other means or methods as the superintendent of 30940
~~the state school for the blind~~ Ohio deaf and blind education 30941
services deems advisable that would permit a child of preschool 30942
age whose disability is a visual impairment to ~~construct a pattern~~ 30943
~~of~~ build communication skills and develop literacy, mobility, and 30944
independence at an early age. 30945

The superintendent may allow children who do not have 30946
disabilities that are visual impairments to participate in the 30947
methods of instruction described in divisions (A) to (G) of this 30948
section so that children of preschool age whose disabilities are 30949
visual impairments are able to learn alongside their peers while 30950
receiving specialized instruction that is based on early learning 30951
and development strategies. The superintendent shall establish 30952
policies and procedures regarding the participation of children 30953
who do not have disabilities that are visual impairments. 30954

The superintendent may establish reasonable fees for 30955
participation in the methods of instruction described in divisions 30956
(A) to (G) of this section to defray the costs of carrying them 30957
out. The superintendent shall determine the manner by which any 30958
such fees shall be collected. All fees shall be deposited in the 30959
state school for the blind even start fees and gifts fund, which 30960
is hereby created in the state treasury. The money in the fund 30961
shall be used to implement this section. 30962

Sec. 3325.08. (A) A diploma shall be granted by the 30963
superintendent of ~~the state school for the blind and the~~ 30964
~~superintendent of the state school for the deaf~~ Ohio deaf and 30965
blind education services to any student enrolled in ~~one of these~~ 30966
~~state schools~~ the state school for the blind or the state school 30967

for the deaf to whom all of the following apply: 30968

(1) The student has successfully completed the individualized 30969
education program developed for the student for the student's high 30970
school education pursuant to section 3323.08 of the Revised Code; 30971

(2) Subject to section 3313.614 of the Revised Code, the 30972
student has met the assessment requirements of division (A)(2)(a) 30973
or (b) of this section, as applicable. 30974

(a) If the student entered the ninth grade prior to July 1, 30975
2014, the student either: 30976

(i) Has attained at least the applicable scores designated 30977
under division (B)(1) of section 3301.0710 of the Revised Code on 30978
all the assessments prescribed by that division unless division 30979
(L) of section 3313.61 of the Revised Code applies to the student; 30980

(ii) Has satisfied the alternative conditions prescribed in 30981
section 3313.615 of the Revised Code. 30982

(b) If the student entered the ninth grade on or after July 30983
1, 2014, the student has met the requirement prescribed by section 30984
3313.618 of the Revised Code, except to the extent that division 30985
(L) of section 3313.61 of the Revised Code applies to the student. 30986

(3) The student is not eligible to receive an honors diploma 30987
granted pursuant to division (B) of this section. 30988

No diploma shall be granted under this division to anyone 30989
except as provided under this division. 30990

(B) In lieu of a diploma granted under division (A) of this 30991
section, the superintendent of ~~the state school for the blind and~~ 30992
~~the superintendent of the state school for the deaf~~ Ohio deaf and 30993
blind education services shall grant an honors diploma, in the 30994
same manner that the boards of education of school districts grant 30995
such diplomas under division (B) of section 3313.61 of the Revised 30996
Code, to any student enrolled in ~~one of these state schools~~ the 30997

<u>state school for the blind or the state school for the deaf</u> who	30998
accomplishes all of the following:	30999
(1) Successfully completes the individualized education	31000
program developed for the student for the student's high school	31001
education pursuant to section 3323.08 of the Revised Code;	31002
(2) Subject to section 3313.614 of the Revised Code, has met	31003
the assessment requirements of division (B)(2)(a) or (b) of this	31004
section, as applicable.	31005
(a) If the student entered the ninth grade prior to July 1,	31006
2014, the student either:	31007
(i) Has attained at least the applicable scores designated	31008
under division (B)(1) of section 3301.0710 of the Revised Code on	31009
all the assessments prescribed under that division;	31010
(ii) Has satisfied the alternative conditions prescribed in	31011
section 3313.615 of the Revised Code.	31012
(b) If the student entered the ninth grade on or after July	31013
1, 2014, the student has met the requirement prescribed by section	31014
3313.618 of the Revised Code.	31015
(3) Has met additional criteria for granting an honors	31016
diploma.	31017
These additional criteria shall be the same as those	31018
prescribed by the state board under division (B) of section	31019
3313.61 of the Revised Code for the granting of such diplomas by	31020
school districts. No honors diploma shall be granted to anyone	31021
failing to comply with this division and not more than one honors	31022
diploma shall be granted to any student under this division.	31023
(C) A diploma or honors diploma awarded under this section	31024
shall be signed by the superintendent of public instruction and	31025
the superintendent of the state school for the blind or the	31026
superintendent of the state school for the deaf, as applicable	31027

Ohio deaf and blind education services. Each diploma shall bear 31028
the date of its issue and be in such form as the ~~school~~ 31029
superintendent of Ohio deaf and blind education services 31030
prescribes. 31031

(D) Upon granting a diploma to a student under this section, 31032
the superintendent of ~~the state school in which the student is~~ 31033
~~enrolled~~ Ohio deaf and blind education services shall provide 31034
notice of receipt of the diploma to the board of education of the 31035
school district where the student is entitled to attend school 31036
under section 3313.64 or 3313.65 of the Revised Code when not 31037
residing at the state school for the blind or the state school for 31038
the deaf. The notice shall indicate the type of diploma granted. 31039

Sec. 3325.09. (A) ~~The state board of~~ Ohio deaf and blind 31040
education services shall institute and establish career-technical 31041
education and work training programs for secondary and 31042
post-secondary students ~~whose disabilities are visual impairments~~ 31043
who are blind, visually impaired, deaf, hard of hearing, or 31044
deafblind. These programs shall develop communication, mobility, 31045
and work skills and assist students in becoming productive members 31046
of society so that they can contribute to their communities and 31047
living environments. 31048

(B) ~~The state school for the blind~~ Ohio deaf and blind 31049
education services may use any gifts, donations, or bequests it 31050
receives under section 3325.10 or 3325.15 of the Revised Code for 31051
one or more of the following purposes that are related to 31052
career-technical and work training programs for secondary and 31053
post-secondary students ~~whose disabilities are visual impairments~~ 31054
who are blind, visually impaired, deaf, hard of hearing, or 31055
deafblind: 31056

(1) Room and board; 31057

(2) Training in mobility and orientation; 31058

(3) Activities that teach daily living skills;	31059
(4) Rehabilitation technology;	31060
(5) Activities that teach group and individual social and interpersonal skills;	31061 31062
(6) Work placement in the community by the school or a community agency;	31063 31064
(7) Transportation to and from work sites or locations of community interaction;	31065 31066
(8) Supervision and management of programs and services.	31067
<u>(C) For the purposes of division (B) of this section, Ohio deaf and blind education services shall use funds received under section 3325.10 or 3325.15 of the Revised Code only for the school for which the funds were designated.</u>	31068 31069 31070 31071
Sec. 3325.10. The state school for the blind <u>Ohio deaf and blind education services</u> may receive and administer any federal funds relating to the education of students <u>at the state school for the blind</u> whose disabilities are visual impairments, including secondary and post-secondary students. The school for the blind <u>Ohio deaf and blind education services</u> also may accept and administer any gifts, donations, or bequests made to it for programs or services relating to the education of students <u>at the state school for the blind</u> whose disabilities are visual impairments, including secondary and post-secondary students.	31072 31073 31074 31075 31076 31077 31078 31079 31080 31081
Sec. 3325.11. There is hereby created in the state treasury the state school for the blind <u>Ohio deaf and blind education services</u> student activity and work-study fund. Moneys received from donations, bequests, the school vocational program <u>programs</u> <u>of the state school for the blind and the state school for the deaf</u> , and any other moneys designated for deposit in the fund by	31082 31083 31084 31085 31086 31087

the superintendent of ~~the state school for the blind~~ Ohio deaf and 31088
blind education services shall be credited to the fund. 31089

Notwithstanding section 3325.01 of the Revised Code, the approval 31090
of the state board of education is not required to designate money 31091
for deposit into the fund. ~~The school for the blind~~ Ohio deaf and 31092
blind education services shall use money in the fund for the state 31093
school for the blind, the state school for the deaf, and Ohio deaf 31094
and blind education services' operating expenses, including, but 31095
not limited to, personal services, maintenance, and equipment 31096
related to student support, activities, and vocational programs, 31097
and for providing scholarships to students for further training 31098
upon graduation. 31099

Sec. 3325.12. Money deposited with the superintendent of ~~the~~ 31100
~~state school for the blind and the superintendent of the state~~ 31101
~~school for the deaf~~ Ohio deaf and blind education services by 31102
parents, relatives, guardians, and friends for the special benefit 31103
of any pupil at the state school for the blind or the state school 31104
for the deaf shall remain in the hands of the ~~respective~~ 31105
superintendent for use accordingly. ~~Each~~ The superintendent shall 31106
deposit the money into one or more personal deposit funds. ~~Each~~ 31107
The superintendent shall keep itemized book accounts of the 31108
receipt and disposition of the money, which books shall be open at 31109
all times to the inspection of the superintendent of public 31110
instruction. The superintendent of ~~the state school for the blind~~ 31111
~~and the superintendent of the state school for the deaf~~ ~~each~~ Ohio 31112
deaf and blind education services shall adopt ~~rules~~ procedures 31113
governing the deposit, transfer, withdrawal, or investment of the 31114
money and the investment earnings of the money. 31115

Whenever a pupil ceases to be enrolled in the state school 31116
for the blind or the state school for the deaf, if personal money 31117
of the pupil remains in the hands of the ~~respective~~ superintendent 31118

of Ohio deaf and blind education services and no demand is made 31119
upon the superintendent by the pupil or the pupil's parent or 31120
guardian, the superintendent shall hold the money in a personal 31121
deposit fund for a period of at least one year. During that time, 31122
the superintendent shall make every effort possible to locate the 31123
pupil or the pupil's parent or guardian. If, at the end of this 31124
period, no demand has been made for the money ~~held by~~ of a pupil 31125
in the state school for the blind, the superintendent ~~of the state~~ 31126
~~school for the blind~~ shall dispose of the money by transferring it 31127
to the state school for the blind ~~student activity and work study~~ 31128
educational program expense fund established by section ~~3325.11~~ 31129
3325.17 of the Revised Code. If at the end of this period, no 31130
demand has been made for the money ~~held by~~ of a pupil in the state 31131
school for the deaf, the superintendent ~~of the state school for~~ 31132
~~the deaf~~ shall dispose of the money by transferring it to the 31133
state school for the deaf educational program expenses fund 31134
established by section 3325.16 of the Revised Code. 31135

Sec. 3325.13. ~~The state school for the blind~~ Ohio deaf and 31136
blind education services employees food service fund is hereby 31137
created in the state treasury. The fund shall consist of payments 31138
received from employees who make purchases from the ~~school's~~ food 31139
service program of the state school for the blind or state school 31140
for the deaf. Notwithstanding section 3325.01 of the Revised Code, 31141
the approval of the state board of education is not required to 31142
designate money for deposit into the fund. ~~The school for the~~ 31143
~~blind~~ Ohio deaf and blind education services shall use money in 31144
the fund to pay costs associated with ~~the school's~~ Ohio deaf and 31145
blind education services' food service program. 31146

Sec. 3325.15. ~~The state school for the deaf~~ Ohio deaf and 31147
blind education services may receive and administer any federal 31148
funds relating to the education of deaf ~~or hearing impaired,~~ hard 31149

of hearing, or deafblind students. ~~The school for the deaf~~ Ohio 31150
deaf and blind education services also may accept and administer 31151
any gifts, donations, or bequests given to it for programs or 31152
services relating to the education of deaf or ~~hearing-impaired~~ 31153
hard of hearing students and the state school for the deaf. 31154

Sec. 3325.16. There is hereby created in the state treasury 31155
the state school for the deaf educational program expenses fund. 31156
Moneys received by ~~the~~ Ohio deaf and blind education services for 31157
the state school for the deaf from donations, bequests, student 31158
fundraising activities, fees charged for camps and workshops, gate 31159
receipts from athletic contests, and the student work experience 31160
program operated by the school, and any other moneys designated 31161
for deposit in the fund by the superintendent of ~~the school~~ Ohio 31162
deaf and blind education services, shall be credited to the fund. 31163
Notwithstanding section 3325.01 of the Revised Code, the approval 31164
of the state board of education is not required to designate money 31165
for deposit into the fund. ~~The state school for the deaf~~ Ohio deaf 31166
and blind education services shall use moneys in the fund for 31167
educational programs, after-school activities, and expenses 31168
associated with student activities and clubs at the state school 31169
for the deaf. 31170

Sec. 3325.17. There is hereby created in the state treasury 31171
the state school for the blind educational program expense fund. 31172
Moneys received by ~~the~~ Ohio deaf and blind education services for 31173
the state school for the blind from donations, bequests, student 31174
fundraising activities, fees charged for camps, workshops, and 31175
summer work and learn cooperative programs, gate receipts from 31176
school activities, and any other moneys designated for deposit in 31177
the fund by the superintendent of ~~the school~~ Ohio deaf and blind 31178
education services, shall be credited to the fund. Notwithstanding 31179

section 3325.01 of the Revised Code, the approval of the state 31180
board of education is not required to designate money for deposit 31181
into the fund. ~~The state school for the blind~~ Ohio deaf and blind 31182
education services shall use moneys in the fund for educational 31183
programs, after-school activities, and expenses associated with 31184
student activities at the state school for the blind. 31185

Sec. 3326.11. Each science, technology, engineering, and 31186
mathematics school established under this chapter and its 31187
governing body shall comply with sections 9.90, 9.91, 109.65, 31188
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 31189
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 31190
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 31191
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 31192
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 31193
3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614, 31194
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 31195
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 31196
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 31197
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 31198
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 31199
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 31200
3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 31201
3319.321, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 31202
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 31203
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 31204
3322.20, 3322.21, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 31205
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 31206
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. 31207
of the Revised Code as if it were a school district. 31208

Sec. 3326.44. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a 31209

STEM school shall spend the funding it receives under division 31210
(A)(5) of section 3317.022 of the Revised Code only for services 31211
for English learners. 31212

Sec. 3332.092. Any school subject to this chapter receiving 31213
money under section ~~3333.12~~ or 3333.122 of the Revised Code on 31214
behalf of a student who is determined by the state board of career 31215
colleges and schools to be ineligible under such section because 31216
the program in which the student is enrolled does not lead to an 31217
associate or baccalaureate degree, shall be liable to the state 31218
for the amount specified in section ~~3333.12~~ or 3333.122 of the 31219
Revised Code. The state board of career colleges and schools shall 31220
suspend the certificate of registration of a school receiving 31221
money under section ~~3333.12~~ or 3333.122 of the Revised Code for 31222
such ineligible student until such time as the money is repaid to 31223
the ~~Ohio board~~ department of ~~regents~~ higher education. 31224

Sec. 3333.021. As used in this section, "university" means 31225
any college or university that receives a state appropriation. 31226

(A) This division does not apply to proposed rules, 31227
amendments, or rescissions subject to legislative review under 31228
section 106.02 of the Revised Code. No action taken by the 31229
chancellor of higher education that could reasonably be expected 31230
to have an effect on the revenue or expenditures of any university 31231
shall take effect unless at least two weeks prior to the date on 31232
which the action is taken, the chancellor has filed with the 31233
speaker of the house of representatives, the president of the 31234
senate, and the legislative service commission, ~~and the director~~ 31235
~~of budget and management~~ a fiscal analysis of the proposed action. 31236
The analysis shall include an estimate of the amount by which, 31237
during the current and ensuing fiscal biennium, the action would 31238
increase or decrease the university's revenues or expenditures and 31239

increase or decrease any state expenditures and any other 31240
information the chancellor considers necessary to explain the 31241
action's fiscal effect. 31242

(B) Within three days of the date the chancellor files with 31243
the clerk of the senate a proposed rule, amendment, or rescission 31244
that is subject to legislative review and invalidation under 31245
section 106.02 of the Revised Code, the chancellor shall file with 31246
the speaker of the house of representatives, the president of the 31247
senate, and the legislative service commission, ~~and the director~~ 31248
~~of budget and management~~ a fiscal analysis of the proposed rule. 31249
The analysis shall include an estimate of the amount by which, 31250
during the current and ensuing fiscal biennium, the action would 31251
increase or decrease any university's revenues or expenditures and 31252
increase or decrease state revenues or expenditures and any other 31253
information the chancellor considers necessary to explain the 31254
fiscal effect of the rule, amendment, or rescission. No rule, 31255
amendment, or rescission shall take effect unless the chancellor 31256
has complied with this division. 31257

Sec. 3333.033. The office of ApplyOhio is hereby established 31258
within the department of higher education. The office shall do all 31259
of the following: 31260

(A) Coordinate efforts to support Ohio residents in accessing 31261
a pathway to a postsecondary education after graduating high 31262
school, including an education through any of the following: 31263

(1) An aspire program; 31264

(2) An Ohio technical center, as defined in section 3333.94 31265
of the Revised Code; 31266

(3) A state institution of higher education, as defined in 31267
section 3345.011 of the Revised Code; 31268

(4) Any other postsecondary institution or program. 31269

(B) Help lead efforts to increase college affordability for Ohio residents by increasing the state's free application for federal student aid completion rate; 31270
31271
31272

(C) Coordinate efforts to develop innovations that improve the postsecondary admissions process for Ohio residents; 31273
31274

(D) Endeavor to coordinate statewide efforts to recruit Ohio residents who have some college credit, but no degree, to reenroll in a postsecondary institution or program; 31275
31276
31277

(E) Provide operational support for state institutions of higher education that have elected to participate in programs and compacts that help individuals described in division (D) of this section, including the college comeback program established by the chancellor of higher education; 31278
31279
31280
31281
31282

(F) Coordinate efforts to assist members of the United States armed forces and veterans seeking a postsecondary education, including by attaining college credit in accordance with section 3333.164 of the Revised Code; 31283
31284
31285
31286

(G) Performing any other duty assigned to the office by the chancellor. 31287
31288

Sec. 3333.04. The chancellor of higher education shall: 31289

(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs; 31290
31291
31292
31293
31294

(B)(1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state; 31295
31296
31297

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted 31298
31299

institution of higher education. 31300

(C) Approve or disapprove the establishment of new branches 31301
or academic centers of state colleges and universities; 31302

(D) Approve or disapprove the establishment of state 31303
technical colleges or any other state institution of higher 31304
education; 31305

(E) Recommend the nature of the programs, undergraduate, 31306
graduate, professional, state-financed research, and public 31307
services which should be offered by the state colleges, 31308
universities, and other state-assisted institutions of higher 31309
education in order to utilize to the best advantage their 31310
facilities and personnel; 31311

(F) Recommend to the state colleges, universities, and other 31312
state-assisted institutions of higher education graduate or 31313
professional programs, including, but not limited to, doctor of 31314
philosophy, doctor of education, and juris doctor programs, that 31315
could be eliminated because they constitute unnecessary 31316
duplication, as shall be determined using the process developed 31317
pursuant to this division, or for other good and sufficient cause. 31318
Prior to recommending a program for elimination, the chancellor 31319
shall request the board of regents to hold at least one public 31320
hearing on the matter and advise the chancellor on whether the 31321
program should be recommended for elimination. The board shall 31322
provide notice of each hearing within a reasonable amount of time 31323
prior to its scheduled date. Following the hearing, the board 31324
shall issue a recommendation to the chancellor. The chancellor 31325
shall consider the board's recommendation but shall not be 31326
required to accept it. 31327

For purposes of determining the amounts of any state 31328
instructional subsidies paid to state colleges, universities, and 31329
other state-assisted institutions of higher education, the 31330

chancellor may exclude students enrolled in any program that the 31331
chancellor has recommended for elimination pursuant to this 31332
division except that the chancellor shall not exclude any such 31333
student who enrolled in the program prior to the date on which the 31334
chancellor initially commences to exclude students under this 31335
division. 31336

The chancellor and state colleges, universities, and other 31337
state-assisted institutions of higher education shall jointly 31338
develop a process for determining which existing graduate or 31339
professional programs constitute unnecessary duplication. 31340

(G) Recommend to the state colleges, universities, and other 31341
state-assisted institutions of higher education programs which 31342
should be added to their present programs; 31343

(H) Conduct studies for the state colleges, universities, and 31344
other state-assisted institutions of higher education to assist 31345
them in making the best and most efficient use of their existing 31346
facilities and personnel; 31347

(I) Make recommendations to the governor and general assembly 31348
concerning the development of state-financed capital plans for 31349
higher education; the establishment of new state colleges, 31350
universities, and other state-assisted institutions of higher 31351
education; and the establishment of new programs at the existing 31352
state colleges, universities, and other institutions of higher 31353
education; 31354

(J) Review the appropriation requests of the public community 31355
colleges and the state colleges and universities and submit to the 31356
office of budget and management and to the chairpersons of the 31357
finance committees of the house of representatives and of the 31358
senate the chancellor's recommendations in regard to the biennial 31359
higher education appropriation for the state, including 31360
appropriations for the individual state colleges and universities 31361

and public community colleges. For the purpose of determining the 31362
amounts of instructional subsidies to be paid to state-assisted 31363
colleges and universities, the chancellor shall define "full-time 31364
equivalent student" by program per academic year. The definition 31365
may take into account the establishment of minimum enrollment 31366
levels in technical education programs below which support 31367
allowances will not be paid. Except as otherwise provided in this 31368
section, the chancellor shall make no change in the definition of 31369
"full-time equivalent student" in effect on November 15, 1981, 31370
which would increase or decrease the number of subsidy-eligible 31371
full-time equivalent students, without first submitting a fiscal 31372
impact statement to the president of the senate, the speaker of 31373
the house of representatives, the legislative service commission, 31374
and the director of budget and management. The chancellor shall 31375
work in close cooperation with the director of budget and 31376
management in this respect and in all other matters concerning the 31377
expenditures of appropriated funds by state colleges, 31378
universities, and other institutions of higher education. 31379

(K) Seek the cooperation and advice of the officers and 31380
trustees of both public and private colleges, universities, and 31381
other institutions of higher education in the state in performing 31382
the chancellor's duties and making the chancellor's plans, 31383
studies, and recommendations; 31384

(L) Appoint advisory committees consisting of persons 31385
associated with public or private secondary schools, members of 31386
the state board of education, or personnel of the state department 31387
of education; 31388

(M) Appoint advisory committees consisting of college and 31389
university personnel, or other persons knowledgeable in the field 31390
of higher education, or both, in order to obtain their advice and 31391
assistance in defining and suggesting solutions for the problems 31392
and needs of higher education in this state; 31393

(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education.

When considering approval of a new degree or degree program for a state institution of higher education, as defined in section 3345.011 of the Revised Code, the chancellor shall take into account the extent to which the degree or degree program aligns with the state's workforce development priorities.

(O) Adopt such rules as are necessary to carry out the chancellor's duties and responsibilities. The rules shall prescribe procedures for the chancellor to follow when taking actions associated with the chancellor's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;

(5) Written publication of the final action taken by the

chancellor and the chancellor's rationale for the action;	31425
(6) A timeline for the process described in divisions (O)(1) to (5) of this section.	31426 31427
(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12 , 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;	31428 31429 31430 31431
(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	31432 31433 31434 31435
(R) Adopt rules for student financial aid programs as required by sections 3333.12 , 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	31436 31437 31438 31439 31440
(S) Conduct enrollment audits of state-supported institutions of higher education;	31441 31442
(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (O)(1) to (6) of this section.	31443 31444 31445 31446 31447 31448 31449 31450 31451 31452 31453 31454 31455

(U) Adopt rules establishing advisory duties and 31456
responsibilities of the board of regents not otherwise prescribed 31457
by law; 31458

(V) Respond to requests for information about higher 31459
education from members of the general assembly and direct staff to 31460
conduct research or analysis as needed for this purpose. 31461

Sec. 3333.041. (A) On or before the last day of December of 31462
each year, the chancellor of higher education shall submit to the 31463
governor and, in accordance with section 101.68 of the Revised 31464
Code, the general assembly a report or reports concerning all of 31465
the following: 31466

(1) The status of graduates of Ohio school districts at state 31467
institutions of higher education during the twelve-month period 31468
ending on the thirtieth day of September of the current calendar 31469
year. The report shall list, by school district, the number of 31470
graduates of each school district who attended a state institution 31471
of higher education and the percentage of each district's 31472
graduates enrolled in a state institution of higher education 31473
during the reporting period who were required during such period 31474
by the college or university, as a prerequisite to enrolling in 31475
those courses generally required for first-year students, to 31476
enroll in a remedial course in English, including composition or 31477
reading, mathematics, and any other area designated by the 31478
chancellor. The chancellor also shall make the information 31479
described in division (A)(1) of this section available to the 31480
board of education of each city, exempted village, and local 31481
school district. 31482

Each state institution of higher education shall, by the 31483
first day of November of each year, submit to the chancellor in 31484
the form specified by the chancellor the information the 31485
chancellor requires to compile the report. 31486

(2) The following information with respect to the Ohio	31487
tuition trust authority:	31488
(a) The name of each investment manager that is a minority	31489
business enterprise or a women's business enterprise with which	31490
the chancellor contracts;	31491
(b) The amount of assets managed by investment managers that	31492
are minority business enterprises or women's business enterprises,	31493
expressed as a percentage of assets managed by investment managers	31494
with which the chancellor has contracted;	31495
(c) Efforts by the chancellor to increase utilization of	31496
investment managers that are minority business enterprises or	31497
women's business enterprises.	31498
(3) The chancellor's strategy in assigning choose Ohio first	31499
scholarships, as established under section 3333.61 of the Revised	31500
Code, among state universities and colleges and how the actual	31501
awards fit that strategy.	31502
(4) The academic and economic impact of the Ohio	31503
co-op/internship program established under section 3333.72 of the	31504
Revised Code. At a minimum, the report shall include the	31505
following:	31506
(a) Progress and performance metrics for each initiative that	31507
received an award in the previous fiscal year;	31508
(b) Economic indicators of the impact of each initiative, and	31509
all initiatives as a whole, on the regional economies and the	31510
statewide economy;	31511
(c) The chancellor's strategy in allocating awards among	31512
state institutions of higher education and how the actual awards	31513
fit that strategy.	31514
(B) On or before the fifteenth day of February of each year,	31515
the director <u>chancellor</u> shall submit to the governor and, in	31516

accordance with section 101.68 of the Revised Code, the general 31517
assembly a report concerning aggregate academic growth data for 31518
students assigned to graduates of teacher preparation programs 31519
approved under section 3333.048 of the Revised Code who teach 31520
English language arts or mathematics in any of grades four to 31521
eight in a public school in Ohio. For this purpose, the ~~director~~ 31522
chancellor shall use the value-added progress dimension prescribed 31523
by section 3302.021 of the Revised Code or the alternative student 31524
academic progress measure if adopted under division (C)(1)(e) of 31525
section 3302.03 of the Revised Code. The ~~director~~ chancellor shall 31526
aggregate the data by graduating class for each approved teacher 31527
preparation program, except that if a particular class has ten or 31528
fewer graduates to which this division applies, the ~~director~~ 31529
chancellor shall report the data for a group of classes over a 31530
three-year period. In no case shall the report identify any 31531
individual graduate. The department of education shall share any 31532
data necessary for the report with the ~~director~~ chancellor. 31533

(C) As used in this section: 31534

(1) "Minority business enterprise" has the same meaning as in 31535
section 122.71 of the Revised Code. 31536

(2) "State institution of higher education" and "state 31537
university" have the same meanings as in section 3345.011 of the 31538
Revised Code. 31539

(3) "State university or college" has the same meaning as in 31540
section 3345.12 of the Revised Code. 31541

(4) "Women's business enterprise" means a business, or a 31542
partnership, corporation, limited liability company, or joint 31543
venture of any kind, that is owned and controlled by women who are 31544
United States citizens and residents of this state. 31545

Sec. 3333.044. (A) The chancellor of higher education may 31546

contract with any consultants that are necessary for the discharge 31547
of the chancellor's duties under this chapter. 31548

(B) The chancellor may purchase, upon the terms that the 31549
chancellor determines to be advisable, one or more policies of 31550
insurance from insurers authorized to do business in this state 31551
that insure consultants who have contracted with the chancellor 31552
under division (A) of this section or members of an advisory 31553
committee appointed under section 3333.04 of the Revised Code, 31554
with respect to the activities of the consultants or advisory 31555
committee members in the course of the performance of their 31556
responsibilities as consultants or advisory committee members. 31557

(C) Subject to the approval of the controlling board, the 31558
chancellor may contract with any entities for the discharge of the 31559
chancellor's duties and responsibilities under any of the programs 31560
established pursuant to sections ~~3333.12~~, 3333.122, 3333.21 to 31561
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 31562
chancellor shall not enter into a contract under this division 31563
unless the proposed contractor demonstrates that its primary 31564
purpose is to promote access to higher education by providing 31565
student financial assistance through loans, grants, or 31566
scholarships, and by providing high quality support services and 31567
information to students and their families with regard to such 31568
financial assistance. 31569

Chapter 125. of the Revised Code does not apply to contracts 31570
entered into pursuant to this section. In awarding contracts under 31571
this division, the chancellor shall consider factors such as the 31572
cost of the administration of the contract, the experience of the 31573
contractor, and the contractor's ability to properly execute the 31574
contract. 31575

Sec. 3333.048. (A) Not later than one year after October 16, 31576
2009, the chancellor of higher education and the superintendent of 31577

public instruction jointly shall do the following: 31578

(1) In accordance with Chapter 119. of the Revised Code, 31579
establish metrics and educator preparation programs for the 31580
preparation of educators and other school personnel and the 31581
institutions of higher education that are engaged in their 31582
preparation. The metrics and educator preparation programs shall 31583
be aligned with the standards and qualifications for educator 31584
licenses adopted by the state board of education under section 31585
3319.22 of the Revised Code and the requirements of the Ohio 31586
teacher residency program established under section 3319.223 of 31587
the Revised Code. The metrics and educator preparation programs 31588
also shall ensure that educators and other school personnel are 31589
adequately prepared to use the value-added progress dimension 31590
prescribed by section 3302.021 of the Revised Code or the 31591
alternative student academic progress measure if adopted under 31592
division (C)(1)(e) of section 3302.03 of the Revised Code. The 31593
metrics and educator preparation programs also shall ensure that 31594
all educators complete coursework in evidence based strategies for 31595
effective literacy instruction. 31596

(2) Provide for the inspection of institutions of higher 31597
education desiring to prepare educators and other school 31598
personnel. 31599

(B) Not later than one year after October 16, 2009, the 31600
chancellor shall approve institutions of higher education engaged 31601
in the preparation of educators and other school personnel that 31602
maintain satisfactory training procedures and records of 31603
performance, as determined by the chancellor. 31604

(C) If the metrics established under division (A)(1) of this 31605
section require an institution of higher education that prepares 31606
teachers to satisfy the standards of an independent accreditation 31607
organization, the chancellor shall permit each institution to 31608
satisfy the standards of any applicable national educator 31609

preparation accrediting agency recognized by the United States 31610
department of education. 31611

(D) The metrics and educator preparation programs established 31612
under division (A)(1) of this section may require an institution 31613
of higher education, as a condition of approval by the chancellor, 31614
to make changes in the curricula of its preparation programs for 31615
educators and other school personnel. 31616

Notwithstanding division (E) of section 119.03 and division 31617
(A)(1) of section 119.04 of the Revised Code, any metrics, 31618
educator preparation programs, rules, and regulations, or any 31619
amendment or rescission of such metrics, educator preparation 31620
programs, rules, and regulations, adopted under this section that 31621
necessitate institutions offering preparation programs for 31622
educators and other school personnel approved by the chancellor to 31623
revise the curricula of those programs shall not be effective for 31624
at least one year after the first day of January next succeeding 31625
the publication of the said change. 31626

Each institution shall allocate money from its existing 31627
revenue sources to pay the cost of making the curricular changes. 31628

(E) The chancellor shall notify the state board of the 31629
metrics and educator preparation programs established under 31630
division (A)(1) of this section and the institutions of higher 31631
education approved under division (B) of this section. The state 31632
board shall publish the metrics, educator preparation programs, 31633
and approved institutions with the standards and qualifications 31634
for each type of educator license. 31635

(F) The graduates of educator preparation programs approved 31636
by the chancellor shall be licensed by the state board in 31637
accordance with the standards and qualifications adopted under 31638
section 3319.22 of the Revised Code. 31639

Sec. 3333.0419. (A) As used in this section, "eligible institution" includes both of the following: 31640
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(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 31642
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(2) A private nonprofit institution of higher education that holds a certificate of authorization under Chapter 1713. of the Revised Code. 31644
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(B) Each eligible institution shall develop a program and curriculum to prepare students interested in public service careers that aligns with the model program and curriculum adopted in rule by the chancellor of higher education under this section. The curriculum shall provide knowledge-based civics instruction to help high school and undergraduate students learn about local and state governments. The program shall include, but not be limited to, the following courses: 31647
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(1) Public service leadership; 31655

(2) Careers and communication; 31656

(3) Experiential learning; 31657

(4) Pre-apprenticeship and apprenticeship opportunities with local and state agencies. 31658
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(C) Any student in any of grades nine to twelve enrolled in a public or chartered nonpublic school is eligible to participate in the program. 31660
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(D) The chancellor shall adopt rules, in accordance with Chapter 119. of the Revised Code, governing the operation of the program. The rules shall include a procedure under which students who take courses established under the model program may earn both high school and college credit pursuant to the college credit plus program established under Chapter 3365. of the Revised Code. 31663
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The chancellor and superintendent of public instruction shall collaborate to ensure that all reasonable steps are taken to utilize the college credit plus program to the extent practicable to make the model program and curriculum developed under this section available to as many students as possible.

Sec. 3333.122. ~~(A)~~(A)(1) As used in this section:

(a) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(b) "Private university or college" means a private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(c) "Private career college" means either a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(2) The chancellor of higher education shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" for the purpose of those sections.

(B) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this section:

(1) The resident first enrolls as follows:

(a) Prior to the 2023-2024 academic year and has an expected family contribution, or the equivalent according to a different

measure of student financial need established under federal law, 31699
of two thousand one hundred ninety dollars or less; 31700

(b) For the 2023-2024 academic year or any academic year 31701
thereafter and has an expected family contribution, or the 31702
equivalent according to a different measure of student financial 31703
need established under federal law, of ten thousand dollars or 31704
less. 31705

(2) The resident enrolls in one of the following: 31706

(a) An undergraduate program, or a nursing diploma program 31707
approved by the board of nursing under section 4723.06 of the 31708
Revised Code, at a state-assisted state institution of higher 31709
education, as defined in section 3345.12 of the Revised Code, if 31710
the resident first enrolls prior to the 2023-2024 academic year, 31711
or at the main campus of a state university if the resident first 31712
enrolls in the 2023-2024 academic year or any academic year 31713
thereafter, that meets the requirements of Title VI of the Civil 31714
Rights Act of 1964; 31715

(b) An undergraduate program, or a nursing diploma program 31716
approved by the board of nursing under section 4723.06 of the 31717
Revised Code, at a private, ~~nonprofit institution~~ university or 31718
college in this state ~~holding a certificate of authorization~~ 31719
~~pursuant to Chapter 1713. of the Revised Code;~~ 31720

(c) An undergraduate program, or a nursing diploma program 31721
approved by the board of nursing under section 4723.06 of the 31722
Revised Code, at a private career college in this state ~~that holds~~ 31723
~~a certificate of registration from the state board of career~~ 31724
~~colleges and schools under Chapter 3332. of the Revised Code or at~~ 31725
~~a private institution exempt from regulation under Chapter 3332.~~ 31726
~~of the Revised Code as prescribed in section 3333.046 of the~~ 31727
~~Revised Code, if the program has a certificate of authorization~~ 31728
~~pursuant to Chapter 1713. of the Revised Code.~~ 31729

(d) A comprehensive transition and postsecondary program that is certified by the United States department of education. For purposes of this section, a "comprehensive transition and postsecondary program" means a degree, certificate, or non-degree program that is designed to support persons with intellectual disabilities who are receiving academic, career, technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment as defined in 20 U.S.C. 1140.

(C)(1) The chancellor shall establish and administer a needs-based financial aid grants program based on the United States department of education's method of determining financial need. The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid program by such sums and in such manner as it may provide, but the chancellor also may receive funds from other sources to support the program. If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor shall do one of the following:

(a) Give preference in the payment of grants based upon expected family contribution or a different measure of student financial need established under federal law, beginning with the ~~lowest expected family contribution category~~ neediest students based on federal criteria and proceeding upward by category to ~~the highest expected family contribution category~~ those students with less need;

(b) Proportionately reduce the amount of each grant to be awarded for the academic year under this section;

(c) Use an alternate formula for such grants that addresses the shortage of available funds and has been submitted to and approved by the controlling board.

(2) The needs-based financial aid grant shall be paid to the eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for the grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma, an associate or bachelor's degree, or completion of a comprehensive transition and postsecondary program. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment.

(D)(1) Except as provided in divisions (D)(4) and (5) of this section, no grant awarded under this section shall exceed the total ~~state~~ cost of attendance.

~~(2)(2)(a)~~ Subject to divisions (D)(1), (3), (4), and (5) of this section, for students who first enroll prior to the 2023-2024 academic year, the chancellor shall determine the maximum per student award amount for each institutional sector by subtracting the sum of the maximum Pell grant and maximum expected family

contribution amounts, as determined by the chancellor, from the 31794
average instructional and general fees charged by the 31795
institutional sector. ~~The~~ 31796

(b) Subject to divisions (D)(1), (3), (4) and (5) of this 31797
section, a student who first enrolls in the 2023-2024 academic 31798
year shall receive the following award amount for each fiscal year 31799
for which the student receives a grant awarded under this section: 31800

(i) For a student enrolled in the main campus of a state 31801
university, four thousand dollars; 31802

(ii) For a student enrolled in a private university or 31803
college, five thousand dollars; 31804

(iii) For a student enrolled in a private career college, one 31805
thousand six hundred dollars. 31806

(c) Subject to divisions (D)(1), (3), (4) and (5) of this 31807
section, a student who first enrolls in the 2024-2025 academic 31808
year or any academic year thereafter shall receive the following 31809
award amount for each fiscal year for which the student receives a 31810
grant awarded under this section: 31811

(i) For a student enrolled in the main campus of a state 31812
university, six thousand dollars; 31813

(ii) For a student enrolled in a private university or 31814
college, six thousand dollars; 31815

(iii) For a student enrolled in a private career college, one 31816
thousand six hundred dollars. 31817

The department of higher education shall publish on its web 31818
site an annual Ohio college opportunity award table. Except as 31819
provided for in section 3333.126 of the Revised Code, in no case 31820
shall the grant amount for such a student exceed any maximum that 31821
the chancellor may set by rule. 31822

(3) For a student enrolled for a semester or quarter in 31823

addition to the portion of the academic year covered by a grant 31824
under this section, the maximum grant amount shall be a percentage 31825
of the maximum specified in any table established in rules adopted 31826
by the chancellor as provided in division (A) of this section. The 31827
maximum grant for a fourth quarter shall be one-third of the 31828
maximum amount so prescribed. The maximum grant for a third 31829
semester shall be one-half of the maximum amount so prescribed. 31830

(4) If a student is enrolled in a two-year institution of 31831
higher education and is eligible for an education and training 31832
voucher through the Ohio education and training voucher program 31833
that receives federal funding under the John H. Chafee foster care 31834
independence program, 42 U.S.C. 677, the amount of a grant awarded 31835
under this section may exceed the total ~~state~~ cost of attendance 31836
to additionally cover housing costs. 31837

(5) For a student who is receiving federal veterans' benefits 31838
under the "All-Volunteer Force Educational Assistance Program," 38 31839
U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance 31840
Program," 38 U.S.C. 3301 et seq., or any successor program, the 31841
amount of a grant awarded under this section shall be applied 31842
toward the total ~~state~~ cost of attendance and the student's 31843
housing costs and living expenses. Living expenses shall include 31844
reasonable costs for room and board. 31845

(E) No grant shall be made to any student in a course of 31846
study in theology, religion, or other field of preparation for a 31847
religious profession unless such course of study leads to an 31848
accredited bachelor of arts, bachelor of science, associate of 31849
arts, or associate of science degree. 31850

(F)(1) Except as provided in division (F)(2) of this section, 31851
no grant shall be made to any student for enrollment during a 31852
fiscal year in an institution with a cohort default rate 31853
determined by the United States secretary of education pursuant to 31854
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 31855

20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 31856
preceding the fiscal year, equal to or greater than thirty per 31857
cent for each of the preceding two fiscal years. 31858

(2) Division (F)(1) of this section does not apply in the 31859
case of either of the following: 31860

(a) The institution pursuant to federal law appeals its loss 31861
of eligibility for federal financial aid and the United States 31862
secretary of education determines its cohort default rate after 31863
recalculation is lower than the rate specified in division (F)(1) 31864
of this section or the secretary determines due to mitigating 31865
circumstances that the institution may continue to participate in 31866
federal financial aid programs. The chancellor shall adopt rules 31867
requiring any such appellant to provide information to the 31868
chancellor regarding an appeal. 31869

(b) Any student who has previously received a grant pursuant 31870
to any provision of this section, including prior to the section's 31871
amendment by H.B. 1 of the 128th general assembly, effective July 31872
17, 2009, and who meets all other eligibility requirements of this 31873
section. 31874

(3) The chancellor shall adopt rules for the notification of 31875
all institutions whose students will be ineligible to participate 31876
in the grant program pursuant to division (F)(1) of this section. 31877

(4) A student's attendance at any institution whose students 31878
are ineligible for grants due to division (F)(1) of this section 31879
shall not affect that student's eligibility to receive a grant 31880
when enrolled in another institution. 31881

(G) Institutions of higher education that enroll students 31882
receiving needs-based financial aid grants under this section 31883
shall report to the chancellor all students who have received such 31884
needs-based financial aid grants but are no longer eligible for 31885
all or part of those grants and shall refund any moneys due the 31886

state within thirty days after the beginning of the quarter or 31887
term immediately following the quarter or term in which the 31888
student was no longer eligible to receive all or part of the 31889
student's grant. There shall be an interest charge of one per cent 31890
per month on all moneys due and payable after such thirty-day 31891
period. The chancellor shall immediately notify ~~the office of~~ 31892
~~budget and management and~~ the legislative service commission of 31893
all refunds so received. 31894

(H) Division (H) of this section applies to each state 31895
university, private university or college, and private career 31896
college that enrolls students receiving needs-based financial aid 31897
under this section. 31898

No state university, private university or college, or 31899
private career college shall make any change to its scholarship or 31900
financial aid programs with the goal or net effect of shifting the 31901
cost burden of those programs to the Ohio college opportunity 31902
grant program. 31903

Each state university, private university or college, and 31904
private career college shall provide at least the same level of 31905
needs-based financial aid to its students as it provided in the 31906
immediately prior academic year in terms of either the aggregate 31907
aid to all students or on a per student basis. The chancellor may 31908
grant a university, college, or career college a temporary waiver 31909
from that requirement if the chancellor determines exceptional 31910
circumstances make it necessary. The chancellor shall determine 31911
the terms of the waiver. 31912

Sec. 3333.127. (A) As used in this section: 31913

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 31914
108711. 31915

(2) "Eligible student" means a student to whom all of the 31916

following apply:	31917
(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.	31918 31919 31920
(b) The student has not attained a bachelor's degree from a qualifying institution or an institution of higher education in another state prior to applying for a grant under this section.	31921 31922 31923
(c) The student, while in good standing, disenrolled from a qualifying institution and did not transfer to a qualifying institution or an institution of higher education in another state in the two semesters <u>or eight months</u> immediately following the student's disenrollment. For the purposes of this division, "good standing" includes being in good academic standing and not having a record of disciplinary issues, including being suspended or expelled from the qualifying institution.	31924 31925 31926 31927 31928 31929 31930 31931
<u>Qualifying institutions that do not use a semester calendar shall use eight months as the metric for determining a student's disenrollment period.</u>	31932 31933 31934
(d) Subject to division (A)(2)(c) of this section, the student enrolls in a qualifying institution within five <u>ten</u> years of disenrolling from the qualifying institution.	31935 31936 31937
(e) The student is not enrolled in the college credit plus program established under Chapter 3365. of the Revised Code.	31938 31939
(f) The student meets any other eligibility criteria determined necessary by the chancellor.	31940 31941
(3) "Qualifying institution" means any of the following:	31942
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	31943 31944
(b) A private nonprofit institution of higher education that holds a certificate of authorization pursuant to Chapter 1713. of	31945 31946

the Revised Code; 31947

(c) An institution with a certificate of registration from 31948
the state board of career colleges and schools under Chapter 3332. 31949
of the Revised Code; 31950

(d) A private institution exempt from regulation under 31951
Chapter 3332. of the Revised Code as prescribed in section 31952
3333.046 of the Revised Code; 31953

(e) An Ohio technical center, as defined in section 3333.94 31954
of the Revised Code. 31955

(B) The chancellor shall establish the second chance grant 31956
program. Under the program, the chancellor shall award a ~~one-time~~ 31957
grant of not more than ~~two~~ three thousand dollars per academic 31958
year to each eligible student approved to participate in the 31959
program. The chancellor may award a grant to a student for each 31960
academic year until the student completes the degree, if the 31961
chancellor, in consultation with a qualifying institution, 31962
determines that subsequent awards beyond the first are an 31963
essential element of student success and degree completion. 31964

(C) Eligible students shall apply to participate in the 31965
program in a form and manner prescribed by the chancellor. The 31966
chancellor shall approve each applicant who is enrolled in a 31967
qualifying institution and who has a cost of attendance remaining 31968
for the academic year in which the application is approved after 31969
all other financial aid for which that applicant qualifies has 31970
been applied to the applicant's account at the institution. The 31971
chancellor shall approve applications in the order in which they 31972
are received. 31973

(D) The chancellor shall pay grants to the qualifying 31974
institution in which a participant is enrolled in the academic 31975
year in which the participant's application is approved. The 31976
qualifying institution shall apply the grant to a participant's 31977

cost of attendance for that academic year. If any amount of the grant remains after it is applied to the participant's cost of attendance for that year, the qualifying institution shall apply that remaining amount to the participant's cost of attendance for any other academic year in which the student is enrolled in the institution. The qualifying institution shall return to the chancellor any grant amount remaining after a participant graduates or disenrolls from the institution.

(E) In each academic year, the chancellor shall submit to the general assembly, in accordance with section 101.68 of the Revised Code, a report that contains all of the following:

(1) The number of eligible students participating in the program who received a grant in that academic year;

(2) The qualifying institutions from which the participants disenrolled, as described in division (A)(2)(c) of this section;

(3) The types of academic programs in which the participants were enrolled prior to disenrolling from qualifying institutions;

(4) The types of academic programs in which participants were enrolled when they received grants under the program;

(5) Information regarding how the grants were used;

(6) If the participant completed a degree program with the grant.

(F) The second chance grant program fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be administered by the chancellor and shall be used to pay grants under the program established under this section. The fund also may be used by the chancellor to implement and administer the second chance grant program.

(G) The chancellor shall adopt rules to administer the

program. 32008

Sec. 3333.129. (A) As used in this section: 32009

(1) "Community-based organization" means a charitable organization exempt from federal income taxation under sub section 501(c)(3) of the Internal Revenue Code that is selected to participate in the program. 32010
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(2) "Cost of attendance" has the same meaning as in 20 U.S.C. 108711. 32014
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(3) "Qualifying institution" means any of the following: 32016

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 32017
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(b) A private nonprofit institution of higher education that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 32019
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(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code; 32022
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(d) An Ohio technical center, as defined in section 3333.94 of the Revised Code. 32025
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(B) The chancellor of higher education shall establish and, with the assistance of community-based organizations, administer the mentorship scholarship program. Under the program, community-based organizations shall establish mentorship programs to provide mentors and supports to participating mentees. In turn, participating mentees who enroll in qualifying institutions may qualify for and receive a scholarship. 32027
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To the greatest extent practicable, the chancellor and community-based organizations shall ensure that individuals in every county in the state are able to participate as mentees in 32034
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the mentorship scholarship program. 32037

(C) The chancellor shall establish a process to select at 32038
least five community-based organizations located in the state to 32039
participate in the mentorship scholarship program. Under the 32040
process, the chancellor shall ensure that each region of the state 32041
has at least one organization operating in it. For that purpose, 32042
the chancellor shall designate a northeast, northwest, southwest, 32043
southeast, and central region of the state. 32044

The chancellor shall monitor each community-based 32045
organization's compliance with its responsibilities under this 32046
section. If the chancellor determines an organization is 32047
noncompliant with its responsibilities, the chancellor may remove 32048
it from the mentorship scholarship program. 32049

A community-based organization shall do all of the following: 32050

(1) Assist the chancellor in administering and supporting the 32051
mentorship scholarship program in each region in which the 32052
organization operates; 32053

(2) Establish partnerships with local stakeholders to 32054
increase the mentorship scholarship program's capacity to provide 32055
effective mentoring and supports in any county in each region in 32056
which the organization operates; 32057

(3) Establish and operate a mentorship program in accordance 32058
with division (D) of this section; 32059

(4) Recruit individuals to serve as mentors and mentees in 32060
the organization's mentorship program. To identify mentees for 32061
recruitment, a community-based organization shall work with public 32062
and nonpublic schools offering grades six through twelve, 32063
community organizations, and other similar entities. 32064

(D) Under a mentorship program established under this 32065
section, a community-based organization shall do all of the 32066

following: 32067

(1) Require individuals to apply to be a mentee or a mentor in a form and manner prescribed by the chancellor, in consultation with community-based organizations. An individual may apply directly to participate in the program using an internet-based application. The application form shall be designed to assist a community-based organization in matching appropriate mentees and mentors. To the greatest extent practicable, each community-based organization shall approve each eligible applicant to participate as a mentor or mentee. 32068
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(2) Approve an individual to participate as a mentee in the program if the individual signs a mentorship contract that enumerates the program's expectations. Each mentee shall be responsible for actively participating in regular contact with the mentee's assigned mentor, as prescribed by the community-based organization in consultation with the chancellor. 32077
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(3) Provide each participating mentee with at least all of the following: 32083
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(a) Individualized support from the mentee's mentor throughout the program; 32085
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(b) Networking opportunities with other students, mentors, and professionals from across the state; 32087
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(c) Academic, college, and career advice and support; 32089

(d) Any other benefits determined appropriate by the organization. 32090
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(4) Approve an individual to participate as a mentor in the program if all of the following apply: 32092
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(a) The individual is at least 18 years of age. 32094

(b) The organization requests the superintendent of the bureau of criminal identification and investigation to conduct a 32095
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criminal records check, requests that the superintendent include 32097
information from the federal bureau of investigation in the 32098
criminal records check with respect to the individual, and 32099
determines that the individual has no issues that bar serving in 32100
the program. 32101

(c) The individual successfully completes a training program 32102
prescribed by the organization, which shall include training on 32103
appropriate mentor-mentee boundaries. 32104

(d) The individual agrees to operate within the confines of 32105
appropriate mentor-mentee boundaries. 32106

(5) Annually request a criminal records check for each 32107
participating mentor and require each mentor to successfully 32108
complete professional development training prescribed by the 32109
organization; 32110

(6) Determine whether to provide a stipend to participating 32111
mentors. 32112

Each organization may assign up to three mentees to each 32113
mentor. 32114

(E) An individual who is participating, or has participated, 32115
as a mentee in a mentorship program established under this section 32116
may apply for a scholarship under the mentorship scholarship 32117
program in a form and manner prescribed by the chancellor, in 32118
consultation with community-based organizations. The chancellor 32119
shall approve the application of each individual who satisfies all 32120
of the following: 32121

(1) Is a resident of the state under rules adopted under 32122
section 3333.31 of the Revised Code; 32123

(2) Has received a high school diploma or a certificate of 32124
high school equivalence; 32125

(3) Has actively participated in a mentoring program 32126

established under this section for at least one year; 32127

(4) Has completed the free application for federal student 32128
aid; 32129

(5) Has enrolled in a qualifying institution for at least six 32130
credit hours in a semester or the equivalent number of either of 32131
the following: 32132

(a) Credit hours for a quarter; 32133

(b) Clock hours for a program for which credit is not 32134
awarded. 32135

(F) The chancellor shall award a first-time scholarship of 32136
two thousand five hundred dollars to each individual with an 32137
approved application for the academic year in which the individual 32138
applied. Each scholarship recipient may apply to renew that 32139
scholarship for each academic year in which the recipient is 32140
enrolled in a qualifying institution. However, the total number of 32141
years an individual may receive the scholarship shall not exceed 32142
the number of years that individual participated in the mentorship 32143
program in high school. 32144

Subject to this division, the chancellor shall award an 32145
additional scholarship of two thousand five hundred dollars in 32146
each subsequent academic year for which the recipient continues to 32147
meet the criteria prescribed in divisions (E)(1), (4), and (5) of 32148
this section and any other criteria determined by the chancellor. 32149
No recipient shall receive a scholarship for more than four 32150
academic years. 32151

In the event that the funds available to support the 32152
mentorship scholarship program are inadequate to award a full 32153
scholarship to each individual eligible to receive a scholarship, 32154
the chancellor may prorate scholarship amounts or establish a 32155
method to determine which eligible individuals receive a 32156
scholarship. 32157

(G) The chancellor shall pay each scholarship to the 32158
qualifying institution in which the scholarship recipient is 32159
enrolled. The institution shall apply the scholarship to the 32160
scholarship recipient's cost of attendance, or the recipient's 32161
general and instructional fees if the institution does not have a 32162
published cost of attendance, after all other financial aid for 32163
which the recipient qualifies has been exhausted. The institution 32164
shall return to the chancellor any scholarship amount remaining 32165
after a recipient graduates or disenrolls from the institution. 32166

(H) The chancellor may delegate either: 32167

(1) The chancellor's responsibilities under divisions (E), 32168
(F), and (G) of this section to the community-based organizations. 32169
In that case, the chancellor shall transfer funds to the 32170
organizations for use in administering and paying scholarship in 32171
accordance with those divisions. However, any funds returned by a 32172
qualifying institution shall be returned to the chancellor and not 32173
the organization. 32174

(2) The chancellor's responsibilities under divisions (E) and 32175
(F) of this section to the community-based organizations. In that 32176
case, the chancellor shall transfer funds to the community-based 32177
organizations for the purposes of administering those 32178
responsibilities, and the organizations shall certify to the 32179
chancellor any information necessary for the chancellor to make 32180
payments under division (G) of this section. 32181

(I) The mentor scholarship fund is hereby created in the 32182
state treasury, to consist of such amounts designated for the 32183
purposes of the fund by the general assembly, the federal 32184
government, or other sources, as well as refunds of mentor 32185
scholarship program payments originally disbursed by the 32186
chancellor. The chancellor shall administer the fund. Revenues 32187
credited to the fund shall be used by the chancellor to support 32188
the mentor scholarship program, including establishing and 32189

administering mentorship programs and funding scholarships awarded 32190
under this section. 32191

Sec. 3333.16. (A) As used in this section: 32192

(1) "State institution of higher education" means an 32193
institution of higher education as defined in section 3345.12 of 32194
the Revised Code. 32195

(2) "State university" has the same meaning as in section 32196
3345.011 of the Revised Code. 32197

(B) The chancellor of higher education shall do all of the 32198
following: 32199

(1) Establish policies and procedures applicable to all state 32200
institutions of higher education that ensure that students can 32201
begin higher education at any state institution of higher 32202
education and transfer coursework and degrees to any other state 32203
institution of higher education without unnecessary duplication or 32204
institutional barriers. The purpose of this requirement is to 32205
allow students to attain their highest educational aspirations in 32206
the most efficient and effective manner for the students and the 32207
state. These policies and procedures shall require state 32208
institutions of higher education to make changes or modifications, 32209
as needed, to strengthen course content so as to ensure 32210
equivalency for that course at any state institution of higher 32211
education. 32212

(2) Develop and implement a universal course equivalency 32213
classification system for state institutions of higher education 32214
so that the transfer of students and the transfer and articulation 32215
of equivalent courses or specified learning modules or units 32216
completed by students are not inhibited by inconsistent judgment 32217
about the application of transfer credits. Coursework completed 32218
within such a system at one state institution of higher education 32219

and transferred to another institution shall be applied to the 32220
student's degree objective in the same manner as equivalent 32221
coursework completed at the receiving institution. 32222

(3) Develop an electronic equivalency management tool to 32223
assist in the transfer of coursework and degrees between state 32224
institutions of higher education without unnecessary duplication 32225
or institutional barriers, to help minimize inconsistent judgment 32226
about the application of transfer credits, and to assist in 32227
allowing transfer credits to be applied to a student's degree 32228
objective in the same manner at each state institution of higher 32229
education. The electronic equivalency management tool shall 32230
include the universal documentation of course and program 32231
equivalencies statewide. Additionally, the electronic equivalency 32232
management tool shall be incorporated into a web site. 32233

(4) Develop a system of transfer policies that ensure that 32234
graduates with associate degrees which include completion of 32235
approved transfer modules shall be admitted to a state institution 32236
of higher education, shall be able to compete for admission to 32237
specific programs on the same basis as students native to the 32238
institution, and shall have priority over out-of-state associate 32239
degree graduates and transfer students. To assist a student in 32240
advising and transferring, all state institutions of higher 32241
education shall fully implement the information system for 32242
advising and transferring selected by, contracted for, or 32243
developed by the chancellor. 32244

(5) Examine the feasibility of developing a transfer 32245
marketing agenda that includes materials and interactive 32246
technology to inform the citizens of Ohio about the availability 32247
of transfer options at state institutions of higher education and 32248
to encourage adults to return to colleges and universities for 32249
additional education; 32250

(6) Study, in consultation with the state board of career 32251

colleges and schools, and in light of existing criteria and any 32252
other criteria developed by the articulation and transfer advisory 32253
council, the feasibility of credit recognition and transferability 32254
to state institutions of higher education for graduates who have 32255
received associate degrees from a career college or school with a 32256
certificate of registration from the state board of career 32257
colleges and schools under Chapter 3332. of the Revised Code. 32258

(C) All provisions of the existing articulation and transfer 32259
policy developed by the chancellor shall remain in effect except 32260
where amended by this section. 32261

(D) ~~Not later than December 1, 2018, the~~ The chancellor shall 32262
update and implement the policies and procedures established 32263
pursuant to this section to ensure that any associate degree 32264
offered at a state institution of higher education may be 32265
transferred and applied to a bachelor degree program in an 32266
equivalent field at any other state institution of higher 32267
education without unnecessary duplication or institutional 32268
barriers. The policies and procedures shall ensure that each 32269
transferred associate degree applies to the student's degree 32270
objective in the same manner as equivalent coursework completed by 32271
the student at the receiving institution. 32272

When updating and implementing the policies and procedures 32273
pursuant to this division, the chancellor shall seek input from 32274
faculty and academic leaders in each academic field or discipline. 32275

(E) If a state university refuses to accept and grant credit 32276
for any general education coursework that is both completed at a 32277
different state institution of higher education and subject to the 32278
policies, procedures, or systems prescribed under division (B) of 32279
this section, the state university shall provide the student that 32280
did not receive college credit for the completed general education 32281
coursework information to utilize the institution's transfer 32282
appeal process and information to utilize the department of higher 32283

education's student complaint portal. 32284

~~(F) The Ohio articulation and transfer network oversight board established by the chancellor shall conduct a study of current rules regarding the transfer of college credit between state institutions of higher education. Not later than one year after the effective date of this amendment, the board shall issue a report to the general assembly, in accordance with section 101.68 of the Revised Code, that includes the findings of the board's study, as well as any recommendations regarding changes to the rules.~~ 32285
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Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between ~~April 6, 1917~~ September 1, 1939, and ~~November 11, 1918~~ September 2, 1945, and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees. 32294
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(B)(1) As used in this section: 32303

(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code. 32304
32305

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state. 32306
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(c) "Qualified former spouse" means the former spouse of a 32313

public service officer, or of a member of the armed services of 32314
the United States, who is the custodial parent of a minor child of 32315
that marriage pursuant to an order allocating the parental rights 32316
and responsibilities for care of the child issued pursuant to 32317
section 3109.04 of the Revised Code. 32318

(d) "Operation enduring freedom" means that period of 32319
conflict which began October 7, 2001, and ends on a date declared 32320
by the president of the United States or the congress. 32321

(e) "Operation Iraqi freedom" means that period of conflict 32322
which began March 20, 2003, and ends on a date declared by the 32323
president of the United States or the congress. 32324

(f) "Combat zone" means an area that the president of the 32325
United States by executive order designates, for purposes of 26 32326
U.S.C. 112, as an area in which armed forces of the United States 32327
are or have engaged in combat. 32328

(2) Subject to division (D) of this section, any resident of 32329
this state who is under twenty-six years of age, or under thirty 32330
years of age if the resident has been honorably discharged from 32331
the armed services of the United States, who is the child of a 32332
public service officer killed in the line of duty or of a member 32333
of the armed services of the United States killed in the line of 32334
duty during operation enduring freedom or operation Iraqi freedom, 32335
and who is admitted to any state university or college as defined 32336
in division (A)(1) of section 3345.12 of the Revised Code, 32337
community college, state community college, university branch, or 32338
technical college shall not be required to pay any tuition or any 32339
student fee for up to four academic years of education, which 32340
shall be at the undergraduate level, or a certificate program as 32341
prescribed under division (E) of this section. 32342

A child of a member of the armed services of the United 32343
States killed in the line of duty during operation enduring 32344

freedom or operation Iraqi freedom is eligible for a waiver of 32345
tuition and student fees under this division only if the student 32346
is not eligible for a war orphans and severely disabled veterans' 32347
children scholarship authorized by Chapter 5910. of the Revised 32348
Code. In any year in which the war orphans and severely disabled 32349
veterans' children scholarship board reduces the percentage of 32350
tuition covered by a war orphans and severely disabled veterans' 32351
children scholarship below one hundred per cent pursuant to 32352
division (A) of section 5910.04 of the Revised Code, the waiver of 32353
tuition and student fees under this division for a child of a 32354
member of the armed services of the United States killed in the 32355
line of duty during operation enduring freedom or operation Iraqi 32356
freedom shall be reduced by the same percentage. 32357

(3) Subject to division (D) of this section, any resident of 32358
this state who is the spouse or qualified former spouse of a 32359
public service officer killed in the line of duty, and who is 32360
admitted to any state university or college as defined in division 32361
(A)(1) of section 3345.12 of the Revised Code, community college, 32362
state community college, university branch, or technical college, 32363
shall not be required to pay any tuition or any student fee for up 32364
to four academic years of education, which shall be at the 32365
undergraduate level, or a certificate program as prescribed under 32366
division (E) of this section. 32367

(4) Any resident of this state who is the spouse or qualified 32368
former spouse of a member of the armed services of the United 32369
States killed in the line of duty while serving in a combat zone 32370
after May 7, 1975, and who is admitted to any state university or 32371
college as defined in division (A)(1) of section 3345.12 of the 32372
Revised Code, community college, state community college, 32373
university branch, or technical college, shall not be required to 32374
pay any tuition or any student fee for up to four years of 32375
academic education, which shall be at the undergraduate level, or 32376

a certificate program as prescribed under division (E) of this 32377
section. In order to qualify under division (B)(4) of this 32378
section, the spouse or qualified former spouse shall have been a 32379
resident of this state at the time the member was killed in the 32380
line of duty. 32381

(C) Any institution that is not subject to division (B) of 32382
this section and that holds a valid certificate of registration 32383
issued under Chapter 3332. of the Revised Code, a valid 32384
certificate issued under Chapter 4709. of the Revised Code, or a 32385
valid license issued under Chapter 4713. of the Revised Code, or 32386
that is nonprofit and has a certificate of authorization issued 32387
under section 1713.02 of the Revised Code, or that is a private 32388
institution exempt from regulation under Chapter 3332. of the 32389
Revised Code as prescribed in section 3333.046 of the Revised 32390
Code, which reduces tuition and student fees of a student who is 32391
eligible to attend an institution of higher education under the 32392
provisions of division (B) of this section by an amount indicated 32393
by the chancellor of higher education shall be eligible to receive 32394
a grant in that amount from the chancellor. 32395

Each institution that enrolls students under division (B) of 32396
this section shall report to the chancellor, by the first day of 32397
July of each year, the number of students who were so enrolled and 32398
the average amount of all such tuition and student fees waived 32399
during the preceding year. The chancellor shall determine the 32400
average amount of all such tuition and student fees waived during 32401
the preceding year. The average amount of the tuition and student 32402
fees waived under division (B) of this section during the 32403
preceding year shall be the amount of grants that participating 32404
institutions shall receive under this division during the current 32405
year, but no grant under this division shall exceed the tuition 32406
and student fees due and payable by the student prior to the 32407
reduction referred to in this division. The grants shall be made 32408

for two certificate programs or four years of undergraduate education of an eligible student. 32409
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(D) Notwithstanding anything to the contrary in section 32411
3333.31 of the Revised Code, for the purposes of divisions (B)(2) 32412
and (3) of this section, the child, spouse, or qualified former 32413
spouse of a public service officer or a member of the armed 32414
services of the United States killed in the line of duty shall be 32415
considered a resident of this state for the purposes of this 32416
section if the child, spouse, or qualified former spouse was a 32417
resident of this state at the time that the public service officer 32418
or member of the armed services was killed. 32419

However, no child, spouse, or qualified former spouse of a 32420
public service officer or a member of the armed services of the 32421
United States killed in the line of duty shall be required to be a 32422
resident of this state at the time the public service officer or 32423
member of the armed services of the United States was killed in 32424
order to receive benefits under divisions (B)(2) and (3) of this 32425
section. 32426

(E) A child, spouse, or qualified former spouse of a public 32427
service officer or a member of the armed services killed in the 32428
line of duty shall receive benefits for a certificate program in 32429
accordance with division (B) or (C) of this section, except that a 32430
particular child, spouse, or qualified former spouse shall not 32431
receive benefits for: 32432

(1) More than two certificate programs; 32433

(2) A total number of academic credits or instructional hours 32434
equivalent to more than four academic years; 32435

(3) For any particular academic year, an amount that is 32436
greater than eight thousand dollars. 32437

Sec. 3333.28. (A) The chancellor of higher education shall 32438

establish the nurse education assistance program, the purpose of 32439
which shall be to make loans to students enrolled in prelicensure 32440
nurse education programs at institutions approved by the board of 32441
nursing under section 4723.06 of the Revised Code and 32442
postlicensure nurse education programs approved by the chancellor 32443
under section 3333.04 of the Revised Code or offered by an 32444
institution holding a certificate of authorization issued under 32445
Chapter 1713. of the Revised Code. The board of nursing shall 32446
assist the chancellor in administering the program. 32447

(B) There is hereby created in the state treasury the nurse 32448
education assistance fund, which shall consist of all money 32449
transferred to it pursuant to section 4743.05 of the Revised Code. 32450
The fund shall be used by the chancellor for loans made under 32451
division (A) of this section and for expenses of administering the 32452
loan program. 32453

(C) Between July 1, 2005, and January 1, 2012, the chancellor 32454
shall distribute money in the nurse education assistance fund in 32455
the following manner: 32456

(1)(a) Fifty per cent of available funds shall be awarded as 32457
loans to registered nurses enrolled in postlicensure nurse 32458
education programs described in division (A) of this section. To 32459
be eligible for a loan, the applicant shall provide the chancellor 32460
with a letter of intent to practice as a faculty member at a 32461
prelicensure or postlicensure program for nursing in this state 32462
upon completion of the applicant's academic program. 32463

(b) If the borrower of a loan under division (C)(1)(a) of 32464
this section secures employment as a faculty member of an approved 32465
nursing education program in this state within six months 32466
following graduation from an approved nurse education program, the 32467
chancellor may forgive the principal and interest of the student's 32468
loans received under division (C)(1)(a) of this section at a rate 32469
of twenty-five per cent per year, for a maximum of four years, for 32470

each year in which the borrower is so employed. A deferment of the 32471
service obligation, and other conditions regarding the forgiveness 32472
of loans may be granted as provided by the rules adopted under 32473
division (D)(7) of this section. 32474

(c) Loans awarded under division (C)(1)(a) of this section 32475
shall be awarded on the basis of the student's expected family 32476
contribution, with preference given to those applicants with the 32477
lowest expected family contribution. However, the chancellor may 32478
consider other factors the chancellor determines relevant in 32479
ranking the applications. 32480

(d) Each loan awarded to a student under division (C)(1)(a) 32481
of this section shall be not less than five thousand dollars per 32482
year. 32483

(2) Twenty-five per cent of available funds shall be awarded 32484
to students enrolled in prelicensure nurse education programs for 32485
registered nurses, as defined in section 4723.01 of the Revised 32486
Code. 32487

(3) Twenty-five per cent of available funds shall be awarded 32488
to students enrolled in nurse education programs as determined by 32489
the chancellor, with preference given to programs aimed at 32490
increasing enrollment in an area of need. 32491

After January 1, 2012, the chancellor shall determine the 32492
manner in which to distribute loans under this section. 32493

(D) Subject to the requirements specified in division (C) of 32494
this section, the chancellor shall adopt rules in accordance with 32495
Chapter 119. of the Revised Code establishing: 32496

(1) Eligibility criteria for receipt of a loan; 32497

(2) Loan application procedures; 32498

(3) The amounts in which loans may be made and the total 32499
amount that may be loaned to an individual; 32500

(4) The total amount of loans that can be made each year;	32501
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	32502 32503
(6) Interest and principal repayment schedules;	32504
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	32505 32506 32507
(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven.	32508 32509 32510 32511 32512
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	32513 32514 32515
(10) Any other matters incidental to the operation of the program.	32516 32517
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	32518 32519 32520 32521 32522 32523 32524
(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.	32525 32526 32527 32528 32529
(G) The receipt of a loan under this section shall not affect	32530

a student's eligibility for assistance, or the amount of that 32531
assistance, granted under section ~~3333.12~~, 3333.122, 3333.22, 32532
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 32533
the rules of the chancellor may provide for taking assistance 32534
received under those sections into consideration when determining 32535
a student's eligibility for a loan under this section. 32536

(H) As used in this section, "active duty" means active duty 32537
pursuant to an executive order of the president of the United 32538
States, an act of the congress of the United States, or section 32539
5919.29 or 5923.21 of the Revised Code. 32540

Sec. 3333.302. (A) As used in this section: 32541

(1) "Academic record" includes grade point average, high 32542
school and college transcript information, standardized assessment 32543
scores, scores on the end-of-course examinations prescribed under 32544
section 3301.0712 of the Revised Code, and any other measure of 32545
postsecondary readiness determined appropriate by the chancellor 32546
of higher education. 32547

(2) "Postsecondary institution" means any of the following: 32548

(a) A state institution of higher education, as defined in 32549
section 3345.011 of the Revised Code; 32550

(b) A private nonprofit institution of higher education that 32551
holds a certificate of authorization under Chapter 1713. of the 32552
Revised Code; 32553

(c) An Ohio technical center, as defined in section 3333.94 32554
of the Revised Code. 32555

(3) "School governing body" means the board of education of a 32556
city, local, exempted village, or joint vocational school 32557
district, the governing authority of a chartered nonpublic school, 32558
the governing authority of a community school established under 32559
Chapter 3314. of the Revised Code, or the governing body of a STEM 32560

school established under Chapter 3326. of the Revised Code. 32561

(B) The chancellor of higher education, in consultation with 32562
the superintendent of public instruction, shall establish a direct 32563
admissions pilot program to notify students enrolled in grade 32564
twelve at participating high schools about whether they meet the 32565
admissions criteria for participating postsecondary institutions. 32566

Under the pilot program, the chancellor shall establish a 32567
process that uses a student's academic record to determine whether 32568
the student meets the admissions requirements. To the extent 32569
practicable, and in accordance with applicable law, the chancellor 32570
shall use using existing primary, secondary, and higher education 32571
student information systems to automate the process and use 32572
information held by a participating student's high school to 32573
minimize the need for the student to provide any additional 32574
information. 32575

The chancellor shall endeavor to implement the pilot program 32576
so that students graduating in the 2024-2025 school year may 32577
participate in the program. 32578

(C) The chancellor may do any of the following: 32579

(1) Establish eligibility requirements for students, school 32580
governing bodies, and postsecondary institutions who elect to 32581
participate in the pilot program; 32582

(2) Consult with stakeholders and form advisory councils as 32583
necessary to design and operate the pilot program; 32584

(3) Terminate the pilot program if the chancellor determines 32585
its operation is impracticable. 32586

(D) A school governing body or postsecondary institution 32587
shall apply to participate in the pilot program in a form and 32588
manner prescribed by the chancellor. The chancellor shall approve 32589
the applications of school governing bodies or postsecondary 32590

institutions that meet any eligibility requirements established 32591
under division (C) of this section. 32592

A participating school governing body may adopt a written 32593
policy authorizing any high school it operates to participate in 32594
the pilot program. Not later than ninety days after the adoption 32595
of the policy, the school governing body shall transmit an 32596
electronic copy of the policy to the chancellor and the state 32597
superintendent. 32598

A participating school governing body shall develop a 32599
procedure to determine whether a student who wants to participate 32600
in the pilot program meets any eligibility requirements 32601
established under division (C) of this section. 32602

(E) At least once each school year, the chancellor, in 32603
consultation with the state superintendent, shall issue a report 32604
on the pilot program. The chancellor shall set a deadline for the 32605
report's issuance. The report shall include information about the 32606
number of students who participate in the program. The report also 32607
shall evaluate, to the extent practicable, the impact of the 32608
program on postsecondary outcomes for students from populations 32609
traditionally underserved in higher education. 32610

The chancellor shall submit the report to the governor, the 32611
president of the senate, and the speaker of the house of 32612
representatives. 32613

(F) No student, school governing body, or postsecondary 32614
institution shall be required to participate in the pilot program. 32615

Sec. 3333.375. (A)(1) There are hereby created the Ohio 32616
outstanding scholarship and the Ohio priority needs fellowship 32617
programs payment funds, which shall be in the custody of the 32618
treasurer of state, but shall not be a part of the state treasury. 32619

(2) The payment funds shall consist solely of all moneys 32620

returned to the treasurer of state, as issuer of certain 32621
tax-exempt student loan revenue bonds, from all indentures of 32622
trust, both presently existing and future, created as a result of 32623
tax-exempt student loan revenue bonds issued under Chapter 3366. 32624
of the Revised Code, and any moneys earned from allowable 32625
investments of the payment funds under division (B) of this 32626
section. 32627

(3) Except as provided in division (E) of this section, the 32628
payment funds shall be used solely for scholarship and fellowships 32629
awarded under sections 3333.37 to 3333.375 of the Revised Code by 32630
the chancellor of higher education and for any necessary 32631
administrative expenses incurred by the chancellor in 32632
administering the scholarship and fellowship programs. 32633

(B) The treasurer of state may invest any moneys in the 32634
payment funds not currently needed for scholarship and fellowship 32635
payments in any kind of investments in which moneys of the public 32636
employees retirement system may be invested under Chapter 145. of 32637
the Revised Code. 32638

(C)(1) The instruments of title of all investments shall be 32639
delivered to the treasurer of state or to a qualified trustee 32640
designated by the treasurer of state as provided in section 135.18 32641
of the Revised Code. 32642

(2) The treasurer of state shall collect both principal and 32643
investment earnings on all investments as they become due and pay 32644
them into the payment funds. 32645

(3) All deposits to the payment funds shall be made in public 32646
depositories of this state and secured as provided in section 32647
135.18 of the Revised Code. 32648

(D) On or before March 1, 2001, and on or before the first 32649
day of March in each subsequent year, the treasurer of state shall 32650
provide to the chancellor a statement indicating the moneys in the 32651

Ohio outstanding scholarship and the Ohio priority needs 32652
fellowship programs payment funds that are available for the 32653
upcoming academic year to award scholarships and fellowships under 32654
sections 3333.37 to 3333.375 of the Revised Code. 32655

(E) The chancellor may use funds the treasurer has indicated 32656
as available pursuant to division (D) of this section to support 32657
distribution of state need-based financial aid in accordance with 32658
~~sections 3333.12 and~~ section 3333.122 of the Revised Code. 32659

Sec. 3333.38. (A) As used in this section: 32660

(1) "Institution of higher education" includes all of the 32661
following: 32662

(a) A state institution of higher education, as defined in 32663
section 3345.011 of the Revised Code; 32664

(b) A nonprofit institution issued a certificate of 32665
authorization under Chapter 1713. of the Revised Code; 32666

(c) A private institution exempt from regulation under 32667
Chapter 3332. of the Revised Code, as prescribed in section 32668
3333.046 of the Revised Code; 32669

(d) An institution of higher education with a certificate of 32670
registration from the state board of career colleges and schools 32671
under Chapter 3332. of the Revised Code. 32672

(2) "Student financial assistance supported by state funds" 32673
includes assistance granted under sections 3315.33, ~~3333.12,~~ 32674
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 32675
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 32676
award under the choose Ohio first scholarship program established 32677
under section 3333.61 of the Revised Code, or financed by an award 32678
under the Ohio co-op/internship program established under section 32679
3333.72 of the Revised Code, and any other post-secondary student 32680
financial assistance supported by state funds. 32681

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students.

Sec. 3333.96. (A) The office of computer science education is hereby created under the chancellor of higher education. The office shall consist of a director and staff as determined by the chancellor.

(B) The office shall serve as the center for all computer science education-related matters related to the state. The office shall focus on issues such as expanded access to school districts and schools, providing expertise, assisting with current and future programming, and other related functions as determined by the chancellor. The office may contract with consultants or other educational entities to support school districts and schools. 32713
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(C) The office shall work with, and assist, institutions of higher education to integrate computer science standards and curriculum into a preservice teacher program to prepare students to teach computer science in accordance with section 3319.236 of the Revised Code. 32720
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(D) The office shall consult with stakeholders, as determined by the chancellor, on the creation of a plan for teaching computer science to provide individualized support to school districts and schools to create computer science courses. The plan shall consider all of the following: 32725
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(1) Project- and work-based learning; 32730

(2) Course sequencing; 32731

(3) Computer science teaching basics; 32732

(4) Any other topics as determined by the chancellor. 32733

(E) The office of computer science shall consult with the superintendent of public instruction on computer science education-related matters. 32734
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Sec. 3333.97. There is hereby established the "Teach CS" grant program, which shall be administered by the office of computer science education to fund coursework, materials, and exams to support the increasing number of existing teachers who qualify to teach computer science through supplemental licenses, endorsements, and continuing education. The grant also shall be 32737
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used to support individuals who complete the alternative resident 32743
educator license. The office of computer science education may 32744
consult with the superintendent of public instruction in the 32745
implementation of the grant program. 32746

Sec. 3345.027. (A) As used in this section, "state 32747
institution of higher education" has the same meaning as in 32748
section 3345.011 of the Revised Code. 32749

(B) A state institution of higher education, ~~as defined in~~ 32750
~~section 3345.011 of the Revised Code,~~ shall not withhold a 32751
student's official transcripts from a potential employer because 32752
the student owes money to the institution, provided the student 32753
has authorized the transcripts to be sent to the employer and the 32754
employer affirms to the institution that the transcripts are a 32755
prerequisite of employment. 32756

(C)(1) Not later than December 1, 2023, the board of trustees 32757
of each state institution of higher education shall formally 32758
consider and adopt a resolution determining whether to end the 32759
practice of transcript withholding. Once adopted, each state 32760
institution shall submit a copy of the resolution to the 32761
chancellor of higher education. 32762

(2) In adopting the resolution required under this division, 32763
each board of trustees shall consider and evaluate all of the 32764
following factors: 32765

(a) The extent to which ending the practice of transcript 32766
withholding will promote the state's post-secondary education 32767
attainment and workforce goals; 32768

(b) The rate of collection on overdue balances resulting from 32769
the historical practice of transcript withholding, as documented 32770
by the attorney general; 32771

(c) The extent to which ending the practice of transcript 32772

withholding will help students who have disenrolled from the state 32773
institution complete an education, whether at the same institution 32774
or another state institution. 32775

If a board of trustees resolves to maintain the practice of 32776
transcript withholding, the board shall include in the resolution 32777
a summary of its evaluation of the factors contained in division 32778
(C)(2) of this section. 32779

(3) Not later than January 1, 2024, the chancellor shall 32780
provide a copy of each resolution submitted under this division to 32781
the governor, the speaker of the house of representatives, and the 32782
president of the senate. 32783

Sec. 3345.033. (A) As used in this section: 32784

"Rule" includes the enactment of a new rule or the amendment 32785
or rescission of an existing rule. 32786

"State institution of higher education" means a state 32787
university identified in section 3345.011 of the Revised Code, the 32788
northeast Ohio medical university, or a community college, state 32789
community college, or technical college. 32790

(B) When a state institution of higher education adopts a 32791
rule, the state institution of higher education shall post the 32792
rule on its web site, ~~and the director of the legislative service~~ 32793
~~commission shall publish or cause publication of the rule in the~~ 32794
~~register of Ohio and in any electronic Administrative Code~~ 32795
~~published by or under contract with the director. The state~~ 32796
~~institution of higher education also electronically shall file a~~ 32797
~~copy of the rule with the joint committee on agency rule review.~~ 32798
~~The rule is not subject to review by the joint committee. But the~~ 32799
~~joint committee shall accommodate the rule to the rule watch~~ 32800
~~system.~~ 32801

(C) A state institution of higher education shall maintain 32802

the posting of its rules on its web site, and periodically shall 32803
verify the posting. A state institution of higher education is not 32804
entitled to rely on a rule that is not currently posted on its web 32805
site. 32806

(D) A rule posted on a state institution of higher 32807
education's web site in accordance with this section is not 32808
subject to review by the joint committee on agency rule review. 32809
Such a rule is not subject to section 111.15 or 119.03 of the 32810
Revised Code unless the law requiring or permitting the rule to be 32811
adopted requires the rule to be adopted under either section. 32812

Sec. 3345.10. (A) As used in this section, "state institution 32813
of higher education" has the same meaning as in section 3345.011 32814
of the Revised Code. 32815

(B) Each state institution of higher education shall 32816
establish competitive bidding procedures for the purchase of 32817
printed material and shall award all contracts for the purchase of 32818
printed material in accordance with those procedures. The 32819
procedures shall require the institution to evaluate all bids 32820
received for all contracts for the purchase of printed material in 32821
accordance with the criteria and procedures established pursuant 32822
to divisions ~~(C)(1)~~(B)(1) and (2) of section 125.09 of the Revised 32823
Code for determining whether bidders will produce the printed 32824
material at manufacturing facilities within this state or in 32825
accordance with the criteria and procedures established pursuant 32826
to division ~~(C)(4)~~(B)(4) or (5) of that section for determining 32827
whether bidders are otherwise qualified. 32828

An institution shall select, in accordance with the 32829
procedures it establishes under this section, a bid from among 32830
bidders that fulfill the criteria specified in the applicable 32831
divisions of section 125.09 of the Revised Code where sufficient 32832
competition can be generated within this state to ensure that 32833

compliance with this requirement will not result in paying an 32834
excessive price or acquiring a disproportionately inferior 32835
product. If there are two or more bids from among those bidders, 32836
it shall be deemed that there is sufficient competition to prevent 32837
paying an excessive price or acquiring a disproportionately 32838
inferior product. 32839

Sec. 3345.14. (A) As used in this section, "state college or 32840
university" means any state university or college defined in 32841
division (A)(1) of section 3345.12 of the Revised Code, and any 32842
other institution of higher education defined in division (A)(2) 32843
of that section. 32844

(B) All rights to and interests in discoveries, inventions, 32845
or patents which result from research or investigation conducted 32846
in any experiment station, bureau, laboratory, research facility, 32847
or other facility of any state college or university, or by 32848
employees of any state college or university acting within the 32849
scope of their employment or with funding, equipment, or 32850
infrastructure provided by or through any state college or 32851
university, shall be the sole property of that college or 32852
university. No person, firm, association, corporation, or 32853
governmental agency which uses the facilities of such college or 32854
university in connection with such research or investigation and 32855
no faculty member, employee, or student of such college or 32856
university participating in or making such discoveries or 32857
inventions, shall have any rights to or interests in such 32858
discoveries or inventions, including income therefrom, except as 32859
may, by determination of the board of trustees of such college or 32860
university, be assigned, licensed, transferred, or paid to such 32861
persons or entities in accordance with division (C) of this 32862
section or in accordance with rules adopted under division (D) of 32863
this section. 32864

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university shall adopt rules ~~in accordance with section 111.15 of the Revised Code~~ that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in its intellectual property, including discoveries or inventions made or created by that employee or in patents issued to that employee.

(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or

other association as described in division (D)(1) of this section; 32897

(b) A requirement that all disclosures made under division 32898
(D)(2)(a) of this section are reviewed by officials designated by 32899
the college or university board of trustees. The officials 32900
designated under this division shall determine the information 32901
that shall be disclosed and safeguards that shall be applied in 32902
order to manage, reduce, or eliminate any actual or potential 32903
conflict of interest. 32904

(c) A requirement that in implementing division (D) of this 32905
section all members of the college or university board of trustees 32906
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 32907
of the Revised Code. 32908

(d) Guidelines to ensure that any financial interest held by 32909
any employee of the college or university does not result in 32910
misuse of the students, employees, or resources of the college or 32911
university for the benefit of the firm, corporation, or other 32912
association in which such interest is held or does not otherwise 32913
interfere with the duties and responsibilities of the employee who 32914
holds such an interest. 32915

(3) Rules established under division (D)(1) of this section 32916
may include other provisions at the discretion of the college or 32917
university board of trustees. 32918

(E) Notwithstanding division (D) of this section, the Ohio 32919
ethics commission retains authority to provide assistance to a 32920
college or university board of trustees in the implementation of 32921
division (D)(2) of this section and to address any matter that is 32922
outside the scope of the exception to division (B) of this section 32923
as set forth in division (D) of this section or as set forth in 32924
rules established under division (D) of this section. 32925

Sec. 3345.32. (A) As used in this section: 32926

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.	32927 32928 32929
(2) "Resident" has the meaning specified by rule of the chancellor of higher education.	32930 32931
(3) "Statement of selective service status" means a statement certifying one of the following:	32932 32933
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	32934 32935 32936 32937
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	32938 32939 32940
(i) The individual is under eighteen or over twenty-six years of age.	32941 32942
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	32943 32944 32945
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	32946 32947 32948
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	32949 32950 32951
(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by	32952 32953 32954 32955 32956

division (E) of this section. 32957

(B) The chancellor shall, by rule, specify the form of 32958
statements of selective service status to be filed in compliance 32959
with divisions (C) to (E) of this section. Each statement of 32960
selective service status shall contain a section wherein a male 32961
student born after December 31, 1959, certifies that the student 32962
has registered with the selective service system in accordance 32963
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 32964
App. 453, as amended. For those students not required to register 32965
with the selective service, as specified in divisions (A)(2)(b)(i) 32966
to (iv) of this section, a section shall be provided on the 32967
statement of selective service status for the certification of 32968
nonregistration and for an explanation of the reason for the 32969
exemption. The chancellor may require that such statements be 32970
accompanied by documentation specified by rule of the chancellor. 32971

(C) A state university or college that enrolls in any course, 32972
class, or program a male student born after December 31, 1959, who 32973
has not filed a statement of selective service status with the 32974
university or college shall, regardless of the student's 32975
residency, charge the student any tuition surcharge charged 32976
students who are not residents of this state. 32977

(D) No male born after December 31, 1959, shall be eligible 32978
to receive any loan, grant, scholarship, or other financial 32979
assistance for educational expenses granted under section 3315.33, 32980
~~3333.127~~, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 32981
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 32982
award under the choose Ohio first scholarship program established 32983
under section 3333.61 of the Revised Code, or financed by an award 32984
under the Ohio co-op/internship program established under section 32985
3333.72 of the Revised Code, unless that person has filed a 32986
statement of selective service status with that person's 32987
institution of higher education. 32988

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.57. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) A state institution of higher education may establish a program under which an employee of the institution may donate that employee's accrued but unused paid leave to another employee of the institution who has no accrued but unused paid leave and who has a critical need for it because of circumstances such as a serious illness or the serious illness of a member of the employee's immediate family. If a state institution of higher education establishes a leave donation program under this section, the institution shall adopt rules ~~in accordance with section 111.15 of the Revised Code~~ to provide for the administration of the program. These rules shall include, but not be limited to,

provisions that identify the circumstances under which leave may 33021
be donated and that specify the amount, types, and value of leave 33022
that may be donated. 33023

Sec. 3345.69. (A) As used in this section: 33024

(1) "State institution of higher education" has the same 33025
meaning as in section 3345.011 of the Revised Code. 33026

(2) "Board of trustees of a state institution of higher 33027
education" has the same meaning as in section 3345.61 of the 33028
Revised Code. 33029

(B) The chairperson of the interuniversity council of Ohio 33030
and the secretary of the Ohio association of community colleges 33031
shall assist in coordinating the organization and operation of a 33032
committee to carry out this section. The committee shall be 33033
comprised of the presidents of the state institutions of higher 33034
education or their designees. The committee, in consultation with 33035
the Ohio facilities construction commission, shall develop 33036
guidelines for the board of trustees of each state institution of 33037
higher education to use in ensuring energy efficiency and 33038
conservation in on- and off-campus buildings. At a minimum, 33039
guidelines under this section shall do all of the following: 33040

(1) Include a goal to reduce on- and off-campus building 33041
energy consumption by at least twenty per cent by 2014, using 33042
calendar year 2004 as the benchmark year, while recognizing the 33043
diverse nature and different energy demands and uses of such 33044
buildings and measures already taken to increase building energy 33045
efficiency and conservation; 33046

(2) Prescribe minimum energy efficiency and conservation 33047
standards for any new, on- or off-campus capital improvement 33048
project with a construction cost of one hundred thousand dollars 33049
or more, which standards shall be based on general building type 33050

and cost-effectiveness; 33051

(3) Prescribe minimum energy efficiency and conservation 33052
standards for the leasing of an off-campus space of at least 33053
twenty-thousand square feet; 33054

(4) Incorporate best practices into energy efficiency and 33055
conservation standards and plans; 33056

(5) Provide that each board develop its own fifteen-year plan 33057
for phasing in energy efficiency and conservation projects; 33058

(6) Provide that project impact assessments include the 33059
fiscal effects of energy efficiency and conservation 33060
recommendations and plans; 33061

(7) Establish mechanisms for each board to report 33062
periodically to the committee on its progress relative to the 33063
guidelines. 33064

(C) The board of trustees of a state institution of higher 33065
education shall adopt rules ~~under section 111.15 of the Revised~~ 33066
~~Code~~ to carry out the guidelines established pursuant to division 33067
(B) of this section, including in the execution of the board's 33068
authority under sections 3345.62 to 3345.66 of the Revised Code. 33069

Sec. 3365.07. The department of education shall calculate and 33070
pay state funds to colleges for participants in the college credit 33071
plus program under division (B) of section 3365.06 of the Revised 33072
Code pursuant to this section. For a nonpublic secondary school 33073
participant, a nonchartered nonpublic secondary school 33074
participant, or a home-instructed participant, the department 33075
shall pay state funds pursuant to this section only if that 33076
participant is awarded funding according to rules adopted by the 33077
chancellor of higher education, in consultation with the 33078
superintendent of public instruction, pursuant to section 3365.071 33079
of the Revised Code. The program shall be the sole mechanism by 33080

which state funds are paid to colleges for students to earn 33081
transcripted credit for college courses while enrolled in both a 33082
secondary school and a college, with the exception of state funds 33083
paid to colleges according to an agreement described in division 33084
(A)(1) of section 3365.02 of the Revised Code. 33085

(A) For each public or nonpublic secondary school participant 33086
enrolled in a public college: 33087

(1) If no agreement has been entered into under division 33088
(A)(2) of this section, both of the following shall apply: 33089

(a) The department shall pay to the college the applicable 33090
amount as follows: 33091

(i) For a participant enrolled in a college course delivered 33092
on the college campus, at another location operated by the 33093
college, or online, the lesser of the default ceiling amount or 33094
the college's standard rate; 33095

(ii) For a participant enrolled in a college course delivered 33096
at the participant's secondary school but taught by college 33097
faculty, the lesser of fifty per cent of the default ceiling 33098
amount or the college's standard rate; 33099

(iii) For a participant enrolled in a college course 33100
delivered at the participant's secondary school and taught by a 33101
high school teacher who has met the credential requirements 33102
established for purposes of the program in rules adopted by the 33103
chancellor, the default floor amount. 33104

(b) The participant's secondary school shall pay for 33105
textbooks, and the college shall waive payment of all other fees 33106
related to participation in the program. 33107

(2) The governing entity of a participant's secondary school 33108
and the college may enter into an agreement to establish an 33109
alternative payment structure for tuition, textbooks, and fees. 33110

Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A)(1)(b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division (B)(2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments shall be not less than the default floor amount, unless approved by the chancellor, and not

more than either the default ceiling amount or the college's 33142
standard rate, whichever is less. 33143

If an agreement is entered into under division (B)(2) of this 33144
section, both of the following shall apply: 33145

(a) The department shall make a payment to the college for 33146
each participant that is equal to the default floor amount, unless 33147
approved by the chancellor to pay an amount below the default 33148
floor amount. The chancellor may approve an agreement that 33149
includes a payment below the default floor amount, as long as the 33150
provisions of the agreement comply with all other requirements of 33151
this chapter to ensure program quality. 33152

(b) Payment for costs for the participant that exceed the 33153
amount paid by the department pursuant to division (B)(2)(a) of 33154
this section shall be negotiated by the school and the college. 33155
The agreement may include a stipulation permitting the charging of 33156
a participant. 33157

However, under no circumstances shall: 33158

(i) Payments for a participant made by the department under 33159
division (B)(2) of this section exceed the lesser of the default 33160
ceiling amount or the college's standard rate; 33161

(ii) The amount charged to a participant under division 33162
(B)(2) of this section exceed the difference between the maximum 33163
per participant charge amount and the default floor amount; 33164

(iii) The sum of the payments made by the department for a 33165
participant and the amount charged to that participant under 33166
division (B)(2) of this section exceed the following amounts, as 33167
applicable: 33168

(I) For a participant enrolled in a college course delivered 33169
on the college campus, at another location operated by the 33170
college, or online, the maximum per participant charge amount; 33171

(II) For a participant enrolled in a college course delivered 33172
at the participant's secondary school but taught by college 33173
faculty, one hundred twenty-five dollars; 33174

(III) For a participant enrolled in a college course 33175
delivered at the participant's secondary school and taught by a 33176
high school teacher who has met the credential requirements 33177
established for purposes of the program in rules adopted by the 33178
chancellor, one hundred dollars. 33179

(iv) A participant that is identified as economically 33180
disadvantaged according to rules adopted by the department be 33181
charged under division (B)(2) of this section for any tuition, 33182
textbooks, or other fees related to participation in the program. 33183

(C) For each nonpublic secondary school participant enrolled 33184
in a private or eligible out-of-state college, the department 33185
shall pay to the college the applicable amount calculated in the 33186
same manner as in division (A)(1)(a) of this section. Payment for 33187
costs for the participant that exceed the amount paid by the 33188
department shall be negotiated by the governing body of the 33189
nonpublic secondary school and the college. 33190

However, under no circumstances shall: 33191

(1) The payments for a participant made by the department 33192
under this division exceed the lesser of the default ceiling 33193
amount or the college's standard rate. 33194

(2) Any nonpublic secondary school participant, who is 33195
enrolled in that secondary school with a scholarship awarded under 33196
either the educational choice scholarship pilot program, as 33197
prescribed by sections 3310.01 to 3310.17, or the pilot project 33198
scholarship program, as prescribed by sections 3313.974 to 33199
3313.979 of the Revised Code, and who qualifies as a low-income 33200
student under either of those programs, be charged for any 33201
tuition, textbooks, or other fees related to participation in the 33202

college credit plus program. 33203

(D) For each nonchartered nonpublic secondary school 33204
participant and each home-instructed participant enrolled in a 33205
public, private, or eligible out-of-state college, the department 33206
shall pay to the college the lesser of the default ceiling amount 33207
or the college's standard rate, if that participant is enrolled in 33208
a college course delivered on the college campus, at another 33209
location operated by the college, or online. 33210

(E) Not later than thirty days after the end of each term, 33211
each college expecting to receive payment for the costs of a 33212
participant under this section shall notify the department of the 33213
number of enrolled credit hours for each participant. 33214

(F) The department shall make the applicable payments under 33215
this section to each college, which provided proper notification 33216
to the department under division (E) of this section, for the 33217
number of enrolled credit hours for participants enrolled in the 33218
college under division (B) of section 3365.06 of the Revised Code. 33219
Except in cases involving incomplete participant information or a 33220
dispute of participant information, payments shall be made by the 33221
last day of January for participants who were enrolled during the 33222
fall term and by the last day of July for participants who were 33223
enrolled during the spring term. The department shall not make any 33224
payments to a college under this section if a participant withdrew 33225
from a course prior to the date on which a withdrawal from the 33226
course would have negatively affected the participant's 33227
transcripted grade, as prescribed by the college's established 33228
withdrawal policy. 33229

(1) Payments made for public secondary school participants 33230
under this section shall be deducted as follows: 33231

(a) For a participant enrolled in a school district, from the 33232
school foundation payments made to the participant's school 33233

district. If the participant is enrolled in a joint vocational 33234
school district, a portion of the amount shall be deducted from 33235
the payments to the joint vocational school district and a portion 33236
shall be deducted from the payments to the participant's city, 33237
local, or exempted village school district in accordance with the 33238
full-time equivalency of the student's enrollment in each 33239
district. 33240

(b) For a participant enrolled in a community school 33241
established under Chapter 3314. of the Revised Code, from the 33242
payments made to that school under section 3317.022 of the Revised 33243
Code; 33244

(c) For a participant enrolled in a STEM school, from the 33245
payments made to that school under section 3317.022 of the Revised 33246
Code; 33247

(d) For a participant enrolled in a college-preparatory 33248
boarding school, from the payments made to that school under 33249
section 3328.34 of the Revised Code; 33250

(e) For a participant enrolled in the state school for the 33251
deaf or the state school for the blind, from the amount paid to 33252
that school with funds appropriated by the general assembly for 33253
support of ~~that school~~ Ohio deaf and blind education services; 33254

(f) For a participant enrolled in an institution operated by 33255
the department of youth services, from the amount paid to that 33256
institution with funds appropriated by the general assembly for 33257
support of that institution. 33258

Amounts deducted under divisions (F)(1)(a) to (f) of this 33259
section shall be calculated in accordance with rules adopted by 33260
the chancellor, in consultation with the state superintendent, 33261
pursuant to division (B) of section 3365.071 of the Revised Code 33262

(2) Payments made for nonpublic secondary school 33263
participants, nonchartered nonpublic secondary school 33264

participants, and home-instructed participants under this section 33265
shall be deducted from moneys appropriated by the general assembly 33266
for such purpose. Payments shall be allocated and distributed in 33267
accordance with rules adopted by the chancellor, in consultation 33268
with the state superintendent, pursuant to division (A) of section 33269
3365.071 of the Revised Code. 33270

(G) Any public college that enrolls a student under division 33271
(B) of section 3365.06 of the Revised Code may include that 33272
student in the calculation used to determine its state share of 33273
instruction funds appropriated to the department of higher 33274
education by the general assembly. 33275

Sec. 3501.01. As used in the sections of the Revised Code 33276
relating to elections and political communications: 33277

(A) "General election" means the election held on the first 33278
Tuesday after the first Monday in each November. 33279

(B) "Regular municipal election" means the election held on 33280
the first Tuesday after the first Monday in November in each 33281
odd-numbered year. 33282

(C) "Regular state election" means the election held on the 33283
first Tuesday after the first Monday in November in each 33284
even-numbered year. 33285

(D) "Special election" means any election other than those 33286
elections defined in other divisions of this section. A special 33287
election may be held only on the first Tuesday after the first 33288
Monday in May or November, on the first Tuesday after the first 33289
Monday in August in accordance with section 3501.022 of the 33290
Revised Code, or on the day authorized by a particular municipal 33291
or county charter for the holding of a primary election, except 33292
that in any year in which a presidential primary election is held, 33293
no special election shall be held in May, except as authorized by 33294

a municipal or county charter, but may be held on the third 33295
Tuesday after the first Monday in March. 33296

(E)(1) "Primary" or "primary election" means an election held 33297
for the purpose of nominating persons as candidates of political 33298
parties for election to offices, and for the purpose of electing 33299
persons as members of the controlling committees of political 33300
parties and as delegates and alternates to the conventions of 33301
political parties. Primary elections shall be held on the first 33302
Tuesday after the first Monday in May of each year except in years 33303
in which a presidential primary election is held. 33304

(2) "Presidential primary election" means a primary election 33305
as defined by division (E)(1) of this section at which an election 33306
is held for the purpose of choosing delegates and alternates to 33307
the national conventions of the major political parties pursuant 33308
to section 3513.12 of the Revised Code. Unless otherwise 33309
specified, presidential primary elections are included in 33310
references to primary elections. In years in which a presidential 33311
primary election is held, all primary elections shall be held on 33312
the third Tuesday after the first Monday in March except as 33313
otherwise authorized by a municipal or county charter. 33314

(F) "Political party" means any group of voters meeting the 33315
requirements set forth in section 3517.01 of the Revised Code for 33316
the formation and existence of a political party. 33317

(1) "Major political party" means any political party 33318
organized under the laws of this state whose candidate for 33319
governor or nominees for presidential electors received not less 33320
than twenty per cent of the total vote cast for such office at the 33321
most recent regular state election. 33322

(2) "Minor political party" means any political party 33323
organized under the laws of this state that meets either of the 33324
following requirements: 33325

(a) Except as otherwise provided in this division, the political party's candidate for governor or nominees for presidential electors received less than twenty per cent but not less than three per cent of the total vote cast for such office at the most recent regular state election. A political party that meets the requirements of this division remains a political party for a period of four years after meeting those requirements.

(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president.

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims

not to be affiliated with a political party, and whose name has
been certified on the office-type ballot at a general or special
election through the filing of a statement of candidacy and
nominating petition, as prescribed in section 3513.257 of the
Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is
required, pursuant to section 3505.04 of the Revised Code, to be
listed on the nonpartisan ballot, including all candidates for
judge of a municipal court, county court, or court of common
pleas, for member of any board of education, for municipal or
township offices in which primary elections are not held for
nominating candidates by political parties, and for offices of
municipal corporations having charters that provide for separate
ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a
member of a political party and who has been certified to appear
on the office-type ballot at a general or special election as the
nominee of a political party because the candidate has won the
primary election of the candidate's party for the public office
the candidate seeks, has been nominated under section 3517.012, or
is selected by party committee in accordance with section 3513.31
of the Revised Code.

(L) "Officer of a political party" includes, but is not
limited to, any member, elected or appointed, of a controlling
committee, whether representing the territory of the state, a
district therein, a county, township, a city, a ward, a precinct,
or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified
in accordance with the Revised Code for placement on an official
ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having

the qualifications provided by law to be entitled to vote.	33388
(O) "Voter" means an elector who votes at an election.	33389
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	33390 33391 33392
(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.	33393 33394 33395 33396
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	33397 33398 33399
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	33400 33401 33402
(T) "Political subdivision" means a county, township, city, village, or school district.	33403 33404
(U) "Election officer" or "election official" means any of the following:	33405 33406
(1) Secretary of state;	33407
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	33408 33409 33410 33411
(3) Director of a board of elections;	33412
(4) Deputy director of a board of elections;	33413
(5) Member of a board of elections;	33414
(6) Employees of a board of elections;	33415
(7) Precinct election officials;	33416

(8) Employees appointed by the boards of elections on a 33417
temporary or part-time basis. 33418

(V) "Acknowledgment notice" means a notice sent by a board of 33419
elections, on a form prescribed by the secretary of state, 33420
informing a voter registration applicant or an applicant who 33421
wishes to change the applicant's residence or name of the status 33422
of the application; the information necessary to complete or 33423
update the application, if any; and if the application is 33424
complete, the precinct in which the applicant is to vote. 33425

(W) "Confirmation notice" means a notice sent by a board of 33426
elections, on a form prescribed by the secretary of state, to a 33427
registered elector to confirm the registered elector's current 33428
address. 33429

(X) "Designated agency" means an office or agency in the 33430
state that provides public assistance or that provides 33431
state-funded programs primarily engaged in providing services to 33432
persons with disabilities and that is required by the National 33433
Voter Registration Act of 1993 to implement a program designed and 33434
administered by the secretary of state for registering voters, or 33435
any other public or government office or agency that implements a 33436
program designed and administered by the secretary of state for 33437
registering voters, including the department of job and family 33438
services, the program administered under section 3701.132 of the 33439
Revised Code by the department of health, the department of mental 33440
health and addiction services, the department of developmental 33441
disabilities, the opportunities for Ohioans with disabilities 33442
agency, and any other agency the secretary of state designates. 33443
"Designated agency" does not include public high schools and 33444
vocational schools, public libraries, or the office of a county 33445
treasurer. 33446

(Y) "National Voter Registration Act of 1993" means the 33447
"National Voter Registration Act of 1993," 107 Stat. 77, 42 33448

U.S.C.A. 1973gg. 33449

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 33450
33451

(AA)(1) "Photo identification" means one of the following documents that includes the individual's name and photograph and is not expired: 33452
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33454

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code; 33455
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(b) A United States passport or passport card; 33459

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card. 33460
33461
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(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA)(1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date. 33463
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(BB) "Driver's license" means a license or permit issued by the registrar or a deputy registrar under Chapter 4506. or 4507. of the Revised Code that authorizes an individual to drive. 33470
33471
33472
"Driver's license" includes a driver's license, commercial driver's license, probationary license, restricted license, motorcycle operator's license, or temporary instruction permit identification card. "Driver's license" does not include a 33473
33474
33475
33476
~~nonrenewable~~ limited term license issued under section 4507.09 of 33477
33478
the Revised Code.

(CC) "State identification card" means a card issued by the registrar or a deputy registrar under sections 4507.50 to 4507.52 of the Revised Code.

(DD) "Interim identification form" means the document issued by the registrar or a deputy registrar to an applicant for a driver's license or state identification card that contains all of the information otherwise found on the license or card and that an applicant may use as a form of identification until the physical license or card arrives in the mail.

Sec. 3501.27. (A) All precinct election officials shall complete a program of instruction pursuant to division (B) of this section. No person who has been convicted of a felony or any violation of the election laws, who is unable to read and write the English language readily, or who is a candidate for an office to be voted for by the voters of the precinct in which the person is to serve shall serve as an election officer. A person when appointed as an election officer shall receive from the board of elections a certificate of appointment that may be revoked at any time by the board for good and sufficient reasons. The certificate shall be in the form the board prescribes and shall specify the precinct, ward, or district in and for which the person to whom it is issued is appointed to serve, the date of appointment, and the expiration of the person's term of service.

(B) Each board shall establish a program as prescribed by the secretary of state for the instruction of election officers in the rules, procedures, and law relating to elections. In each program, the board shall use training materials prepared by the secretary of state and may use additional materials prepared by or on behalf of the board. The board may use the services of unpaid volunteers in conducting its program and may reimburse those volunteers for necessary and actual expenses incurred in participating in the

program. 33510

The board shall train each new election officer before the 33511
new officer participates in the first election in that capacity. 33512
The board shall instruct election officials who have been trained 33513
previously only when the board or secretary of state considers 33514
that instruction necessary, but the board shall reinstruct such 33515
persons, other than voting location managers, at least once in 33516
every three years and shall reinstruct voting location managers 33517
before the primary election in even-numbered years. The board 33518
shall schedule any program of instruction within sixty days prior 33519
to the election in which the officials to be trained will 33520
participate. 33521

(C) The duties of a precinct election official in each 33522
polling place shall be performed only by an individual who has 33523
successfully completed the requirements of the program, unless 33524
such an individual is unavailable after reasonable efforts to 33525
obtain such services. 33526

(D) The secretary of state shall establish a program for the 33527
instruction of members of boards of elections and employees of 33528
boards in the rules, procedures, and law relating to elections. 33529
Each member and employee shall complete the training program 33530
within six months after the member's or employee's original 33531
appointment or employment, and thereafter each member and employee 33532
shall complete a training program to update their knowledge once 33533
every four years or more often as determined by the secretary of 33534
state. 33535

(E) The secretary of state shall ~~reimburse each county for~~ 33536
~~make grants to the boards of elections to pay~~ the cost of programs 33537
established pursuant to division (B) of this section, ~~once the~~ 33538
~~secretary of state has received an itemized statement of expenses~~ 33539
~~for such instruction programs from the county. The itemized~~ 33540
~~statement shall be in a form prescribed by the secretary of state.~~ 33541

Sec. 3701.021. (A) The director of health shall adopt, in 33542
accordance with Chapter 119. of the Revised Code, such rules as 33543
are necessary to carry out sections 3701.021 to 3701.0210 of the 33544
Revised Code, including, but not limited to, rules to establish 33545
the following: 33546

(1) Subject to division (D) of this section, medical and 33547
financial eligibility requirements for the program for ~~medically~~ 33548
~~handicapped~~ children and youth with special health care needs; 33549

(2) Subject to division (C) of this section, eligibility 33550
requirements for providers who provide goods and services for the 33551
program for ~~medically handicapped~~ children and youth with special 33552
health care needs; 33553

(3) Procedures to be followed by the department of health in 33554
disqualifying providers for violating requirements adopted under 33555
division (A)(2) of this section; 33556

(4) Procedures to be used by the department regarding 33557
application for diagnostic services under division (B) of section 33558
3701.023 of the Revised Code and payment for those services under 33559
division (E) of that section; 33560

(5) Standards for the provision of service coordination by 33561
the department of health and city and general health districts; 33562

(6) Procedures for the department to use to determine the 33563
amount to be paid annually by each county for services for 33564
~~medically handicapped~~ children and youth with special health care 33565
needs and to allow counties to retain funds under divisions (A)(2) 33566
and (3) of section 3701.024 of the Revised Code; 33567

(7) Financial eligibility requirements for services for Ohio 33568
residents twenty-one years of age or older who have cystic 33569
fibrosis; 33570

(8) Criteria for payment of approved providers who provide 33571

goods and services for medically handicapped children <u>and youth</u>	33572
<u>with special health care needs</u> ;	33573
(9) Criteria for the department to use in determining whether	33574
the payment of health insurance premiums of participants in the	33575
program for medically handicapped children <u>and youth with special</u>	33576
<u>health care needs</u> is cost-effective;	33577
(10) Procedures for appeal of denials of applications under	33578
divisions (A) and (D) of section 3701.023 of the Revised Code,	33579
disqualification of providers, and amounts paid for services;	33580
(11) Terms of appointment for members of the medically	33581
handicapped children's <u>children and youth with special health care</u>	33582
<u>needs</u> medical advisory council created in section 3701.025 of the	33583
Revised Code;	33584
(12) Eligibility requirements for the hemophilia program,	33585
including income and hardship requirements;	33586
(13) If a manufacturer discount program is established under	33587
division (J)(1) of section 3701.023 of the Revised Code,	33588
procedures for administering the program, including criteria and	33589
other requirements for participation in the program by	33590
manufacturers of drugs and nutritional formulas.	33591
(B) The department of health shall develop a manual of	33592
operational procedures and guidelines for the program for	33593
medically handicapped children <u>and youth with special health care</u>	33594
<u>needs</u> to implement sections 3701.021 to 3701.0210 of the Revised	33595
Code.	33596
(C) A medicaid provider, as defined in section 5164.01 of the	33597
Revised Code, is eligible to be a provider of the same goods and	33598
services for the program for medically handicapped children <u>and</u>	33599
<u>youth with special health care needs</u> that the provider is approved	33600
to provide for the medicaid program and the director shall approve	33601
such a provider for participation in the program for medically	33602

~~handicapped~~ children and youth with special health care needs. 33603

(D) In establishing medical and financial eligibility 33604
requirements for the program for ~~medically handicapped~~ children 33605
and youth with special health care needs, the director of health 33606
shall not specify an age restriction that excludes from 33607
eligibility an individual who is either of the following: 33608

(1) Beginning on July 1, 2021, less than twenty-two years of 33609
age; 33610

(2) Beginning on July 1, 2022, less than twenty-three years 33611
of age. 33612

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of 33613
the Revised Code: 33614

(A) "~~Medically handicapped child~~ Child or youth with special 33615
health care needs" means an Ohio resident who meets the age 33616
requirements set forth in division (D) of section 3701.021 of the 33617
Revised Code who ~~suffers primarily from~~ has an organic disease, 33618
defect, or a congenital or acquired ~~physically handicapping and~~ 33619
~~associated~~ medical condition that may hinder the achievement of 33620
normal growth and development. 33621

(B) "Provider" means a health professional, hospital, medical 33622
equipment supplier, and any individual, group, or agency that is 33623
approved by the department of health pursuant to division (C) of 33624
section 3701.023 of the Revised Code and that provides or intends 33625
to provide goods or services to a child who is eligible for the 33626
program for ~~medically handicapped~~ children and youth with special 33627
health care needs. 33628

(C) "Service coordination" means case management services 33629
provided to ~~medically handicapped~~ children and youth with special 33630
health care needs that promote effective and efficient 33631
organization and utilization of public and private resources and 33632

ensure that care rendered is family-centered, community-based, and 33633
coordinated. 33634

(D)(1) "Third party" means any person or government entity 33635
other than the following: 33636

(a) A ~~medically handicapped~~ child or youth with special 33637
health care needs participating in the program for ~~medically~~ 33638
~~handicapped~~ children and youth with special health care needs or 33639
the ~~child's~~ child or youth's parent or guardian; 33640

(b) The department or any program administered by the 33641
department, including the "Maternal and Child Health Block Grant," 33642
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 33643
U.S.C.A. 701, as amended; 33644

(c) The "caring program for children" operated by the 33645
nonprofit community mutual insurance corporation. 33646

(2) "Third party" includes all of the following: 33647

(a) Any trust established to benefit a ~~medically handicapped~~ 33648
child or youth with special health care needs participating in the 33649
program or the ~~child's~~ child or youth's family or guardians, if 33650
the trust was established after the date the ~~medically handicapped~~ 33651
child or youth with special health care needs applied to 33652
participate in the program; 33653

(b) That portion of a trust designated to pay for the medical 33654
and ancillary care of a ~~medically handicapped~~ child or youth with 33655
special health care needs, if the trust was established on or 33656
before the date the ~~medically handicapped~~ child or youth with 33657
special health care needs applied to participate in the program; 33658

(c) The program awarding reparations to victims of crime 33659
established under sections 2743.51 to 2743.72 of the Revised Code. 33660

(E) "Third-party benefits" means any and all benefits paid by 33661
a third party to or on behalf of a ~~medically handicapped~~ child or 33662

youth with special health care needs participating in the program 33663
or the ~~child's~~ child or youth's parent or guardian for goods or 33664
services that are authorized by the department pursuant to 33665
division (B) or (D) of section 3701.023 of the Revised Code. 33666

(F) "Hemophilia program" means the hemophilia program the 33667
department of health is required to establish and administer under 33668
section 3701.029 of the Revised Code. 33669

Sec. 3701.023. (A) The department of health shall review 33670
applications for eligibility for the program for ~~medically~~ 33671
~~handicapped~~ children and youth with special health care needs that 33672
are submitted to the department by city and general health 33673
districts and physician providers approved in accordance with 33674
division (C) of this section. The department shall determine 33675
whether the applicants meet the medical and financial eligibility 33676
requirements established by the director of health pursuant to 33677
division (A)(1) of section 3701.021 of the Revised Code, and by 33678
the department in the manual of operational procedures and 33679
guidelines for the program for ~~medically handicapped~~ children and 33680
youth with special health care needs developed pursuant to 33681
division (B) of that section. Referrals of potentially eligible 33682
children and youth for the program may be submitted to the 33683
department on behalf of the child or youth by parents, guardians, 33684
public health nurses, or any other interested person. The 33685
department of health may designate other agencies to refer 33686
applicants to the department of health. 33687

(B) In accordance with the procedures established in rules 33688
adopted under division (A)(4) of section 3701.021 of the Revised 33689
Code, the department of health shall authorize a provider or 33690
providers to provide to any Ohio resident under twenty-one years 33691
of age, without charge to the resident or the resident's family 33692
and without restriction as to the economic status of the resident 33693

or the resident's family, diagnostic services necessary to 33694
determine whether the resident has a ~~medically handicapping~~ 33695
~~medical diagnosis resulting in,~~ or potentially ~~medically~~ 33696
~~handicapping condition~~ resulting in, special health care needs. 33697

(C) The department of health shall review the applications of 33698
health professionals, hospitals, medical equipment suppliers, and 33699
other individuals, groups, or agencies that apply to become 33700
providers. The department shall enter into a written agreement 33701
with each applicant who is determined, pursuant to the 33702
requirements set forth in rules adopted under division (A)(2) of 33703
section 3701.021 of the Revised Code, to be eligible to be a 33704
provider in accordance with the provider agreement required by the 33705
medicaid program. No provider shall charge a ~~medically handicapped~~ 33706
child or youth with special health care needs or the ~~child's child~~ 33707
or youth's parent or guardian for services authorized by the 33708
department under division (B) or (D) of this section. 33709

The department, in accordance with rules adopted under 33710
division (A)(3) of section 3701.021 of the Revised Code, may 33711
disqualify any provider from further participation in the program 33712
for violating any requirement set forth in rules adopted under 33713
division (A)(2) of that section. The disqualification shall not 33714
take effect until a written notice, specifying the requirement 33715
violated and describing the nature of the violation, has been 33716
delivered to the provider and the department has afforded the 33717
provider an opportunity to appeal the disqualification under 33718
division (H) of this section. 33719

(D) The department of health shall evaluate applications from 33720
city and general health districts and approved physician providers 33721
for authorization to provide treatment services, service 33722
coordination, and related goods to children or youth determined to 33723
be eligible for the program for ~~medically handicapped~~ children and 33724
youth with special health care needs pursuant to division (A) of 33725

this section. The department shall authorize necessary treatment 33726
services, service coordination, and related goods for each 33727
eligible child or youth in accordance with an individual plan of 33728
treatment for the child or youth. As an alternative, the 33729
department may authorize payment of health insurance premiums on 33730
behalf of eligible children or youth when the department 33731
determines, in accordance with criteria set forth in rules adopted 33732
under division (A)(9) of section 3701.021 of the Revised Code, 33733
that payment of the premiums is cost-effective. 33734

(E) The department of health shall pay, from appropriations 33735
to the department, any necessary expenses, including but not 33736
limited to, expenses for diagnosis, treatment, service 33737
coordination, supportive services, transportation, and accessories 33738
and their upkeep, provided to ~~medically handicapped~~ children and 33739
youth with special health care needs, provided that the provision 33740
of the goods or services is authorized by the department under 33741
division (B) or (D) of this section. Money appropriated to the 33742
department of health may also be expended for reasonable 33743
administrative costs incurred by the program. The department of 33744
health also may purchase liability insurance covering the 33745
provision of services under the program for ~~medically handicapped~~ 33746
children and youth with special health care needs by physicians 33747
and other health care professionals. 33748

Payments made to providers by the department of health 33749
pursuant to this division for inpatient hospital care, outpatient 33750
care, and all other medical assistance furnished to eligible 33751
recipients shall be made in accordance with rules adopted by the 33752
director of health pursuant to division (A) of section 3701.021 of 33753
the Revised Code. 33754

The departments of health and medicaid shall jointly 33755
implement procedures to ensure that duplicate payments are not 33756
made under the program for ~~medically handicapped~~ children and 33757

youth with special health care needs and the medicaid program and 33758
to identify and recover duplicate payments. 33759

(F) At the time of applying for participation in the program 33760
for ~~medically handicapped~~ children and youth with special health 33761
care needs, a ~~medically handicapped~~ child or youth with special 33762
health care needs or the ~~child's~~ child or youth's parent or 33763
guardian shall disclose the identity of any third party against 33764
whom the child or youth or the ~~child's~~ child or youth's parent or 33765
guardian has or may have a right of recovery for goods and 33766
services provided under division (B) or (D) of this section. The 33767
department of health shall require a ~~medically handicapped~~ child 33768
or youth with special health care needs who receives services from 33769
the program or the ~~child's~~ child or youth's parent or guardian to 33770
apply for all third-party benefits for which the child or youth 33771
may be eligible and require the child or youth, parent, or 33772
guardian to apply all third-party benefits received to the amount 33773
determined under division (E) of this section as the amount 33774
payable for goods and services authorized under division (B) or 33775
(D) of this section. The department is the payer of last resort 33776
and shall pay for authorized goods or services, up to the amount 33777
determined under division (E) of this section for the authorized 33778
goods or services, only to the extent that payment for the 33779
authorized goods or services is not made through third-party 33780
benefits. When a third party fails to act on an application or 33781
claim for benefits by a ~~medically handicapped~~ child or youth with 33782
special health care needs or the ~~child's~~ child or youth's parent 33783
or guardian, the department shall pay for the goods or services 33784
only after ninety days have elapsed since the date the child or 33785
youth, parents, or guardians made an application or claim for all 33786
third-party benefits. Third-party benefits received shall be 33787
applied to the amount determined under division (E) of this 33788
section. Third-party payments for goods and services not 33789
authorized under division (B) or (D) of this section shall not be 33790

applied to payment amounts determined under division (E) of this 33791
section. Payment made by the department shall be considered 33792
payment in full of the amount determined under division (E) of 33793
this section. Medicaid payments for persons eligible for the 33794
medicaid program shall be considered payment in full of the amount 33795
determined under division (E) of this section. 33796

(G) The department of health shall administer a program to 33797
provide services to Ohio residents who are twenty-one or more 33798
years of age who have cystic fibrosis and who meet the eligibility 33799
requirements established in rules adopted by the director of 33800
health pursuant to division (A)(7) of section 3701.021 of the 33801
Revised Code, subject to all provisions of this section, but not 33802
subject to section 3701.024 of the Revised Code. 33803

(H) The department of health shall provide for appeals, in 33804
accordance with rules adopted under section 3701.021 of the 33805
Revised Code, of denials of applications for the program for 33806
~~medically handicapped~~ children and youth with special health care 33807
needs under division (A) or (D) of this section, disqualification 33808
of providers, or amounts paid under division (E) of this section. 33809
Appeals under this division are not subject to Chapter 119. of the 33810
Revised Code. 33811

The department may designate ombudspersons to assist 33812
~~medically handicapped~~ children and youth with special health care 33813
needs or their parents or guardians, upon the request of the 33814
children or youth, parents, or guardians, in filing appeals under 33815
this division and to serve as ~~children's~~ children or youth's, 33816
parents', or guardians' advocates in matters pertaining to the 33817
administration of the program for ~~medically handicapped~~ children 33818
and youth with special health care needs and eligibility for 33819
program services. The ombudspersons shall receive no compensation 33820
but shall be reimbursed by the department, in accordance with 33821
rules of the office of budget and management, for their actual and 33822

necessary travel expenses incurred in the performance of their 33823
duties. 33824

(I) The department of health, and city and general health 33825
districts providing service coordination pursuant to division 33826
(A)(2) of section 3701.024 of the Revised Code, shall provide 33827
service coordination in accordance with the standards set forth in 33828
the rules adopted under section 3701.021 of the Revised Code, 33829
without charge, and without restriction as to economic status. 33830

(J)(1) The department of health may establish a manufacturer 33831
discount program under which a manufacturer of a drug or 33832
nutritional formula is permitted to enter into an agreement with 33833
the department to provide a discount on the price of the drug or 33834
nutritional formula distributed to ~~medically handicapped~~ children 33835
and youth with special health care needs participating in the 33836
program for ~~medically handicapped~~ children and youth with special 33837
health care needs. The program shall be administered in accordance 33838
with rules adopted under section 3701.021 of the Revised Code. 33839

(2) If a manufacturer enters into an agreement with the 33840
department as described in division (J)(1) of this section, the 33841
manufacturer and the department may negotiate the amount and terms 33842
of the discount. 33843

(3) In lieu of establishing a discount program as described 33844
in division (J)(1) of this section, the department and a 33845
manufacturer of a drug or nutritional formula may discuss a 33846
donation of drugs, nutritional formulas, or money by the 33847
manufacturer to the department. 33848

(K) As used in this division "209(b) option" has the same 33849
meaning as in section 5166.01 of the Revised Code. 33850

The program for ~~medically handicapped~~ children and youth with 33851
special health care needs and the program the department of health 33852
administers pursuant to division (G) of this section shall 33853

continue to assist individuals who have cystic fibrosis and are 33854
enrolled in those programs in qualifying for medicaid under the 33855
spenddown process in the same manner it assists such individuals 33856
on ~~the effective date of this amendment~~ September 29, 2015, 33857
regardless of whether the department of medicaid continues to 33858
implement the 209(b) option. 33859

Sec. 3701.024. (A)(1) Under a procedure established in rules 33860
adopted under section 3701.021 of the Revised Code, the department 33861
of health shall determine the amount each county shall provide 33862
annually for the program for ~~medically handicapped~~ children and 33863
youth with special health care needs, based on a proportion of the 33864
county's total general property tax duplicate, not to exceed 33865
one-tenth of a mill, and charge the county for any part of 33866
expenses incurred under the program for treatment services on 33867
behalf of ~~medically handicapped~~ children and youth with special 33868
health care needs having legal settlement in the county that is 33869
not paid from federal funds or through the medicaid program. The 33870
department shall not charge the county for expenses exceeding the 33871
difference between the amount determined under division (A)(1) of 33872
this section and any amounts retained under divisions (A)(2) and 33873
(3) of this section. 33874

All amounts collected by the department under division (A)(1) 33875
of this section shall be deposited into the state treasury to the 33876
credit of the ~~medically handicapped children-county~~ children and 33877
youth with special health care needs-county assessment fund, which 33878
is hereby created. The fund shall be used by the department to 33879
comply with sections 3701.021 to 3701.028 of the Revised Code. 33880

(2) The department, in accordance with rules adopted under 33881
section 3701.021 of the Revised Code, may allow each county to 33882
retain up to ten per cent of the amount determined under division 33883
(A)(1) of this section to provide funds to city or general health 33884

districts of the county with which the districts shall provide 33885
service coordination, public health nursing, or transportation 33886
services for ~~medically handicapped~~ children and youth with special 33887
health care needs. 33888

(3) In addition to any amount retained under division (A)(2) 33889
of this section, the department, in accordance with rules adopted 33890
under section 3701.021 of the Revised Code, may allow counties 33891
that it determines have significant numbers of potentially 33892
eligible ~~medically handicapped~~ children and youth with special 33893
health care needs to retain an amount equal to the difference 33894
between: 33895

(a) Twenty-five per cent of the amount determined under 33896
division (A)(1) of this section; 33897

(b) Any amount retained under division (A)(2) of this 33898
section. 33899

Counties shall use amounts retained under division (A)(3) of 33900
this section to provide funds to city or general health districts 33901
of the county with which the districts shall conduct outreach 33902
activities to increase participation in the program for ~~medically~~ 33903
~~handicapped~~ children and youth with special health care needs. 33904

(4) Prior to any increase in the millage charged to a county, 33905
the director of health shall hold a public hearing on the proposed 33906
increase and shall give notice of the hearing to each board of 33907
county commissioners that would be affected by the increase at 33908
least thirty days prior to the date set for the hearing. Any 33909
county commissioner may appear and give testimony at the hearing. 33910
Any increase in the millage any county is required to provide for 33911
the program for ~~medically handicapped~~ children and youth with 33912
special health care needs shall be determined, and notice of the 33913
amount of the increase shall be provided to each affected board of 33914
county commissioners, no later than the first day of June of the 33915

fiscal year next preceding the fiscal year in which the increase 33916
will take effect. 33917

(B) Each board of county commissioners shall establish a 33918
~~medically handicapped children's~~ children and youth with special 33919
health care needs fund and shall appropriate thereto an amount, 33920
determined in accordance with division (A)(1) of this section, for 33921
the county's share in providing medical, surgical, and other aid 33922
to ~~medically handicapped~~ children and youth with special health 33923
care needs residing in such county and for the purposes specified 33924
in divisions (A)(2) and (3) of this section. Each county shall use 33925
money retained under divisions (A)(2) and (3) of this section only 33926
for the purposes specified in those divisions. 33927

Sec. 3701.025. There is hereby created the ~~medically~~ 33928
~~handicapped children's~~ children and youth with special health care 33929
needs medical advisory council consisting of twenty-one members to 33930
be appointed by the director of health for terms set in accordance 33931
with rules adopted by the director under division (A)(11) of 33932
section 3701.021 of the Revised Code. The ~~medically handicapped~~ 33933
~~children's~~ children and youth with special health care needs 33934
medical advisory council shall advise the director regarding the 33935
administration of the program for ~~medically handicapped~~ children 33936
and youth with special health care needs, the suitable quality of 33937
medical practice for providers, and the requirements for medical 33938
eligibility for the program. 33939

All members of the council shall be licensed physicians, 33940
surgeons, dentists, and other professionals in the field of 33941
medicine, representative of the various disciplines involved in 33942
the treatment of children and youth with ~~medically handicapping~~ 33943
~~conditions~~ special health care needs, and representative of the 33944
treatment facilities involved, such as hospitals, private and 33945
public health clinics, and private physicians' offices, and shall 33946

be eligible for the program. 33947

Members of the council shall receive no compensation, but 33948
shall receive their actual and necessary travel expenses incurred 33949
in the performance of their official duties in accordance with the 33950
rules of the office of budget and management. 33951

Sec. 3701.026. (A) The acceptance of assistance under the 33952
program for ~~medically handicapped~~ children and youth with special 33953
health care needs gives a right of subrogation to the department 33954
of health against the liability of a third party for the costs of 33955
goods or services paid by the department under division (E) of 33956
section 3701.023 of the Revised Code. The department's subrogation 33957
claim shall not exceed the total cost of the goods and services 33958
paid under division (E) of section 3701.023 of the Revised Code. 33959

(B) To enforce its subrogation rights, the department may do 33960
any of the following: 33961

(1) Intervene or join in any action or proceeding brought by 33962
a ~~medically handicapped~~ child or youth with special health care 33963
needs or ~~his~~ the child or youth's parent or guardian against any 33964
third party who may be liable for the cost of goods and services 33965
paid under division (E) of section 3701.023 of the Revised Code; 33966

(2) Institute and pursue legal proceedings against any third 33967
party who may be liable for the cost of goods and services paid 33968
under division (E) of section 3701.023 of the Revised Code; 33969

(3) Initiate legal proceedings in conjunction with a 33970
~~medically handicapped~~ child or youth with special health care 33971
needs or ~~his~~ the child or youth's parent or guardian against any 33972
third party who may be liable for the cost of goods and services 33973
paid under division (E) of section 3701.023 of the Revised Code. 33974

(C) When an action or claim is brought against a third party 33975
by a ~~medically handicapped~~ child or youth with special health care 33976

needs participating in the program or ~~his~~ the child or youth's 33977
parent or guardian, the entire amount of any settlement or 33978
compromise of the action or claim, or any court award or judgment, 33979
is subject to the subrogation right of the department. If all or 33980
part of settlement, compromise, award, or judgment is established 33981
in the form of a trust to benefit the child or youth or ~~his~~ the 33982
child or youth's family or guardians, the department may waive its 33983
right of subrogation against all or part of the trust. Any 33984
settlement, compromise, award, or judgment that excludes the costs 33985
of goods and services paid under division (E) of section 3701.023 33986
of the Revised Code shall not preclude the department from 33987
enforcing its subrogation right under this section. 33988

(D) No settlement, compromise, judgment, or award or any 33989
recovery in any action or claim by a ~~medically handicapped~~ child 33990
or youth with special health care needs or ~~his~~ the child or 33991
youth's parent or guardian when the department has a right of 33992
subrogation shall be made final without first giving the 33993
department notice and the opportunity to perfect its right of 33994
subrogation. If the department is not given notice, the child or 33995
youth, parent, or guardian is liable to reimburse the department 33996
for the cost of goods and services paid under division (E) of 33997
section 3701.023 of the Revised Code out of any recovery received. 33998
The third party becomes liable to the department as soon as the 33999
third party is notified in writing of the valid claims for 34000
subrogation under this section. 34001

(E) Subrogation does not apply to that portion of any 34002
judgment, award, settlement, or compromise of a claim, to the 34003
extent that attorney's fees, costs, or other expenses are incurred 34004
by a ~~medically handicapped~~ child or youth with special health care 34005
needs or ~~his~~ the child or youth's parent or guardian in securing 34006
the judgment, award, settlement, or compromise, or to the extent 34007
that the cost of goods and services specified in divisions (B) and 34008

(D) of section 3701.023 of the Revised Code are paid by the child 34009
or youth, parent, or guardian. Attorney's fees and costs or other 34010
expenses in securing any recovery shall not be assessed against 34011
any subrogated claim of the department. 34012

Sec. 3701.027. The department of health shall administer 34013
funds received from the "Maternal and Child Health Block Grant," 34014
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 34015
U.S.C.A. 701, as amended, for programs including the program for 34016
~~medically handicapped~~ children and youth with special health care 34017
needs, and to provide technical assistance and consultation to 34018
city and general health districts and local health planning 34019
organizations in implementing local, community-based, 34020
family-centered, coordinated systems of care for ~~medically~~ 34021
~~handicapped~~ children and youth with special health care needs. The 34022
department may make grants to persons and other entities for the 34023
provision of services with the funds. In addition, the department 34024
may use the funds to purchase liability insurance covering the 34025
provision of services under the programs by physicians and other 34026
health care professionals, and to pay health insurance premiums on 34027
behalf of ~~medically handicapped~~ children and youth with special 34028
health care needs participating in the program for ~~medically~~ 34029
~~handicapped~~ children and youth with special health care needs when 34030
the department determines, in accordance with criteria set forth 34031
in rules adopted under division (A)(9) of section 3701.021 of the 34032
Revised Code, that payment of the premiums is cost effective. 34033

In determining eligibility for services provided with funds 34034
received from the "Maternal and Child Health Block Grant," the 34035
department may use the application form established under section 34036
5163.40 of the Revised Code. The department may require applicants 34037
to furnish their social security numbers. Funds from the "Maternal 34038
and Child Health Block Grant" that are administered for the 34039
purpose of providing family planning services shall be distributed 34040

in accordance with section 3701.033 of the Revised Code. 34041

Sec. 3701.028. (A) The following records of the program for 34042
~~medically handicapped~~ children and youth with special health care 34043
needs and of programs funded with funds received from the 34044
"Maternal and Child Health Block Grant," Title V of the "Social 34045
Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, 34046
are confidential and are not public records within the meaning of 34047
section 149.43 of the Revised Code: 34048

(1) Records that pertain to medical history, diagnosis, 34049
treatment, or medical condition; 34050

(2) Reports of psychological diagnosis and treatment and 34051
reports of social workers; 34052

(3) Reports of public health nurses. 34053

(B) The department of health shall not release any records 34054
specified in division (A) of this section without consent of the 34055
subject of the record or, if the subject is a minor, ~~his~~ the 34056
minor's parent or guardian, except as necessary to do any of the 34057
following: 34058

(1) Administer the program for ~~medically handicapped~~ children 34059
and youth with special health care needs or other programs funded 34060
with funds received from the "Maternal and Child Health Block 34061
Grant"; 34062

(2) Coordinate the provision of services under the programs 34063
with other state agencies and city and general health districts; 34064

(3) Coordinate payment of providers. 34065

No person or government entity to whom the director, for the 34066
purposes specified in this division, releases records described in 34067
division (A) of this section shall release those records without 34068
consent of the subject of the record or, if the subject is a 34069
minor, ~~his~~ the minor's parent or guardian, except as necessary for 34070

any of the reasons described in this division. 34071

Sec. 3701.0210. The ~~medically handicapped children's~~ children 34072
and youth with special health care needs medical advisory council 34073
shall appoint a hemophilia advisory subcommittee to advise the 34074
director of health and council on all matters pertaining to the 34075
care and treatment of persons with hemophilia. The duties of the 34076
subcommittee include, but are not limited to, the monitoring of 34077
care and treatment of children and adults who suffer from 34078
hemophilia or from other similar blood disorders. 34079

The subcommittee shall consist of not fewer than fifteen 34080
members, each of whom shall be appointed to terms of four years. 34081
The members of the subcommittee shall elect a chairperson from 34082
among the appointed membership to serve a term of two years. 34083
Members of the subcommittee shall serve without compensation, 34084
except that they may be reimbursed for travel expenses to and from 34085
meetings of the subcommittee. 34086

Members shall be appointed to represent all geographic areas 34087
of this state. Not fewer than five members of the subcommittee 34088
shall be persons with hemophilia or family members of persons with 34089
hemophilia. Not fewer than five members shall be providers of 34090
health care services to persons with hemophilia. Not fewer than 34091
five members shall be experts in fields of importance to treatment 34092
of persons with hemophilia, including experts in infectious 34093
diseases, insurance, and law. 34094

Notwithstanding section 101.83 of the Revised Code, that 34095
section does not apply to the ~~medically handicapped children's~~ 34096
children and youth with special health care needs medical advisory 34097
council hemophilia advisory subcommittee, and the subcommittee 34098
shall not expire under that section. 34099

Sec. 3701.507. (A) To assist in implementing sections 34100

3701.503 to 3701.509 of the Revised Code, the ~~medically~~ 34101
~~handicapped children's~~ children and youth with special health care 34102
needs medical advisory council created in section 3701.025 of the 34103
Revised Code shall appoint a permanent infant hearing screening 34104
subcommittee. The subcommittee shall consist of the following 34105
members: 34106

- (1) One otolaryngologist; 34107
- (2) One neonatologist; 34108
- (3) One pediatrician; 34109
- (4) One neurologist; 34110
- (5) One hospital administrator; 34111
- (6) Two or more audiologists who are experienced in infant 34112
hearing screening and evaluation; 34113
- (7) One speech-language pathologist licensed under section 34114
4753.07 of the Revised Code; 34115
- (8) Two persons who are each a parent of a hearing-impaired 34116
child; 34117
- (9) One geneticist; 34118
- (10) One epidemiologist; 34119
- (11) One adult who is deaf or hearing impaired; 34120
- (12) One representative from an organization for persons who 34121
are deaf or hearing impaired; 34122
- (13) One family advocate; 34123
- (14) One nurse from a well-baby neonatal nursery; 34124
- (15) One nurse from a special care neonatal nursery; 34125
- (16) One teacher of persons who are deaf who works with 34126
infants and toddlers; 34127
- (17) One representative of the health insurance industry; 34128

(18) One representative of the <u>program for children and youth</u>	34129
with medical handicaps program <u>special health care needs</u> ;	34130
(19) One representative of the department of education;	34131
(20) One representative of the department of medicaid;	34132
(21) Any other person the advisory council appoints.	34133
(B) The infant hearing subcommittee shall:	34134
(1) Consult with the director of health regarding the	34135
administration of sections 3701.503 to 3701.509 of the Revised	34136
Code;	34137
(2) Advise and make recommendations regarding proposed rules	34138
prior to their adoption by the director under section 3701.508 of	34139
the Revised Code;	34140
(3) Consult with the director of health and advise and make	34141
recommendations regarding program development and implementation	34142
under sections 3701.503 to 3701.509 of the Revised Code, including	34143
all of the following:	34144
(a) Establishment under section 3701.504 of the Revised Code	34145
of the statewide hearing screening, tracking, and early	34146
intervention program to identify newborn and infant hearing	34147
impairment;	34148
(b) Identification of locations where hearing evaluations may	34149
be conducted;	34150
(c) Recommendations for methods and techniques of hearing	34151
screening and hearing evaluation;	34152
(d) Referral, data recording and compilation, and procedures	34153
to encourage follow-up hearing care;	34154
(e) Maintenance of a register of newborns and infants who do	34155
not pass the hearing screening;	34156
(f) Preparation of the information required by section	34157

3701.506 of the Revised Code. 34158

Sec. 3701.508. (A) The director of health shall adopt rules 34159
governing the statewide hearing screening, tracking, and early 34160
intervention program established under section 3701.504 of the 34161
Revised Code, including rules that do all of the following: 34162

(1) Specify how hospitals and freestanding birthing centers 34163
are to comply with the requirements of section 3701.505 of the 34164
Revised Code, including methods to be used for hearing screening, 34165
except that with regard to the physiologic equipment to be used 34166
for hearing screening, the rules may require only that the 34167
equipment be capable of giving reliable results and may not 34168
specify particular equipment or a particular type of equipment; 34169

(2) Provide that no newborn or infant shall be required to 34170
undergo a hearing screening if the parent, guardian, or custodian 34171
of the newborn or infant objects on the grounds that the screening 34172
conflicts with the parent's, guardian's, or custodian's religious 34173
tenets and practices; 34174

(3) Provide for situations in which the parent, guardian, or 34175
custodian of a newborn or infant objects to a hearing screening 34176
for reasons other than religious tenets and practices; 34177

(4) Specify how the department of health will determine 34178
whether a person is financially unable to pay for a hearing 34179
screening and define "third-party payer" for the purpose of 34180
reimbursement of hearing screening by the department under section 34181
3701.505 of the Revised Code; 34182

(5) Specify an inexpensive and efficient format and 34183
procedures for the submission of hearing screening information 34184
from hospitals and freestanding birthing centers to the department 34185
of health; 34186

(6) Specify a procedure whereby the department may conduct 34187

timely reviews of hearing screening information submissions for 34188
purposes of quality assurance, training, and disease prevention 34189
and control; 34190

(7) Specify any additional information that hospitals and 34191
freestanding birthing centers are to provide to the ~~medically~~ 34192
~~handicapped children's~~ children and youth with special health care 34193
needs medical advisory council's infant hearing screening 34194
subcommittee under section 3701.509 of the Revised Code. 34195

(B) In addition to the rules adopted under division (A) of 34196
this section, the director shall adopt rules that specify the 34197
training that must be completed by persons who will conduct 34198
hearing screenings. In adopting these rules, the director shall 34199
consider incorporating cost-saving training methods, including 34200
computer-assisted learning and on-site training. Neither the rules 34201
nor the director of health may establish a minimum educational 34202
level for persons conducting hearing screenings. 34203

(C) All rules adopted under this section shall be adopted in 34204
accordance with Chapter 119. of the Revised Code and shall be 34205
adopted so as to take effect not later than six months after 34206
August 1, 2002. 34207

Sec. 3701.509. (A) The department of health shall develop a 34208
mechanism to analyze and interpret the hearing screening 34209
information to be reported under division (B) of this section. The 34210
department shall notify all hospitals and freestanding birthing 34211
centers subject to the reporting requirements of the date the 34212
department anticipates that the mechanism will be complete. After 34213
the mechanism is complete, the department shall notify each 34214
hospital and freestanding birthing center subject to the reporting 34215
requirement of the date by which the hospital or center must 34216
submit its first report. 34217

(B) Subject to division (A) of this section and in accordance 34218

with rules adopted by the director of health under section 34219
3701.508 of the Revised Code, each hospital and freestanding 34220
birthing center that has conducted a hearing screening required by 34221
section 3701.505 of the Revised Code shall provide to the 34222
department of health for use by the ~~medically handicapped~~ 34223
~~children's~~ children and youth with special health care needs 34224
medical advisory council's infant hearing screening subcommittee 34225
information specifying all of the following: 34226

(1) The number of newborns born in the hospital or 34227
freestanding birthing center and the number of newborns and 34228
infants not screened because they were transferred to another 34229
hospital; 34230

(2) The number of newborns and infants referred to the 34231
hospital or freestanding birthing center for a hearing screening 34232
and the number of those newborns and infants who received a 34233
hearing screening; 34234

(3) The number of newborns and infants who did not pass the 34235
hearing screenings conducted by the hospital or freestanding 34236
birthing center; 34237

(4) Any other information concerning the program established 34238
under section 3701.504 of the Revised Code. 34239

(C) The department of health shall conduct a timely review of 34240
the information submitted by hospitals and freestanding birthing 34241
centers in accordance with rules adopted by the director under 34242
section 3701.508 of the Revised Code. 34243

(D) The infant hearing screening subcommittee, with the 34244
support of the department of health, shall compile and summarize 34245
the information submitted to the department by hospitals and 34246
freestanding birthing centers under division (B) of this section. 34247
Beginning with the first year after the mechanism developed under 34248
division (A) of this section is complete, the subcommittee shall 34249

annually prepare and transmit a report to the director of health, 34250
the speaker of the house of representatives, and the president of 34251
the senate. The council shall make the report available to the 34252
public. 34253

(E) The department and all members of the subcommittee shall 34254
maintain the confidentiality of patient-identifying information 34255
submitted under division (B) of this section and section 3701.505 34256
of the Revised Code. The information is not a public record under 34257
section 149.43 of the Revised Code, except to the extent that the 34258
information is used in preparing reports under this section. 34259

Nothing in this division prohibits the department from 34260
providing patient-identifying information to other entities as it 34261
considers necessary to implement the statewide tracking and early 34262
intervention components of the program established under section 34263
3701.504 of the Revised Code. Any entity that receives 34264
patient-identifying information from the department shall maintain 34265
the confidentiality of the information. 34266

Sec. 3701.78. (A) There is hereby created the commission on 34267
minority health, consisting of ~~twenty-one~~ twenty-two members. The 34268
governor shall appoint to the commission nine members from among 34269
health researchers, health planners, and health professionals. The 34270
governor also shall appoint two members who are representatives of 34271
the lupus awareness and education program. The speaker of the 34272
house of representatives shall appoint to the commission two 34273
members of the house of representatives, not more than one of whom 34274
is a member of the same political party, and the president of the 34275
senate shall appoint to the commission two members of the senate, 34276
not more than one of whom is a member of the same political party. 34277
The following shall be members of the commission: the directors of 34278
health, mental health and addiction services, developmental 34279
disabilities, aging, and job and family services, or their 34280

designees; the medicaid director, or the director's designee; and 34281
the superintendent of public instruction, or the superintendent's 34282
designee. 34283

The commission shall elect a chairperson from among its 34284
members. 34285

Of the members appointed by the governor, five shall be 34286
appointed to initial terms of one year, and four shall be 34287
appointed to initial terms of two years. Thereafter, all members 34288
appointed by the governor shall be appointed to terms of two 34289
years. All members of the commission appointed by the speaker of 34290
the house of representatives or the president of the senate shall 34291
be nonvoting members of the commission and be appointed within 34292
thirty days after the commencement of the first regular session of 34293
each general assembly, and shall serve until the expiration of the 34294
session of the general assembly during which they were appointed. 34295

Members of the commission shall serve without compensation, 34296
but shall be reimbursed for the actual and necessary expenses they 34297
incur in the performance of their official duties. 34298

(B) The commission shall promote health and the prevention of 34299
disease among members of minority groups. Each year the commission 34300
shall distribute grants from available funds to community-based 34301
health groups to be used to promote health and the prevention of 34302
disease among members of minority groups. As used in this 34303
division, "minority group" means any of the following economically 34304
disadvantaged groups: Blacks, American Indians, Hispanics, and 34305
Orientals. The commission shall adopt and maintain rules pursuant 34306
to Chapter 119. of the Revised Code to provide for the 34307
distribution of these grants. No group shall qualify to receive a 34308
grant from the commission unless it receives at least twenty per 34309
cent of its funds from sources other than grants distributed under 34310
this section. 34311

(C) The commission may appoint such employees as it considers 34312
necessary to carry out its duties under this section. The 34313
department of health shall provide office space for the 34314
commission. 34315

(D) The commission shall meet at the call of its chairperson 34316
to conduct its official business. A majority of the voting members 34317
of the commission constitute a quorum. The votes of at least eight 34318
voting members of the commission are necessary for the commission 34319
to take any official action or to approve the distribution of 34320
grants under this section. 34321

Sec. 3701.841. The tobacco use prevention fund is hereby 34322
created in the state treasury. The fund shall consist of money 34323
deposited by the treasurer of state into the fund from the 34324
liquidation, pursuant to Sub. H.B. 544 of the 127th general 34325
assembly, of the former tobacco use prevention and control 34326
endowment fund, fees and fines deposited under section 2927.027 of 34327
the Revised Code, and any gifts, grants, or donations received by 34328
the director of health for the purposes of the tobacco use 34329
prevention fund. All investment earnings of the fund shall be 34330
credited to the fund. The treasurer, in consultation with the 34331
director, may invest moneys in the fund in accordance with section 34332
135.143 of the Revised Code. Moneys in the fund derived from and 34333
fines deposited under section 2927.027 of the Revised Code, and 34334
investment earnings thereon, shall be used by the department of 34335
health for the administration of sections 2927.025 to 2927.027 of 34336
the Revised Code or for tobacco and nicotine prevention or 34337
cessation interventions. All other moneys in the fund shall be 34338
used to pay outstanding expenses of the former tobacco use 34339
prevention and control foundation at the discretion of the 34340
director of health pursuant to Sub. H.B. 544 of the 127th general 34341
assembly and shall be used in accordance with section 3701.84 of 34342
the Revised Code. 34343

Sec. 3701.953. (A) The department of health shall create an infant mortality scorecard. The scorecard shall report all of the following:

(1) The state's performance on population health measures, including the infant mortality rate, preterm birth rate, and low birth weight rate, delineated by race, ethnic group, region of the state, and the state as a whole;

(2) Preliminary data the department possesses on the state's unexpected infant death rate;

(3) To the extent such information is available, the state's performance on outcome measures identified by the department that are related to preconception health, reproductive health, prenatal care, labor and delivery, smoking, infant safe sleep practices, breastfeeding, and behavioral health, delineated by race, ethnic group, region of the state, and the state as a whole;

(4) A comparison of the state's performance on the population health measures specified in division (A)(1) of this section and, to the extent such information is available, the state's performance on outcome measures specified in division (A)(3) of this section with the targets for the measures, or the targets for the objectives similar to the measures, established by the United States department of health and human services through the healthy people 2020 initiative or a subsequent initiative;

(5) Any other information on maternal and child health that the department considers appropriate.

(B) The scorecard shall be ~~updated each calendar quarter and made available on the department's internet web site built and automated to refresh data in real time on a data dashboard to be made publicly available.~~

(C) The scorecard shall include a description of the data

sources and methodology used to complete the scorecard. 34374

Sec. 3704.14. (A)(1) If the director of environmental 34375
protection determines that implementation of a motor vehicle 34376
inspection and maintenance program is necessary for the state to 34377
effectively comply with the federal Clean Air Act after June 30, 34378
~~2019~~ 2023, the director may provide for the implementation of the 34379
program in those counties in this state in which such a program is 34380
federally mandated. Upon making such a determination, the director 34381
of environmental protection may request the director of 34382
administrative services to extend the terms of the contract that 34383
was entered into under the authority of Am. Sub. H.B. 64 of the 34384
131st general assembly. Upon receiving the request, the director 34385
of administrative services shall extend the contract, beginning on 34386
July 1, ~~2019~~ 2023, in accordance with this section. The contract 34387
shall be extended for a period of up to twenty-four months with 34388
the contractor who conducted the motor vehicle inspection and 34389
maintenance program under that contract. 34390

(2) Prior to the expiration of the contract extension that is 34391
authorized by division (A)(1) of this section, the director of 34392
environmental protection shall request the director of 34393
administrative services to enter into a contract with a vendor to 34394
operate a decentralized motor vehicle inspection and maintenance 34395
program in each county in this state in which such a program is 34396
federally mandated through June 30, ~~2023~~ 2027, with an option for 34397
the state to renew the contract for a period of up to twenty-four 34398
months through June 30, ~~2025~~ 2029. The contract shall ensure that 34399
the decentralized motor vehicle inspection and maintenance program 34400
achieves at least the same emission reductions as achieved by the 34401
program operated under the authority of the contract that was 34402
extended under division (A)(1) of this section. The director of 34403
administrative services shall select a vendor through a 34404
competitive selection process in compliance with Chapter 125. of 34405

the Revised Code. 34406

(3) Notwithstanding any law to the contrary, the director of 34407
administrative services shall ensure that a competitive selection 34408
process regarding a contract to operate a decentralized motor 34409
vehicle inspection and maintenance program in this state 34410
incorporates the following, which shall be included in the 34411
contract: 34412

(a) For purposes of expanding the number of testing locations 34413
for consumer convenience, a requirement that the vendor utilize 34414
established local businesses, auto repair facilities, or leased 34415
properties to operate state-approved inspection and maintenance 34416
testing facilities; 34417

(b) A requirement that the vendor selected to operate the 34418
program provide notification of the program's requirements to each 34419
owner of a motor vehicle that is required to be inspected under 34420
the program. The contract shall require the notification to be 34421
provided not later than sixty days prior to the date by which the 34422
owner of the motor vehicle is required to have the motor vehicle 34423
inspected. The director of environmental protection and the vendor 34424
shall jointly agree on the content of the notice. However, the 34425
notice shall include at a minimum the locations of all inspection 34426
facilities within a specified distance of the address that is 34427
listed on the owner's motor vehicle registration; 34428

(c) A requirement that the vendor comply with testing 34429
methodology and supply the required equipment approved by the 34430
director of environmental protection as specified in the 34431
competitive selection process in compliance with Chapter 125. of 34432
the Revised Code. 34433

(4) A decentralized motor vehicle inspection and maintenance 34434
program operated under this section shall comply with division (B) 34435
of this section. The director of environmental protection shall 34436

administer the decentralized motor vehicle inspection and 34437
maintenance program operated under this section. 34438

(B) The decentralized motor vehicle inspection and 34439
maintenance program authorized by this section, at a minimum, 34440
shall do all of the following: 34441

(1) Comply with the federal Clean Air Act; 34442

(2) Provide for the issuance of inspection certificates; 34443

(3) Provide for a new car exemption for motor vehicles four 34444
years old or newer and provide that a new motor vehicle is exempt 34445
for four years regardless of whether legal title to the motor 34446
vehicle is transferred during that period; 34447

(4) Provide for an exemption for battery electric motor 34448
vehicles. 34449

(C) The director of environmental protection shall adopt 34450
rules in accordance with Chapter 119. of the Revised Code that the 34451
director determines are necessary to implement this section. The 34452
director may continue to implement and enforce rules pertaining to 34453
the motor vehicle inspection and maintenance program previously 34454
implemented under former section 3704.14 of the Revised Code as 34455
that section existed prior to its repeal and reenactment by Am. 34456
Sub. H.B. 66 of the 126th general assembly, provided that the 34457
rules do not conflict with this section. 34458

(D) There is hereby created in the state treasury the auto 34459
emissions test fund, which shall consist of money received by the 34460
director from any cash transfers, state and local grants, and 34461
other contributions that are received for the purpose of funding 34462
the program established under this section. The director of 34463
environmental protection shall use money in the fund solely for 34464
the implementation, supervision, administration, operation, and 34465
enforcement of the motor vehicle inspection and maintenance 34466
program established under this section. Money in the fund shall 34467

not be used for either of the following: 34468

(1) To pay for the inspection costs incurred by a motor 34469
vehicle dealer so that the dealer may provide inspection 34470
certificates to an individual purchasing a motor vehicle from the 34471
dealer when that individual resides in a county that is subject to 34472
the motor vehicle inspection and maintenance program; 34473

(2) To provide payment for more than one free passing 34474
emissions inspection or a total of three emissions inspections for 34475
a motor vehicle in any three-hundred-sixty-five-day period. The 34476
owner or lessee of a motor vehicle is responsible for inspection 34477
fees that are related to emissions inspections beyond one free 34478
passing emissions inspection or three total emissions inspections 34479
in any three-hundred-sixty-five-day period. Inspection fees that 34480
are charged by a contractor conducting emissions inspections under 34481
a motor vehicle inspection and maintenance program shall be 34482
approved by the director of environmental protection. 34483

(E) The motor vehicle inspection and maintenance program 34484
established under this section expires upon the termination of all 34485
contracts entered into under this section and shall not be 34486
implemented beyond the final date on which termination occurs. 34487

(F) As used in this section "battery electric motor vehicle" 34488
has the same meaning as in section 4501.01 of the Revised Code. 34489

Sec. 3705.091. (A) If the natural mother and alleged father 34490
of a child sign an acknowledgment of paternity affidavit prepared 34491
pursuant to section 3111.31 of the Revised Code with respect to 34492
that child at the office of the local registrar, the local 34493
registrar shall provide a notary public to notarize, or witnesses 34494
to witness, the acknowledgment. The local registrar shall send a 34495
signed and notarized or witnessed acknowledgment of paternity to 34496
the office of child support in the department of job and family 34497
services pursuant to section 3111.22 of the Revised Code. The 34498

local registrar shall send the acknowledgment no later than ten 34499
days after it has been signed and notarized or witnessed. If the 34500
local registrar knows a man is presumed under section 3111.03 of 34501
the Revised Code to be the father of the child and that the 34502
presumed father is not the man who signed or is attempting to sign 34503
an acknowledgment with respect to the child, the local registrar 34504
shall not notarize, witness, or send the acknowledgment pursuant 34505
to this section. 34506

(B) The local registrar of vital statistics shall provide an 34507
acknowledgment of paternity affidavit described in division (A) of 34508
this section to any person that requests it. 34509

(C) The department of health shall store all acknowledgments 34510
of paternity affidavits it receives pursuant to section 3111.24 of 34511
the Revised Code. The department of health shall send to the 34512
office any acknowledgment the department is storing that the 34513
office requests. The department of health shall adopt rules 34514
pursuant to Chapter 119. of the Revised Code to govern the method 34515
of storage of the acknowledgments and to implement this section. 34516

(D) The department of health and the department of job and 34517
family services shall enter into an agreement regarding expenses 34518
incurred by the department of health in comparing acknowledgment 34519
of paternity affidavits to birth records and storage of 34520
acknowledgment of paternity affidavits. 34521

Sec. 3705.17. The body of a person whose death occurs in this 34522
state shall not be interred, deposited in a vault or tomb, 34523
cremated, or otherwise disposed of by a funeral director until a 34524
burial permit is issued by a local registrar or sub-registrar of 34525
vital statistics. No such permit shall be issued by a local 34526
registrar or sub-registrar until a satisfactory death, fetal 34527
death, or provisional death certificate is filed with the local 34528

registrar or sub-registrar. When the medical certification as to 34529
the cause of death cannot be provided by the attending physician 34530
or coroner prior to burial, for sufficient cause, as determined by 34531
rule of the director of health, the funeral director may file a 34532
provisional death certificate with the local registrar or 34533
sub-registrar for the purpose of securing a burial or 34534
burial-transit permit. When the funeral director files a 34535
provisional death certificate to secure a burial or burial-transit 34536
permit, the funeral director shall file a satisfactory and 34537
complete death certificate within five days after the date of 34538
death. The director of health, by rule, may provide additional 34539
time for filing a satisfactory death certificate. A burial permit 34540
authorizing cremation shall not be issued upon the filing of a 34541
provisional certificate of death. 34542

When a funeral director or other person obtains a burial 34543
permit from a local registrar or sub-registrar, the registrar or 34544
sub-registrar shall charge a fee of three dollars for the issuance 34545
of the burial permit. Two dollars and fifty cents of each fee 34546
collected for a burial permit shall be paid into the state 34547
treasury to the credit of the ~~division of real estate in the~~ 34548
~~department of commerce~~ cemetery registration fund created under 34549
section 4767.03 of the Revised Code to be used by the division of 34550
real estate and professional licensing in the department of 34551
commerce in discharging its duties prescribed in Chapter 4767. of 34552
the Revised Code and the Ohio cemetery dispute resolution 34553
commission created by section 4767.05 of the Revised Code. A local 34554
registrar or sub-registrar shall transmit payments of that portion 34555
of the amount of each fee collected under this section to the 34556
treasurer of state on a quarterly basis or more frequently, if 34557
possible. The director of health, by rule, shall provide for the 34558
issuance of a burial permit without the payment of the fee 34559
required by this section if the total cost of the burial will be 34560
paid by an agency or instrumentality of the United States, the 34561

state or a state agency, or a political subdivision of the state. 34562

The director of commerce may by rule adopted in accordance 34563
with Chapter 119. of the Revised Code reduce the total amount of 34564
the fee required by this section and that portion of the amount of 34565
the fee required to be paid to the credit of the division of real 34566
estate and professional licensing for the use of the division and 34567
the Ohio cemetery dispute resolution commission, if the director 34568
determines that the total amount of funds the fee is generating at 34569
the amount required by this section exceeds the amount of funds 34570
the division of real estate and professional licensing and the 34571
commission need to carry out their powers and duties prescribed in 34572
Chapter 4767. of the Revised Code. 34573

No person in charge of any premises in which interments or 34574
cremations are made shall inter or cremate or otherwise dispose of 34575
a body, unless it is accompanied by a burial permit. Each person 34576
in charge of a cemetery, crematory, or other place of disposal 34577
shall indorse upon a burial permit the date of interment, 34578
cremation, or other disposal and shall retain such permits for a 34579
period of at least five years. The person in charge shall keep an 34580
accurate record of all interments, cremations, or other disposal 34581
of dead bodies, made in the premises under the person's charge, 34582
stating the name of the deceased person, place of death, date of 34583
burial, cremation, or other disposal, and name and address of the 34584
funeral director. Such record shall at all times be open to public 34585
inspection. 34586

Sec. 3706.01. As used in this chapter: 34587

(A) "Governmental agency" means a department, division, or 34588
other unit of state government, a municipal corporation, county, 34589
township, and other political subdivision, or any other public 34590
corporation or agency having the power to acquire, construct, or 34591
operate air quality facilities, the United States or any agency 34592

thereof, and any agency, commission, or authority established 34593
pursuant to an interstate compact or agreement. 34594

(B) "Person" means any individual, firm, partnership, 34595
association, or corporation, or any combination thereof. 34596

(C) "Air contaminant" means particulate matter, dust, fumes, 34597
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 34598
odorous substance, or any combination thereof. 34599

(D) "Air pollution" means the presence in the ambient air of 34600
one or more air contaminants in sufficient quantity and of such 34601
characteristics and duration as to injure human health or welfare, 34602
plant or animal life, or property, or that unreasonably interferes 34603
with the comfortable enjoyment of life or property. 34604

(E) "Ambient air" means that portion of the atmosphere 34605
outside of buildings and other enclosures, stacks, or ducts that 34606
surrounds human, plant, or animal life, or property. 34607

(F) "Emission" means the release into the outdoor atmosphere 34608
of an air contaminant. 34609

(G) "Air quality facility" means any of the following: 34610

(1) Any method, modification or replacement of property, 34611
process, device, structure, or equipment that removes, reduces, 34612
prevents, contains, alters, conveys, stores, disperses, or 34613
disposes of air contaminants or substances containing air 34614
contaminants, or that renders less noxious or reduces the 34615
concentration of air contaminants in the ambient air, including, 34616
without limitation, facilities and expenditures that qualify as 34617
air pollution control facilities under section 103 (C)(4)(F) of 34618
the Internal Revenue Code of 1954, as amended, and regulations 34619
adopted thereunder; 34620

(2) Motor vehicle inspection stations operated in accordance 34621
with, and any equipment used for motor vehicle inspections 34622

conducted under, section 3704.14 of the Revised Code and rules	34623
adopted under it;	34624
(3) Ethanol or other biofuel facilities, including any	34625
equipment used at the ethanol or other biofuel facility for the	34626
production of ethanol or other biofuels;	34627
(4) Any property or portion thereof used for the collection,	34628
storage, treatment, utilization, processing, or final disposal of	34629
a by-product or solid waste resulting from any method, process,	34630
device, structure, or equipment that removes, reduces, prevents,	34631
contains, alters, conveys, stores, disperses, or disposes of air	34632
contaminants, or that renders less noxious or reduces the	34633
concentration of air contaminants in the ambient air;	34634
(5) Any property, device, or equipment that promotes the	34635
reduction of emissions of air contaminants into the ambient air	34636
through improvements in the efficiency of energy utilization or	34637
energy conservation;	34638
(6) Any coal research and development project conducted under	34639
Chapter 1555. of the Revised Code;	34640
(7) As determined by the director of the Ohio coal	34641
development office, any property or portion thereof that is used	34642
for the collection, storage, treatment, utilization, processing,	34643
or final disposal of a by-product resulting from a coal research	34644
and development project as defined in section 1555.01 of the	34645
Revised Code or from the use of clean coal technology, excluding	34646
any property or portion thereof that is used primarily for other	34647
subsequent commercial purposes;	34648
(8) Any property or portion thereof that is part of the	34649
FutureGen project of the United States department of energy or	34650
related to the siting of the FutureGen project;	34651
(9) Any property, device, or equipment that promotes the	34652
reduction of emissions of air contaminants into the ambient air	34653

through the generation of clean, renewable energy with renewable 34654
energy resources or advanced energy resources as defined in 34655
section 3706.25 of the Revised Code; 34656

(10) Any property, device, structure, or equipment necessary 34657
for the manufacture and production of equipment described as an 34658
air quality facility under this chapter; 34659

(11) Any property, device, or equipment related to the 34660
recharging or refueling of vehicles that promotes the reduction of 34661
emissions of air contaminants into the ambient air through the use 34662
of an alternative fuel as defined in section 125.831 of the 34663
Revised Code or the use of a renewable energy resource as defined 34664
in section 3706.25 of the Revised Code; 34665

(12) Any special energy improvement project, as defined in 34666
section 1710.01 of the Revised Code, that promotes the reduction 34667
of emissions of air contaminants into the ambient air. 34668

"Air quality facility" further includes any property or 34669
system to be used in whole or in part for any of the purposes in 34670
divisions (G)(1) to ~~(11)~~ (12) of this section, whether another 34671
purpose is also served, and any property or system incidental to 34672
or that has to do with, or the end purpose of which is, any of the 34673
foregoing. Air quality facilities that are defined in this 34674
division for industry, commerce, distribution, or research, 34675
including public utility companies, are hereby determined to be 34676
those that qualify as facilities for the control of air pollution 34677
and thermal pollution related to air under Section 13 of Article 34678
VIII, Ohio Constitution. 34679

(H) "Project" or "air quality project" means any air quality 34680
facility, including undivided or other interests therein, acquired 34681
or to be acquired or constructed or to be constructed by the Ohio 34682
air quality development authority under this chapter, or acquired 34683
or to be acquired or constructed or to be constructed by a 34684

governmental agency or person with all or a part of the cost 34685
thereof being paid from a loan or grant from the authority under 34686
this chapter or otherwise paid from the proceeds of air quality 34687
revenue bonds, including all buildings and facilities that the 34688
authority determines necessary for the operation of the project, 34689
together with all property, rights, easements, and interests that 34690
may be required for the operation of the project. 34691

(I) "Cost" as applied to an air quality project means the 34692
cost of acquisition and construction, the cost of acquisition of 34693
all land, rights-of-way, property rights, easements, franchise 34694
rights, and interests required for such acquisition and 34695
construction, the cost of demolishing or removing any buildings or 34696
structures on land so acquired, including the cost of acquiring 34697
any lands to which such buildings or structures may be moved, the 34698
cost of acquiring or constructing and equipping a principal office 34699
and sub-offices of the authority, the cost of diverting highways, 34700
interchange of highways, and access roads to private property, 34701
including the cost of land or easements for such access roads, the 34702
cost of public utility and common carrier relocation or 34703
duplication, the cost of all machinery, furnishings, and 34704
equipment, financing charges, interest prior to and during 34705
construction and for no more than eighteen months after completion 34706
of construction, engineering, expenses of research and development 34707
with respect to air quality facilities, the cost of any commodity 34708
contract, including fees and expenses related thereto, legal 34709
expenses, plans, specifications, surveys, studies, estimates of 34710
cost and revenues, working capital, other expenses necessary or 34711
incident to determining the feasibility or practicability of 34712
acquiring or constructing such project, administrative expense, 34713
and such other expense as may be necessary or incident to the 34714
acquisition or construction of the project, the financing of such 34715
acquisition or construction, including the amount authorized in 34716
the resolution of the authority providing for the issuance of air 34717

quality revenue bonds to be paid into any special funds from the 34718
proceeds of such bonds, and the financing of the placing of such 34719
project in operation. Any obligation, cost, or expense incurred by 34720
any governmental agency or person for surveys, borings, 34721
preparation of plans and specifications, and other engineering 34722
services, or any other cost described above, in connection with 34723
the acquisition or construction of a project may be regarded as a 34724
part of the cost of that project and may be reimbursed out of the 34725
proceeds of air quality revenue bonds as authorized by this 34726
chapter. 34727

(J) "Owner" includes an individual, copartnership, 34728
association, or corporation having any title or interest in any 34729
property, rights, easements, or interests authorized to be 34730
acquired by this chapter. 34731

(K) "Revenues" means all rentals and other charges received 34732
by the authority for the use or services of any air quality 34733
project, any gift or grant received with respect to any air 34734
quality project, any moneys received with respect to the lease, 34735
sublease, sale, including installment sale or conditional sale, or 34736
other disposition of an air quality project, moneys received in 34737
repayment of and for interest on any loans made by the authority 34738
to a person or governmental agency, whether from the United States 34739
or any department, administration, or agency thereof, or 34740
otherwise, proceeds of such bonds to the extent that use thereof 34741
for payment of principal of, premium, if any, or interest on the 34742
bonds is authorized by the authority, amounts received or 34743
otherwise derived from a commodity contract or from the sale of 34744
the related commodity under such a contract, proceeds from any 34745
insurance, condemnation, or guaranty pertaining to a project or 34746
property mortgaged to secure bonds or pertaining to the financing 34747
of the project, and income and profit from the investment of the 34748
proceeds of air quality revenue bonds or of any revenues. 34749

(L) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(M) "Public utility facilities" includes tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility.

(N) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(O) "Air quality revenue bonds," unless the context indicates a different meaning or intent, includes air quality revenue notes, air quality revenue renewal notes, and air quality revenue refunding bonds, except that notes issued in anticipation of the issuance of bonds shall have a maximum maturity of five years as provided in section 3706.05 of the Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, 34781
other than a recyclable by-product, generated from a municipal, 34782
commercial, or industrial waste water treatment plant, water 34783
supply plant, or air pollution control facility or any other such 34784
wastes having similar characteristics and effects. 34785

(R) "Ethanol or other biofuel facility" means a plant at 34786
which ethanol or other biofuel is produced. 34787

(S) "Ethanol" means fermentation ethyl alcohol derived from 34788
agricultural products, including potatoes, cereal, grains, cheese 34789
whey, and sugar beets; forest products; or other renewable or 34790
biomass resources, including residue and waste generated from the 34791
production, processing, and marketing of agricultural products, 34792
forest products, and other renewable or biomass resources, that 34793
meets all of the specifications in the American society for 34794
testing and materials (ASTM) specification D 4806-88 and is 34795
denatured as specified in Parts 20 and 21 of Title 27 of the Code 34796
of Federal Regulations. 34797

(T) "Biofuel" means any fuel that is made from cellulosic 34798
biomass resources, including renewable organic matter, crop waste 34799
residue, wood, aquatic plants and other crops, animal waste, solid 34800
waste, or sludge, and that is used for the production of energy 34801
for transportation or other purposes. 34802

(U) "FutureGen project" means the buildings, equipment, and 34803
real property and functionally related buildings, equipment, and 34804
real property, including related research projects that support 34805
the development and operation of the buildings, equipment, and 34806
real property, designated by the United States department of 34807
energy and the FutureGen industrial alliance, inc., as the 34808
coal-fueled, zero-emissions power plant designed to prove the 34809
technical and economic feasibility of producing electricity and 34810
hydrogen from coal and nearly eliminating carbon dioxide emissions 34811
through capture and permanent storage. 34812

(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it.

Sec. 3706.051. The Ohio air quality development authority may enter into an agreement with the legislative authority of a municipal corporation or a board of township trustees that provides for all of the following:

(A) The authority may issue revenue bonds or notes under section 3706.05 of the Revised Code for the purpose of paying any part of the cost of an air quality facility described under division (G)(12) of section 3706.01 of the Revised Code.

(B) The municipal corporation or township may levy a special assessment under section 503.59 or 727.01 of the Revised Code upon property specially benefited by that air quality facility.

(C) The municipal corporation or township shall pledge special assessments levied under division (B) of this section for the payment of bonds or notes issued under division (A) of this section.

Sec. 3706.12. The Ohio air quality development authority may charge, alter, and collect rentals or other charges for the use or services of any air quality project and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services of such project, and fix the terms, conditions, rentals, or other charges for such use or services. Such rentals or other charges shall not be subject to supervision or regulation

by any other authority, commission, board, bureau, or agency of 34843
the state and such contract may provide for acquisition by such 34844
person or governmental agency of all or any part of such air 34845
quality project for such consideration payable over the period of 34846
the contract or otherwise as the authority in its sole discretion 34847
determines to be appropriate, but subject to the provisions of any 34848
resolution authorizing the issuance of air quality revenue bonds 34849
or notes or air quality revenue refunding bonds of the authority 34850
or any trust agreement securing the same. Any governmental agency 34851
that has power to construct, operate, and maintain air quality 34852
facilities may enter into a contract or lease with the authority 34853
whereby the use or services of any air quality project of the 34854
authority will be made available to such governmental agency and 34855
may pay for such use or services such rentals or other charges as 34856
may be agreed to by the authority and such governmental agency. 34857

Any governmental agency or combination of governmental 34858
agencies may cooperate with the authority in the acquisition or 34859
construction of an air quality project and shall enter into such 34860
agreements with the authority as may be necessary, with a view to 34861
effective cooperative action and safeguarding of the respective 34862
interests of the parties thereto, which agreements shall provide 34863
for such contributions by the parties thereto in such proportion 34864
as may be agreed upon and such other terms as may be mutually 34865
satisfactory to the parties including without limitation the 34866
authorization of the construction of the project by one of the 34867
parties acting as agent for all of the parties and the ownership 34868
and control of the project by the authority to the extent 34869
necessary or appropriate for purposes of the issuance of air 34870
quality revenue bonds by the authority. Any governmental agency 34871
may provide the funds for the payment of such contribution as is 34872
required under such agreements by the levy of taxes, assessments 34873
or rentals and other charges for the use of the utility system of 34874
which the air quality project is a part or to which it is 34875

connected, if otherwise authorized by the laws governing such 34876
governmental agency in the construction of the type of air quality 34877
project provided for in the agreements, and may pay the proceeds 34878
from the collection of such taxes, assessments, utility rentals, 34879
or other charges to the authority pursuant to such agreements; or 34880
the governmental agency may issue bonds or notes, if authorized by 34881
such laws, in anticipation of the collection of such taxes, 34882
assessments, utility rentals, or other charges and may pay the 34883
proceeds of such bonds or notes to the authority pursuant to such 34884
agreements. In addition any governmental agency may provide the 34885
funds for the payment of such contribution by the appropriation of 34886
money or, if otherwise authorized by law, by the issuance of bonds 34887
or notes and may pay such appropriated money or the proceeds of 34888
such bonds or notes to the authority pursuant to such agreements. 34889
The agreement by the governmental agency to provide such 34890
contribution, whether from appropriated money or from the proceeds 34891
of such taxes, assessments, utility rentals, or other charges, or 34892
such bonds or notes, or any combination thereof, shall not be 34893
subject to Chapter 133. of the Revised Code or any regulations or 34894
limitations contained therein. The proceeds from the collection of 34895
such taxes or assessments, and any interest earned thereon, shall 34896
be paid into a special fund immediately upon the collection 34897
thereof by the governmental agency for the purpose of providing 34898
such contribution at the times required under such agreements. 34899

When the contribution of any governmental agency is to be 34900
made over a period of time from the proceeds of the collection of 34901
special assessments, the interest accrued and to accrue before the 34902
first installment of such assessments shall be collected which is 34903
payable by such governmental agency on such contribution under the 34904
terms and provisions of such agreements shall be treated as part 34905
of the cost of the improvement for which such assessments are 34906
levied, and that portion of such assessments as are collected in 34907
installments shall bear interest at the same rate as such 34908

governmental agency is obligated to pay on such contribution under 34909
the terms and provisions of such agreements and for the same 34910
period of time as the contribution is to be made under such 34911
agreements. If the assessment or any installment thereof is not 34912
paid when due, it shall bear interest until the payment thereof at 34913
the same rate as such contribution and the county auditor shall 34914
annually place on the tax list and duplicate the interest 34915
applicable to such assessment and the penalty and additional 34916
interest thereon as otherwise authorized by law. 34917

Any governmental agency, pursuant to a favorable vote of the 34918
electors in an election held before or after June 1, 1970, for the 34919
purpose of issuing bonds to provide funds to acquire, construct, 34920
or equip, or provide real estate and interests in real estate for, 34921
an air quality facility, whether or not such governmental agency, 34922
at the time of such election, had the authority to pay the 34923
proceeds from such bonds or notes issued in anticipation thereof 34924
to the authority as provided in this section, may issue such bonds 34925
or notes in anticipation of the issuance thereof and pay the 34926
proceeds thereof to the authority in accordance with its agreement 34927
with the authority; provided, that the legislative authority of 34928
the governmental agency find and determine that the air quality 34929
project to be acquired or constructed by the authority in 34930
cooperation with such governmental agency will serve the same 34931
public purpose and meet substantially the same public need as the 34932
facility otherwise proposed to be acquired or constructed by the 34933
governmental agency with the proceeds of such bonds or notes. 34934

The authority may enter into an agreement under this section 34935
with a municipal corporation or a special improvement district 34936
created under Chapter 1710. of the Revised Code pursuant to which 34937
the authority issues air quality revenue bonds or notes under 34938
section 3706.05 of the Revised Code and remits the proceeds to the 34939
municipal corporation or district to pay any part of the cost of 34940

an air quality facility described in division (G)(12) of section 3706.01 of the Revised Code and the municipal corporation or district assigns and remits the proceeds of a special assessment levied under Chapter 727. or section 1710.06 of the Revised Code for paying the costs of that facility to the authority for the purpose of servicing those bonds and notes.

Sec. 3711.14. (A) In accordance with Chapter 119. of the Revised Code, the director of health may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars on a person who violates a provision of this chapter or the rules adopted under it;

(2) Summarily suspend, in accordance with division (B) of this section, a license issued under this chapter if the director believes there is clear and convincing evidence that the continued operation of a maternity unit, newborn care nursery, or maternity home presents a danger of immediate and serious harm to the public;

(3) Revoke a license issued under this chapter if the director determines that a violation of a provision of this chapter or the rules adopted under it has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger.

(B) If the director suspends a license under division (A)(2) of this section, the director shall ~~issue~~ serve a written order of suspension ~~and cause it to be delivered by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the individual subject to the suspension requests an adjudication, notwithstanding the time

within which a hearing must be held under section 119.07 of the Revised Code, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a maternity unit, newborn care nursery, or maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the unit, nursery, or home. The court shall grant the order on a showing that the person is operating the unit, nursery, or home.

Sec. 3714.073. (A) In addition to the fee levied under division (A)(1) of section 3714.07 of the Revised Code, beginning July 1, 2005, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code and on the disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or

at a solid waste facility that is licensed under Chapter 3734. of 35003
the Revised Code the following fees: 35004

(1) A fee of twelve and one-half cents per cubic yard or 35005
twenty-five cents per ton, as applicable, the proceeds of which 35006
shall be deposited in the state treasury to the credit of the soil 35007
and water conservation district assistance fund created in section 35008
940.15 of the Revised Code; 35009

(2) A fee of ~~thirty seven and one half~~ thirty-five cents per 35010
cubic yard or ~~seventy five~~ seventy cents per ton, as applicable, 35011
the proceeds of which shall be deposited in the state treasury to 35012
the credit of the recycling and litter prevention fund created in 35013
section 3736.03 of the Revised Code; 35014

(3) A fee of two and one-half cents per cubic yard or five 35015
cents per ton, as applicable, the proceeds of which shall be 35016
deposited in the state treasury to the credit of the waste 35017
management fund created in section 3734.061 of the Revised Code. 35018

(B) The owner or operator of a construction and demolition 35019
debris facility or a solid waste facility, as a trustee of the 35020
state, shall calculate the amount of money generated from the fees 35021
levied under this section and remit the money from the fees in the 35022
manner that is established in divisions (A)(2) and (3) of section 35023
3714.07 of the Revised Code for the fee that is levied under 35024
division (A)(1) of that section and may enter into an agreement 35025
for the quarterly payment of money generated from the fees in the 35026
manner established in division (B) of that section for the 35027
quarterly payment of money generated from the fee that is levied 35028
under division (A)(1) of that section. 35029

(C) The amount of money that is calculated by the owner or 35030
operator of a construction and demolition debris facility or a 35031
solid waste facility and remitted to a board of health or the 35032
director of environmental protection, as applicable, pursuant to 35033

this section shall be transmitted by the board or director to the treasurer of state not later than forty-five days after the receipt of the money to be credited to the soil and water conservation district assistance fund or the recycling and litter prevention fund, as applicable.

(D) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris and asbestos or asbestos-containing materials or products that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.

(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate

fill operations for construction purposes at the facility or to 35066
bring the facility up to a consistent grade. 35067

Sec. 3718.01. As used in this chapter: 35068

(A) "Alter" means to change by making substantive 35069
replacements of, additions to, or deletions in the design or 35070
materials or to change the location of an existing sewage 35071
treatment system. 35072

(B) "Bedrock" means hard stratum that underlies 35073
unconsolidated surface materials or soil. 35074

(C) "Board of health" means the board of health of a city or 35075
general health district or the authority having the duties of a 35076
board of health in any city as authorized by section 3709.05 of 35077
the Revised Code. 35078

(D) "Component" means an independent portion of a sewage 35079
treatment system that provides effluent treatment, including a 35080
septic tank, an approved pretreatment product, a tertiary 35081
treatment product, or a soil absorption product. "Component" does 35082
not include a dry well, leaching well, abandoned well, drainage 35083
well, cesspool, sinkhole, or any other direct connection to 35084
groundwater that does not provide effluent treatment. 35085

(E) "Domestic septage" means the liquid or solid material 35086
removed from a sewage treatment system, portable toilet, or type 35087
III marine sanitation device as defined in 33 C.F.R. 159.3. 35088
"Domestic septage" does not include grease removed from a grease 35089
trap. 35090

~~(E)~~(F) "Gray water recycling systems" means systems that 35091
treat and reuse wastewater discharged from lavatories, bathtubs, 35092
showers, clothes washers, and laundry sinks that does not contain 35093
food wastes or bodily wastes. 35094

~~(F)~~(G) "Household sewage treatment system" means any sewage 35095

treatment system, or part of such a system, that receives sewage 35096
from a single-family, two-family, or three-family dwelling. 35097

~~(G)~~(H) "Infiltrative surface" means the point or area of 35098
application of treated or partially treated sewage to the soil or 35099
sand fill for purposes of treatment, dispersal, or both. 35100

~~(H)~~(I) "Inspection" means the on-site evaluation or analysis 35101
of the design, installation, and operation of a sewage treatment 35102
system. 35103

~~(I)~~(J) "Installer" means any person who engages in the 35104
business of installing or altering or who, as an employee of 35105
another, installs or alters any sewage treatment system. 35106

~~(J)~~(K) "Limiting condition" means a restrictive soil layer, 35107
bedrock, a water table, or ground water that limits or precludes 35108
the treatment or dispersal of sewage in the soil of a property 35109
where a household sewage treatment system is located. 35110

~~(K)~~(L) "Manufacturer" means any person that manufactures 35111
sewage treatment systems or components of systems. 35112

~~(L)~~(M) "Person" has the same meaning as in section 1.59 of 35113
the Revised Code and also includes any state, any political 35114
subdivision of a state, and any department, division, board, 35115
commission, agency, or instrumentality of a state or political 35116
subdivision. 35117

~~(M)~~(N) "Sanitary sewerage system" means pipelines or 35118
conduits, pumping stations, force mains, and all other 35119
constructions, devices, appurtenances, and facilities that convey 35120
sewage to a central sewage treatment plant and that are required 35121
to obtain a permit under Chapter 6111. of the Revised Code. 35122

~~(N)~~(O) "Septage hauler" means any person who engages in the 35123
collection, transportation, disposal, and land application of 35124
domestic septage. 35125

~~(O)~~(P) "Service provider" means any person who services, but does not install or alter, sewage treatment systems. 35126
35127

~~(P)~~(Q) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution that originates from humans and human activities. "Sewage" includes liquids containing household chemicals in solution commonly discharged from a residence or from commercial, institutional, or other similar facilities. 35128
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~~(Q)~~(R) "Sewage treatment system" means a household sewage treatment system, a small flow on-site sewage treatment system, or both, as applicable. 35134
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35136

~~(R)~~(S) "Small flow on-site sewage treatment system" means a system, other than a household sewage treatment system, that treats not more than one thousand gallons of sewage per day and that does not require a national pollutant discharge elimination system permit issued under section 6111.03 of the Revised Code or an injection well drilling or operating permit issued under section 6111.043 of the Revised Code. 35137
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~~(S)~~(T) "Soil" means the naturally occurring pedogenically developed and undeveloped regolith overlying bedrock. 35144
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~~(T)~~(U) "Vertical separation distance" means the distance of the infiltrative surface of the distribution system of a soil absorption system, or component thereof, to a limiting condition in the soil. 35146
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~~(U)~~(V) "Water table" means the surface of the saturated zone below which all interconnected voids are filled with water and at which the pressure is atmospheric. 35150
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Sec. 3718.011. (A) For purposes of this chapter, a sewage treatment system is causing a public health nuisance if any of the following situations occurs and, after notice by a board of health 35153
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35155

to the applicable property owner, timely repairs are not made to 35156
that system to eliminate the situation: 35157

(1) The sewage treatment system is not operating properly due 35158
to a missing component, incorrect settings, ~~or~~ a mechanical or 35159
electrical failure, or it is discharging into a dry well, 35160
cesspool, sinkhole, or other connection to groundwater. 35161

(2) There is a blockage in a known sewage treatment system 35162
component or pipe that causes a backup of sewage or effluent 35163
affecting the treatment process or inhibiting proper plumbing 35164
drainage. 35165

(3) An inspection conducted by, or under the supervision of, 35166
the environmental protection agency or an environmental health 35167
specialist registered under Chapter 4736. of the Revised Code 35168
documents that there is ponding of liquid or bleeding of liquid 35169
onto the surface of the ground or into surface water and the 35170
liquid has a distinct sewage odor, a black or gray coloration, or 35171
the presence of organic matter and any of the following: 35172

(a) The presence of sewage effluent identified through a dye 35173
test; 35174

(b) The presence of fecal coliform at a level that is equal 35175
to or greater than five thousand colonies per one hundred 35176
milliliters of liquid as determined in two or more samples of the 35177
liquid when five or fewer samples are collected or in more than 35178
twenty per cent of the samples when more than five samples of the 35179
liquid are collected; 35180

(c) Water samples that exceed one thousand thirty e. coli 35181
counts per one hundred milliliters in two or more samples when 35182
five or fewer samples are collected or in more than twenty per 35183
cent of the samples when more than five samples are collected. 35184

(4) With respect to a discharging system for which an NPDES 35185

permit has been issued under Chapter 6111. of the Revised Code and 35186
rules adopted under it, the system routinely exceeds the effluent 35187
discharge limitations specified in the permit. 35188

(B) With respect to divisions (A)(1) and (2) of this section, 35189
a property owner may request a test to be conducted by a board of 35190
health to verify that the sewage treatment system is causing a 35191
public health nuisance. The property owner is responsible for the 35192
costs of the test. 35193

Sec. 3722.04. If a hospital licensed under this chapter is 35194
assigned, sold, or transferred to a new owner, within thirty days 35195
of the assignment, sale, or transfer, the new owner shall apply to 35196
the director of health for a license transfer. The application 35197
shall be submitted to the director in the form and manner 35198
prescribed in rules adopted under section 3722.06 of the Revised 35199
Code. 35200

The new owner is responsible for compliance with any action 35201
taken or proposed by the director under section 3722.07 or 3722.08 35202
of the Revised Code. If a notice has been ~~issued~~ served under 35203
~~section~~ sections 119.05 and 119.07 of the Revised Code, the new 35204
owner becomes party to the notice. 35205

Sec. 3722.07. (A) Each hospital licensed under this chapter 35206
shall comply with the requirements of this chapter and the rules 35207
adopted under it. 35208

(B) In accordance with Chapter 119. of the Revised Code, if 35209
the director of health finds that a license holder has violated 35210
any requirement of this chapter or the rules adopted under it, the 35211
director may do any of the following: 35212

(1) Impose a civil penalty of not less than one thousand 35213
dollars and not more than two hundred fifty thousand dollars; 35214

(2) Require the license holder to submit a plan to correct or 35215

mitigate the violation; 35216

(3) Suspend a health care service or revoke a license issued 35217
under this chapter if the director determines that the license 35218
holder is not in substantial compliance with this chapter or the 35219
rules adopted under it. 35220

(C)(1) If the director takes action under division (B)(3) of 35221
this section, the director shall give written notice of proposed 35222
action to the hospital. The notice shall specify all of the 35223
following: 35224

(a) The nature of the conditions giving rise to the 35225
director's judgment; 35226

(b) The measures that the director determines the hospital 35227
must take to respond to the conditions; 35228

(c) The date, which shall be not later than thirty days after 35229
the notice is delivered, on which the director intends to suspend 35230
the health care service or revoke the license if the conditions 35231
are not corrected and the director determines that the license 35232
holder has not come into substantial compliance with this chapter 35233
or the rules adopted under it. 35234

(2) If the licensed hospital notifies the director, within 35235
the period of time specified in division (C)(1)(c) of this 35236
section, that the conditions giving rise to the director's 35237
determination have been corrected and that the hospital is in 35238
substantial compliance with this chapter and the rules adopted 35239
under it, the director shall conduct an inspection. The director 35240
may suspend the health care service or revoke the license if the 35241
director determines on the basis of the inspection that the 35242
conditions have not been corrected and the license holder has not 35243
come into substantial compliance with this chapter or the rules 35244
adopted under it. 35245

(3) If the licensed hospital fails to notify the director, 35246

within the period of time specified in division (C)(1)(c) of this 35247
section, that the conditions giving rise to the director's 35248
determination have been corrected and that the hospital is in 35249
substantial compliance with this chapter and the rules adopted 35250
under it, the director may suspend the health care service or 35251
revoke the license. 35252

(D) If the director suspends a health care service or revokes 35253
a license under division (C) of this section, the director shall 35254
~~issue~~ serve a written order of suspension or revocation ~~and cause~~ 35255
~~it to be delivered by certified mail or in person~~ in accordance 35256
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 35257
the license holder subject to the suspension or revocation 35258
requests an adjudication, notwithstanding the time within which a 35259
hearing must be held under section 119.07 of the Revised Code, the 35260
date set for the adjudication shall be within seven days after the 35261
license holder makes the request, unless another date is agreed to 35262
by both the individual and the director. The suspension or 35263
revocation shall remain in effect, unless reversed by the 35264
director, until a final adjudication order issued by the director 35265
pursuant to this section and Chapter 119. of the Revised Code 35266
becomes effective. 35267

The director shall issue a final adjudication order not later 35268
than fourteen days after completion of the adjudication. If the 35269
director does not issue a final order within the fourteen-day 35270
period, the suspension or revocation is void, but any final 35271
adjudication order issued subsequent to the fourteen-day period 35272
shall not be affected. 35273

(E) If the director issues a final adjudication order 35274
suspending a health care service or suspending or revoking a 35275
license issued under this chapter and the license holder continues 35276
to operate a hospital, the director may ask the attorney general 35277
to apply to the court of common pleas of the county in which the 35278

hospital is located for an order enjoining the license holder from 35279
operating the hospital. 35280

Sec. 3727.17. Each hospital shall provide a staff person to 35281
do all of the following: 35282

(A) Meet with each unmarried mother who gave birth in or en 35283
route to the hospital within twenty-four hours after the birth or 35284
before the mother is released from the hospital; 35285

(B) Attempt to meet with the father of the unmarried mother's 35286
child if possible; 35287

(C) Explain to the unmarried mother and the father, if the 35288
father is present, the benefit to the child of establishing a 35289
parent and child relationship between the father and the child and 35290
the various proper procedures for establishing a parent and child 35291
relationship; 35292

(D) Present to the unmarried mother and, if possible, the 35293
father, the pamphlet or statement regarding the rights and 35294
responsibilities of a natural parent prepared by the department of 35295
job and family services pursuant to section 3111.32 of the Revised 35296
Code; 35297

(E) Provide the unmarried mother, and if possible the father, 35298
all forms and statements necessary to voluntarily establish a 35299
parent and child relationship, including the acknowledgment of 35300
paternity form prepared by the department of job and family 35301
services pursuant to section 3111.31 of the Revised Code; 35302

(F) Upon both the mother's and father's request, help the 35303
mother and father complete any specific form or statement 35304
necessary to establish a parent and child relationship; 35305

(G) Present to an unmarried mother who is not a recipient of 35306
medicaid or a participant in Ohio works first an application for 35307
Title IV-D services; 35308

(H) Mail the voluntary acknowledgment of paternity, no later than ten days after it is completed, to the office of child support in the department of job and family services.

Each hospital shall provide a notary public to notarize, or witnesses to witness, an acknowledgment of paternity signed by the mother and father. If a hospital knows or determines that a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section and that the presumed father is not the man who signed or is attempting to sign an acknowledgment with respect to the child, the hospital shall take no further action with regard to the acknowledgment and shall not mail the acknowledgment pursuant to this section.

A hospital may contract with a person or government entity to fulfill its responsibilities under this section and sections 3111.71 to 3111.74 of the Revised Code. Services provided by a hospital under this section or pursuant to a contract under sections 3111.71 and 3111.77 of the Revised Code do not constitute the practice of law. A hospital shall not be subject to criminal or civil liability for any damage or injury alleged to result from services provided pursuant to this section or sections 3111.71 to 3111.74 of the Revised Code unless the hospital acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

Sec. 3733.41. As used in ~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter:

(A) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual

agreement. "Agricultural labor camp" does not include a hotel or 35340
motel, or a manufactured home park regulated pursuant to sections 35341
4781.26 to 4781.52 of the Revised Code, and rules adopted 35342
thereunder. 35343

(B) "Board of health" means the board of health of a city or 35344
general health district or the authority having the duties of a 35345
board of health in any city as authorized by section 3709.05 of 35346
the Revised Code or an authorized representative of the board of 35347
health. 35348

(C) "Director" means the director of health or the authorized 35349
representative of the director of health. 35350

(D) "Licensor" means the director of health. 35351

(E) "Person" means the state, any political subdivision, 35352
public or private corporation, partnership, association, trust, 35353
individual, or other entity. 35354

(F) "State monitor advocate" means an individual appointed 35355
under 20 C.F.R. 653.108. 35356

Sec. 3733.43. (A) Except as otherwise provided in this 35357
division, prior to the fifteenth day of April in each year, every 35358
person who intends to operate an agricultural labor camp shall 35359
make application to the licensor for a license to operate such 35360
camp, effective for the calendar year in which it is issued. The 35361
licensor may accept an application on or after the fifteenth day 35362
of April. The license fees specified in this division shall be 35363
submitted to the licensor with the application for a license. No 35364
agricultural labor camp shall be operated in this state without a 35365
license. Any person operating an agricultural labor camp without a 35366
current and valid agricultural labor camp license is not excepted 35367
from compliance with ~~sections 3733.41 to 3733.49 of the Revised~~ 35368
~~Code~~ this chapter by holding a valid and current hotel license. 35369

Each person proposing to open an agricultural labor camp shall 35370
submit with the application for a license any plans required by 35371
any rule adopted under section 3733.42 of the Revised Code. For 35372
any license issued on or after July 1, 2009, the annual license 35373
fee is one hundred fifty dollars, unless the application for a 35374
license is made on or after the fifteenth day of April in any 35375
given year, in which case the annual license fee is one hundred 35376
sixty-six dollars. For any license issued on or after July 1, 35377
2009, an additional fee of twenty dollars per housing unit per 35378
year shall be assessed to defray the costs of enforcing ~~sections~~ 35379
~~3733.41 to 3733.49 of the Revised Code~~ this chapter, unless the 35380
application for a license is made on or after the fifteenth day of 35381
April in any given year, in which case an additional fee of 35382
forty-two dollars and fifty cents per housing unit shall be 35383
assessed. All fees collected under this division shall be 35384
deposited in the state treasury to the credit of the general 35385
operations fund created in section 3701.83 of the Revised Code and 35386
shall be used for the administration and enforcement of ~~sections~~ 35387
~~3733.41 to 3733.49 of the Revised Code~~ this chapter and rules 35388
adopted thereunder. 35389

(B) Any license under this section may be denied, suspended, 35390
or revoked by the licensor for violation of ~~sections 3733.41 to~~ 35391
~~3733.49 of the Revised Code~~ this chapter or the rules adopted 35392
thereunder. Unless there is an immediate serious public health 35393
hazard, no denial, suspension, or revocation of a license shall be 35394
made effective until the person operating the agricultural labor 35395
camp has been given notice in writing of the specific violations 35396
and a reasonable time to make corrections. When the licensor 35397
determines that an immediate serious public health hazard exists, 35398
the licensor shall issue an order denying or suspending the 35399
license without a prior hearing. 35400

(C) All proceedings under this section are subject to Chapter 35401

119. of the Revised Code except as provided in section 3733.431 of 35402
the Revised Code. 35403

(D) Every occupant of an agricultural labor camp shall keep 35404
that part of the dwelling unit, and premises thereof, that the 35405
occupant occupies and controls in a clean and sanitary condition. 35406

Sec. 3733.431. Chapter 119. of the Revised Code applies to 35407
all adjudications under ~~sections 3733.41 to 3733.49 of the Revised~~ 35408
~~Code~~ this chapter except that: 35409

(A) The director of health shall notify a licensee that ~~he~~ 35410
the licensee is entitled to a hearing if ~~he~~ the licensee requests 35411
it within ten days of the time the notice informing ~~him~~ the 35412
licensee of ~~his~~ the licensee's right to a hearing was mailed; 35413

(B) If the licensee requests a hearing, the date set for the 35414
hearing shall be within ten days after the licensee has requested 35415
a hearing; 35416

(C) The director shall not apply for a postponement or 35417
continuation of an adjudication hearing. If the licensee requests 35418
a postponement or continuation of an adjudication hearing, it 35419
shall not be granted unless the licensee demonstrates that an 35420
unusual hardship will be incurred in meeting the hearing date. If 35421
the director grants a postponement or continuation on the grounds 35422
of an unusual hardship to the licensee, the record shall document 35423
the nature and cause of the unusual hardship. 35424

(D) If the director of health appoints a referee or examiner 35425
to conduct the hearing: 35426

(1) A copy of the written adjudication report and 35427
recommendation of the referee or examiner shall be served by 35428
certified mail upon the director and the licensee or ~~his~~ the 35429
licensee's attorney or other representative of record within three 35430
working days of the conclusion of the hearing; 35431

(2) The licensee is not entitled to file written objections 35432
to the report; 35433

(3) The director shall approve, modify, or disapprove of the 35434
report and recommendations within three working days of receiving 35435
the report. 35436

(E) A notice of appeal of an adverse adjudication decision 35437
shall be filed within fifteen days of the mailing of the 35438
director's order; 35439

(F) The court shall not suspend an adjudication order pending 35440
disposition of the appeal. Any adjudication order issued by the 35441
director shall remain in force pending final disposition of the 35442
appeal. 35443

Sec. 3733.45. (A) The licensor shall inspect all agricultural 35444
labor camps and shall require compliance with ~~sections 3733.41 to~~ 35445
~~3733.49 of the Revised Code~~ this chapter and the rules adopted 35446
thereunder prior to the issuance of a license. Upon receipt of a 35447
complaint from the ~~migrant agricultural ombudsperson~~ state monitor 35448
advocate or upon the basis of a licensor's own information that an 35449
agricultural labor camp is operating without a license, the 35450
licensor shall inspect the camp. If the camp is operating without 35451
a license, the licensor shall require the camp to comply with 35452
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 35453
the rules adopted under ~~those sections~~ it. No license shall be 35454
issued unless results of water supply tests indicate that the 35455
water supply meets required standards or if any violations exist 35456
concerning sanitation, drainage, or habitability of housing units. 35457
35458

(B) The licensor shall, upon issuance of each license, 35459
distribute posters containing the toll-free telephone number of 35460
the ~~migrant agricultural ombudsperson established in section~~ 35461
~~3733.49 of the Revised Code~~ state monitor advocate and information 35462

in English and Spanish describing the purpose of the 35463
~~ombudsperson's state monitor advocate's office, as provided in~~ 35464
~~that section under 20 C.F.R. Parts 651, 653, 654, and 658.~~ The 35465
licensor shall provide at least two posters to the licensee, one 35466
for the licensee's personal use and at least one that shall be 35467
posted in a conspicuous place within the camp. 35468

(C) The licensor may, upon proper identification to the 35469
operator or the operator's agent, enter on any property or into 35470
any structure at any reasonable time for the purpose of making 35471
inspections required by this section. 35472

The licensor shall make at least one inspection prior to 35473
licensing. The licensor shall make such other inspections as the 35474
licensor considers necessary to enforce ~~sections 3733.41 to~~ 35475
~~3733.49 of the Revised Code~~ this chapter adequately. 35476

(D) Any plans submitted to the licensor shall be in 35477
compliance with rules adopted pursuant to section 3733.42 of the 35478
Revised Code and shall be approved or disapproved within thirty 35479
days after they are filed. 35480

(E) The licensor shall issue an annual report that shall 35481
accurately reflect the results of that year's inspections, 35482
including, but not limited to, numbers of inspections, number of 35483
violations found, and action taken in regard to violations. The 35484
report shall also include an assessment of any problems found in 35485
that year and proposed solutions for them. 35486

Sec. 3733.46. (A) The director of health is the licensor and 35487
shall administer and enforce ~~sections 3733.41 to 3733.49 of the~~ 35488
~~Revised Code~~ this chapter and the rules adopted thereunder. 35489

(B) If the director determines that a board of health can 35490
satisfactorily enforce ~~sections 3733.41 to 3733.49 of the Revised~~ 35491
~~Code~~ this chapter and the rules adopted thereunder, ~~he~~ the 35492

director shall delegate ~~his~~ the director's authority to enforce 35493
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 35494
the rules adopted thereunder to the board. The director may enter 35495
an agreement with a board of health to which ~~he~~ the director has 35496
delegated ~~his~~ the director's authority to enforce ~~sections 3733.41~~ 35497
~~to 3733.49 of the Revised Code~~ this chapter, to provide funds to 35498
the board of health to carry out this duty. The director shall 35499
retain authority to issue, deny, renew, suspend, or revoke 35500
licenses authorizing the operation of agricultural labor camps. 35501

Sec. 3733.47. The attorney general, or the prosecuting 35502
attorney of the county, or the city director of law shall upon 35503
complaint of the licensor prosecute to termination or bring an 35504
action for a temporary restraining order or preliminary or 35505
permanent injunction against any person violating ~~sections 3733.41~~ 35506
~~to 3733.49 of the Revised Code~~ this chapter or the rules adopted 35507
thereunder. The common pleas court in which an action for a 35508
temporary restraining order or preliminary or permanent injunction 35509
is filed has the jurisdiction to grant such relief upon a showing 35510
that the respondent named in the complaint is in violation of 35511
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter or 35512
the rules adopted thereunder. 35513

Sec. 3733.471. (A) Any person who believes that violations of 35514
~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or 35515
Chapter 4111. of the Revised Code are taking place may report or 35516
cause reports to be made of the information directly to the 35517
~~migrant agricultural ombudsman's office as provided in section~~ 35518
~~3733.49 of the Revised Code~~ state monitor advocate. No person who 35519
files a report is liable for civil damages resulting from the 35520
report if the report was made on the basis of personal knowledge 35521
and belief, and not on the basis of hearsay, and was made in good 35522
faith and without recklessness as to the truth of the information 35523

contained in the report. 35524

(B) The ~~migrant agricultural ombudsman's office~~ state monitor 35525
advocate shall immediately forward to the attorney general all 35526
reports that ~~it~~ the state monitor advocate receives under division 35527
(A) of this section. Within forty-eight hours of receiving a 35528
report alleging that conditions in violation of ~~sections 3733.41~~ 35529
~~to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 35530
Revised Code exist that cause a direct or serious threat to the 35531
health or safety of migrant agricultural laborers, the attorney 35532
general, or the attorney general in conjunction with the director 35533
of health, shall investigate the complaint. If after an 35534
investigation period, which shall not exceed forty-eight hours, 35535
the attorney general finds probable cause to believe that existing 35536
conditions cause a direct or serious threat to the health or 35537
safety of the laborers, the attorney general, or the attorney 35538
general in conjunction with the appropriate prosecuting attorney, 35539
shall bring an action for a temporary restraining order or a 35540
preliminary or permanent injunction. 35541

(C) The attorney general, or the attorney general in 35542
conjunction with the director of health, shall, within seven days 35543
of receiving a complaint that does not allege a serious health or 35544
safety violation of ~~sections 3733.41 to 3733.49~~ this chapter, 35545
Chapter 4109., or Chapter 4111. of the Revised Code, begin an 35546
investigation of the complaint. If after an investigation period, 35547
which shall not exceed fourteen days, the attorney general finds 35548
probable cause to believe that a violation of ~~sections 3733.41 to~~ 35549
~~3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 35550
Revised Code exists, ~~he~~ the attorney general shall refer the 35551
matter to the appropriate prosecuting attorney, who shall 35552
prosecute the complaint. 35553

(D) The ~~migrant agricultural ombudsman's office~~ state monitor 35554
advocate shall treat as confidential all information that ~~it~~ the 35555

state monitor advocate receives as a result of reports filed with 35556
~~it~~ the state monitor advocate under division (A) of this section 35557
and shall not reveal that information to any person except under 35558
division (B) of this section or as required in the course of an 35559
investigation or prosecution. 35560

Sec. 3734.57. (A) The following fees are hereby levied on the 35561
transfer or disposal of solid wastes in this state: 35562

(1) ~~Ninety~~ Seventy-one cents per ton through June 30, ~~2024~~ 35563
2026, ~~twenty eleven~~ cents of the proceeds of which shall be 35564
deposited in the state treasury to the credit of the hazardous 35565
waste facility management fund created in section 3734.18 of the 35566
Revised Code and ~~seventy~~ sixty cents of the proceeds of which 35567
shall be deposited in the state treasury to the credit of the 35568
hazardous waste clean-up fund created in section 3734.28 of the 35569
Revised Code; 35570

(2) An additional ~~seventy-five~~ ninety cents per ton through 35571
June 30, ~~2024~~ 2026, the proceeds of which shall be deposited in 35572
the state treasury to the credit of the waste management fund 35573
created in section 3734.061 of the Revised Code; ~~i~~ 35574

(3) An additional two dollars and ~~eighty-five~~ eighty-one 35575
cents per ton through June 30, ~~2024~~ 2026, the proceeds of which 35576
shall be deposited in the state treasury to the credit of the 35577
environmental protection fund created in section 3745.015 of the 35578
Revised Code; 35579

(4) An additional twenty-five cents per ton through June 30, 35580
~~2024~~ 2026, the proceeds of which shall be deposited in the state 35581
treasury to the credit of the soil and water conservation district 35582
assistance fund created in section 940.15 of the Revised Code; 35583

(5) An additional eight cents per ton through June 30, 2026, 35584
the proceeds of which shall be deposited in the state treasury to 35585

the credit of the national priority list remedial support fund 35586
created in section 3734.579 of the Revised Code. 35587

In the case of solid wastes that are taken to a solid waste 35588
transfer facility located in this state prior to being transported 35589
for disposal at a solid waste disposal facility located in this 35590
state or outside of this state, the fees levied under this 35591
division shall be collected by the owner or operator of the 35592
transfer facility as a trustee for the state. The amount of fees 35593
required to be collected under this division at such a transfer 35594
facility shall equal the total tonnage of solid wastes received at 35595
the facility multiplied by the fees levied under this division. In 35596
the case of solid wastes that are not taken to a solid waste 35597
transfer facility located in this state prior to being transported 35598
to a solid waste disposal facility, the fees shall be collected by 35599
the owner or operator of the solid waste disposal facility as a 35600
trustee for the state. The amount of fees required to be collected 35601
under this division at such a disposal facility shall equal the 35602
total tonnage of solid wastes received at the facility that was 35603
not previously taken to a solid waste transfer facility located in 35604
this state multiplied by the fees levied under this division. Fees 35605
levied under this division do not apply to materials separated 35606
from a mixed waste stream for recycling by a generator or 35607
materials removed from the solid waste stream through recycling, 35608
as "recycling" is defined in rules adopted under section 3734.02 35609
of the Revised Code. 35610

The owner or operator of a solid waste transfer facility or 35611
disposal facility, as applicable, shall prepare and file with the 35612
director of environmental protection each month a return 35613
indicating the total tonnage of solid wastes received at the 35614
facility during that month and the total amount of the fees 35615
required to be collected under this division during that month. In 35616
addition, the owner or operator of a solid waste disposal facility 35617

shall indicate on the return the total tonnage of solid wastes 35618
received from transfer facilities located in this state during 35619
that month for which the fees were required to be collected by the 35620
transfer facilities. The monthly returns shall be filed on a form 35621
prescribed by the director. Not later than thirty days after the 35622
last day of the month to which a return applies, the owner or 35623
operator shall mail to the director the return for that month 35624
together with the fees required to be collected under this 35625
division during that month as indicated on the return or may 35626
submit the return and fees electronically in a manner approved by 35627
the director. If the return is filed and the amount of the fees 35628
due is paid in a timely manner as required in this division, the 35629
owner or operator may retain a discount of three-fourths of one 35630
per cent of the total amount of the fees that are required to be 35631
paid as indicated on the return. 35632

The owner or operator may request an extension of not more 35633
than thirty days for filing the return and remitting the fees, 35634
provided that the owner or operator has submitted such a request 35635
in writing to the director together with a detailed description of 35636
why the extension is requested, the director has received the 35637
request not later than the day on which the return is required to 35638
be filed, and the director has approved the request. If the fees 35639
are not remitted within thirty days after the last day of the 35640
month to which the return applies or are not remitted by the last 35641
day of an extension approved by the director, the owner or 35642
operator shall not retain the three-fourths of one per cent 35643
discount and shall pay an additional ten per cent of the amount of 35644
the fees for each month that they are late. For purposes of 35645
calculating the late fee, the first month in which fees are late 35646
begins on the first day after the deadline has passed for timely 35647
submitting the return and fees, and one additional month shall be 35648
counted every thirty days thereafter. 35649

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written

explanation of the reason for the submittal. 35682

For purposes of computing the fees levied under this division 35683
or division (B) of this section, any solid waste transfer or 35684
disposal facility that does not use scales as a means of 35685
determining gate receipts shall use a conversion factor of three 35686
cubic yards per ton of solid waste or one cubic yard per ton for 35687
baled waste, as applicable. 35688

The fees levied under this division and divisions (B) and (C) 35689
of this section are in addition to all other applicable fees and 35690
taxes and shall be paid by the customer or a political subdivision 35691
to the owner or operator of a solid waste transfer or disposal 35692
facility. In the alternative, the fees shall be paid by a customer 35693
or political subdivision to a transporter of waste who 35694
subsequently transfers the fees to the owner or operator of such a 35695
facility. The fees shall be paid notwithstanding the existence of 35696
any provision in a contract that the customer or a political 35697
subdivision may have with the owner or operator or with a 35698
transporter of waste to the facility that would not require or 35699
allow such payment regardless of whether the contract was entered 35700
prior to or after October 16, 2009. For those purposes, "customer" 35701
means a person who contracts with, or utilizes the solid waste 35702
services of, the owner or operator of a solid waste transfer or 35703
disposal facility or a transporter of solid waste to such a 35704
facility. 35705

(B) For the purposes specified in division (G) of this 35706
section, the solid waste management policy committee of a county 35707
or joint solid waste management district may levy fees upon the 35708
following activities: 35709

(1) The disposal at a solid waste disposal facility located 35710
in the district of solid wastes generated within the district; 35711

(2) The disposal at a solid waste disposal facility within 35712

the district of solid wastes generated outside the boundaries of 35713
the district, but inside this state; 35714

(3) The disposal at a solid waste disposal facility within 35715
the district of solid wastes generated outside the boundaries of 35716
this state. 35717

The solid waste management plan of the county or joint 35718
district approved under section 3734.521 or 3734.55 of the Revised 35719
Code and any amendments to it, or the resolution adopted under 35720
this division, as appropriate, shall establish the rates of the 35721
fees levied under divisions (B)(1), (2), and (3) of this section, 35722
if any, and shall specify whether the fees are levied on the basis 35723
of tons or cubic yards as the unit of measurement. A solid waste 35724
management district that levies fees under this division on the 35725
basis of cubic yards shall do so in accordance with division (A) 35726
of this section. 35727

The fee levied under division (B)(1) of this section shall be 35728
not less than one dollar per ton nor more than two dollars per 35729
ton, the fee levied under division (B)(2) of this section shall be 35730
not less than two dollars per ton nor more than four dollars per 35731
ton, and the fee levied under division (B)(3) of this section 35732
shall be not more than the fee levied under division (B)(1) of 35733
this section. 35734

Prior to the approval of the solid waste management plan of a 35735
district under section 3734.55 of the Revised Code, the solid 35736
waste management policy committee of a district may levy fees 35737
under this division by adopting a resolution establishing the 35738
proposed amount of the fees. Upon adopting the resolution, the 35739
committee shall deliver a copy of the resolution to the board of 35740
county commissioners of each county forming the district and to 35741
the legislative authority of each municipal corporation and 35742
township under the jurisdiction of the district and shall prepare 35743
and publish the resolution and a notice of the time and location 35744

where a public hearing on the fees will be held. Upon adopting the 35745
resolution, the committee shall deliver written notice of the 35746
adoption of the resolution; of the amount of the proposed fees; 35747
and of the date, time, and location of the public hearing to the 35748
director and to the fifty industrial, commercial, or institutional 35749
generators of solid wastes within the district that generate the 35750
largest quantities of solid wastes, as determined by the 35751
committee, and to their local trade associations. The committee 35752
shall make good faith efforts to identify those generators within 35753
the district and their local trade associations, but the 35754
nonprovision of notice under this division to a particular 35755
generator or local trade association does not invalidate the 35756
proceedings under this division. The publication shall occur at 35757
least thirty days before the hearing. After the hearing, the 35758
committee may make such revisions to the proposed fees as it 35759
considers appropriate and thereafter, by resolution, shall adopt 35760
the revised fee schedule. Upon adopting the revised fee schedule, 35761
the committee shall deliver a copy of the resolution doing so to 35762
the board of county commissioners of each county forming the 35763
district and to the legislative authority of each municipal 35764
corporation and township under the jurisdiction of the district. 35765
Within sixty days after the delivery of a copy of the resolution 35766
adopting the proposed revised fees by the policy committee, each 35767
such board and legislative authority, by ordinance or resolution, 35768
shall approve or disapprove the revised fees and deliver a copy of 35769
the ordinance or resolution to the committee. If any such board or 35770
legislative authority fails to adopt and deliver to the policy 35771
committee an ordinance or resolution approving or disapproving the 35772
revised fees within sixty days after the policy committee 35773
delivered its resolution adopting the proposed revised fees, it 35774
shall be conclusively presumed that the board or legislative 35775
authority has approved the proposed revised fees. The committee 35776
shall determine if the resolution has been ratified in the same 35777

manner in which it determines if a draft solid waste management 35778
plan has been ratified under division (B) of section 3734.55 of 35779
the Revised Code. 35780

The committee may amend the schedule of fees levied pursuant 35781
to a resolution adopted and ratified under this division by 35782
adopting a resolution establishing the proposed amount of the 35783
amended fees. The committee may repeal the fees levied pursuant to 35784
such a resolution by adopting a resolution proposing to repeal 35785
them. Upon adopting such a resolution, the committee shall proceed 35786
to obtain ratification of the resolution in accordance with this 35787
division. 35788

Not later than fourteen days after declaring the new fees to 35789
be ratified or the fees to be repealed under this division, the 35790
committee shall notify by certified mail the owner or operator of 35791
each solid waste disposal facility that is required to collect the 35792
fees of the ratification and the amount of the fees or of the 35793
repeal of the fees. Collection of any fees shall commence or 35794
collection of repealed fees shall cease on the first day of the 35795
second month following the month in which notification is sent to 35796
the owner or operator. 35797

Fees levied under this division also may be established, 35798
amended, or repealed by a solid waste management policy committee 35799
through the adoption of a new district solid waste management 35800
plan, the adoption of an amended plan, or the amendment of the 35801
plan or amended plan in accordance with sections 3734.55 and 35802
3734.56 of the Revised Code or the adoption or amendment of a 35803
district plan in connection with a change in district composition 35804
under section 3734.521 of the Revised Code. 35805

Not later than fourteen days after the director issues an 35806
order approving a district's solid waste management plan, amended 35807
plan, or amendment to a plan or amended plan that establishes, 35808
amends, or repeals a schedule of fees levied by the district, the 35809

committee shall notify by certified mail the owner or operator of 35810
each solid waste disposal facility that is required to collect the 35811
fees of the approval of the plan or amended plan, or the amendment 35812
to the plan, as appropriate, and the amount of the fees, if any. 35813
In the case of an initial or amended plan approved under section 35814
3734.521 of the Revised Code in connection with a change in 35815
district composition, other than one involving the withdrawal of a 35816
county from a joint district, the committee, within fourteen days 35817
after the change takes effect pursuant to division (G) of that 35818
section, shall notify by certified mail the owner or operator of 35819
each solid waste disposal facility that is required to collect the 35820
fees that the change has taken effect and of the amount of the 35821
fees, if any. Collection of any fees shall commence or collection 35822
of repealed fees shall cease on the first day of the second month 35823
following the month in which notification is sent to the owner or 35824
operator. 35825

If, in the case of a change in district composition involving 35826
the withdrawal of a county from a joint district, the director 35827
completes the actions required under division (G)(1) or (3) of 35828
section 3734.521 of the Revised Code, as appropriate, forty-five 35829
days or more before the beginning of a calendar year, the policy 35830
committee of each of the districts resulting from the change that 35831
obtained the director's approval of an initial or amended plan in 35832
connection with the change, within fourteen days after the 35833
director's completion of the required actions, shall notify by 35834
certified mail the owner or operator of each solid waste disposal 35835
facility that is required to collect the district's fees that the 35836
change is to take effect on the first day of January immediately 35837
following the issuance of the notice and of the amount of the fees 35838
or amended fees levied under divisions (B)(1) to (3) of this 35839
section pursuant to the district's initial or amended plan as so 35840
approved or, if appropriate, the repeal of the district's fees by 35841
that initial or amended plan. Collection of any fees set forth in 35842

such a plan or amended plan shall commence on the first day of 35843
January immediately following the issuance of the notice. If such 35844
an initial or amended plan repeals a schedule of fees, collection 35845
of the fees shall cease on that first day of January. 35846

If, in the case of a change in district composition involving 35847
the withdrawal of a county from a joint district, the director 35848
completes the actions required under division (G)(1) or (3) of 35849
section 3734.521 of the Revised Code, as appropriate, less than 35850
forty-five days before the beginning of a calendar year, the 35851
director, on behalf of each of the districts resulting from the 35852
change that obtained the director's approval of an initial or 35853
amended plan in connection with the change proceedings, shall 35854
notify by certified mail the owner or operator of each solid waste 35855
disposal facility that is required to collect the district's fees 35856
that the change is to take effect on the first day of January 35857
immediately following the mailing of the notice and of the amount 35858
of the fees or amended fees levied under divisions (B)(1) to (3) 35859
of this section pursuant to the district's initial or amended plan 35860
as so approved or, if appropriate, the repeal of the district's 35861
fees by that initial or amended plan. Collection of any fees set 35862
forth in such a plan or amended plan shall commence on the first 35863
day of the second month following the month in which notification 35864
is sent to the owner or operator. If such an initial or amended 35865
plan repeals a schedule of fees, collection of the fees shall 35866
cease on the first day of the second month following the month in 35867
which notification is sent to the owner or operator. 35868

If the schedule of fees that a solid waste management 35869
district is levying under divisions (B)(1) to (3) of this section 35870
is amended or repealed, the fees in effect immediately prior to 35871
the amendment or repeal shall continue to be collected until 35872
collection of the amended fees commences or collection of the 35873
repealed fees ceases, as applicable, as specified in this 35874

division. In the case of a change in district composition, money 35875
so received from the collection of the fees of the former 35876
districts shall be divided among the resulting districts in 35877
accordance with division (B) of section 343.012 of the Revised 35878
Code and the agreements entered into under division (B) of section 35879
343.01 of the Revised Code to establish the former and resulting 35880
districts and any amendments to those agreements. 35881

For the purposes of the provisions of division (B) of this 35882
section establishing the times when newly established or amended 35883
fees levied by a district are required to commence and the 35884
collection of fees that have been amended or repealed is required 35885
to cease, "fees" or "schedule of fees" includes, in addition to 35886
fees levied under divisions (B)(1) to (3) of this section, those 35887
levied under section 3734.573 or 3734.574 of the Revised Code. 35888

(C) For the purposes of defraying the added costs to a 35889
municipal corporation or township of maintaining roads and other 35890
public facilities and of providing emergency and other public 35891
services, and compensating a municipal corporation or township for 35892
reductions in real property tax revenues due to reductions in real 35893
property valuations resulting from the location and operation of a 35894
solid waste disposal facility within the municipal corporation or 35895
township, a municipal corporation or township in which such a 35896
solid waste disposal facility is located may levy a fee of not 35897
more than twenty-five cents per ton on the disposal of solid 35898
wastes at a solid waste disposal facility located within the 35899
boundaries of the municipal corporation or township regardless of 35900
where the wastes were generated. 35901

The legislative authority of a municipal corporation or 35902
township may levy fees under this division by enacting an 35903
ordinance or adopting a resolution establishing the amount of the 35904
fees. Upon so doing the legislative authority shall mail a 35905
certified copy of the ordinance or resolution to the board of 35906

county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are

generated; 35939

(c) Are asbestos or asbestos-containing materials or products 35940
disposed of at a construction and demolition debris facility that 35941
is licensed under Chapter 3714. of the Revised Code or at a solid 35942
waste facility that is licensed under this chapter. 35943

(2) Except as provided in section 3734.571 of the Revised 35944
Code, any fees levied under division (B)(1) of this section apply 35945
to solid wastes originating outside the boundaries of a county or 35946
joint district that are covered by an agreement for the joint use 35947
of solid waste facilities entered into under section 343.02 of the 35948
Revised Code by the board of county commissioners or board of 35949
directors of the county or joint district where the wastes are 35950
generated and disposed of. 35951

(3) When solid wastes, other than solid wastes that consist 35952
of scrap tires, are burned in a disposal facility that is an 35953
incinerator or energy recovery facility, the fees levied under 35954
divisions (A), (B), and (C) of this section shall be levied upon 35955
the disposal of the fly ash and bottom ash remaining after burning 35956
of the solid wastes and shall be collected by the owner or 35957
operator of the sanitary landfill where the ash is disposed of. 35958

(4) When solid wastes are delivered to a solid waste transfer 35959
facility, the fees levied under divisions (B) and (C) of this 35960
section shall be levied upon the disposal of solid wastes 35961
transported off the premises of the transfer facility for disposal 35962
and shall be collected by the owner or operator of the solid waste 35963
disposal facility where the wastes are disposed of. 35964

(5) The fees levied under divisions (A), (B), and (C) of this 35965
section do not apply to sewage sludge that is generated by a waste 35966
water treatment facility holding a national pollutant discharge 35967
elimination system permit and that is disposed of through 35968
incineration, land application, or composting or at another 35969

resource recovery or disposal facility that is not a landfill. 35970

(6) The fees levied under divisions (A), (B), and (C) of this 35971
section do not apply to solid wastes delivered to a solid waste 35972
composting facility for processing. When any unprocessed solid 35973
waste or compost product is transported off the premises of a 35974
composting facility and disposed of at a landfill, the fees levied 35975
under divisions (A), (B), and (C) of this section shall be 35976
collected by the owner or operator of the landfill where the 35977
unprocessed waste or compost product is disposed of. 35978

(7) When solid wastes that consist of scrap tires are 35979
processed at a scrap tire recovery facility, the fees levied under 35980
divisions (A), (B), and (C) of this section shall be levied upon 35981
the disposal of the fly ash and bottom ash or other solid wastes 35982
remaining after the processing of the scrap tires and shall be 35983
collected by the owner or operator of the solid waste disposal 35984
facility where the ash or other solid wastes are disposed of. 35985

(8) The director of environmental protection may issue an 35986
order exempting from the fees levied under this section solid 35987
wastes, including, but not limited to, scrap tires, that are 35988
generated, transferred, or disposed of as a result of a contract 35989
providing for the expenditure of public funds entered into by the 35990
administrator or regional administrator of the United States 35991
environmental protection agency, the director of environmental 35992
protection, or the director of administrative services on behalf 35993
of the director of environmental protection for the purpose of 35994
remediating conditions at a hazardous waste facility, solid waste 35995
facility, or other location at which the administrator or regional 35996
administrator or the director of environmental protection has 35997
reason to believe that there is a substantial threat to public 35998
health or safety or the environment or that the conditions are 35999
causing or contributing to air or water pollution or soil 36000
contamination. An order issued by the director of environmental 36001

protection under division (D)(8) of this section shall include a 36002
determination that the amount of the fees not received by a solid 36003
waste management district as a result of the order will not 36004
adversely impact the implementation and financing of the 36005
district's approved solid waste management plan and any approved 36006
amendments to the plan. Such an order is a final action of the 36007
director of environmental protection. 36008

(E) The fees levied under divisions (B) and (C) of this 36009
section shall be collected by the owner or operator of the solid 36010
waste disposal facility where the wastes are disposed of as a 36011
trustee for the county or joint district and municipal corporation 36012
or township where the wastes are disposed of. Moneys from the fees 36013
levied under division (B) of this section shall be forwarded to 36014
the board of county commissioners or board of directors of the 36015
district in accordance with rules adopted under division (H) of 36016
this section. Moneys from the fees levied under division (C) of 36017
this section shall be forwarded to the treasurer or such other 36018
officer of the municipal corporation as, by virtue of the charter, 36019
has the duties of the treasurer or to the fiscal officer of the 36020
township, as appropriate, in accordance with those rules. 36021

(F) Moneys received by the treasurer or other officer of the 36022
municipal corporation under division (E) of this section shall be 36023
paid into the general fund of the municipal corporation. Moneys 36024
received by the fiscal officer of the township under that division 36025
shall be paid into the general fund of the township. The treasurer 36026
or other officer of the municipal corporation or the township 36027
fiscal officer, as appropriate, shall maintain separate records of 36028
the moneys received from the fees levied under division (C) of 36029
this section. 36030

(G) Moneys received by the board of county commissioners or 36031
board of directors under division (E) of this section or section 36032
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 36033

shall be paid to the county treasurer, or other official acting in 36034
a similar capacity under a county charter, in a county district or 36035
to the county treasurer or other official designated by the board 36036
of directors in a joint district and kept in a separate and 36037
distinct fund to the credit of the district. If a regional solid 36038
waste management authority has been formed under section 343.011 36039
of the Revised Code, moneys received by the board of trustees of 36040
that regional authority under division (E) of this section shall 36041
be kept by the board in a separate and distinct fund to the credit 36042
of the district. Moneys in the special fund of the county or joint 36043
district arising from the fees levied under division (B) of this 36044
section and the fee levied under division (A) of section 3734.573 36045
of the Revised Code shall be expended by the board of county 36046
commissioners or directors of the district in accordance with the 36047
district's solid waste management plan or amended plan approved 36048
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 36049
exclusively for the following purposes: 36050

(1) Preparation of the solid waste management plan of the 36051
district under section 3734.54 of the Revised Code, monitoring 36052
implementation of the plan, and conducting the periodic review and 36053
amendment of the plan required by section 3734.56 of the Revised 36054
Code by the solid waste management policy committee; 36055

(2) Implementation of the approved solid waste management 36056
plan or amended plan of the district, including, without 36057
limitation, the development and implementation of solid waste 36058
recycling or reduction programs; 36059

(3) Providing financial assistance to boards of health within 36060
the district, if solid waste facilities are located within the 36061
district, for enforcement of this chapter and rules, orders, and 36062
terms and conditions of permits, licenses, and variances adopted 36063
or issued under it, other than the hazardous waste provisions of 36064
this chapter and rules adopted and orders and terms and conditions 36065

of permits issued under those provisions; 36066

(4) Providing financial assistance to each county within the 36067
district to defray the added costs of maintaining roads and other 36068
public facilities and of providing emergency and other public 36069
services resulting from the location and operation of a solid 36070
waste facility within the county under the district's approved 36071
solid waste management plan or amended plan; 36072

(5) Pursuant to contracts entered into with boards of health 36073
within the district, if solid waste facilities contained in the 36074
district's approved plan or amended plan are located within the 36075
district, for paying the costs incurred by those boards of health 36076
for collecting and analyzing samples from public or private water 36077
wells on lands adjacent to those facilities; 36078

(6) Developing and implementing a program for the inspection 36079
of solid wastes generated outside the boundaries of this state 36080
that are disposed of at solid waste facilities included in the 36081
district's approved solid waste management plan or amended plan; 36082

(7) Providing financial assistance to boards of health within 36083
the district for the enforcement of section 3734.03 of the Revised 36084
Code or to local law enforcement agencies having jurisdiction 36085
within the district for enforcing anti-littering laws and 36086
ordinances; 36087

(8) Providing financial assistance to boards of health of 36088
health districts within the district that are on the approved list 36089
under section 3734.08 of the Revised Code to defray the costs to 36090
the health districts for the participation of their employees 36091
responsible for enforcement of the solid waste provisions of this 36092
chapter and rules adopted and orders and terms and conditions of 36093
permits, licenses, and variances issued under those provisions in 36094
the training and certification program as required by rules 36095
adopted under division (L) of section 3734.02 of the Revised Code; 36096

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 36129
119. of the Revised Code prescribing procedures for collecting and 36130
forwarding the fees levied under divisions (B) and (C) of this 36131
section to the boards of county commissioners or directors of 36132
county or joint solid waste management districts and to the 36133
treasurers or other officers of municipal corporations and the 36134
fiscal officers of townships. The rules also shall prescribe the 36135
dates for forwarding the fees to the boards and officials and may 36136
prescribe any other requirements the director considers necessary 36137
or appropriate to implement and administer divisions (A), (B), and 36138
(C) of this section. 36139

Sec. 3734.579. (A) There is hereby created in the state 36140
treasury the national priority list remedial support fund. The 36141
fund shall consist of transfer and disposal fees paid into the 36142
fund under division (A)(5) of section 3734.57 of the Revised Code. 36143

(B) The director of environmental protection shall use the 36144
fund to pay for the state's removal and remedial actions and long 36145
term operation and maintenance costs or applicable cost shares for 36146
actions taken under the federal "Comprehensive Environmental 36147
Response, Compensation, and Liability Act of 1980," 42 U.S.C. 36148
9601, et seq. The director may use money in the fund to enter into 36149
contracts and grant agreements with federal, state, or local 36150
government agencies, nonprofit organizations, colleges, and 36151
universities to carry out the responsibilities of the 36152
environmental protection agency for which money may be expended 36153
from the fund. 36154

Sec. 3734.74. The director of environmental protection, in 36155
accordance with Chapter 119. of the Revised Code, shall adopt and 36156
may amend or rescind rules governing the transportation of scrap 36157
tires and the registration of persons engaged in the 36158
transportation of scrap tires. The rules shall do all of the 36159

following: 36160

(A) Require that, before being issued a registration 36161
certificate under section 3734.83 of the Revised Code, a 36162
transporter submit a surety bond, a letter of credit, or other 36163
financial assurance acceptable to the director, as specified by 36164
the director in the rules, in an amount of not ~~less~~ more than 36165
~~twenty~~ ten thousand dollars as the director considers necessary to 36166
cover the costs of cleanup of tires improperly accumulated or 36167
discarded by the transporter and to cover liability for sudden 36168
accidental occurrences that result in damage or injury to persons 36169
or property or to the environment; 36170

(B) Establish a system of shipping papers to accompany 36171
shipments of scrap tires. The shipping paper for each shipment 36172
shall include at least all of the following information: 36173

(1) The name and address of each transporter who transported 36174
the shipment of scrap tires; 36175

(2) The number of the registration certificate issued under 36176
section 3734.83 of the Revised Code for each transporter who 36177
transported the shipment of scrap tires, the signature of the 36178
individual transporting the scrap tires for each transporter, and 36179
the date or dates on which they were transported; 36180

(3) The quantity in weight or volume of the scrap tires being 36181
transported; 36182

(4) The address of the scrap tire collection, storage, 36183
monocell, monofill, or recovery facility, or other premises, where 36184
the scrap tires were deposited, or of any other registered 36185
transporter with whom the scrap tires were deposited, and the 36186
signature of the individual accepting receipt of the scrap tires 36187
for the facility or other transporter. 36188

The rules adopted under division (B) of this section shall 36189
require that the shipping papers be prepared on a form prescribed 36190

by the director and that all shipping papers be retained by a 36191
registered transporter for not less than three years. 36192

(C) Require that each registered transporter submit a report 36193
to the director not later than the thirty-first day of January of 36194
each year concerning all shipments of scrap tires transported by 36195
the transporter during the preceding calendar year. The report 36196
shall include at least the following information: 36197

(1) The total quantity in weight or volume of scrap tires 36198
transported by the registered transporter; 36199

(2) The total quantity in weight or volume of scrap tires 36200
transported to each collection, storage, monocell, monofill, or 36201
recovery facility, or other premises, or deposited with another 36202
registered transporter. 36203

Sec. 3734.822. (A) As used in this section, "political 36204
subdivision" means any body corporate and politic that is 36205
responsible for governmental activities in a geographic area 36206
smaller than the state, including a county, municipal corporation, 36207
and township. 36208

(B) There is hereby created in the state treasury the scrap 36209
tire grant fund, consisting of moneys transferred to the fund 36210
under section 3734.82 of the Revised Code. The director of 36211
environmental protection may make grants from the fund for the 36212
following purposes: 36213

(1) Supporting market development activities for scrap tires 36214
and synthetic rubber from tire manufacturing processes and tire 36215
recycling processes; 36216

(2) Supporting scrap tire amnesty and cleanup events 36217
sponsored or hosted by the state, including any state agency, or 36218
by any solid waste management districts district or other 36219
political subdivision. 36220

Grants awarded under division ~~(A)(1)~~(B)(1) of this section 36221
may be awarded to individuals, businesses, and entities certified 36222
under division (F)(6) of section 3734.49 of the Revised Code. 36223

~~(B)~~(C) Projects and activities that are eligible for grants 36224
under division ~~(A)(1)~~(B)(1) of this section shall be evaluated for 36225
funding using, at a minimum, the following criteria: 36226

(1) The degree to which a proposed project contributes to the 36227
increased use of scrap tires generated in this state; 36228

(2) The degree of local financial support for a proposed 36229
project; 36230

(3) The technical merit and quality of a proposed project. 36231

Sec. 3734.83. (A) Except as provided in division (D) of this 36232
section, no person shall transport scrap tires anywhere in this 36233
state unless the business or governmental entity that employs the 36234
person first registers with and obtains a registration certificate 36235
from the director of environmental protection. No more than one 36236
registration certificate shall be required of any single business 36237
or governmental entity. An applicant shall file an application 36238
with the director in such form as the director prescribes. The 36239
application shall contain such information as the director 36240
prescribes, including at least the name and address of the 36241
principal office of the applicant in this state, provided that the 36242
information shall not include the license plate number or vehicle 36243
identification number of any motor vehicle used by the applicant 36244
to transport scrap tires. ~~Each application for a registration~~ 36245
~~certificate shall be accompanied by a registration fee of not more~~ 36246
~~than three hundred dollars as established by rules adopted by the~~ 36247
~~director in accordance with Chapter 119. of the Revised Code,~~ 36248
~~except that a motor vehicle salvage dealer licensed under Chapter~~ 36249
~~4738. of the Revised Code shall be issued a registration~~ 36250
~~certificate or renewal of a registration certificate under this~~ 36251

~~section without the payment of any registration fee if the salvage 36252
dealer transports only scrap tires obtained as a direct 36253
consequence of receiving motor vehicles for salvage and transports 36254
the tires only on motor vehicles owned or leased by him. 36255~~

A registration certificate issued under this section is valid 36256
for one year from its effective date and may be renewed annually 36257
for a term of one year by submission to the director of a renewal 36258
application on a form prescribed by the director and ~~payment of 36259
the registration fee established in rules adopted under this 36260
section. The registration and renewal fees shall be credited to 36261
the scrap tire management fund created in section 3734.82 of the 36262
Revised Code. 36263~~

A transporter registered under this division shall maintain a 36264
copy of the registration certificate in each motor vehicle used by 36265
the registrant to transport scrap tires. 36266

(B) The director may issue an order in accordance with 36267
Chapter 119. of the Revised Code denying, suspending, or revoking 36268
the registration certificate of a person who is registered under 36269
this section and who has violated, or whose employee has violated, 36270
any of the scrap tire provisions of this chapter or a rule adopted 36271
under them while transporting scrap tires. A transporter whose 36272
registration certificate has been denied, suspended, or revoked 36273
shall immediately notify each of ~~his~~ the transporter's customers 36274
of that fact by certified mail. 36275

(C) Except as provided in division (D) of this section, no 36276
person who possesses scrap tires shall cause them to be 36277
transported by any person who is not registered as a transporter 36278
under this section. 36279

(D) Divisions (A) and (C) of this section do not apply to any 36280
of the following: 36281

(1) A person who transports ten or fewer scrap tires in a 36282

single load; any	36283
<u>(2) Any person who transports scrap tires for his the</u>	36284
<u>person's own use in agriculture or in producing or processing</u>	36285
<u>aggregates; any</u>	36286
<u>(3) Any political subdivision engaging in the collection of</u>	36287
<u>solid wastes other than scrap tires, or any person engaging in the</u>	36288
<u>collection of such solid wastes under a license or franchise from</u>	36289
<u>a political subdivision, when ten or fewer scrap tires are</u>	36290
<u>transported with any single load of other types of solid wastes;</u>	36291
<u>or any</u>	36292
<u>(4) Any person who is engaged primarily in the retail sale of</u>	36293
<u>tires for farm machinery, construction equipment, commercial cars,</u>	36294
<u>commercial tractors, motor buses, or semitrailers and who</u>	36295
<u>transports twenty-five or fewer whole scrap tires in a single load</u>	36296
<u>and not more than two hundred fifty scrap tires in a calendar</u>	36297
<u>year, all of which tires either are or were used primarily as</u>	36298
<u>tires for farm machinery, construction equipment, commercial cars,</u>	36299
<u>commercial tractors, motor buses, or semitrailers;</u>	36300
<u>(5) Any of the following entities conducting a scrap tire</u>	36301
<u>clean up event or community tire amnesty collection event that has</u>	36302
<u>received written concurrence from the environmental protection</u>	36303
<u>agency:</u>	36304
<u>(a) A nonprofit organization;</u>	36305
<u>(b) Federal, state, or local government;</u>	36306
<u>(c) A university;</u>	36307
<u>(d) Other civic organization.</u>	36308
(E) A transporter of scrap tires is liable for the safe	36309
delivery of any scrap tires from the time he <u>the transporter</u>	36310
obtains them until he <u>the transporter</u> delivers them to a scrap	36311
tire collection, storage, monocell, monofill, or recovery facility	36312

licensed under section 3734.81 of the Revised Code; delivers them 36313
to a solid waste incineration or energy recovery facility subject 36314
to regulation under this chapter; delivers them to a premises 36315
where they will be beneficially used; delivers them to another 36316
transporter registered under this section; or transports them out 36317
of the state. A generator of scrap tires who has complied with 36318
division (C) of this section is not liable under statute or common 36319
law in ~~his~~ the capacity as the generator of the scrap tires for 36320
the actions or omissions of any transporter registered under this 36321
section or any scrap tire collection, storage, monocell, monofill, 36322
or recovery facility licensed under section 3734.81 of the Revised 36323
Code, or any solid waste incineration or energy recovery facility 36324
subject to regulation under this chapter, with respect to the 36325
scrap tires transported by the registered transporter and is not 36326
liable in ~~his~~ the capacity as the generator of the scrap tires for 36327
violations of any scrap tire provision of this chapter or rules 36328
adopted under those provisions governing scrap tire collection, 36329
storage, monocell, monofill, or recovery facilities and the 36330
transportation of scrap tires, or any other provision of this 36331
chapter and rules adopted under it governing solid waste 36332
incineration and energy recovery facilities, with respect to the 36333
scrap tires handled by any such licensed facility or transported 36334
by the registered transporter. 36335

This division does not apply to a person who transports ten 36336
or fewer scrap tires in a single load or who transports any number 36337
of scrap tires for ~~his~~ the person's own use in agriculture or in 36338
producing or processing aggregates. 36339

(F) A generator of scrap tires who, in good faith and prior 36340
to the time when transporters of scrap tires are required to be 36341
registered pursuant to rules adopted under section 3734.74 of the 36342
Revised Code, caused scrap tires generated by ~~him~~ the generator to 36343
be transported by another is not liable under statute or common 36344

law in ~~his~~ the capacity as the generator of the scrap tires for 36345
the actions or omissions of the transporter, or of any other 36346
person to whom the transporter delivered the scrap tires, with 36347
respect to the scrap tires transported by the transporter. 36348

Sec. 3734.85. (A) On and after the effective date of the 36349
rules adopted under sections 3734.70, 3734.71, 3734.72, and 36350
3734.73 of the Revised Code, the director of environmental 36351
protection may take action under this section to abate 36352
accumulations of scrap tires. If the director determines that an 36353
accumulation of scrap tires constitutes a danger to the public 36354
health or safety or to the environment, the director shall issue 36355
an order under section 3734.13 of the Revised Code to the person 36356
responsible for the accumulation of scrap tires directing that 36357
person, ~~within one hundred twenty days after the issuance of the~~ 36358
~~order,~~ to remove the accumulation of scrap tires from the premises 36359
on which it is located and transport the tires to a scrap tire 36360
storage, monocell, monofill, or recovery facility licensed under 36361
section 3734.81 of the Revised Code, to such a facility in another 36362
state operating in compliance with the laws of the state in which 36363
it is located, or to any other solid waste disposal facility in 36364
another state that is operating in compliance with the laws of 36365
that state. If the person responsible for causing the accumulation 36366
of scrap tires is a person different from the owner of the land on 36367
which the accumulation is located, the director may issue such an 36368
order to the landowner. 36369

If the director is unable to ascertain immediately the 36370
identity of the person responsible for causing the accumulation of 36371
scrap tires, the director shall examine the records of the 36372
applicable board of health and law enforcement agencies to 36373
ascertain that person's identity. Before initiating any 36374
enforcement or removal actions under this division against the 36375
owner of the land on which the accumulation is located, the 36376

director shall initiate any such actions against the person that 36377
the director has identified as responsible for causing the 36378
accumulation of scrap tires. Failure of the director to make 36379
diligent efforts to ascertain the identity of the person 36380
responsible for causing the accumulation of scrap tires or to 36381
initiate an action against the person responsible for causing the 36382
accumulation shall not constitute an affirmative defense by a 36383
landowner to an enforcement action initiated by the director under 36384
this division requiring immediate removal of any accumulation of 36385
scrap tires. 36386

Upon the written request of the recipient of an order issued 36387
under this division, the director may extend the time for 36388
compliance with the order if the request demonstrates that the 36389
recipient has acted in good faith to comply with the order. If the 36390
recipient of an order issued under this division fails to comply 36391
with each milestone established in the order within one hundred 36392
twenty days after the issuance of the period of time specified in 36393
the order or, if the time for compliance with the order was so 36394
extended, within that time, the director shall take such actions 36395
as the director considers reasonable and necessary to remove and 36396
properly manage the scrap tires located on the land named in the 36397
order. The director, through employees of the environmental 36398
protection agency or a contractor, may enter upon the land on 36399
which the accumulation of scrap tires is located and remove and 36400
transport them to a scrap tire recovery facility for processing, 36401
to a scrap tire storage facility for storage, or to a scrap tire 36402
monocell or monofill facility for storage or disposal. 36403

When performing a removal action under this section, the 36404
director also may remove, transport, and dispose of any of the 36405
following if the removal is required by the order issued under 36406
this division: 36407

(1) Any additional solid wastes that were open dumped on the 36408

land named in the order; 36409

(2) Any construction and demolition debris that was illegally 36410
disposed of on the land named in the order. 36411

The director shall enter into contracts for the storage, 36412
disposal, or processing of scrap tires removed through removal 36413
operations conducted under this section. 36414

If a person to whom a removal order is issued under this 36415
division fails to comply with the order and if the director 36416
performs a removal action under this section, the person to whom 36417
the removal order is issued is liable to the director for the 36418
costs incurred by the director for conducting the removal 36419
operation~~7~~. The costs incurred include the storage at a scrap tire 36420
storage facility, storage, transportation, processing, or disposal 36421
at a scrap tire monocell or monofill facility, or processing of 36422
the scrap tires so removed, the transportation of the scrap tires 36423
from the site of the accumulation to the scrap tire storage, 36424
monocell, monofill, or recovery facility where the scrap tires 36425
were stored, disposed of, or processed or any additional solid 36426
wastes or construction and demolition debris removed in accordance 36427
with this division, and the administrative and legal expenses 36428
incurred by the director in connection with the removal operation. 36429
The director shall keep an itemized record of those costs. Upon 36430
completion of the actions for which the costs were incurred, the 36431
director ~~shall~~ may record the costs at the office of the county 36432
recorder of the county in which the accumulation of scrap tires 36433
~~was,~~ additional solid wastes, and construction and demolition 36434
debris were located. The costs so recorded constitute a lien on 36435
the property on which the accumulation of scrap tires ~~was,~~ 36436
additional solid wastes, and construction and demolition debris 36437
were located until discharged. Upon the written request of the 36438
director, the attorney general shall bring a civil action against 36439
the person responsible for the accumulation of the scrap tires 36440

that were the subject of the removal operation to recover the 36441
costs for which the person is liable under this division. Any 36442
money so received or recovered shall be credited to the scrap tire 36443
management fund created in section 3734.82 of the Revised Code. 36444

If, in a civil action brought under this division, an owner 36445
of real property is ordered to pay to the director the costs of a 36446
removal action that removed an accumulation of scrap tires from 36447
the person's land or if a lien is placed on the person's land for 36448
the costs of such a removal action, and, in either case, if the 36449
landowner was not the person responsible for causing the 36450
accumulation of scrap tires so removed, the landowner may bring a 36451
civil action against the person who was responsible for causing 36452
the accumulation to recover the amount of the removal costs that 36453
the court ordered the landowner to pay to the director or the 36454
amount of the removal costs certified to the county recorder as a 36455
lien on the landowner's property, whichever is applicable. If the 36456
landowner prevails in the civil action against the person who was 36457
responsible for causing the accumulation of scrap tires, the 36458
court, as it considers appropriate, may award to the landowner the 36459
reasonable attorney's fees incurred by the landowner for bringing 36460
the action, court costs, and other reasonable expenses incurred by 36461
the landowner in connection with the civil action. A landowner 36462
shall bring such a civil action within two years after making the 36463
final payment of the removal costs to the director pursuant to the 36464
judgment rendered against the landowner in the civil action 36465
brought under this division upon the director's request or within 36466
two years after the director certified the costs of the removal 36467
action to the county recorder, as appropriate. A person who, at 36468
the time that a removal action was conducted under this division, 36469
owned the land on which the removal action was performed may bring 36470
an action under this division to recover the costs of the removal 36471
action from the person responsible for causing the accumulation of 36472
scrap tires so removed regardless of whether the person owns the 36473

land at the time of bringing the action. 36474

Subject to the limitations set forth in division (G) of 36475
section 3734.82 of the Revised Code, the director may use moneys 36476
in the scrap tire management fund for conducting removal actions 36477
under this division. Any moneys recovered under this division 36478
shall be credited to the scrap tire management fund. 36479

(B) The director shall initiate enforcement and removal 36480
actions under division (A) of this section in accordance with the 36481
following descending listing of priorities: 36482

(1) Accumulations of scrap tires that the director finds 36483
constitute a fire hazard or threat to public health; 36484

(2) Accumulations of scrap tires determined by the director 36485
to contain more than one million scrap tires; 36486

(3) Accumulations of scrap tires in densely populated areas; 36487

(4) Other accumulations of scrap tires that the director or 36488
board of health of the health district in which the accumulation 36489
is located determines constitute a public nuisance; 36490

(5) Any other accumulations of scrap tires present on 36491
premises operating without a valid license issued under section 36492
3734.05 or 3734.81 of the Revised Code. 36493

(C) The director shall not take enforcement and removal 36494
actions under division (A) of this section against the owner or 36495
operator of, or the owner of the land on which is located, any of 36496
the following: 36497

(1) A premises where not more than one hundred scrap tires 36498
are present at any time; 36499

(2) The premises of a business engaging in the sale of tires 36500
at retail that meets either of the following criteria: 36501

(a) Not more than one thousand scrap tires are present on the 36502
premises at any time in an unsecured, uncovered outdoor location. 36503

- (b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation. 36504
36505
- (3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored; 36506
36507
36508
36509
- (4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet; 36510
36511
36512
36513
- (5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet; 36514
36515
36516
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- (6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use; 36518
36519
- (7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments; 36520
36521
- (8) A scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; 36522
36523
36524
- (9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires; 36525
36526
36527
- (10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given; 36528
36529
36530
- (11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to 36531
36532
36533

transporting them to their final destination. 36534

(D) Nothing in this section restricts any right any person 36535
may have under statute or common law to enforce or seek 36536
enforcement of any law applicable to the management of scrap 36537
tires, abate a nuisance, or seek any other appropriate relief. 36538

(E) An owner of real property is not liable under division 36539
(A) of this section for the cost of the removal of up to ten 36540
thousand scrap tires on the owner's property, or more at the 36541
director's discretion, and no lien shall attach to the property 36542
under this section, if all of the following conditions are met: 36543

(1) The tires were placed on the property after the owner 36544
acquired title to the property, or the tires were placed on the 36545
property before the owner acquired title to the property and the 36546
owner acquired title to the property by bequest or devise. 36547

(2) The owner of the property did not have knowledge that the 36548
tires were being placed on the property, or the owner posted on 36549
the property signs prohibiting dumping or took other action to 36550
prevent the placing of tires on the property. 36551

(3) The owner of the property did not participate in or 36552
consent to the placing of the tires on the property. 36553

(4) The owner of the property received no financial benefit 36554
from the placing of the tires on the property or otherwise having 36555
the tires on the property. 36556

(5) Title to the property was not transferred to the owner 36557
for the purpose of evading liability under division (A) of this 36558
section. 36559

(6) The person responsible for placing the tires on the 36560
property, in doing so, was not acting as an agent for the owner of 36561
the property. 36562

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 36563

defray the cost of administering and enforcing the scrap tire 36564
provisions of this chapter, rules adopted under those provisions, 36565
and terms and conditions of orders, variances, and licenses issued 36566
under those provisions; to abate accumulations of scrap tires; to 36567
make grants supporting market development activities for scrap 36568
tires and synthetic rubber from tire manufacturing processes and 36569
tire recycling processes and to support scrap tire amnesty and 36570
cleanup events; to make loans to promote the recycling or recovery 36571
of energy from scrap tires; and to defray the costs of 36572
administering and enforcing sections 3734.90 to 3734.9014 of the 36573
Revised Code, a fee of fifty cents per tire is hereby levied on 36574
the sale of tires. The proceeds of the fee shall be deposited in 36575
the state treasury to the credit of the scrap tire management fund 36576
created in section 3734.82 of the Revised Code. The fee is levied 36577
from the first day of the calendar month that begins next after 36578
thirty days from October 29, 1993, through June 30, ~~2024~~ 2026. 36579

(2) Beginning on July 1, 2011, and ending on June 30, ~~2024~~ 36580
2026, there is hereby levied an additional fee of fifty cents per 36581
tire on the sale of tires the proceeds of which shall be deposited 36582
in the state treasury to the credit of the soil and water 36583
conservation district assistance fund created in section 940.15 of 36584
the Revised Code. 36585

(B) Only one sale of the same article shall be used in 36586
computing the amount of the fee due. 36587

Sec. 3737.02. (A) The fire marshal may collect fees to cover 36588
the costs of performing inspections and other duties that the fire 36589
marshal is authorized or required by law to perform. Except as 36590
provided in division (B) of this section, all fees collected by 36591
the fire marshal shall be deposited to the credit of the fire 36592
marshal's fund. 36593

(B)(1) All of the following shall be credited to the 36594

underground storage tank administration fund, which is hereby 36595
created in the state treasury: 36596

(a) Fees collected under sections 3737.88 and 3737.881 of the 36597
Revised Code for operation of the underground storage tank and 36598
underground storage tank installer certification programs; 36599

(b) Moneys recovered under section 3737.89 of the Revised 36600
Code for the state's costs of undertaking corrective or 36601
enforcement actions under that section or section 3737.882 of the 36602
Revised Code; 36603

(c) Fines and penalties collected under section 3737.882 of 36604
the Revised Code and other moneys, including corrective action 36605
enforcement case settlements or bankruptcy case awards or 36606
settlements, received by the fire marshal under sections 3737.88 36607
to 3737.89 of the Revised Code. 36608

(2) All interest earned on moneys credited to the underground 36609
storage tank administration fund shall be credited to the fund. 36610
Moneys credited to the underground storage tank administration 36611
fund shall be used by the fire marshal for implementation and 36612
enforcement of underground storage tank, corrective action, and 36613
installer certification programs under sections 3737.88 to 3737.89 36614
of the Revised Code. 36615

~~(C) There is hereby created in the state treasury the 36616
underground storage tank revolving loan fund. The fund shall 36617
consist of amounts repaid for underground storage tank revolving 36618
loans under section 3737.883 of the Revised Code and moneys 36619
described in division (B)(1)(c) of this section that are allocated 36620
to the fund in accordance with division (D)(1) of this section. 36621
Moneys in the fund shall be used by the fire marshal to make 36622
underground storage tank revolving loans under section 3737.883 of 36623
the Revised Code. 36624~~

~~(D)(1) If the director of commerce determines that the cash 36625~~

~~balance in the underground storage tank administration fund is in 36626
excess of the amount needed for implementation and enforcement of 36627
the underground storage tank, corrective action, and installer 36628
certification programs under sections 3737.88 to 3737.89 of the 36629
Revised Code, the director may certify the excess amount to the 36630
director of budget and management. Upon certification, the 36631
director of budget and management may transfer from the 36632
underground storage tank administration fund to the underground 36633
storage tank revolving loan fund any amount up to, but not 36634
exceeding, the amount certified by the director of commerce, 36635
provided the amount transferred consists only of moneys described 36636
in division (B)(1)(c) of this section. 36637~~

~~(2) If the director of commerce determines that the cash 36638
balance in the underground storage tank administration fund is 36639
insufficient to implement and enforce the underground storage 36640
tank, corrective action, and installer certification programs 36641
under sections 3737.88 to 3737.89 of the Revised Code, the 36642
director may certify the amount needed to the director of budget 36643
and management. Upon certification, the director of budget and 36644
management may transfer from the underground storage tank 36645
revolving loan fund to the underground storage tank administration 36646
fund any amount up to, but not exceeding, the amount certified by 36647
the director of commerce. 36648~~

~~(E) The fire marshal shall take all actions necessary to 36649
obtain any federal funding available to carry out the fire 36650
marshal's responsibilities under sections 3737.88 to 3737.89 of 36651
the Revised Code and federal laws regarding the cleaning up of 36652
releases of petroleum, as "release" is defined in section 3737.87 36653
of the Revised Code, including, without limitation, any federal 36654
funds that are available to reimburse the state for the costs of 36655
undertaking corrective actions for such releases of petroleum. The 36656
state may, when appropriate, return to the United States any 36657~~

federal funds recovered under sections 3737.882 and 3737.89 of the Revised Code. 36658
36659

Sec. 3737.88. (A)(1) The fire marshal shall have 36660
responsibility for implementation of the underground storage tank 36661
program and corrective action program for releases of petroleum 36662
from underground storage tanks established by the "Resource 36663
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 36664
6901, as amended. To implement the programs, the fire marshal may 36665
adopt, amend, and rescind such rules, conduct such inspections, 36666
require annual registration of underground storage tanks, issue 36667
such citations and orders to enforce those rules, enter into 36668
environmental covenants in accordance with sections 5301.80 to 36669
5301.92 of the Revised Code, and perform such other duties, as are 36670
consistent with those programs. The fire marshal, by rule, may 36671
delegate the authority to conduct inspections of underground 36672
storage tanks to certified fire safety inspectors. 36673

(2) In the place of any rules regarding release containment 36674
and release detection for underground storage tanks adopted under 36675
division (A)(1) of this section, the fire marshal, by rule, shall 36676
designate areas as being sensitive for the protection of human 36677
health and the environment and adopt alternative rules regarding 36678
release containment and release detection methods for new and 36679
upgraded underground storage tank systems located in those areas. 36680
In designating such areas, the fire marshal shall take into 36681
consideration such factors as soil conditions, hydrogeology, water 36682
use, and the location of public and private water supplies. Not 36683
later than July 11, 1990, the fire marshal shall file the rules 36684
required under this division with the secretary of state, director 36685
of the legislative service commission, and joint committee on 36686
agency rule review in accordance with divisions (B) and (C) of 36687
section 119.03 of the Revised Code. 36688

(3) Notwithstanding sections 3737.87 to 3737.89 of the Revised Code, a person who is not a responsible person, as determined by the fire marshal pursuant to this chapter, may conduct a voluntary action in accordance with Chapter 3746. of the Revised Code and rules adopted under it for either of the following:

(a) A class C release;

(b) A release, other than a class C release, that is subject to the rules adopted by the fire marshal under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action, provided that both of the following apply:

(i) The voluntary action also addresses hazardous substances or petroleum that is not subject to the rules adopted under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action.

(ii) The fire marshal has not issued an administrative order concerning the release or referred the release to the attorney general for enforcement.

The director of environmental protection, pursuant to section 3746.12 of the Revised Code, may issue a covenant not to sue to any person who properly completes a voluntary action with respect to any such release in accordance with Chapter 3746. of the Revised Code and rules adopted under it.

(B) Before adopting any rule under this section or section 3737.881 or 3737.882 of the Revised Code, the fire marshal shall file written notice of the proposed rule with the chairperson of the state fire council, and, within sixty days after notice is filed, the council may file responses to or comments on and may recommend alternative or supplementary rules to the fire marshal. At the end of the sixty-day period or upon the filing of responses, comments, or recommendations by the council, the fire

marshal may adopt the rule filed with the council or any 36720
alternative or supplementary rule recommended by the council. 36721

(C) The state fire council may recommend courses of action to 36722
be taken by the fire marshal in carrying out the fire marshal's 36723
duties under this section. The council shall file its 36724
recommendations in the office of the fire marshal, and, within 36725
sixty days after the recommendations are filed, the fire marshal 36726
shall file with the chairperson of the council comments on, and 36727
proposed action in response to, the recommendations. 36728

(D) For the purpose of sections 3737.87 to 3737.89 of the 36729
Revised Code, the fire marshal shall adopt, and may amend and 36730
rescind, rules identifying or listing hazardous substances. The 36731
rules shall be consistent with and equivalent in scope, coverage, 36732
and content to regulations identifying or listing hazardous 36733
substances adopted under the "Comprehensive Environmental 36734
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 36735
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 36736
not identify or list as a hazardous substance any hazardous waste 36737
identified or listed in rules adopted under division (A) of 36738
section 3734.12 of the Revised Code. 36739

(E) Except as provided in division (A)(3) of this section, 36740
the fire marshal shall have exclusive jurisdiction to regulate the 36741
storage, treatment, and disposal of petroleum contaminated soil 36742
generated from corrective actions undertaken in response to 36743
releases of petroleum from underground storage tank systems. The 36744
fire marshal may adopt, amend, or rescind such rules as the fire 36745
marshal considers to be necessary or appropriate to regulate the 36746
storage, treatment, or disposal of petroleum contaminated soil so 36747
generated. 36748

(F) The fire marshal shall adopt, amend, and rescind rules 36749
under sections 3737.88 to ~~3737.883~~ 3737.882 of the Revised Code in 36750
accordance with Chapter 119. of the Revised Code. 36751

Sec. 3737.882. (A) If, after an examination or inspection, 36752
the fire marshal or an assistant fire marshal finds that a release 36753
of petroleum is suspected, the fire marshal shall take such action 36754
as the fire marshal considers necessary to ensure that a suspected 36755
release is confirmed or disproved and, if the occurrence of a 36756
release is confirmed, to correct the release. These actions may 36757
include one or more of the following: 36758

(1) Issuance of a citation and order requiring the 36759
responsible person to undertake, in a manner consistent with the 36760
requirements of section 9003 of the "Resource Conservation and 36761
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 36762
amended, applicable regulations adopted thereunder, and rules 36763
adopted under division (B) of this section, such actions as are 36764
necessary to protect human health and the environment, including, 36765
without limitation, the investigation of a suspected release; 36766

(2) Requesting the attorney general to bring a civil action 36767
for appropriate relief, including a temporary restraining order or 36768
preliminary or permanent injunction, in the court of common pleas 36769
of the county in which a suspected release is located or in which 36770
the release occurred, to obtain the corrective action necessary to 36771
protect human health and the environment. In granting any such 36772
relief, the court shall ensure that the terms of the temporary 36773
restraining order or injunction are sufficient to provide 36774
comprehensive corrective action to protect human health and the 36775
environment. 36776

(3) Entry onto premises and undertaking corrective action 36777
with respect to a release of petroleum if, in the fire marshal's 36778
judgment, such action is necessary to protect human health and the 36779
environment. Any corrective action undertaken by the fire marshal 36780
or assistant fire marshal under division (A)(3) of this section 36781
shall be consistent with the requirements of sections 9003 and 36782

9005 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, applicable regulations adopted thereunder, and rules adopted under division (B) of this section.

(B) The fire marshal shall adopt, and may amend and rescind, such rules as the fire marshal considers necessary to establish standards for corrective actions for suspected and confirmed releases of petroleum and standards for the recovery of costs incurred for undertaking corrective or enforcement actions with respect to such releases. The rules also shall include requirements for financial responsibility for the cost of corrective actions for and compensation of bodily injury and property damage incurred by third parties that are caused by releases of petroleum. Rules regarding financial responsibility shall, without limitation, require responsible persons to provide evidence that the parties guaranteeing payment of the deductible amount established under division (E) or (F) of section 3737.91 of the Revised Code are, at a minimum, secondarily liable for all corrective action and third-party liability costs incurred within the scope of the deductible amount. The rules shall be consistent with sections 9003 and 9005 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and applicable regulations adopted thereunder.

(C)(1) No person shall violate or fail to comply with a rule adopted under division (A) of section 3737.88 of the Revised Code or division (B) of this section, and no person shall violate or fail to comply with the terms of any order issued under division (A) of section 3737.88 of the Revised Code or division (A)(1) of this section.

(2) Whoever violates division (C)(1) of this section or division (F) of section 3737.881 of the Revised Code shall pay a

civil penalty of not more than ten thousand dollars for each day 36815
that the violation continues. The fire marshal may, by order, 36816
assess a civil penalty under this division, or the fire marshal 36817
may request the attorney general to bring a civil action for 36818
imposition of the civil penalty in the court of common pleas of 36819
the county in which the violation occurred. If the fire marshal 36820
determines that a responsible person is in violation of division 36821
(C)(1) of this section or division (F) of section 3737.881 of the 36822
Revised Code, the fire marshal may request the attorney general to 36823
bring a civil action for appropriate relief, including a temporary 36824
restraining order or preliminary or permanent injunction, in the 36825
court of common pleas of the county in which the underground 36826
storage tank or, in the case of a violation of division (F)(3) of 36827
section 3737.881 of the Revised Code, the training program that is 36828
the subject of the violation is located. The court shall issue a 36829
temporary restraining order or an injunction upon a demonstration 36830
that a violation of division (C)(1) of this section or division 36831
(F) of section 3737.881 of the Revised Code has occurred or is 36832
occurring. 36833

Any action brought by the attorney general under this 36834
division is a civil action, governed by the Rules of Civil 36835
Procedure and other rules of practice and procedure applicable to 36836
civil actions. 36837

~~Nothing in section 3737.883 of the Revised Code limits the 36838
powers of the fire marshal or the attorney general under this 36839
division. 36840~~

(D) Orders issued under division (A) of section 3737.88 of 36841
the Revised Code and divisions (A)(1) and (C) of this section, and 36842
appeals thereof, are subject to and governed by Chapter 3745. of 36843
the Revised Code. Such orders shall be issued without the 36844
necessity for issuance of a proposed action under that chapter. 36845
For purposes of appeals of any such orders, the term "director" as 36846

used in Chapter 3745. of the Revised Code includes the fire 36847
marshal and an assistant fire marshal. 36848

(E) Any restrictions on the use of real property for the 36849
purpose of the achievement by an owner or operator of applicable 36850
standards pursuant to rules adopted under division (B) of this 36851
section shall be contained in a deed or in another instrument that 36852
is signed and acknowledged by the property owner in the same 36853
manner as a deed or an environmental covenant that is entered into 36854
in accordance with sections 5301.80 to 5301.92 of the Revised 36855
Code. The deed, other instrument containing the restrictions, or 36856
environmental covenant shall be filed and recorded in the office 36857
of the county recorder of the county in which the property is 36858
located. Pursuant to Chapter 5309. of the Revised Code, if the use 36859
restrictions or environmental covenant are connected with 36860
registered land, as defined in section 5309.01 of the Revised 36861
Code, the restrictions or environmental covenant shall be entered 36862
as a memorial on the page of the register where the title of the 36863
owner is registered. 36864

(F) Any restrictions on the use of real property for the 36865
purpose of the achievement by a person that is not a responsible 36866
person, or by a person undertaking a voluntary action of 36867
applicable standards pursuant to rules adopted under division (B) 36868
of this section shall be contained in an environmental covenant 36869
that is entered into in accordance with sections 5301.80 to 36870
5301.92 of the Revised Code. The environmental covenant shall be 36871
filed and recorded in the office of the county recorder of the 36872
county in which the property is located. Pursuant to Chapter 5309. 36873
of the Revised Code, if the environmental covenant is connected 36874
with registered land, as defined in section 5309.01 of the Revised 36875
Code, the environmental covenant shall be entered as a memorial on 36876
the page of the register where the title of the owner is 36877
registered. 36878

Sec. 3740.01. As used in this chapter:	36879
(A) "Community-based long-term care provider" means a provider, as defined in section 173.39 of the Revised Code.	36880 36881
(B) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.	36882 36883
(C) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	36884 36885
(D) "Direct care" means any of the following:	36886
(1) Any service identified in divisions (G)(1) to (6) of this section that is provided in a patient's place of residence used as the patient's home;	36887 36888 36889
(2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;	36890 36891 36892 36893
(3) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.	36894 36895 36896
(E) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	36897 36898 36899
(F) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.	36900 36901 36902 36903 36904
(G) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, pediatric respite care program, informal respite care	36905 36906 36907

provider, provider certified by the department of developmental 36908
disabilities under Chapter 5123. of the Revised Code, residential 36909
facility licensed under section 5119.34 or 5123.19 of the Revised 36910
Code, shared living provider, or immediate family member, that has 36911
the primary function of providing any of the following services to 36912
a patient at a place of residence used as the patient's home: 36913

- (1) Skilled nursing care; 36914
- (2) Physical therapy; 36915
- (3) Occupational therapy; 36916
- (4) Speech-language pathology; 36917
- (5) Medical social services; 36918
- (6) Home health aide services. 36919

(H) "Home health aide services" means any of the following 36920
services provided by an employee of a home health agency: 36921

- (1) Hands-on bathing or assistance with a tub bath or shower; 36922
- (2) Assistance with dressing, ambulation, and toileting; 36923
- (3) Catheter care but not insertion; 36924
- (4) Meal preparation and feeding. 36925

(I) "Hospice care program" and "pediatric respite care 36926
program" have the same meanings as in section 3712.01 of the 36927
Revised Code. 36928

(J) "Immediate family member" means a parent, stepparent, 36929
grandparent, legal guardian, grandchild, brother, sister, 36930
stepsibling, spouse, son, daughter, stepchild, aunt, uncle, 36931
mother-in-law, father-in-law, brother-in-law, sister-in-law, 36932
son-in-law, and daughter-in-law. 36933

(K) "Medical social services" means services provided by a 36934
social worker under the direction of a patient's attending 36935
physician. 36936

(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	36937 36938
(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the following:	36939 36940 36941 36942 36943
(1) A caregiver who is an immediate family member of the individual receiving direct care;	36944 36945
(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;	36946 36947 36948
(3) A volunteer;	36949
(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;	36950 36951 36952
(5) A person who provides privately funded child care;	36953
(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code;	36954 36955 36956
<u>(7) A person who operates a residential facility licensed under section 5119.34 of the Revised Code.</u>	36957 36958
(N) "Nonmedical home health services" means any of the following:	36959 36960
(1) Any service identified in divisions (H)(1) to (4) of this section;	36961 36962
(2) Personal care services;	36963
(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section	36964 36965

3740.10 of the Revised Code.	36966
(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	36967 36968 36969
(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	36970 36971
(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:	36972 36973
(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;	36974 36975 36976
(2) Assistance managing the individual's home and handling personal affairs;	36977 36978
(3) Assistance with self-administration of medications;	36979
(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;	36980 36981 36982 36983
(5) Respite services for the individual's caregiver;	36984
(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.	36985 36986 36987
(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	36988 36989
(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.	36990 36991
(T) "Skilled home health services" means any of the following:	36992 36993
(1) Any service identified in divisions (G)(1) to (5) of this	36994

section; 36995

(2) Any other service the director of health designates as a 36996
skilled home health service in rules adopted under section 3740.10 36997
of the Revised Code. 36998

~~(U)~~(T) "Social worker" means a person licensed under Chapter 36999
4757. of the Revised Code to practice as a social worker or 37000
independent social worker. 37001

~~(V)~~(U) "Speech-language pathology" has the same meaning as in 37002
section 4753.01 of the Revised Code. 37003

~~(W)~~(V) "Waiver agency" has the same meaning as in section 37004
5164.342 of the Revised Code. 37005

Sec. 3742.11. (A) As used in this section, "renovation, 37006
repair, and painting rule" means the rule adopted by the United 37007
States environmental protection agency pursuant to the "Toxic 37008
Substances Control Act of 1978," 15 U.S.C. 2601. 37009

(B) The director of health may enter into agreements with the 37010
United States environmental protection agency for the 37011
administration and enforcement of the renovation, repair, and 37012
painting rule. The director also may accept available assistance 37013
in support of any agreement. 37014

(C) The director may adopt rules in accordance with Chapter 37015
119. of the Revised Code for the administration and enforcement of 37016
this section. If the director adopts such rules, the director 37017
shall specify all of the following in the rules: 37018

(1) Provisions governing application for certification, 37019
approval and denial of certification, and renewal, suspension, and 37020
revocation of certification under this section; 37021

(2) Fees for any certification issued or renewed under this 37022
section; 37023

<u>(3) Requirements for training and certification, which must</u>	37024
<u>include levels of training and periodic refresher training for</u>	37025
<u>certifications issued under this section;</u>	37026
<u>(4) Procedures to be followed by a person certified under</u>	37027
<u>this section to undertake renovation, repair, and painting</u>	37028
<u>projects and to prevent public exposure to lead hazards and ensure</u>	37029
<u>worker protection during renovation, repair, or painting projects;</u>	37030
<u>(5) Provisions governing the imposition of civil penalties</u>	37031
<u>for violations of procedures adopted under this section. Civil</u>	37032
<u>penalties shall not exceed five thousand dollars per violation.</u>	37033
<u>(6) Record-keeping and reporting requirements for a person</u>	37034
<u>certified under this section;</u>	37035
<u>(7) Procedures for the approval of training providers under</u>	37036
<u>this section, including specific training course requirements;</u>	37037
<u>(8) Any other procedures and requirements that the director</u>	37038
<u>determines necessary for the implementation of this section.</u>	37039
Sec. 3745.11. (A) Applicants for and holders of permits,	37040
licenses, variances, plan approvals, and certifications issued by	37041
the director of environmental protection pursuant to Chapters	37042
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee	37043
to the environmental protection agency for each such issuance and	37044
each application for an issuance as provided by this section. No	37045
fee shall be charged for any issuance for which no application has	37046
been submitted to the director.	37047
(B) Except as otherwise provided in division (C)(2) of this	37048
section, beginning July 1, 1994, each person who owns or operates	37049
an air contaminant source and who is required to apply for and	37050
obtain a Title V permit under section 3704.036 of the Revised Code	37051
shall pay the fees set forth in this division. For the purposes of	37052
this division, total emissions of air contaminants may be	37053

calculated using engineering calculations, emissions factors, 37054
material balance calculations, or performance testing procedures, 37055
as authorized by the director. 37056

The following fees shall be assessed on the total actual 37057
emissions from a source in tons per year of the regulated 37058
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 37059
organic compounds, and lead: 37060

(1) Fifteen dollars per ton on the total actual emissions of 37061
each such regulated pollutant during the period July through 37062
December 1993, to be collected no sooner than July 1, 1994; 37063

(2) Twenty dollars per ton on the total actual emissions of 37064
each such regulated pollutant during calendar year 1994, to be 37065
collected no sooner than April 15, 1995; 37066

(3) Twenty-five dollars per ton on the total actual emissions 37067
of each such regulated pollutant in calendar year 1995, and each 37068
subsequent calendar year, to be collected no sooner than the 37069
fifteenth day of April of the year next succeeding the calendar 37070
year in which the emissions occurred. 37071

The fees levied under this division do not apply to that 37072
portion of the emissions of a regulated pollutant at a facility 37073
that exceed four thousand tons during a calendar year. 37074

(C)(1) The fees assessed under division (B) of this section 37075
are for the purpose of providing funding for the Title V permit 37076
program. 37077

(2) The fees assessed under division (B) of this section do 37078
not apply to emissions from any electric generating unit 37079
designated as a Phase I unit under Title IV of the federal Clean 37080
Air Act prior to calendar year 2000. Those fees shall be assessed 37081
on the emissions from such a generating unit commencing in 37082
calendar year 2001 based upon the total actual emissions from the 37083
generating unit during calendar year 2000 and shall continue to be 37084

assessed each subsequent calendar year based on the total actual 37085
emissions from the generating unit during the preceding calendar 37086
year. 37087

(3) The director shall issue invoices to owners or operators 37088
of air contaminant sources who are required to pay a fee assessed 37089
under division (B) or (D) of this section. Any such invoice shall 37090
be issued no sooner than the applicable date when the fee first 37091
may be collected in a year under the applicable division, shall 37092
identify the nature and amount of the fee assessed, and shall 37093
indicate that the fee is required to be paid within thirty days 37094
after the issuance of the invoice. 37095

(D)(1) Except as provided in division (D)(2) of this section, 37096
beginning January 1, 2004, each person who owns or operates an air 37097
contaminant source; who is required to apply for a permit to 37098
operate pursuant to rules adopted under division (G), or a 37099
variance pursuant to division (H), of section 3704.03 of the 37100
Revised Code; and who is not required to apply for and obtain a 37101
Title V permit under section 3704.03 of the Revised Code shall pay 37102
a single fee based upon the sum of the actual annual emissions 37103
from the facility of the regulated pollutants particulate matter, 37104
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 37105
accordance with the following schedule: 37106

Total tons per year		37107
of regulated pollutants	Annual fee	37108
emitted	per facility	37109
More than 0, but less than 10	\$ 100	37110
10 or more, but less than 50	200	37111
50 or more, but less than 100	300	37112
100 or more	700	37113

(2)(a) As used in division (D) of this section, "synthetic 37114
minor facility" means a facility for which one or more permits to 37115
install or permits to operate have been issued for the air 37116

contaminant sources at the facility that include terms and 37117
conditions that lower the facility's potential to emit air 37118
contaminants below the major source thresholds established in 37119
rules adopted under section 3704.036 of the Revised Code. 37120

(b) Beginning January 1, 2000, through June 30, ~~2024~~ 2026, 37121
each person who owns or operates a synthetic minor facility shall 37122
pay an annual fee based on the sum of the actual annual emissions 37123
from the facility of particulate matter, sulfur dioxide, nitrogen 37124
dioxide, organic compounds, and lead in accordance with the 37125
following schedule: 37126

Combined total tons 37127		
per year of all regulated 37128	Annual fee	
pollutants emitted 37129	per facility	
Less than 10 37130	\$ 170	
10 or more, but less than 20 37131	340	
20 or more, but less than 30 37132	670	
30 or more, but less than 40 37133	1,010	
40 or more, but less than 50 37134	1,340	
50 or more, but less than 60 37135	1,680	
60 or more, but less than 70 37136	2,010	
70 or more, but less than 80 37137	2,350	
80 or more, but less than 90 37138	2,680	
90 or more, but less than 100 37139	3,020	
100 or more 37140	3,350	

(3) The fees assessed under division (D)(1) of this section 37141
shall be collected annually no sooner than the fifteenth day of 37142
April, commencing in 2005. The fees assessed under division (D)(2) 37143
of this section shall be collected no sooner than the fifteenth 37144
day of April, commencing in 2000. The fees assessed under division 37145
(D) of this section in a calendar year shall be based upon the sum 37146
of the actual emissions of those regulated pollutants during the 37147
preceding calendar year. For the purpose of division (D) of this 37148

section, emissions of air contaminants may be calculated using 37149
engineering calculations, emission factors, material balance 37150
calculations, or performance testing procedures, as authorized by 37151
the director. The director, by rule, may require persons who are 37152
required to pay the fees assessed under division (D) of this 37153
section to pay those fees biennially rather than annually. 37154

(E)(1) Consistent with the need to cover the reasonable costs 37155
of the Title V permit program, the director annually shall 37156
increase the fees prescribed in division (B) of this section by 37157
the percentage, if any, by which the consumer price index for the 37158
most recent calendar year ending before the beginning of a year 37159
exceeds the consumer price index for calendar year 1989. Upon 37160
calculating an increase in fees authorized by division (E)(1) of 37161
this section, the director shall compile revised fee schedules for 37162
the purposes of division (B) of this section and shall make the 37163
revised schedules available to persons required to pay the fees 37164
assessed under that division and to the public. 37165

(2) For the purposes of division (E)(1) of this section: 37166

(a) The consumer price index for any year is the average of 37167
the consumer price index for all urban consumers published by the 37168
United States department of labor as of the close of the 37169
twelve-month period ending on the thirty-first day of August of 37170
that year. 37171

(b) If the 1989 consumer price index is revised, the director 37172
shall use the revision of the consumer price index that is most 37173
consistent with that for calendar year 1989. 37174

(F) Each person who is issued a permit to install pursuant to 37175
rules adopted under division (F) of section 3704.03 of the Revised 37176
Code on or after July 1, 2003, shall pay the fees specified in the 37177
following schedules: 37178

(1) Fuel-burning equipment (boilers, furnaces, or process 37179

heaters used in the process of burning fuel for the primary		37180
purpose of producing heat or power by indirect heat transfer)		37181
Input capacity (maximum)		37182
(million British thermal units per hour)	Permit to install	37183
Greater than 0, but less than 10	\$ 200	37184
10 or more, but less than 100	400	37185
100 or more, but less than 300	1000	37186
300 or more, but less than 500	2250	37187
500 or more, but less than 1000	3750	37188
1000 or more, but less than 5000	6000	37189
5000 or more	9000	37190
Units burning exclusively natural gas, number two fuel oil,		37191
or both shall be assessed a fee that is one-half the applicable		37192
amount shown in division (F)(1) of this section.		37193
(2) Combustion turbines and stationary internal combustion		37194
engines designed to generate electricity		37195
Generating capacity (mega watts)	Permit to install	37196
0 or more, but less than 10	\$ 25	37197
10 or more, but less than 25	150	37198
25 or more, but less than 50	300	37199
50 or more, but less than 100	500	37200
100 or more, but less than 250	1000	37201
250 or more	2000	37202
(3) Incinerators		37203
Input capacity (pounds per hour)	Permit to install	37204
0 to 100	\$ 100	37205
101 to 500	500	37206
501 to 2000	1000	37207
2001 to 20,000	1500	37208
more than 20,000	3750	37209
(4)(a) Process		37210

Process weight rate (pounds per hour)	Permit to install	37211
0 to 1000	\$ 200	37212
1001 to 5000	500	37213
5001 to 10,000	750	37214
10,001 to 50,000	1000	37215
more than 50,000	1250	37216

In any process where process weight rate cannot be 37217
ascertained, the minimum fee shall be assessed. A boiler, furnace, 37218
combustion turbine, stationary internal combustion engine, or 37219
process heater designed to provide direct heat or power to a 37220
process not designed to generate electricity shall be assessed a 37221
fee established in division (F)(4)(a) of this section. A 37222
combustion turbine or stationary internal combustion engine 37223
designed to generate electricity shall be assessed a fee 37224
established in division (F)(2) of this section. 37225

(b) Notwithstanding division (F)(4)(a) of this section, any 37226
person issued a permit to install pursuant to rules adopted under 37227
division (F) of section 3704.03 of the Revised Code shall pay the 37228
fees set forth in division (F)(4)(c) of this section for a process 37229
used in any of the following industries, as identified by the 37230
applicable two-digit, three-digit, or four-digit standard 37231
industrial classification code according to the Standard 37232
Industrial Classification Manual published by the United States 37233
office of management and budget in the executive office of the 37234
president, 1987, as revised: 37235

Major group 10, metal mining; 37236

Major group 12, coal mining; 37237

Major group 14, mining and quarrying of nonmetallic minerals; 37238

Industry group 204, grain mill products; 37239

2873 Nitrogen fertilizers; 37240

2874 Phosphatic fertilizers; 37241

3281 Cut stone and stone products;		37242
3295 Minerals and earth, ground or otherwise treated;		37243
4221 Grain elevators (storage only);		37244
5159 Farm related raw materials;		37245
5261 Retail nurseries and lawn and garden supply stores.		37246
(c) The fees set forth in the following schedule apply to the		37247
issuance of a permit to install pursuant to rules adopted under		37248
division (F) of section 3704.03 of the Revised Code for a process		37249
identified in division (F)(4)(b) of this section:		37250
Process weight rate (pounds per	Permit to install	37251
hour)		
0 to 10,000	\$ 200	37252
10,001 to 50,000	400	37253
50,001 to 100,000	500	37254
100,001 to 200,000	600	37255
200,001 to 400,000	750	37256
400,001 or more	900	37257
(5) Storage tanks		37258
Gallons (maximum useful capacity)	Permit to install	37259
0 to 20,000	\$ 100	37260
20,001 to 40,000	150	37261
40,001 to 100,000	250	37262
100,001 to 500,000	400	37263
500,001 or greater	750	37264
(6) Gasoline/fuel dispensing facilities		37265
For each gasoline/fuel		37266
dispensing facility (includes all	Permit to install	37267
units at the facility)	\$ 100	37268
(7) Dry cleaning facilities		37269
For each dry cleaning		37270

facility (includes all units	Permit to install	37271
at the facility)	\$ 100	37272
(8) Registration status		37273
For each source covered	Permit to install	37274
by registration status	\$ 75	37275
(G) An owner or operator who is responsible for an asbestos		37276
demolition or renovation project pursuant to rules adopted under		37277
section 3704.03 of the Revised Code shall pay, upon submitting a		37278
notification pursuant to rules adopted under that section, the		37279
fees set forth in the following schedule:		37280
Action	Fee	37281
Each notification	\$75	37282
Asbestos removal	\$3/unit	37283
Asbestos cleanup	\$4/cubic yard	37284
For purposes of this division, "unit" means any combination of		37285
linear feet or square feet equal to fifty.		37286
(H) A person who is issued an extension of time for a permit		37287
to install an air contaminant source pursuant to rules adopted		37288
under division (F) of section 3704.03 of the Revised Code shall		37289
pay a fee equal to one-half the fee originally assessed for the		37290
permit to install under this section, except that the fee for such		37291
an extension shall not exceed two hundred dollars.		37292
(I) A person who is issued a modification to a permit to		37293
install an air contaminant source pursuant to rules adopted under		37294
section 3704.03 of the Revised Code shall pay a fee equal to		37295
one-half of the fee that would be assessed under this section to		37296
obtain a permit to install the source. The fee assessed by this		37297
division only applies to modifications that are initiated by the		37298
owner or operator of the source and shall not exceed two thousand		37299
dollars.		37300
(J) Notwithstanding division (F) of this section, a person		37301

who applies for or obtains a permit to install pursuant to rules 37302
adopted under division (F) of section 3704.03 of the Revised Code 37303
after the date actual construction of the source began shall pay a 37304
fee for the permit to install that is equal to twice the fee that 37305
otherwise would be assessed under the applicable division unless 37306
the applicant received authorization to begin construction under 37307
division (W) of section 3704.03 of the Revised Code. This division 37308
only applies to sources for which actual construction of the 37309
source begins on or after July 1, 1993. The imposition or payment 37310
of the fee established in this division does not preclude the 37311
director from taking any administrative or judicial enforcement 37312
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 37313
of the Revised Code, or a rule adopted under any of them, in 37314
connection with a violation of rules adopted under division (F) of 37315
section 3704.03 of the Revised Code. 37316

As used in this division, "actual construction of the source" 37317
means the initiation of physical on-site construction activities 37318
in connection with improvements to the source that are permanent 37319
in nature, including, without limitation, the installation of 37320
building supports and foundations and the laying of underground 37321
pipework. 37322

(K)(1) Money received under division (B) of this section 37323
shall be deposited in the state treasury to the credit of the 37324
Title V clean air fund created in section 3704.035 of the Revised 37325
Code. Annually, not more than fifty cents per ton of each fee 37326
assessed under division (B) of this section on actual emissions 37327
from a source and received by the environmental protection agency 37328
pursuant to that division may be transferred by the director using 37329
an interstate transfer voucher to the state treasury to the credit 37330
of the small business assistance fund created in section 3706.19 37331
of the Revised Code. In addition, annually, the amount of money 37332
necessary for the operation of the office of ombudsperson as 37333

determined under division (B) of that section shall be transferred 37334
to the state treasury to the credit of the small business 37335
ombudsperson fund created by that section. 37336

(2) Money received by the agency pursuant to divisions (D), 37337
(F), (G), (H), (I), and (J) of this section shall be deposited in 37338
the state treasury to the credit of the non-Title V clean air fund 37339
created in section 3704.035 of the Revised Code. 37340

(L)(1) A person applying for a plan approval for a wastewater 37341
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 37342
of the Revised Code shall pay a nonrefundable fee of one hundred 37343
dollars plus sixty-five one-hundredths of one per cent of the 37344
estimated project cost through June 30, ~~2024~~ 2026, and a 37345
nonrefundable application fee of one hundred dollars plus 37346
two-tenths of one per cent of the estimated project cost on and 37347
after July 1, ~~2024~~ 2026, except that the total fee shall not 37348
exceed fifteen thousand dollars through June 30, ~~2024~~ 2026, and 37349
five thousand dollars on and after July 1, ~~2024~~ 2026. The fee 37350
shall be paid at the time the application is submitted. 37351

(2) A person who has entered into an agreement with the 37352
director under section 6111.14 of the Revised Code shall pay an 37353
administrative service fee for each plan submitted under that 37354
section for approval that shall not exceed the minimum amount 37355
necessary to pay administrative costs directly attributable to 37356
processing plan approvals. The director annually shall calculate 37357
the fee and shall notify all persons who have entered into 37358
agreements under that section, or who have applied for agreements, 37359
of the amount of the fee. 37360

(3)(a)(i) Not later than January 30, ~~2022~~ 2024, and January 37361
30, ~~2023~~ 2025, a person holding an NPDES discharge permit issued 37362
pursuant to Chapter 6111. of the Revised Code with an average 37363
daily discharge flow of five thousand gallons or more shall pay a 37364
nonrefundable annual discharge fee. Any person who fails to pay 37365

the fee at that time shall pay an additional amount that equals 37366
ten per cent of the required annual discharge fee. 37367

(ii) The billing year for the annual discharge fee 37368
established in division (L)(3)(a)(i) of this section shall consist 37369
of a twelve-month period beginning on the first day of January of 37370
the year preceding the date when the annual discharge fee is due. 37371
In the case of an existing source that permanently ceases to 37372
discharge during a billing year, the director shall reduce the 37373
annual discharge fee, including the surcharge applicable to 37374
certain industrial facilities pursuant to division (L)(3)(c) of 37375
this section, by one-twelfth for each full month during the 37376
billing year that the source was not discharging, but only if the 37377
person holding the NPDES discharge permit for the source notifies 37378
the director in writing, not later than the first day of October 37379
of the billing year, of the circumstances causing the cessation of 37380
discharge. 37381

(iii) The annual discharge fee established in division 37382
(L)(3)(a)(i) of this section, except for the surcharge applicable 37383
to certain industrial facilities pursuant to division (L)(3)(c) of 37384
this section, shall be based upon the average daily discharge flow 37385
in gallons per day calculated using first day of May through 37386
thirty-first day of October flow data for the period two years 37387
prior to the date on which the fee is due. In the case of NPDES 37388
discharge permits for new sources, the fee shall be calculated 37389
using the average daily design flow of the facility until actual 37390
average daily discharge flow values are available for the time 37391
period specified in division (L)(3)(a)(iii) of this section. The 37392
annual discharge fee may be prorated for a new source as described 37393
in division (L)(3)(a)(ii) of this section. 37394

(b)(i) An NPDES permit holder that is a public discharger 37395
shall pay the fee specified in the following schedule: 37396
Average daily Fee due by 37397

discharge flow	January 30,	37398
	2022 <u>2024</u> , and	37399
	January 30, 2023	37400
	<u>2025</u>	
5,000 to 49,999	\$ 200	37401
50,000 to 100,000	500	37402
100,001 to 250,000	1,050	37403
250,001 to 1,000,000	2,600	37404
1,000,001 to 5,000,000	5,200	37405
5,000,001 to 10,000,000	10,350	37406
10,000,001 to 20,000,000	15,550	37407
20,000,001 to 50,000,000	25,900	37408
50,000,001 to 100,000,000	41,400	37409
100,000,001 or more	62,100	37410

(ii) Public dischargers owning or operating two or more 37411
publicly owned treatment works serving the same political 37412
subdivision, as "treatment works" is defined in section 6111.01 of 37413
the Revised Code, and that serve exclusively political 37414
subdivisions having a population of fewer than one hundred 37415
thousand persons shall pay an annual discharge fee under division 37416
(L)(3)(b)(i) of this section that is based on the combined average 37417
daily discharge flow of the treatment works. 37418

(c)(i) An NPDES permit holder that is an industrial 37419
discharger, other than a coal mining operator identified by P in 37420
the third character of the permittee's NPDES permit number, shall 37421
pay the fee specified in the following schedule: 37422

Average daily	Fee due by	37423
discharge flow	January 30,	37424
	2022 <u>2024</u> , and	37425
	January 30, 2023	37426
	<u>2025</u>	
5,000 to 49,999	\$ 250	37427

50,000 to 250,000	1,200	37428
250,001 to 1,000,000	2,950	37429
1,000,001 to 5,000,000	5,850	37430
5,000,001 to 10,000,000	8,800	37431
10,000,001 to 20,000,000	11,700	37432
20,000,001 to 100,000,000	14,050	37433
100,000,001 to 250,000,000	16,400	37434
250,000,001 or more	18,700	37435

(ii) In addition to the fee specified in the above schedule, 37436
an NPDES permit holder that is an industrial discharger classified 37437
as a major discharger during all or part of the annual discharge 37438
fee billing year specified in division (L)(3)(a)(ii) of this 37439
section shall pay a nonrefundable annual surcharge of seven 37440
thousand five hundred dollars not later than January 30, ~~2022~~ 37441
2024, and not later than January 30, ~~2023~~ 2025. Any person who 37442
fails to pay the surcharge at that time shall pay an additional 37443
amount that equals ten per cent of the amount of the surcharge. 37444

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 37445
section, a public discharger, that is not a separate municipal 37446
storm sewer system, identified by I in the third character of the 37447
permittee's NPDES permit number and an industrial discharger 37448
identified by I, J, L, V, W, X, Y, or Z in the third character of 37449
the permittee's NPDES permit number shall pay a nonrefundable 37450
annual discharge fee of one hundred eighty dollars not later than 37451
January 30, ~~2022~~ 2024, and not later than January 30, ~~2023~~ 2025. 37452
Any person who fails to pay the fee at that time shall pay an 37453
additional amount that equals ten per cent of the required fee. 37454

(4) Each person obtaining an NPDES permit for municipal storm 37455
water discharge shall pay a nonrefundable storm water annual 37456
discharge fee of ten dollars per one-tenth of a square mile of 37457
area permitted. The fee shall not exceed ten thousand dollars and 37458
shall be payable on or before January 30, 2004, and the thirtieth 37459

day of January of each year thereafter. Any person who fails to 37460
pay the fee on the date specified in division (L)(4) of this 37461
section shall pay an additional amount per year equal to ten per 37462
cent of the annual fee that is unpaid. 37463

(5) The director shall transmit all moneys collected under 37464
division (L) of this section to the treasurer of state for deposit 37465
into the state treasury to the credit of the surface water 37466
protection fund created in section 6111.038 of the Revised Code. 37467

(6) As used in this section: 37468

(a) "NPDES" means the federally approved national pollutant 37469
discharge elimination system individual and general program for 37470
issuing, modifying, revoking, reissuing, terminating, monitoring, 37471
and enforcing permits and imposing and enforcing pretreatment 37472
requirements under Chapter 6111. of the Revised Code and rules 37473
adopted under it. 37474

(b) "Public discharger" means any holder of an NPDES permit 37475
identified by P in the second character of the NPDES permit number 37476
assigned by the director. 37477

(c) "Industrial discharger" means any holder of an NPDES 37478
permit identified by I in the second character of the NPDES permit 37479
number assigned by the director. 37480

(d) "Major discharger" means any holder of an NPDES permit 37481
classified as major by the regional administrator of the United 37482
States environmental protection agency in conjunction with the 37483
director. 37484

(M) Through June 30, ~~2024~~ 2026, a person applying for a 37485
license or license renewal to operate a public water system under 37486
section 6109.21 of the Revised Code shall pay the appropriate fee 37487
established under this division at the time of application to the 37488
director. Any person who fails to pay the fee at that time shall 37489
pay an additional amount that equals ten per cent of the required 37490

fee. The director shall transmit all moneys collected under this 37491
division to the treasurer of state for deposit into the drinking 37492
water protection fund created in section 6109.30 of the Revised 37493
Code. 37494

Except as provided in divisions (M)(4) and (5) of this 37495
section, fees required under this division shall be calculated and 37496
paid in accordance with the following schedule: 37497

(1) For the initial license required under section 6109.21 of 37498
the Revised Code for any public water system that is a community 37499
water system as defined in section 6109.01 of the Revised Code, 37500
and for each license renewal required for such a system prior to 37501
January 31, ~~2024~~ 2026, the fee is: 37502

Number of service connections	Fee amount	
Not more than 49	\$ 112	37504
50 to 99	176	37505
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	37507
2,500 to 4,999	1.48	37508
5,000 to 7,499	1.42	37509
7,500 to 9,999	1.34	37510
10,000 to 14,999	1.16	37511
15,000 to 24,999	1.10	37512
25,000 to 49,999	1.04	37513
50,000 to 99,999	.92	37514
100,000 to 149,999	.86	37515
150,000 to 199,999	.80	37516
200,000 or more	.76	37517

A public water system may determine how it will pay the total 37518
amount of the fee calculated under division (M)(1) of this 37519
section, including the assessment of additional user fees that may 37520
be assessed on a volumetric basis. 37521

As used in division (M)(1) of this section, "service 37522

connection" means the number of active or inactive pipes, 37523
goosenecks, pigtails, and any other fittings connecting a water 37524
main to any building outlet. 37525

(2) For the initial license required under section 6109.21 of 37526
the Revised Code for any public water system that is not a 37527
community water system and serves a nontransient population, and 37528
for each license renewal required for such a system prior to 37529
January 31, ~~2024~~ 2026, the fee is: 37530

Population served	Fee amount	
Fewer than 150	\$ 112	37532
150 to 299	176	37533
300 to 749	384	37534
750 to 1,499	628	37535
1,500 to 2,999	1,268	37536
3,000 to 7,499	2,816	37537
7,500 to 14,999	5,510	37538
15,000 to 22,499	9,048	37539
22,500 to 29,999	12,430	37540
30,000 or more	16,820	37541

As used in division (M)(2) of this section, "population 37542
served" means the total number of individuals having access to the 37543
water supply during a twenty-four-hour period for at least sixty 37544
days during any calendar year. In the absence of a specific 37545
population count, that number shall be calculated at the rate of 37546
three individuals per service connection. 37547

(3) For the initial license required under section 6109.21 of 37548
the Revised Code for any public water system that is not a 37549
community water system and serves a transient population, and for 37550
each license renewal required for such a system prior to January 37551
31, ~~2024~~ 2026, the fee is: 37552

Number of wells or sources, other 37553 than surface water, supplying system	Fee amount
---	------------

1	\$112	37554
2	112	37555
3	176	37556
4	278	37557
5	568	37558
System designated as using a		37559
surface water source	792	37560
As used in division (M)(3) of this section, "number of wells		37561
or sources, other than surface water, supplying system" means		37562
those wells or sources that are physically connected to the		37563
plumbing system serving the public water system.		37564
(4) A public water system designated as using a surface water		37565
source shall pay a fee of seven hundred ninety-two dollars or the		37566
amount calculated under division (M)(1) or (2) of this section,		37567
whichever is greater.		37568
(5) An applicant for an initial license who is proposing to		37569
operate a new public water supply system shall submit a fee that		37570
equals a prorated amount of the appropriate fee for the remainder		37571
of the licensing year.		37572
(N)(1) A person applying for a plan approval for a public		37573
water supply system under section 6109.07 of the Revised Code		37574
shall pay a fee of one hundred fifty dollars plus thirty-five		37575
hundredths of one per cent of the estimated project cost, except		37576
that the total fee shall not exceed twenty thousand dollars		37577
through June 30, 2024 <u>2026</u> , and fifteen thousand dollars on and		37578
after July 1, 2024 <u>2026</u> . The fee shall be paid at the time the		37579
application is submitted.		37580
(2) A person who has entered into an agreement with the		37581
director under division (A)(2) of section 6109.07 of the Revised		37582
Code shall pay an administrative service fee for each plan		37583
submitted under that section for approval that shall not exceed		37584
the minimum amount necessary to pay administrative costs directly		37585

attributable to processing plan approvals. The director annually 37586
shall calculate the fee and shall notify all persons that have 37587
entered into agreements under that division, or who have applied 37588
for agreements, of the amount of the fee. 37589

(3) Through June 30, ~~2024~~ 2026, the following fee, on a per 37590
survey basis, shall be charged any person for services rendered by 37591
the state in the evaluation of laboratories and laboratory 37592
personnel for compliance with accepted analytical techniques and 37593
procedures established pursuant to Chapter 6109. of the Revised 37594
Code for determining the qualitative characteristics of water: 37595

microbiological		37596
MMO-MUG	\$2,000	37597
MF	2,100	37598
MMO-MUG and MF	2,550	37599
organic chemical	5,400	37600
trace metals	5,400	37601
standard chemistry	2,800	37602
limited chemistry	1,550	37603

On and after July 1, ~~2024~~ 2026, the following fee, on a per 37604
survey basis, shall be charged any such person: 37605

microbiological	\$ 1,650	37606
organic chemicals	3,500	37607
trace metals	3,500	37608
standard chemistry	1,800	37609
limited chemistry	1,000	37610

The fee for those services shall be paid at the time the request 37611
for the survey is made. Through June 30, ~~2024~~ 2026, an individual 37612
laboratory shall not be assessed a fee under this division more 37613
than once in any three-year period unless the person requests the 37614
addition of analytical methods or analysts, in which case the 37615
person shall pay five hundred dollars for each additional survey 37616
requested. 37617

As used in division (N)(3) of this section: 37618

(a) "MF" means membrane filtration. 37619

(b) "MMO" means minimal medium ONPG. 37620

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 37621

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 37622

The director shall transmit all moneys collected under this 37623
division to the treasurer of state for deposit into the drinking 37624
water protection fund created in section 6109.30 of the Revised 37625
Code. 37626

(O) Any person applying to the director to take an 37627
examination for certification as an operator of a water supply 37628
system or wastewater system under Chapter 6109. or 6111. of the 37629
Revised Code that is administered by the director, at the time the 37630
application is submitted, shall pay a fee in accordance with the 37631
following schedule through November 30, ~~2024~~ 2026: 37632

Class A operator	\$ 80	37633
Class I operator	105	37634
Class II operator	120	37635
Class III operator	130	37636
Class IV operator	145	37637

On and after December 1, ~~2024~~ 2026, the applicant shall pay a 37638
fee in accordance with the following schedule: 37639

Class A operator	\$ 50	37640
Class I operator	70	37641
Class II operator	80	37642
Class III operator	90	37643
Class IV operator	100	37644

Any person applying to the director for certification as an 37645
operator of a water supply system or wastewater system who has 37646
passed an examination administered by an examination provider 37647

approved by the director shall pay a certification fee of 37648
forty-five dollars. 37649

A person shall pay a biennial certification renewal fee for 37650
each applicable class of certification in accordance with the 37651
following schedule: 37652

Class A operator	\$25	37653
Class I operator	35	37654
Class II operator	45	37655
Class III operator	55	37656
Class IV operator	65	37657

If a certification renewal fee is received by the director 37658
more than thirty days, but not more than one year, after the 37659
expiration date of the certification, the person shall pay a 37660
certification renewal fee in accordance with the following 37661
schedule: 37662

Class A operator	\$45	37663
Class I operator	55	37664
Class II operator	65	37665
Class III operator	75	37666
Class IV operator	85	37667

A person who requests a replacement certificate shall pay a 37668
fee of twenty-five dollars at the time the request is made. 37669

Any person applying to be a water supply system or wastewater 37670
treatment system examination provider shall pay an application fee 37671
of five hundred dollars. Any person approved by the director as a 37672
water supply system or wastewater treatment system examination 37673
provider shall pay an annual fee that is equal to ten per cent of 37674
the fees that the provider assesses and collects for administering 37675
water supply system or wastewater treatment system certification 37676
examinations in this state for the calendar year. The fee shall be 37677
paid not later than forty-five days after the end of a calendar 37678
year. 37679

The director shall transmit all moneys collected under this 37680
division to the treasurer of state for deposit into the drinking 37681
water protection fund created in section 6109.30 of the Revised 37682
Code. 37683

(P) Any person submitting an application for an industrial 37684
water pollution control certificate under section 6111.31 of the 37685
Revised Code, as that section existed before its repeal by H.B. 95 37686
of the 125th general assembly, shall pay a nonrefundable fee of 37687
five hundred dollars at the time the application is submitted. The 37688
director shall transmit all moneys collected under this division 37689
to the treasurer of state for deposit into the surface water 37690
protection fund created in section 6111.038 of the Revised Code. A 37691
person paying a certificate fee under this division shall not pay 37692
an application fee under division (S)(1) of this section. On and 37693
after June 26, 2003, persons shall file such applications and pay 37694
the fee as required under sections 5709.20 to 5709.27 of the 37695
Revised Code, and proceeds from the fee shall be credited as 37696
provided in section 5709.212 of the Revised Code. 37697

(Q) Except as otherwise provided in division (R) of this 37698
section, a person issued a permit by the director for a new solid 37699
waste disposal facility other than an incineration or composting 37700
facility, a new infectious waste treatment facility other than an 37701
incineration facility, or a modification of such an existing 37702
facility that includes an increase in the total disposal or 37703
treatment capacity of the facility pursuant to Chapter 3734. of 37704
the Revised Code shall pay a fee of ten dollars per thousand cubic 37705
yards of disposal or treatment capacity, or one thousand dollars, 37706
whichever is greater, except that the total fee for any such 37707
permit shall not exceed eighty thousand dollars. A person issued a 37708
modification of a permit for a solid waste disposal facility or an 37709
infectious waste treatment facility that does not involve an 37710
increase in the total disposal or treatment capacity of the 37711

facility shall pay a fee of one thousand dollars. A person issued 37712
a permit to install a new, or modify an existing, solid waste 37713
transfer facility under that chapter shall pay a fee of two 37714
thousand five hundred dollars. A person issued a permit to install 37715
a new or to modify an existing solid waste incineration or 37716
composting facility, or an existing infectious waste treatment 37717
facility using incineration as its principal method of treatment, 37718
under that chapter shall pay a fee of one thousand dollars. The 37719
increases in the permit fees under this division resulting from 37720
the amendments made by Amended Substitute House Bill 592 of the 37721
117th general assembly do not apply to any person who submitted an 37722
application for a permit to install a new, or modify an existing, 37723
solid waste disposal facility under that chapter prior to 37724
September 1, 1987; any such person shall pay the permit fee 37725
established in this division as it existed prior to June 24, 1988. 37726
In addition to the applicable permit fee under this division, a 37727
person issued a permit to install or modify a solid waste facility 37728
or an infectious waste treatment facility under that chapter who 37729
fails to pay the permit fee to the director in compliance with 37730
division (V) of this section shall pay an additional ten per cent 37731
of the amount of the fee for each week that the permit fee is 37732
late. 37733

Permit and late payment fees paid to the director under this 37734
division shall be credited to the general revenue fund. 37735

(R)(1) A person issued a registration certificate for a scrap 37736
tire collection facility under section 3734.75 of the Revised Code 37737
shall pay a fee of two hundred dollars, except that if the 37738
facility is owned or operated by a motor vehicle salvage dealer 37739
licensed under Chapter 4738. of the Revised Code, the person shall 37740
pay a fee of twenty-five dollars. 37741

(2) A person issued a registration certificate for a new 37742
scrap tire storage facility under section 3734.76 of the Revised 37743

Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this

section shall be credited to the scrap tire management fund 37775
created in section 3734.82 of the Revised Code. 37776

(S)(1)(a) Except as otherwise provided, any person applying 37777
for a permit, variance, or plan approval under Chapter 6109. or 37778
6111. of the Revised Code shall pay a nonrefundable application 37779
fee of one hundred dollars at the time the application is 37780
submitted through June 30, ~~2024~~ 2026, and a nonrefundable 37781
application fee of fifteen dollars at the time the application is 37782
submitted on and after July 1, ~~2024~~ 2026. 37783

(b)(i) Except as otherwise provided in divisions 37784
(S)(1)(b)(iii) and (iv) of this section, through June 30, ~~2024~~ 37785
2026, any person applying for an NPDES permit under Chapter 6111. 37786
of the Revised Code shall pay a nonrefundable application fee of 37787
two hundred dollars at the time of application for the permit. On 37788
and after July 1, ~~2024~~ 2026, such a person shall pay a 37789
nonrefundable application fee of fifteen dollars at the time of 37790
application. 37791

(ii) In addition to the nonrefundable application fee, any 37792
person applying for an NPDES permit under Chapter 6111. of the 37793
Revised Code shall pay a design flow discharge fee based on each 37794
point source to which the issuance is applicable in accordance 37795
with the following schedule: 37796

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	37798
1,001 to 5,000	100	37799
5,001 to 50,000	200	37800
50,001 to 100,000	300	37801
100,001 to 300,000	525	37802
over 300,000	750	37803

(iii) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this 37804
section, the application and design flow discharge fee for an 37805
NPDES permit for a public discharger identified by the letter I in 37806

the third character of the NPDES permit number shall not exceed 37807
nine hundred fifty dollars. 37808

(iv) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this 37809
section, the application and design flow discharge fee for an 37810
NPDES permit for a coal mining operation regulated under Chapter 37811
1513. of the Revised Code shall not exceed four hundred fifty 37812
dollars per mine. 37813

(v) A person issued a modification of an NPDES permit shall 37814
pay a nonrefundable modification fee equal to the application fee 37815
and one-half the design flow discharge fee based on each point 37816
source, if applicable, that would be charged for an NPDES permit, 37817
except that the modification fee shall not exceed six hundred 37818
dollars. 37819

(c) In addition to the application fee established under 37820
division (S)(1)(b)(i) of this section, any person applying for an 37821
NPDES general storm water construction permit shall pay a 37822
nonrefundable fee of twenty dollars per acre for each acre that is 37823
permitted above five acres at the time the application is 37824
submitted. However, the per acreage fee shall not exceed three 37825
hundred dollars. In addition to the application fee established 37826
under division (S)(1)(b)(i) of this section, any person applying 37827
for an NPDES general storm water industrial permit shall pay a 37828
nonrefundable fee of one hundred fifty dollars at the time the 37829
application is submitted. 37830

(d) The director shall transmit all moneys collected under 37831
division (S)(1) of this section pursuant to Chapter 6109. of the 37832
Revised Code to the treasurer of state for deposit into the 37833
drinking water protection fund created in section 6109.30 of the 37834
Revised Code. 37835

(e) The director shall transmit all moneys collected under 37836
division (S)(1) of this section pursuant to Chapter 6111. of the 37837

Revised Code and under division (S)(2) of this section to the 37838
treasurer of state for deposit into the surface water protection 37839
fund created in section 6111.038 of the Revised Code. 37840

(f) If a person submits an electronic application for a 37841
registration certificate, permit, variance, or plan approval for 37842
which an application fee is established under division (S)(1) of 37843
this section, the person shall pay all applicable fees as 37844
expeditiously as possible after the submission of the electronic 37845
application. An application for a registration certificate, 37846
permit, variance, or plan approval for which an application fee is 37847
established under division (S)(1) of this section shall not be 37848
reviewed or processed until the applicable application fee, and 37849
any other fees established under this division, are paid. 37850

(2) A person applying for coverage under an NPDES general 37851
discharge permit for household sewage treatment systems shall pay 37852
a nonrefundable fee of two hundred dollars at the time of 37853
application for initial permit coverage. No fee is required for an 37854
application for permit coverage renewal. 37855

(T) The director may adopt, amend, and rescind rules in 37856
accordance with Chapter 119. of the Revised Code that do all of 37857
the following: 37858

(1) Prescribe fees to be paid by applicants for and holders 37859
of any license, permit, variance, plan approval, or certification 37860
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 37861
the Revised Code that are not specifically established in this 37862
section. The fees shall be designed to defray the cost of 37863
processing, issuing, revoking, modifying, denying, and enforcing 37864
the licenses, permits, variances, plan approvals, and 37865
certifications. 37866

The director shall transmit all moneys collected under rules 37867
adopted under division (T)(1) of this section pursuant to Chapter 37868

6109. of the Revised Code to the treasurer of state for deposit 37869
into the drinking water protection fund created in section 6109.30 37870
of the Revised Code. 37871

The director shall transmit all moneys collected under rules 37872
adopted under division (T)(1) of this section pursuant to Chapter 37873
6111. of the Revised Code to the treasurer of state for deposit 37874
into the surface water protection fund created in section 6111.038 37875
of the Revised Code. 37876

(2) Exempt the state and political subdivisions thereof, 37877
including education facilities or medical facilities owned by the 37878
state or a political subdivision, or any person exempted from 37879
taxation by section 5709.07 or 5709.12 of the Revised Code, from 37880
any fee required by this section; 37881

(3) Provide for the waiver of any fee, or any part thereof, 37882
otherwise required by this section whenever the director 37883
determines that the imposition of the fee would constitute an 37884
unreasonable cost of doing business for any applicant, class of 37885
applicants, or other person subject to the fee; 37886

(4) Prescribe measures that the director considers necessary 37887
to carry out this section. 37888

(U) When the director reasonably demonstrates that the direct 37889
cost to the state associated with the issuance of a permit, 37890
license, variance, plan approval, or certification exceeds the fee 37891
for the issuance or review specified by this section, the director 37892
may condition the issuance or review on the payment by the person 37893
receiving the issuance or review of, in addition to the fee 37894
specified by this section, the amount, or any portion thereof, in 37895
excess of the fee specified under this section. The director shall 37896
not so condition issuances for which a fee is prescribed in 37897
division (S)(1)(b)(iii) of this section. 37898

(V) Except as provided in divisions (L), (M), (P), and (S) of 37899

this section or unless otherwise prescribed by a rule of the 37900
director adopted pursuant to Chapter 119. of the Revised Code, all 37901
fees required by this section are payable within thirty days after 37902
the issuance of an invoice for the fee by the director or the 37903
effective date of the issuance of the license, permit, variance, 37904
plan approval, or certification. If payment is late, the person 37905
responsible for payment of the fee shall pay an additional ten per 37906
cent of the amount due for each month that it is late. 37907

(W) As used in this section, "fuel-burning equipment," 37908
"fuel-burning equipment input capacity," "incinerator," 37909
"incinerator input capacity," "process," "process weight rate," 37910
"storage tank," "gasoline dispensing facility," "dry cleaning 37911
facility," "design flow discharge," and "new source treatment 37912
works" have the meanings ascribed to those terms by applicable 37913
rules or standards adopted by the director under Chapter 3704. or 37914
6111. of the Revised Code. 37915

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 37916
(J) of this section, and in any other provision of this section 37917
pertaining to fees paid pursuant to Chapter 3704. of the Revised 37918
Code: 37919

(1) "Facility," "federal Clean Air Act," "person," and "Title 37920
V permit" have the same meanings as in section 3704.01 of the 37921
Revised Code. 37922

(2) "Title V permit program" means the following activities 37923
as necessary to meet the requirements of Title V of the federal 37924
Clean Air Act and 40 C.F.R. part 70, including at least: 37925

(a) Preparing and adopting, if applicable, generally 37926
applicable rules or guidance regarding the permit program or its 37927
implementation or enforcement; 37928

(b) Reviewing and acting on any application for a Title V 37929
permit, permit revision, or permit renewal, including the 37930

development of an applicable requirement as part of the processing	37931
of a permit, permit revision, or permit renewal;	37932
(c) Administering the permit program, including the	37933
supporting and tracking of permit applications, compliance	37934
certification, and related data entry;	37935
(d) Determining which sources are subject to the program and	37936
implementing and enforcing the terms of any Title V permit, not	37937
including any court actions or other formal enforcement actions;	37938
(e) Emission and ambient monitoring;	37939
(f) Modeling, analyses, or demonstrations;	37940
(g) Preparing inventories and tracking emissions;	37941
(h) Providing direct and indirect support to small business	37942
stationary sources to determine and meet their obligations under	37943
the federal Clean Air Act pursuant to the small business	37944
stationary source technical and environmental compliance	37945
assistance program required by section 507 of that act and	37946
established in sections 3704.18, 3704.19, and 3706.19 of the	37947
Revised Code.	37948
(3) "Organic compound" means any chemical compound of carbon,	37949
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic	37950
carbides or carbonates, and ammonium carbonate.	37951
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	37952
of this section, each sewage sludge facility shall pay a	37953
nonrefundable annual sludge fee equal to three dollars and fifty	37954
cents per dry ton of sewage sludge, including the dry tons of	37955
sewage sludge in materials derived from sewage sludge, that the	37956
sewage sludge facility treats or disposes of in this state. The	37957
annual volume of sewage sludge treated or disposed of by a sewage	37958
sludge facility shall be calculated using the first day of January	37959
through the thirty-first day of December of the calendar year	37960

preceding the date on which payment of the fee is due. 37961

(2)(a) Except as provided in division (Y)(2)(d) of this 37962
section, each sewage sludge facility shall pay a minimum annual 37963
sewage sludge fee of one hundred dollars. 37964

(b) The annual sludge fee required to be paid by a sewage 37965
sludge facility that treats or disposes of exceptional quality 37966
sludge in this state shall be thirty-five per cent less per dry 37967
ton of exceptional quality sludge than the fee assessed under 37968
division (Y)(1) of this section, subject to the following 37969
exceptions: 37970

(i) Except as provided in division (Y)(2)(d) of this section, 37971
a sewage sludge facility that treats or disposes of exceptional 37972
quality sludge shall pay a minimum annual sewage sludge fee of one 37973
hundred dollars. 37974

(ii) A sewage sludge facility that treats or disposes of 37975
exceptional quality sludge shall not be required to pay the annual 37976
sludge fee for treatment or disposal in this state of exceptional 37977
quality sludge generated outside of this state and contained in 37978
bags or other containers not greater than one hundred pounds in 37979
capacity. 37980

A thirty-five per cent reduction for exceptional quality 37981
sludge applies to the maximum annual fees established under 37982
division (Y)(3) of this section. 37983

(c) A sewage sludge facility that transfers sewage sludge to 37984
another sewage sludge facility in this state for further treatment 37985
prior to disposal in this state shall not be required to pay the 37986
annual sludge fee for the tons of sewage sludge that have been 37987
transferred. In such a case, the sewage sludge facility that 37988
disposes of the sewage sludge shall pay the annual sludge fee. 37989
However, the facility transferring the sewage sludge shall pay the 37990
one-hundred-dollar minimum fee required under division (Y)(2)(a) 37991

of this section. 37992

In the case of a sewage sludge facility that treats sewage 37993
sludge in this state and transfers it out of this state to another 37994
entity for disposal, the sewage sludge facility in this state 37995
shall be required to pay the annual sludge fee for the tons of 37996
sewage sludge that have been transferred. 37997

(d) A sewage sludge facility that generates sewage sludge 37998
resulting from an average daily discharge flow of less than five 37999
thousand gallons per day is not subject to the fees assessed under 38000
division (Y) of this section. 38001

(3) No sewage sludge facility required to pay the annual 38002
sludge fee shall be required to pay more than the maximum annual 38003
fee for each disposal method that the sewage sludge facility uses. 38004
The maximum annual fee does not include the additional amount that 38005
may be charged under division (Y)(5) of this section for late 38006
payment of the annual sludge fee. The maximum annual fee for the 38007
following methods of disposal of sewage sludge is as follows: 38008

(a) Incineration: five thousand dollars; 38009

(b) Preexisting land reclamation project or disposal in a 38010
landfill: five thousand dollars; 38011

(c) Land application, land reclamation, surface disposal, or 38012
any other disposal method not specified in division (Y)(3)(a) or 38013
(b) of this section: twenty thousand dollars. 38014

(4)(a) In the case of an entity that generates sewage sludge 38015
or a sewage sludge facility that treats sewage sludge and 38016
transfers the sewage sludge to an incineration facility for 38017
disposal, the incineration facility, and not the entity generating 38018
the sewage sludge or the sewage sludge facility treating the 38019
sewage sludge, shall pay the annual sludge fee for the tons of 38020
sewage sludge that are transferred. However, the entity or 38021
facility generating or treating the sewage sludge shall pay the 38022

one-hundred-dollar minimum fee required under division (Y)(2)(a) 38023
of this section. 38024

(b) In the case of an entity that generates sewage sludge and 38025
transfers the sewage sludge to a landfill for disposal or to a 38026
sewage sludge facility for land reclamation or surface disposal, 38027
the entity generating the sewage sludge, and not the landfill or 38028
sewage sludge facility, shall pay the annual sludge fee for the 38029
tons of sewage sludge that are transferred. 38030

(5) Not later than the first day of April of the calendar 38031
year following March 17, 2000, and each first day of April 38032
thereafter, the director shall issue invoices to persons who are 38033
required to pay the annual sludge fee. The invoice shall identify 38034
the nature and amount of the annual sludge fee assessed and state 38035
the first day of May as the deadline for receipt by the director 38036
of objections regarding the amount of the fee and the first day of 38037
July as the deadline for payment of the fee. 38038

Not later than the first day of May following receipt of an 38039
invoice, a person required to pay the annual sludge fee may submit 38040
objections to the director concerning the accuracy of information 38041
regarding the number of dry tons of sewage sludge used to 38042
calculate the amount of the annual sludge fee or regarding whether 38043
the sewage sludge qualifies for the exceptional quality sludge 38044
discount established in division (Y)(2)(b) of this section. The 38045
director may consider the objections and adjust the amount of the 38046
fee to ensure that it is accurate. 38047

If the director does not adjust the amount of the annual 38048
sludge fee in response to a person's objections, the person may 38049
appeal the director's determination in accordance with Chapter 38050
119. of the Revised Code. 38051

Not later than the first day of June, the director shall 38052
notify the objecting person regarding whether the director has 38053

found the objections to be valid and the reasons for the finding. 38054
If the director finds the objections to be valid and adjusts the 38055
amount of the annual sludge fee accordingly, the director shall 38056
issue with the notification a new invoice to the person 38057
identifying the amount of the annual sludge fee assessed and 38058
stating the first day of July as the deadline for payment. 38059

Not later than the first day of July, any person who is 38060
required to do so shall pay the annual sludge fee. Any person who 38061
is required to pay the fee, but who fails to do so on or before 38062
that date shall pay an additional amount that equals ten per cent 38063
of the required annual sludge fee. 38064

(6) The director shall transmit all moneys collected under 38065
division (Y) of this section to the treasurer of state for deposit 38066
into the surface water protection fund created in section 6111.038 38067
of the Revised Code. The moneys shall be used to defray the costs 38068
of administering and enforcing provisions in Chapter 6111. of the 38069
Revised Code and rules adopted under it that govern the use, 38070
storage, treatment, or disposal of sewage sludge. 38071

(7) Beginning in fiscal year 2001, and every two years 38072
thereafter, the director shall review the total amount of moneys 38073
generated by the annual sludge fees to determine if that amount 38074
exceeded six hundred thousand dollars in either of the two 38075
preceding fiscal years. If the total amount of moneys in the fund 38076
exceeded six hundred thousand dollars in either fiscal year, the 38077
director, after review of the fee structure and consultation with 38078
affected persons, shall issue an order reducing the amount of the 38079
fees levied under division (Y) of this section so that the 38080
estimated amount of moneys resulting from the fees will not exceed 38081
six hundred thousand dollars in any fiscal year. 38082

If, upon review of the fees under division (Y)(7) of this 38083
section and after the fees have been reduced, the director 38084
determines that the total amount of moneys collected and 38085

accumulated is less than six hundred thousand dollars, the 38086
director, after review of the fee structure and consultation with 38087
affected persons, may issue an order increasing the amount of the 38088
fees levied under division (Y) of this section so that the 38089
estimated amount of moneys resulting from the fees will be 38090
approximately six hundred thousand dollars. Fees shall never be 38091
increased to an amount exceeding the amount specified in division 38092
(Y)(7) of this section. 38093

Notwithstanding section 119.06 of the Revised Code, the 38094
director may issue an order under division (Y)(7) of this section 38095
without the necessity to hold an adjudicatory hearing in 38096
connection with the order. The issuance of an order under this 38097
division is not an act or action for purposes of section 3745.04 38098
of the Revised Code. 38099

(8) As used in division (Y) of this section: 38100

(a) "Sewage sludge facility" means an entity that performs 38101
treatment on or is responsible for the disposal of sewage sludge. 38102

(b) "Sewage sludge" means a solid, semi-solid, or liquid 38103
residue generated during the treatment of domestic sewage in a 38104
treatment works as defined in section 6111.01 of the Revised Code. 38105
"Sewage sludge" includes, but is not limited to, scum or solids 38106
removed in primary, secondary, or advanced wastewater treatment 38107
processes. "Sewage sludge" does not include ash generated during 38108
the firing of sewage sludge in a sewage sludge incinerator, grit 38109
and screenings generated during preliminary treatment of domestic 38110
sewage in a treatment works, animal manure, residue generated 38111
during treatment of animal manure, or domestic septage. 38112

(c) "Exceptional quality sludge" means sewage sludge that 38113
meets all of the following qualifications: 38114

(i) Satisfies the class A pathogen standards in 40 C.F.R. 38115
503.32(a); 38116

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	38117 38118
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	38119 38120
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	38121 38122
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	38123 38124 38125
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	38126 38127 38128
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	38129 38130 38131 38132 38133
(g) "Land reclamation" means the returning of disturbed land to productive use.	38134 38135
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	38136 38137 38138 38139
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	38140 38141 38142 38143
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if	38144 38145 38146

they are separated by a public road or highway. 38147

(k) "Annual sludge fee" means the fee assessed under division 38148
(Y)(1) of this section. 38149

(l) "Landfill" means a sanitary landfill facility, as defined 38150
in rules adopted under section 3734.02 of the Revised Code, that 38151
is licensed under section 3734.05 of the Revised Code. 38152

(m) "Preexisting land reclamation project" means a 38153
property-specific land reclamation project that has been in 38154
continuous operation for not less than five years pursuant to 38155
approval of the activity by the director and includes the 38156
implementation of a community outreach program concerning the 38157
activity. 38158

Sec. 3770.03. ~~(A)(A)(1)~~ The state lottery commission shall 38159
promulgate rules pursuant to Chapter 119. of the Revised Code, and 38160
shall adopt operating procedures, under which a statewide lottery 38161
and statewide joint lottery may be conducted, which includes, and 38162
since the original enactment of this section has included, the 38163
authority for the commission to operate video lottery terminal 38164
games and all other lottery games. Any reference in this chapter 38165
to tickets shall not be construed to in any way limit the 38166
authority of the commission to operate video lottery terminal 38167
games or lottery sports gaming. ~~Nothing in this chapter shall~~ 38168
~~restrict the authority of the commission to promulgate rules~~ 38169
~~related to the operation of games utilizing video lottery~~ 38170
~~terminals as described in section 3770.21 of the Revised Code. The~~ 38171
~~rules shall be promulgated pursuant to Chapter 119. of the Revised~~ 38172
~~Code, except that instant game rules shall be promulgated pursuant~~ 38173
~~to section 111.15 of the Revised Code but are not subject to~~ 38174
~~division (D) of that section. Subjects covered in these rules~~ 38175
~~shall~~ 38176

(2) Except regarding matters about which this chapter 38177

explicitly requires the commission to promulgate rules under 38178
Chapter 119. of the Revised Code, the commission instead may adopt 38179
operating procedures for the conduct of lottery games. Those 38180
operating procedures shall include, but need not be limited to, 38181
the following: 38182

~~(1)(a)~~ The type of lottery to be conducted; 38183

~~(2)(b)~~ The prices of tickets in the lottery; 38184

~~(3)(c)~~ The number, nature, and value of prize awards, the 38185
manner and frequency of prize drawings, and the manner in which 38186
prizes shall be awarded to holders of winning tickets. 38187

(3) The commission shall publish all of its operating 38188
procedures on its official web site and shall make copies of its 38189
operating procedures available to the public upon request. 38190

(4) An operating procedure adopted under this section is not 38191
considered a rule under section 111.15 of the Revised Code. 38192

(5) All rules of the commission that are in effect on the 38193
effective date of this amendment remain effective unless the 38194
commission rescinds them. 38195

(B) The commission shall promulgate rules, ~~in addition to~~ 38196
~~those described in division (A) of this section,~~ pursuant to 38197
Chapter 119. of the Revised Code ~~under which a statewide lottery~~ 38198
~~and statewide joint lottery games may be conducted. Subjects~~ 38199
~~covered in these rules shall include, but not be limited to,~~ 38200
concerning all of the following: 38201

(1) The locations at which lottery tickets may be sold and 38202
the manner in which they are to be sold. These rules may authorize 38203
the sale of lottery tickets by commission personnel or other 38204
licensed individuals from traveling show wagons at the state fair, 38205
and at any other expositions the director of the commission 38206
considers acceptable. These rules shall prohibit commission 38207

personnel or other licensed individuals from soliciting from an 38208
exposition the right to sell lottery tickets at that exposition, 38209
but shall allow commission personnel or other licensed individuals 38210
to sell lottery tickets at an exposition if the exposition 38211
requests commission personnel or licensed individuals to do so. 38212
These rules may also address the accessibility of sales agent 38213
locations to commission products in accordance with the "Americans 38214
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et 38215
seq. 38216

(2) The manner in which lottery sales revenues are to be 38217
collected, including authorization for the director to impose 38218
penalties for failure by lottery sales agents to transfer revenues 38219
to the commission in a timely manner; 38220

(3) The amount of compensation to be paid to licensed lottery 38221
sales agents; 38222

(4) The substantive criteria for the licensing of lottery 38223
sales agents consistent with section 3770.05 of the Revised Code, 38224
and procedures for revoking or suspending their licenses 38225
consistent with Chapter 119. of the Revised Code. If 38226
circumstances, such as the nonpayment of funds owed by a lottery 38227
sales agent, or other circumstances related to the public safety, 38228
convenience, or trust, require immediate action, the director may 38229
suspend a license without affording an opportunity for a prior 38230
hearing under section 119.07 of the Revised Code. 38231

(5) Special game rules to implement any agreements signed by 38232
the governor that the director enters into with other lottery 38233
jurisdictions under division (J) of section 3770.02 of the Revised 38234
Code to conduct statewide joint lottery games. The rules shall 38235
require that the entire net proceeds of those games that remain, 38236
after associated operating expenses, prize disbursements, lottery 38237
sales agent bonuses, commissions, and reimbursements, and any 38238
other expenses necessary to comply with the agreements or the 38239

rules are deducted from the gross proceeds of those games, be 38240
transferred to the lottery profits education fund under division 38241
(B) of section 3770.06 of the Revised Code. 38242

~~(6) Any other subjects the commission determines are necessary~~ 38243
~~for~~ Rules establishing any of the following with respect to the 38244
operation of video lottery terminal games, ~~including the~~ 38245
~~establishment of any:~~ 38246

(a) Any fees, fines, or payment schedules, ~~or the~~ 38247
~~establishment of a;~~ 38248

(b) Any voluntary exclusion program. 38249

(C) Chapter 2915. of the Revised Code does not apply to, 38250
affect, or prohibit lotteries conducted pursuant to this chapter. 38251

(D) The commission may promulgate rules, ~~in addition to those~~ 38252
~~described in divisions (A) and (B) of this section,~~ pursuant to 38253
Chapter 119. of the Revised Code that establish any standards 38254
governing the display of advertising and celebrity images on 38255
lottery tickets and on other items that are used in the conduct 38256
of, or to promote, the statewide lottery and statewide joint 38257
lottery games. Any revenue derived from the sale of advertising 38258
displayed on lottery tickets and on those other items shall be 38259
considered, for purposes of section 3770.06 of the Revised Code, 38260
to be related proceeds in connection with the statewide lottery or 38261
gross proceeds from statewide joint lottery games, as applicable. 38262

(E)(1) The commission shall meet with the director at least 38263
once each month and shall convene other meetings at the request of 38264
the chairperson or any five of the members. No action taken by the 38265
commission shall be binding unless at least five of the members 38266
present vote in favor of the action. A written record shall be 38267
made of the proceedings of each meeting and shall be transmitted 38268
forthwith to the governor, the president of the senate, the senate 38269
minority leader, the speaker of the house of representatives, and 38270

the house minority leader. 38271

(2) The director shall present to the commission a report 38272
each month, showing the total revenues, prize disbursements, and 38273
operating expenses of the state lottery for the preceding month. 38274
As soon as practicable after the end of each fiscal year, the 38275
commission shall prepare and transmit to the governor and the 38276
general assembly a report of lottery revenues, prize 38277
disbursements, and operating expenses for the preceding fiscal 38278
year and any recommendations for legislation considered necessary 38279
by the commission. 38280

Sec. 3770.06. (A) There is hereby created the state lottery 38281
gross revenue fund, which shall be in the custody of the treasurer 38282
of state but shall not be part of the state treasury. All gross 38283
revenues received from sales of lottery tickets, fines, fees, and 38284
related proceeds in connection with the statewide lottery, all 38285
gross proceeds of lottery sports gaming described in sections 38286
3770.23 to 3770.25 of the Revised Code, and all gross proceeds 38287
from statewide joint lottery games shall be deposited into the 38288
fund. The treasurer of state shall invest any portion of the fund 38289
not needed for immediate use in the same manner as, and subject to 38290
all provisions of law with respect to the investment of, state 38291
funds. The treasurer of state shall disburse money from the fund 38292
on order of the director of the state lottery commission or the 38293
director's designee. 38294

Except for gross proceeds from statewide joint lottery games, 38295
all revenues of the state lottery gross revenue fund that are not 38296
paid to holders of winning lottery tickets, that are not required 38297
to meet short-term prize liabilities, that are not credited to 38298
lottery sales agents in the form of bonuses, commissions, or 38299
reimbursements, that are not paid to financial institutions to 38300
reimburse those institutions for sales agent nonsufficient funds, 38301

and that are collected from sales agents for remittance to 38302
insurers under contract to provide sales agent bonding services 38303
shall be transferred to the state lottery fund, which is hereby 38304
created in the state treasury. In addition, all revenues of the 38305
state lottery gross revenue fund that represent the gross proceeds 38306
from the statewide joint lottery games and that are not paid to 38307
holders of winning lottery tickets, that are not required to meet 38308
short-term prize liabilities, that are not credited to lottery 38309
sales agents in the form of bonuses, commissions, or 38310
reimbursements, and that are not necessary to cover operating 38311
expenses associated with those games or to otherwise comply with 38312
the agreements signed by the governor that the director enters 38313
into under division (J) of section 3770.02 of the Revised Code or 38314
the rules the commission adopts under division (B)(5) of section 38315
3770.03 of the Revised Code shall be transferred to the state 38316
lottery fund. All investment earnings of the fund shall be 38317
credited to the fund. Moneys shall be disbursed from the fund 38318
pursuant to vouchers approved by the director. Total disbursements 38319
for monetary prize awards to holders of winning lottery tickets in 38320
connection with the statewide lottery, other than lottery sports 38321
gaming, and purchases of goods and services awarded as prizes to 38322
holders of winning lottery tickets shall be of an amount equal to 38323
at least fifty per cent of the total revenue accruing from the 38324
sale of lottery tickets. 38325

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 38326
there is hereby established in the state treasury the lottery 38327
profits education fund. Whenever, in the judgment of the director 38328
of the state lottery commission, the amount to the credit of the 38329
state lottery fund that does not represent proceeds from statewide 38330
joint lottery games is in excess of that needed to meet the 38331
maturing obligations of the commission and as working capital for 38332
its further operations, the director of the state lottery 38333
commission shall recommend the amount of the excess to be 38334

transferred to the lottery profits education fund, and the 38335
director of budget and management may transfer the excess to the 38336
lottery profits education fund in connection with the statewide 38337
lottery. In addition, whenever, in the judgment of the director of 38338
the state lottery commission, the amount to the credit of the 38339
state lottery fund that represents proceeds from statewide joint 38340
lottery games equals the entire net proceeds of those games as 38341
described in division (B)(5) of section 3770.03 of the Revised 38342
Code and the rules adopted under that division, the director of 38343
the state lottery commission shall recommend the amount of the 38344
proceeds to be transferred to the lottery profits education fund, 38345
and the director of budget and management may transfer those 38346
proceeds to the lottery profits education fund. Investment 38347
earnings of the lottery profits education fund shall be credited 38348
to the fund. 38349

The lottery profits education fund shall be used solely for 38350
the support of elementary, secondary, vocational, and special 38351
education programs as determined in appropriations made by the 38352
general assembly, or as provided in applicable bond proceedings 38353
for the payment of debt service on obligations issued to pay costs 38354
of capital facilities, including those for a system of common 38355
schools throughout the state pursuant to section 2n of Article 38356
VIII, Ohio Constitution. When determining the availability of 38357
money in the lottery profits education fund, the director of 38358
budget and management may consider all balances and estimated 38359
revenues of the fund. 38360

(C) There is hereby established in the state treasury the 38361
deferred prizes trust fund. With the approval of the director of 38362
budget and management, an amount sufficient to fund annuity prizes 38363
shall be transferred from the state lottery fund and credited to 38364
the trust fund. The treasurer of state shall credit all earnings 38365
arising from investments purchased under this division to the 38366

trust fund. Within sixty days after the end of each fiscal year, 38367
the treasurer of state shall certify to the director of budget and 38368
management whether the actuarial amount of the trust fund is 38369
sufficient over the fund's life for continued funding of all 38370
remaining deferred prize liabilities as of the last day of the 38371
fiscal year just ended. Also, within that sixty days, the director 38372
of budget and management shall certify the amount of investment 38373
earnings necessary to have been credited to the trust fund during 38374
the fiscal year just ending to provide for such continued funding 38375
of deferred prizes. Any earnings credited in excess of the latter 38376
certified amount shall be transferred to the lottery profits 38377
education fund. 38378

To provide all or a part of the amounts necessary to fund 38379
deferred prizes awarded by the commission in connection with the 38380
statewide lottery, the treasurer of state, in consultation with 38381
the commission, may invest moneys contained in the deferred prizes 38382
trust fund which represents proceeds from the statewide lottery in 38383
obligations of the type permitted for the investment of state 38384
funds but whose maturities are thirty years or less. 38385
Notwithstanding the requirements of any other section of the 38386
Revised Code, to provide all or part of the amounts necessary to 38387
fund deferred prizes awarded by the commission in connection with 38388
statewide joint lottery games, the treasurer of state, in 38389
consultation with the commission, may invest moneys in the trust 38390
fund which represent proceeds derived from the statewide joint 38391
lottery games in accordance with the rules the commission adopts 38392
under division (B)(5) of section 3770.03 of the Revised Code. 38393
Investments of the trust fund are not subject to the provisions of 38394
division (A)(11) of section 135.143 of the Revised Code limiting 38395
to twenty-five per cent the amount of the state's total average 38396
portfolio that may be invested in debt interests other than 38397
commercial paper and limiting to five per cent the amount that may 38398
be invested in debt interests, including commercial paper, of a 38399

single issuer. 38400

All purchases made under this division shall be effected on a 38401
delivery versus payment method and shall be in the custody of the 38402
treasurer of state. 38403

The treasurer of state may retain an investment advisor, if 38404
necessary. The commission shall pay any costs incurred by the 38405
treasurer of state in retaining an investment advisor. 38406

(D) The auditor of state shall conduct annual audits of all 38407
funds and any other audits as the auditor of state or the general 38408
assembly considers necessary. The auditor of state may examine all 38409
records, files, and other documents of the commission, and records 38410
of lottery sales agents that pertain to their activities as 38411
agents, for purposes of conducting authorized audits. 38412

(E) The state lottery commission shall establish an internal 38413
audit plan before the beginning of each fiscal year, subject to 38414
the approval of the office of internal audit in the office of 38415
budget and management. At the end of each fiscal year, the 38416
commission shall prepare and submit an annual report to the office 38417
of internal audit for the office's review and approval, specifying 38418
the internal audit work completed by the end of that fiscal year 38419
and reporting on compliance with the annual internal audit plan. 38420
Any preliminary or final report of the findings and 38421
recommendations of an internal audit performed by the commission 38422
under this division, and all associated work papers, are 38423
confidential and are not public records under section 149.43 of 38424
the Revised Code until after the final report of the internal 38425
audit's findings and recommendations is submitted to the director 38426
of the commission and to the chairperson of the commission or the 38427
chairperson's designee. 38428

(F) Whenever, in the judgment of the director of budget and 38429
management, an amount of net state lottery proceeds is necessary 38430

to be applied to the payment of debt service on obligations, all 38431
as defined in sections 151.01 and 151.03 of the Revised Code, the 38432
director shall transfer that amount directly from the state 38433
lottery fund or from the lottery profits education fund to the 38434
bond service fund defined in those sections. The provisions of 38435
this division are subject to any prior pledges or obligation of 38436
those amounts to the payment of bond service charges as defined in 38437
division (C) of section 3318.21 of the Revised Code, as referred 38438
to in division (B) of this section. 38439

Sec. 3770.071. ~~(A)(1)~~ If the amount of the prize money or the 38440
cost of goods or services awarded as a lottery prize award meets 38441
or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, 38442
or a subsequent analogous section of the Internal Revenue Code, 38443
the director of the state lottery commission or the director's 38444
designee shall ~~require the person entitled to the prize award to~~ 38445
~~affirm in writing, under oath, or by electronic means, consult the~~ 38446
~~data match program established under section 3123.89 of the~~ 38447
~~Revised Code to determine whether ~~or not~~ the person is ~~in~~ subject~~ 38448
~~to a final and enforceable determination of default made under a~~ 38449
~~support order sections 3123.01 to 3123.07 of the Revised Code. The~~ 38450
~~director or the director's designee also may take any additional~~ 38451
~~appropriate steps to determine if the person entitled to the prize~~ 38452
~~award is in default under a support order. If the person entitled~~ 38453
~~to the prize award affirms that the person is in default under a~~ 38454
~~support order, or if the director or the director's designee~~ 38455
~~determines that the person is in default under a support order,~~ 38456
~~the director or the director's designee shall temporarily withhold~~ 38457
~~payment of the prize award and notify the child support~~ 38458
~~enforcement agency that administers the support order that the~~ 38459
~~person is entitled to a prize award, of the amount of the prize~~ 38460
~~award, and, if the prize award is to be paid in annual~~ 38461
~~installments, of the number of installments.~~ 38462

~~(2) Upon receipt of the notice from the director or the 38463
director's designee, the child support enforcement agency shall 38464
conduct an investigation to determine whether the person entitled 38465
to the lottery prize award is subject to a final and enforceable 38466
determination of default made under sections 3123.01 to 3123.07 of 38467
the Revised Code. If the agency determines that the person is so 38468
subject, it shall issue an intercept directive as described in 38469
section 3123.89 of the Revised Code to the director at lottery 38470
commission headquarters requiring the director or the director's 38471
designee to deduct shall withhold an amount from any unpaid the 38472
prize award or any annual installment payment of an unpaid prize 38473
award, a specified amount for support in satisfaction of the 38474
support order under which the person is in default in accordance 38475
with section 3123.89 of the Revised Code. To the extent possible, 38476
the amount specified to be deducted under the intercept directive 38477
shall satisfy the amount ordered for support in the support order 38478
under which the person is in default. 38479~~

~~A child support enforcement agency shall issue an intercept 38480
directive within thirty days from the date the director or the 38481
director's designee notifies the agency under division (A)(1) of 38482
this section. Within thirty days after the date on which the 38483
agency issues the intercept directive, the director or the 38484
director's designee shall pay the amount specified in the 38485
intercept directive to the office of child support in the 38486
department of job and family services. But, if the prize award is 38487
to be paid in annual installments, the director or the director's 38488
designee, on the date the next installment payment is due, shall 38489
deduct the amount specified in the intercept directive from that 38490
installment and, if necessary, any subsequent annual installments, 38491
at the time those installments become due and owing to the prize 38492
winner, and pay the amount to the office of child support. 38493~~

~~(B) As used in this section: 38494~~

~~(1) "Support order" has the same meaning as in section 3119.01 of the Revised Code.~~ 38495
38496

~~(2) "Default" has the same meaning as in section 3121.01 of the Revised Code.~~ 38497
38498

~~(C) No person shall knowingly make a false affirmation or oath required by division (A) of this section.~~ 38499
38500

Sec. 3770.99. (A) Whoever is prohibited from claiming a lottery prize award under division (E) of section 3770.07 of the Revised Code and attempts to claim or is paid a lottery prize award is guilty of a minor misdemeanor, and shall provide restitution to the state lottery commission of any moneys erroneously paid as a lottery prize award to that person. 38501
38502
38503
38504
38505
38506

(B) Whoever violates ~~division (C) of section 3770.071 or~~ section 3770.08 of the Revised Code is guilty of a misdemeanor of the third degree. 38507
38508
38509

Sec. 3772.01. As used in this chapter: 38510

(A) "Applicant" means any person who applies to the commission for a license under this chapter. 38511
38512

(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs. 38513
38514
38515
38516

(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution. 38517
38518

(D) "Casino game" means any slot machine or table game as defined in this chapter. 38519
38520

(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, 38521
38522
38523

Pennsylvania, and West Virginia as of January 1, 2009, and 38524
includes slot machine and table game wagering subsequently 38525
authorized by, but shall not be limited by, subsequent 38526
restrictions placed on such wagering in such states. "Casino 38527
gaming" does not include bingo, as authorized in Section 6 of 38528
Article XV, Ohio Constitution and conducted as of January 1, 2009; 38529
horse racing where the pari-mutuel system of wagering is 38530
conducted, as authorized under the laws of this state as of 38531
January 1, 2009; or sports gaming. 38532

(F) "Casino gaming employee" means any employee of a casino 38533
operator or management company, but not a key employee, and as 38534
further defined in section 3772.131 of the Revised Code. 38535

(G) "Casino operator" means any person, trust, corporation, 38536
partnership, limited partnership, association, limited liability 38537
company, or other business enterprise that directly or indirectly 38538
holds an ownership or leasehold interest in a casino facility. 38539
"Casino operator" does not include an agency of the state, any 38540
political subdivision of the state, any person, trust, 38541
corporation, partnership, limited partnership, association, 38542
limited liability company, or other business enterprise that may 38543
have an interest in a casino facility, but who is legally or 38544
contractually restricted from conducting casino gaming. 38545

(H) "Central system" means a computer system that provides 38546
the following functions related to casino gaming equipment used in 38547
connection with casino gaming authorized under this chapter: 38548
security, auditing, data and information retrieval, and other 38549
purposes deemed necessary and authorized by the commission. 38550

(I) "Cheat" means to alter the result of a casino game, the 38551
element of chance, the operation of a machine used in a casino 38552
game, or the method of selection of criteria that determines (a) 38553
the result of the casino game, (b) the amount or frequency of 38554
payment in a casino game, (c) the value of a wagering instrument, 38555

or (d) the value of a wagering credit. "Cheat" does not include an individual who, without the assistance of another individual or without the use of a physical aid or device of any kind, uses the individual's own ability to keep track of the value of cards played and uses predictions formed as a result of the tracking information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code.

(L) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group of individuals, however organized, who supplies gaming-related equipment, goods, or services to a casino operator or management company, that are directly related to or affect casino gaming authorized under this chapter, including, but not limited to, the manufacture, sale, distribution, or repair of slot machines and table game equipment.

(M) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person which directly or indirectly does any of the following:

(1) Has the power or right to control a casino operator, management company, or gaming-related vendor license applicant or licensee;

(2) Holds an ownership interest of five per cent or more, as determined by the commission, in a casino operator, management company, or gaming-related vendor license applicant or licensee;

(3) Holds voting rights with the power to vote five per cent 38587
or more of the outstanding voting rights of a casino operator, 38588
management company, or gaming-related vendor applicant or 38589
licensee. 38590

(N) "Initial investment" includes costs related to 38591
demolition, engineering, architecture, design, site preparation, 38592
construction, infrastructure improvements, land acquisition, 38593
fixtures and equipment, insurance related to construction, and 38594
leasehold improvements. 38595

(O) "Institutional investor" means any of the following 38596
entities owning five per cent or more, but less than twenty-five 38597
per cent, of an ownership interest in a casino facility, casino 38598
operator, management company, or holding company: a corporation, 38599
bank, insurance company, pension fund or pension fund trust, 38600
retirement fund, including funds administered by a public agency, 38601
employees' profit-sharing fund or employees' profit-sharing trust, 38602
any association engaged, as a substantial part of its business or 38603
operations, in purchasing or holding securities, including a hedge 38604
fund, mutual fund, or private equity fund, or any trust in respect 38605
of which a bank is trustee or cotrustee, investment company 38606
registered under the "Investment Company Act of 1940," 15 U.S.C. 38607
80a-1 et seq., collective investment trust organized by banks 38608
under Part Nine of the Rules of the Comptroller of the Currency, 38609
closed-end investment trust, chartered or licensed life insurance 38610
company or property and casualty insurance company, investment 38611
advisor registered under the "Investment Advisors Act of 1940," 15 38612
U.S.C. 80 b-1 et seq., and such other persons as the commission 38613
may reasonably determine to qualify as an institutional investor 38614
for reasons consistent with this chapter, and that does not 38615
exercise control over the affairs of a licensee and its ownership 38616
interest in a licensee is for investment purposes only, as set 38617
forth in division (F) of section 3772.10 of the Revised Code. 38618

(P) "Key employee" means any executive, employee, agent, or other individual who has the power to exercise significant influence over decisions concerning any part of the operation of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or the operation of a holding company of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license, including:

(1) An officer, director, trustee, partner, or an equivalent fiduciary;

(2) An individual who holds a direct or indirect ownership interest of five per cent or more;

(3) An individual who performs the function of a principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer;

(4) Any other individual the commission determines to have the power to exercise significant influence over decisions concerning any part of the operation.

(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state.

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a

casino operator to manage a casino facility and provide services 38650
such as accounting, general administration, maintenance, 38651
recruitment, and other operational services. 38652

(T) "Ohio law enforcement training fund" means the state law 38653
enforcement training fund described in Section 6(C)(3)(f) of 38654
Article XV, Ohio Constitution, the money in which shall be used to 38655
enhance public safety by providing training opportunities to the 38656
law enforcement community. 38657

(U) "Person" includes, but is not limited to, an individual 38658
or a combination of individuals; a sole proprietorship, a firm, a 38659
company, a joint venture, a partnership of any type, a joint-stock 38660
company, a corporation of any type, a corporate subsidiary of any 38661
type, a limited liability company, a business trust, or any other 38662
business entity or organization; an assignee; a receiver; a 38663
trustee in bankruptcy; an unincorporated association, club, 38664
society, or other unincorporated entity or organization; entities 38665
that are disregarded for federal income tax purposes; and any 38666
other nongovernmental, artificial, legal entity that is capable of 38667
engaging in business. 38668

(V) "Problem casino gambling and addictions fund" means the 38669
state problem gambling and addictions fund described in Section 38670
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 38671
shall be used for treatment of problem gambling and substance 38672
abuse, and for related research. 38673

(W) "Promotional gaming credit" means a slot machine or table 38674
game credit, discount, or other similar item issued to a patron to 38675
enable the placement of, or increase in, a wager at a slot machine 38676
or table game. 38677

(X) "Slot machine" means any mechanical, electrical, or other 38678
device or machine which, upon insertion of a coin, token, ticket, 38679
or similar object, or upon payment of any consideration, is 38680

available to play or operate, the play or operation of which, 38681
whether by reason of the skill of the operator or application of 38682
the element of chance, or both, makes individual prize 38683
determinations for individual participants in cash, premiums, 38684
merchandise, tokens, or any thing of value, whether the payoff is 38685
made automatically from the machine or in any other manner, but 38686
does not include any device that is a skill-based amusement 38687
machine, or an electronic instant bingo system, as defined in 38688
section 2915.01 of the Revised Code. 38689

(Y) "Table game" means any game played with cards, dice, or 38690
any mechanical, electromechanical, or electronic device or machine 38691
for money, casino credit, or any representative of value. "Table 38692
game" does not include slot machines. 38693

(Z) "Upfront license" means the first plenary license issued 38694
to a casino operator. 38695

(AA) "Voluntary exclusion program" means a program provided 38696
by the commission that allows persons to voluntarily exclude 38697
themselves from the gaming areas of facilities under the 38698
jurisdiction of the commission by placing their name on a 38699
voluntary exclusion list and following the procedures set forth by 38700
the commission. 38701

(BB) "Sports gaming," "sports gaming proprietor," "sports 38702
gaming facility," "sporting event," "mobile management services 38703
provider," and "management services provider" have the same 38704
meanings as in section 3775.01 of the Revised Code. A person is 38705
considered to be involved in a sporting event if division (F)(3) 38706
of section 3775.13 of the Revised Code applies to the person with 38707
respect to that sporting event. 38708

Sec. 3772.031. (A)(1) The general assembly finds that the 38709
exclusion or ejection of certain persons from casino facilities 38710
and from sports gaming is necessary to effectuate the intents and 38711

purposes of this chapter and Chapter 3775. of the Revised Code and 38712
to maintain strict and effective regulation of casino gaming and 38713
sports gaming. The general assembly specifically finds that the 38714
exclusion from sports gaming of persons who threaten violence or 38715
harm against persons who are involved in sporting events, where 38716
the threat is related to sports gaming, is necessary to effectuate 38717
the intent of Chapter 3775. Of the Revised Code and to protect the 38718
interests of this state. 38719

(2) The commission, by rule, shall provide for a list of 38720
persons who are to be excluded or ejected from a casino facility 38721
and a list of persons who are to be excluded or ejected from a 38722
sports gaming facility and from participating in the play or 38723
operation of sports gaming in this state. Persons included on an 38724
exclusion list shall be identified by name and physical 38725
description. The commission shall publish the exclusion lists on 38726
its web site, and shall transmit a copy of the exclusion lists 38727
periodically to casino operators and sports gaming proprietors, as 38728
applicable, as they are initially issued and thereafter as they 38729
are revised from time to time. 38730

(3) A casino operator shall take steps necessary to ensure 38731
that all its key employees and casino gaming employees are aware 38732
of and understand the casino exclusion list and its function, and 38733
that all its key employees and casino gaming employees are kept 38734
aware of the content of the casino exclusion list as it is issued 38735
and thereafter revised from time to time. 38736

(4) A sports gaming proprietor shall take steps necessary to 38737
ensure that its appropriate agents and employees are aware of and 38738
understand the sports gaming exclusion list and its function, and 38739
that all its appropriate agents and employees are kept aware of 38740
the content of the sports gaming exclusion list as it is issued 38741
and thereafter revised from time to time. 38742

(B) The casino exclusion list may include any person whose presence in a casino facility is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of this chapter, or to the strict and effective regulation of casino gaming. The sports gaming exclusion list may include any person who threatens violence or harm against any person who is involved in a sporting event, where the threat is related to sports gaming, or whose presence in a sports gaming facility or whose participation in the play or operation of sports gaming in this state is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of Chapter 3775. of the Revised Code, or to the strict and effective regulation of sports gaming. In determining whether to include a person on an exclusion list, the commission may consider:

(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the

person from a casino facility, from a sports gaming facility, or 38774
from participating in the play or operation of sports gaming in 38775
this state. 38776

(3) If the person has pending charges or indictments for a 38777
gaming or gambling crime or a crime related to the integrity of 38778
gaming operations in any state; 38779

(4) If the person's conduct or reputation is such that the 38780
person's presence within a casino facility or in the sports gaming 38781
industry in this state may call into question the honesty and 38782
integrity of the casino gaming or sports gaming operations or 38783
interfere with the orderly conduct of the casino gaming or sports 38784
gaming operations; 38785

(5) If the person is a career or professional offender whose 38786
presence in a casino facility or in the sports gaming industry in 38787
this state would be adverse to the interest of licensed gaming in 38788
this state; 38789

(6) If the person has a known relationship or connection with 38790
a career or professional offender whose presence in a casino 38791
facility or in the sports gaming industry in this state would be 38792
adverse to the interest of licensed gaming in this state; 38793

(7) If the commission has suspended the person's gaming 38794
privileges; 38795

(8) If the commission has revoked the person's licenses 38796
related to this chapter or Chapter 3775. of the Revised Code; 38797

(9) If the commission determines that the person poses a 38798
threat to the safety of patrons or employees of a casino facility 38799
or a sports gaming facility; 38800

(10) If the person has threatened violence or harm against a 38801
person who is involved in the sporting event, where the threat was 38802
related to sports gaming with respect to that sporting event; 38803

(11) If the person has a history of conduct involving the 38804
disruption of gaming operations within a casino facility or in the 38805
sports gaming industry in this state. 38806

Race, color, creed, national origin or ancestry, or sex are 38807
not grounds for placing a person on an exclusion list. 38808

(C) The commission shall notify a person of the commission's 38809
intent to include such person on one or both exclusion lists. The 38810
notice shall be provided by personal service, by certified mail to 38811
the person's last known address, or, if service cannot be 38812
accomplished by personal service or certified mail, by publication 38813
daily for two weeks in a newspaper of general circulation within 38814
the county in which the person resides and in a newspaper of 38815
general circulation within each county in which a casino facility 38816
or sports gaming facility, as applicable, is located. 38817

(D)(1) Except as otherwise provided in this section, a person 38818
who receives notice of intent to include the person on an 38819
exclusion list is entitled, upon the person's request, to an 38820
adjudication hearing under Chapter 119. of the Revised Code, in 38821
which the person may demonstrate why the person should not be 38822
included on the exclusion list or lists. The person shall request 38823
such an adjudication hearing not later than thirty days after the 38824
person receives the notice by personal service or certified mail, 38825
or not later than thirty days after the last newspaper publication 38826
of the notice. 38827

(2) If the person does not request a hearing in accordance 38828
with division (D)(1) of this section, the commission may, but is 38829
not required to, conduct an adjudication hearing under Chapter 38830
119. of the Revised Code. The commission may reopen an 38831
adjudication under this section at any time. 38832

(3) If the adjudication hearing, order, or any appeal thereof 38833
under Chapter 119. of the Revised Code results in an order that 38834

the person should not be included on the exclusion list or lists, 38835
the commission shall publish a revised exclusion list that does 38836
not include the person. The commission also shall notify casino 38837
operators or sports gaming proprietors, as applicable, that the 38838
person has been removed from the exclusion list or lists. A casino 38839
operator shall take all steps necessary to ensure its key 38840
employees and casino gaming employees are made aware that the 38841
person has been removed from the casino exclusion list. A sports 38842
gaming proprietor shall take all steps necessary to ensure its 38843
appropriate agents and employees are made aware that the person 38844
has been removed from the sports gaming exclusion list. 38845

(E) This section does not apply to any voluntary exclusion 38846
list created as part of a voluntary exclusion program under this 38847
chapter or Chapter 3775. of the Revised Code. 38848

Sec. 3775.10. (A) A sports gaming proprietor shall do all of 38849
the following: 38850

(1) Conduct all sports gaming activities and functions in a 38851
manner that does not pose a threat to the public health, safety, 38852
or welfare of the citizens of this state; 38853

(2) Adopt comprehensive house rules for game play governing 38854
sports gaming transactions with its patrons, including rules that 38855
specify the amounts to be paid on winning wagers and the effect of 38856
schedule changes, and submit them to the Ohio casino control 38857
commission for approval before implementing them. The sports 38858
gaming proprietor shall publish its house rules as part of its 38859
minimum internal control standards, shall display the house rules, 38860
together with any other information the commission considers 38861
appropriate, conspicuously in each sports gaming facility and in 38862
any other place or manner prescribed by the commission, and shall 38863
make copies of its house rules readily available to patrons. 38864

(3) Keep current in all payments and obligations to the 38865

commission;	38866
(4) Provide a secure location for the placement, operation, and use of sports gaming equipment;	38867 38868
(5) Prevent any person from tampering with or interfering with the operation of sports gaming;	38869 38870
(6) Employ commercially reasonable methods to prevent the sports gaming proprietor and its agents and employees from disclosing any confidential information in the possession of the sports gaming proprietor that could affect the conduct of sports gaming;	38871 38872 38873 38874 38875
(7) Ensure that sports gaming conducted at a sports gaming facility is within the sight and control of designated employees of the sports gaming proprietor and that sports gaming is conducted under continuous observation by security equipment in conformity with the specifications and requirements of the commission;	38876 38877 38878 38879 38880 38881
(8) Ensure that sports gaming occurs only in the locations and manner approved by the commission;	38882 38883
(9) Ensure that all sports gaming is monitored in accordance with division (I) of section 3775.02 of the Revised Code;	38884 38885
(10) Maintain sufficient funds and other supplies to conduct sports gaming at all times;	38886 38887
(11) Maintain daily records showing the sports gaming proprietor's sports gaming receipts and timely file with the commission any additional reports required by rule or by other provisions of the Revised Code;	38888 38889 38890 38891
(12) Withhold all required amounts from patrons' sports gaming winnings;	38892 38893
(13) Submit to the commission, each fiscal year, an audit of the sports gaming proprietor's financial transactions and the	38894 38895

condition of the sports gaming proprietor's total operations 38896
prepared by a certified public accountant in accordance with 38897
generally accepted accounting principles and applicable state and 38898
federal laws; 38899

(14) Submit to the commission, at least once every three 38900
years, an audit of the sports gaming proprietor's information 38901
technology systems and security protocols prepared by a qualified, 38902
independent, and capable third party, as determined by, and in a 38903
manner approved by, the commission; 38904

(15) Promptly provide anonymized sports gaming data to a 38905
sports governing body or a state university that submits a valid 38906
request for the data under division (B)(13) or (14) of section 38907
3775.02 of the Revised Code. 38908

(B) A sports gaming proprietor immediately shall report to 38909
the commission any information in the sports gaming proprietor's 38910
possession related to any of the following: 38911

(1) Any wager in violation of this chapter or rules adopted 38912
under this chapter or of federal law; 38913

(2) Abnormal sports gaming activity or patterns that may 38914
indicate a concern regarding the integrity of a sporting event; 38915

(3) Suspicious wagering activities; 38916

(4) Any conduct that corrupts a wagering outcome of a 38917
sporting event for purposes of financial gain; 38918

(5) Any criminal or disciplinary proceedings commenced 38919
against the sports gaming proprietor by any person other than the 38920
commission in connection with the sports gaming proprietor's 38921
operations. 38922

(C) A sports gaming proprietor may manage risk associated 38923
with wagers by rejecting or pooling one or more wagers or by 38924
laying off one or more wagers with another sports gaming 38925

proprietor. 38926

(D) A sports gaming proprietor may employ a system that 38927
offsets loss or manages risk in the operation of sports gaming 38928
under this chapter through the use of a liquidity pool in another 38929
jurisdiction in which the sports gaming proprietor or an affiliate 38930
or other third party also holds licensure, provided that at all 38931
times adequate protections are maintained to ensure sufficient 38932
funds are available to pay patrons. 38933

(E) A sports gaming proprietor may provide promotional gaming 38934
credits to patrons, subject to oversight by the commission. 38935
Promotional gaming credits described as free or risk-free shall 38936
not require a person to incur any loss, deposit any funds, or risk 38937
the person's own money to use or withdraw winnings from the wager. 38938
Promotional gaming credits shall not restrict a person from 38939
withdrawing the person's own funds or withdrawing any winnings 38940
from wagers placed using the person's own funds. Any advertisement 38941
or promotion that violates this division is considered false, 38942
misleading, or deceptive to a reasonable consumer for the purposes 38943
of division (B)(10)(e) of section 3775.02 of the Revised Code. In 38944
addition to penalties or fines that may be imposed under section 38945
3775.02 of the Revised Code and the rules adopted thereunder, the 38946
commission may restrict or prohibit a sports gaming proprietor 38947
from providing promotional gaming credits to patrons if the 38948
commission determines that the sports gaming proprietor offered a 38949
promotional gaming credit in violation of this division. 38950

(F) If a sports gaming patron does not claim a winning wager 38951
from a sports gaming proprietor within one year from the last day 38952
on which the sporting event is held, the sports gaming 38953
proprietor's obligation to pay the winnings shall expire, and the 38954
sports gaming proprietor shall remit the winnings to the 38955
commission, which shall deposit them in the sports gaming revenue 38956
fund. 38957

(G) A sports gaming proprietor is not liable under the laws 38958
of this state to any party, including a patron, for disclosing 38959
information as required under this chapter or for refusing to 38960
disclose information that is not required by law to be disclosed. 38961

(H)(1) A sports gaming proprietor shall maintain the 38962
confidentiality of any information provided to the sports gaming 38963
proprietor by a sports governing body that the sports governing 38964
body designates as confidential, except as otherwise required by 38965
law or by order of the commission. The sports gaming proprietor 38966
shall not use such confidential information for business or 38967
marketing purposes, except with the express written approval of 38968
the sports governing body. 38969

(2) A sports governing body shall maintain the 38970
confidentiality of any information provided to the sports 38971
governing body by a sports gaming proprietor that the sports 38972
gaming proprietor designates as confidential, except as otherwise 38973
required by law or by order of the commission. The sports 38974
governing body shall not use such confidential information for 38975
business or marketing purposes, except with the express written 38976
approval of the sports gaming proprietor. 38977

Sec. 3781.10. (A)(1) The board of building standards shall 38978
formulate and adopt rules governing the erection, construction, 38979
repair, alteration, and maintenance of all buildings or classes of 38980
buildings specified in section 3781.06 of the Revised Code, 38981
including land area incidental to those buildings, the 38982
construction of industrialized units, the installation of 38983
equipment, and the standards or requirements for materials used in 38984
connection with those buildings. The board shall incorporate those 38985
rules into separate residential and nonresidential building codes. 38986
The standards shall relate to the conservation of energy and the 38987
safety and sanitation of those buildings. 38988

(2) The rules governing nonresidential buildings are the 38989
lawful minimum requirements specified for those buildings and 38990
industrialized units, except that no rule other than as provided 38991
in division (C) of section 3781.108 of the Revised Code that 38992
specifies a higher requirement than is imposed by any section of 38993
the Revised Code is enforceable. The rules governing residential 38994
buildings are uniform requirements for residential buildings in 38995
any area with a building department certified to enforce the state 38996
residential building code. In no case shall any local code or 38997
regulation differ from the state residential building code unless 38998
that code or regulation addresses subject matter not addressed by 38999
the state residential building code or is adopted pursuant to 39000
section 3781.01 of the Revised Code. 39001

(3) The rules adopted pursuant to this section are complete, 39002
lawful alternatives to any requirements specified for buildings or 39003
industrialized units in any section of the Revised Code. Except as 39004
otherwise provided in division (I) of this section, the board 39005
shall, on its own motion or on application made under sections 39006
3781.12 and 3781.13 of the Revised Code, formulate, propose, 39007
adopt, modify, amend, or repeal the rules to the extent necessary 39008
or desirable to effectuate the purposes of sections 3781.06 to 39009
3781.18 of the Revised Code. 39010

(B) The board shall report to the general assembly proposals 39011
for amendments to existing statutes relating to the purposes 39012
declared in section 3781.06 of the Revised Code that public health 39013
and safety and the development of the arts require and shall 39014
recommend any additional legislation to assist in carrying out 39015
fully, in statutory form, the purposes declared in that section. 39016
The board shall prepare and submit to the general assembly a 39017
summary report of the number, nature, and disposition of the 39018
petitions filed under sections 3781.13 and 3781.14 of the Revised 39019
Code. 39020

(C) On its own motion or on application made under sections 39021
3781.12 and 3781.13 of the Revised Code, and after thorough 39022
testing and evaluation, the board shall determine by rule that any 39023
particular fixture, device, material, process of manufacture, 39024
manufactured unit or component, method of manufacture, system, or 39025
method of construction complies with performance standards adopted 39026
pursuant to section 3781.11 of the Revised Code. The board shall 39027
make its determination with regard to adaptability for safe and 39028
sanitary erection, use, or construction, to that described in any 39029
section of the Revised Code, wherever the use of a fixture, 39030
device, material, method of manufacture, system, or method of 39031
construction described in that section of the Revised Code is 39032
permitted by law. The board shall amend or annul any rule or issue 39033
an authorization for the use of a new material or manufactured 39034
unit on any like application. No department, officer, board, or 39035
commission of the state other than the board of building standards 39036
or the board of building appeals shall permit the use of any 39037
fixture, device, material, method of manufacture, newly designed 39038
product, system, or method of construction at variance with what 39039
is described in any rule the board of building standards adopts or 39040
issues or that is authorized by any section of the Revised Code. 39041
Nothing in this section shall be construed as requiring approval, 39042
by rule, of plans for an industrialized unit that conforms with 39043
the rules the board of building standards adopts pursuant to 39044
section 3781.11 of the Revised Code. 39045

(D) The board shall recommend rules, codes, and standards to 39046
help carry out the purposes of section 3781.06 of the Revised Code 39047
and to help secure uniformity of state administrative rulings and 39048
local legislation and administrative action to the bureau of 39049
workers' compensation, the director of commerce, any other 39050
department, officer, board, or commission of the state, and to 39051
legislative authorities and building departments of counties, 39052
townships, and municipal corporations, and shall recommend that 39053

they audit those recommended rules, codes, and standards by any 39054
appropriate action that they are allowed pursuant to law or the 39055
constitution. 39056

(E)(1) The board shall certify municipal, township, and 39057
county building departments, the personnel of those building 39058
departments, persons described in division (E)(7) of this section, 39059
and employees of individuals, firms, the state, or corporations 39060
described in division (E)(7) of this section to exercise 39061
enforcement authority, to accept and approve plans and 39062
specifications, and to make inspections, pursuant to sections 39063
3781.03, 3791.04, and 4104.43 of the Revised Code. 39064

(2) The board shall certify departments, personnel, and 39065
persons to enforce the state residential building code, to enforce 39066
the nonresidential building code, or to enforce both the 39067
residential and the nonresidential building codes. Any department, 39068
personnel, or person may enforce only the type of building code 39069
for which certified. 39070

(3) The board shall not require a building department, its 39071
personnel, or any persons that it employs to be certified for 39072
residential building code enforcement if that building department 39073
does not enforce the state residential building code. The board 39074
shall specify, in rules adopted pursuant to Chapter 119. of the 39075
Revised Code, the requirements for certification for residential 39076
and nonresidential building code enforcement, which shall be 39077
consistent with this division. The requirements for residential 39078
and nonresidential certification may differ. Except as otherwise 39079
provided in this division, the requirements shall include, but are 39080
not limited to, the satisfactory completion of an initial 39081
examination and, to remain certified, the completion of a 39082
specified number of hours of continuing building code education 39083
within each three-year period following the date of certification 39084
which shall be not less than thirty hours. The rules shall provide 39085

that continuing education credits and certification issued by the 39086
council of American building officials, national model code 39087
organizations, and agencies or entities the board recognizes are 39088
acceptable for purposes of this division. The rules shall specify 39089
requirements that are consistent with the provisions of section 39090
5903.12 of the Revised Code relating to active duty military 39091
service and are compatible, to the extent possible, with 39092
requirements the council of American building officials and 39093
national model code organizations establish. 39094

(4) The board shall establish and collect a certification and 39095
renewal fee for building department personnel, and persons and 39096
employees of persons, firms, or corporations as described in this 39097
section, who are certified pursuant to this division. 39098

(5) Any individual certified pursuant to this division shall 39099
complete the number of hours of continuing building code education 39100
that the board requires or, for failure to do so, forfeit 39101
certification. 39102

(6) This division does not require or authorize the board to 39103
certify personnel of municipal, township, and county building 39104
departments, and persons and employees of persons, firms, or 39105
corporations as described in this section, whose responsibilities 39106
do not include the exercise of enforcement authority, the approval 39107
of plans and specifications, or making inspections under the state 39108
residential and nonresidential building codes. 39109

(7) Enforcement authority for approval of plans and 39110
specifications and enforcement authority for inspections may be 39111
exercised, and plans and specifications may be approved and 39112
inspections may be made on behalf of a municipal corporation, 39113
township, or county, by any of the following who the board of 39114
building standards certifies: 39115

(a) Officers or employees of the municipal corporation, 39116

township, or county;	39117
(b) Persons, or employees of persons, firms, or corporations,	39118
pursuant to a contract to furnish architectural, engineering, or	39119
other services to the municipal corporation, township, or county;	39120
(c) Officers or employees of, and persons under contract	39121
with, a municipal corporation, township, county, health district,	39122
or other political subdivision, pursuant to a contract to furnish	39123
architectural, engineering, or other services;	39124
(d) Officers or employees of the division of industrial	39125
compliance in the department of commerce pursuant to a contract	39126
authorized by division (B) of section 121.083 of the Revised Code.	39127
(8) Municipal, township, and county building departments have	39128
jurisdiction within the meaning of sections 3781.03, 3791.04, and	39129
4104.43 of the Revised Code, only with respect to the types of	39130
buildings and subject matters for which they are certified under	39131
this section.	39132
(9) A certified municipal, township, or county building	39133
department may exercise enforcement authority, accept and approve	39134
plans and specifications, and make inspections pursuant to	39135
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a	39136
park district created pursuant to Chapter 1545. of the Revised	39137
Code upon the approval, by resolution, of the board of park	39138
commissioners of the park district requesting the department to	39139
exercise that authority and conduct those activities, as	39140
applicable.	39141
(10) Certification shall be granted upon application by the	39142
municipal corporation, the board of township trustees, or the	39143
board of county commissioners and approval of that application by	39144
the board of building standards. The application shall set forth:	39145
(a) Whether the certification is requested for residential or	39146
nonresidential buildings, or both;	39147

(b) The number and qualifications of the staff composing the building department;	39148 39149
(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;	39150 39151 39152
(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;	39153 39154 39155 39156
(e) The proposed budget for the operation of the building department.	39157 39158
(11) The board of building standards shall adopt rules governing all of the following:	39159 39160
(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.	39161 39162 39163 39164 39165 39166 39167 39168 39169 39170 39171 39172 39173 39174
(b) The minimum services to be provided by a certified building department.	39175 39176
(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential	39177 39178

building codes, on petition to the board by any person affected by 39179
that enforcement or approval of plans, or by the board on its own 39180
motion. Hearings shall be held and appeals permitted on any 39181
proceedings for certification or revocation or suspension of 39182
certification in the same manner as provided in section 3781.101 39183
of the Revised Code for other proceedings of the board of building 39184
standards. 39185

(13) Upon certification, and until that authority is revoked, 39186
any county or township building department shall enforce the 39187
residential and nonresidential building codes for which it is 39188
certified without regard to limitation upon the authority of 39189
boards of county commissioners under Chapter 307. of the Revised 39190
Code or boards of township trustees under Chapter 505. of the 39191
Revised Code. 39192

(F) In addition to hearings sections 3781.06 to 3781.18 and 39193
3791.04 of the Revised Code require, the board of building 39194
standards shall make investigations and tests, and require from 39195
other state departments, officers, boards, and commissions 39196
information the board considers necessary or desirable to assist 39197
it in the discharge of any duty or the exercise of any power 39198
mentioned in this section or in sections 3781.06 to 3781.18, 39199
3791.04, and 4104.43 of the Revised Code. 39200

(G) The board shall adopt rules and establish reasonable fees 39201
for the review of all applications submitted where the applicant 39202
applies for authority to use a new material, assembly, or product 39203
of a manufacturing process. The fee shall bear some reasonable 39204
relationship to the cost of the review or testing of the 39205
materials, assembly, or products and for the notification of 39206
approval or disapproval as provided in section 3781.12 of the 39207
Revised Code. 39208

(H) The residential construction advisory committee shall 39209
provide the board with a proposal for a state residential building 39210

code that the committee recommends pursuant to division (D)(1) of 39211
section 4740.14 of the Revised Code. Upon receiving a 39212
recommendation from the committee that is acceptable to the board, 39213
the board shall adopt rules establishing that code as the state 39214
residential building code. 39215

(I)(1) The committee may provide the board with proposed 39216
rules to update or amend the state residential building code that 39217
the committee recommends pursuant to division (E) of section 39218
4740.14 of the Revised Code. 39219

(2) If the board receives a proposed rule to update or amend 39220
the state residential building code as provided in division (I)(1) 39221
of this section, the board either may accept or reject the 39222
proposed rule for incorporation into the residential building 39223
code. If the board does not act to either accept or reject the 39224
proposed rule within ninety days after receiving the proposed rule 39225
from the committee as described in division (I)(1) of this 39226
section, the proposed rule shall become part of the residential 39227
building code. 39228

(J) The board shall cooperate with the director of job and 39229
family services when the director promulgates rules pursuant to 39230
section 5104.05 of the Revised Code regarding safety and 39231
sanitation in type A family day-care homes. 39232

(K) The board shall adopt rules to implement the requirements 39233
of section 3781.108 of the Revised Code. 39234

(L) The board shall establish a grant program to assist 39235
building departments certified by the board pursuant to division 39236
(E) of this section in the recruitment, training, and retention of 39237
qualified personnel. 39238

Sec. 3781.102. (A) Any county or municipal building 39239
department certified pursuant to division (E) of section 3781.10 39240

of the Revised Code as of September 14, 1970, and that, as of that 39241
date, was inspecting single-family, two-family, and three-family 39242
residences, and any township building department certified 39243
pursuant to division (E) of section 3781.10 of the Revised Code, 39244
is hereby declared to be certified to inspect single-family, 39245
two-family, and three-family residences containing industrialized 39246
units, and shall inspect the buildings or classes of buildings 39247
subject to division (E) of section 3781.10 of the Revised Code. 39248

(B) Each board of county commissioners may adopt, by 39249
resolution, rules establishing standards and providing for the 39250
licensing of electrical and heating, ventilating, and air 39251
conditioning contractors who are not required to hold a valid and 39252
unexpired license pursuant to Chapter 4740. of the Revised Code. 39253

Rules adopted by a board of county commissioners pursuant to 39254
this division may be enforced within the unincorporated areas of 39255
the county and within any municipal corporation where the 39256
legislative authority of the municipal corporation has contracted 39257
with the board for the enforcement of the county rules within the 39258
municipal corporation pursuant to section 307.15 of the Revised 39259
Code. The rules shall not conflict with rules adopted by the board 39260
of building standards pursuant to section 3781.10 of the Revised 39261
Code or by the department of commerce pursuant to Chapter 3703. of 39262
the Revised Code. This division does not impair or restrict the 39263
power of municipal corporations under Section 3 of Article XVIII, 39264
Ohio Constitution, to adopt rules concerning the erection, 39265
construction, repair, alteration, and maintenance of buildings and 39266
structures or of establishing standards and providing for the 39267
licensing of specialty contractors pursuant to section 715.27 of 39268
the Revised Code. 39269

A board of county commissioners, pursuant to this division, 39270
may require all electrical contractors and heating, ventilating, 39271

and air conditioning contractors, other than those who hold a 39272
valid and unexpired license issued pursuant to Chapter 4740. of 39273
the Revised Code, to successfully complete an examination, test, 39274
or demonstration of technical skills, and may impose a fee and 39275
additional requirements for a license to engage in their 39276
respective occupations within the jurisdiction of the board's 39277
rules under this division. 39278

(C) No board of county commissioners shall require any 39279
specialty contractor who holds a valid and unexpired license 39280
issued pursuant to Chapter 4740. of the Revised Code to 39281
successfully complete an examination, test, or demonstration of 39282
technical skills in order to engage in the type of contracting for 39283
which the license is held, within the unincorporated areas of the 39284
county and within any municipal corporation whose legislative 39285
authority has contracted with the board for the enforcement of 39286
county regulations within the municipal corporation, pursuant to 39287
section 307.15 of the Revised Code. 39288

(D) A board may impose a fee for registration of a specialty 39289
contractor who holds a valid and unexpired license issued pursuant 39290
to Chapter 4740. of the Revised Code before that specialty 39291
contractor may engage in the type of contracting for which the 39292
license is held within the unincorporated areas of the county and 39293
within any municipal corporation whose legislative authority has 39294
contracted with the board for the enforcement of county 39295
regulations within the municipal corporation, pursuant to section 39296
307.15 of the Revised Code, provided that the fee is the same for 39297
all specialty contractors who wish to engage in that type of 39298
contracting. If a board imposes such a fee, the board immediately 39299
shall permit a specialty contractor who presents proof of holding 39300
a valid and unexpired license and pays the required fee to engage 39301
in the type of contracting for which the license is held within 39302
the unincorporated areas of the county and within any municipal 39303

corporation whose legislative authority has contracted with the 39304
board for the enforcement of county regulations within the 39305
municipal corporation, pursuant to section 307.15 of the Revised 39306
Code. 39307

(E) The political subdivision associated with each municipal, 39308
township, and county building department the board of building 39309
standards certifies pursuant to division (E) of section 3781.10 of 39310
the Revised Code may prescribe fees to be paid by persons, 39311
political subdivisions, or any department, agency, board, 39312
commission, or institution of the state, for the acceptance and 39313
approval of plans and specifications, and for the making of 39314
inspections, pursuant to sections 3781.03 and 3791.04 of the 39315
Revised Code. 39316

(F) Each political subdivision that prescribes fees pursuant 39317
to division (E) of this section shall collect, on behalf of the 39318
board of building standards, fees equal to the following: 39319

(1) Three per cent of the fees the political subdivision 39320
collects in connection with nonresidential buildings; 39321

(2) One per cent of the fees the political subdivision 39322
collects in connection with residential buildings. 39323

(G)(1) The board shall adopt rules, in accordance with 39324
Chapter 119. of the Revised Code, specifying the manner in which 39325
the fee assessed pursuant to division (F) of this section shall be 39326
collected and remitted monthly to the board. The board shall pay 39327
the fees into the state treasury to the credit of the industrial 39328
compliance operating fund created in section 121.084 of the 39329
Revised Code. 39330

(2) All money credited to the industrial compliance operating 39331
fund under this division shall be used exclusively for the 39332
following: 39333

(a) Operating costs of the board; 39334

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code; 39335
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(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code. 39338
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(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code. 39341
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(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses. 39343
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(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter. 39354
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(J) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code. 39358
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Sec. 3796.02. There is hereby established a division of marijuana control in the department of commerce. The medical 39363
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marijuana control program ~~in the department of commerce and the~~ 39365
~~state board of pharmacy~~ is hereby established in the division of 39366
marijuana control. The ~~department~~ division shall provide for the 39367
licensure of medical marijuana cultivators ~~and, processors, retail~~ 39368
~~dispensaries,~~ and the licensure of laboratories that test medical 39369
marijuana. The ~~board~~ division shall also provide for ~~the licensure~~ 39370
~~of retail dispensaries~~ and the registration of patients and their 39371
caregivers. The ~~department and board~~ division shall administer the 39372
medical marijuana control program. 39373

Sec. 3796.03. ~~(A)(1) Except as provided in division (A)(2) of~~ 39374
~~this section, not later than one year after September 8, 2016, the~~ 39375
~~department of commerce~~ (A) The division of marijuana control shall 39376
adopt rules establishing standards and procedures for the medical 39377
marijuana control program. 39378

~~(2) The department shall adopt rules establishing standards~~ 39379
~~and procedures for the licensure of cultivators not later than two~~ 39380
~~hundred forty days after September 8, 2016.~~ 39381

~~(3) All rules adopted under this section shall be adopted in~~ 39382
accordance with Chapter 119. of the Revised Code. 39383

(B) The rules shall do all of the following: 39384

(1) Establish application procedures and fees for licenses it 39385
issues under this chapter; 39386

(2) Specify both of the following: 39387

(a) The conditions that must be met to be eligible for 39388
licensure; 39389

(b) In accordance with section 9.79 of the Revised Code, the 39390
criminal offenses for which an applicant will be disqualified from 39391
licensure pursuant to that section. 39392

(3) Establish, in accordance with section 3796.05 of the 39393

Revised Code, the number of cultivator licenses <u>and retail</u>	39394
<u>dispensary licenses</u> that will be permitted at any one time;	39395
(4) Establish a license renewal schedule, renewal procedures,	39396
and renewal fees;	39397
(5) Specify reasons for which a license may be suspended,	39398
including without prior hearing, revoked, or not be renewed or	39399
issued and the reasons for which a civil penalty may be imposed on	39400
a license holder;	39401
(6) Establish standards under which a license suspension may	39402
be lifted;	39403
(7) <u>Establish procedures for registration of patients and</u>	39404
<u>caregivers and requirements that must be met to be eligible for</u>	39405
<u>registration;</u>	39406
(8) <u>Establish training requirements for employees of retail</u>	39407
<u>dispensaries;</u>	39408
(9) Specify if a cultivator, processor, <u>retail dispensary,</u> or	39409
laboratory that is licensed under this chapter and that existed at	39410
a location before a school, church, public library, public	39411
playground, or public park became established within five hundred	39412
feet of the cultivator, processor, <u>retail dispensary,</u> or	39413
laboratory, may remain in operation or shall relocate or have its	39414
license revoked by the board <u>division;</u>	39415
(8) (10) <u>Specify, by form and tetrahydrocannabinol content, a</u>	39416
<u>maximum ninety-day supply of medical marijuana that may be</u>	39417
<u>possessed;</u>	39418
(11) <u>Specify the paraphernalia or other accessories that may</u>	39419
<u>be used in the administration to a registered patient of medical</u>	39420
<u>marijuana;</u>	39421
(12) <u>Establish procedures for the issuance of patient or</u>	39422
<u>caregiver identification cards;</u>	39423

<u>(13) Specify the forms of or methods of using medical marijuana that are attractive to children;</u>	39424
	39425
<u>(14) Specify both of the following:</u>	39426
(a) Subject to division (B)(8)(b) <u>(B)(14)(b)</u> of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;	39427
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	39429
(b) Which of the criminal offenses specified pursuant to division (B)(8)(a) <u>(B)(14)(a)</u> of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.	39430
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(9) <u>(15) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter;</u>	39435
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<u>(16) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of medical marijuana by a laboratory licensed under this chapter.</u>	39438
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(C) In addition to the rules described in division (B) of this section, the department <u>division</u> may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter.	39441
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(D) When adopting rules under this section, the department <u>division</u> shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana.	39445
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Sec. 3796.032. This chapter does not authorize the department of commerce or the state board of pharmacy <u>division of marijuana control</u> to oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana and is	39449
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approved by an agency, board, center, department, or institute of 39454
the United States government, including any of the following: 39455

- (A) The agency for health care research and quality; 39456
- (B) The national institutes of health; 39457
- (C) The national academy of sciences; 39458
- (D) The centers for medicare and medicaid services; 39459
- (E) The United States department of defense; 39460
- (F) The centers for disease control and prevention; 39461
- (G) The United States department of veterans affairs; 39462
- (H) The drug enforcement administration; 39463
- (I) The food and drug administration; 39464
- (J) Any board recognized by the national institutes of health 39465
for the purpose of evaluating the medical value of health care 39466
services. 39467

Sec. 3796.05. (A) When establishing the number of cultivator 39468
licenses that will be permitted at any one time, the ~~department of~~ 39469
~~commerce~~ division of marijuana control shall consider both of the 39470
following: 39471

- (1) The population of this state; 39472
- (2) The number of patients seeking to use medical marijuana. 39473

(B) When establishing the number of retail dispensary 39474
licenses that will be permitted at any one time, the ~~state board~~ 39475
~~of pharmacy~~ division shall consider all of the following: 39476

- (1) The population of this state; 39477
- (2) The number of patients seeking to use medical marijuana; 39478
- (3) The geographic distribution of dispensary sites in an 39479
effort to ensure patient access to medical marijuana. 39480

(C) When establishing standards and procedures for the testing of medical marijuana, the department <u>division</u> shall do all of the following:	39481 39482 39483
(1) Specify when testing must be conducted;	39484
(2) Determine the minimum amount of medical marijuana that must be tested;	39485 39486
(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products processed for and dispensed to patients;	39487 39488 39489
(4) Specify the manner in which test results are provided.	39490
Sec. 3796.06. (A) Only the following forms of medical marijuana may be dispensed under this chapter:	39491 39492
(1) Oils;	39493
(2) Tinctures;	39494
(3) Plant material;	39495
(4) Edibles;	39496
(5) Patches;	39497
(6) Any other form approved by the state board of pharmacy <u>division of marijuana control</u> under section 3796.061 of the Revised Code.	39498 39499 39500
(B) With respect to the methods of using medical marijuana, all of the following apply:	39501 39502
(1) The smoking or combustion of medical marijuana is prohibited.	39503 39504
(2) The vaporization of medical marijuana is permitted; and .	39505
(3) The state board of pharmacy <u>division</u> may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code.	39506 39507 39508

(C) Any form or method that is considered attractive to children, as specified in rules adopted by the ~~board~~ division, is prohibited.

(D) With respect to tetrahydrocannabinol content, all of the following apply:

(1) Plant material shall have a tetrahydrocannabinol content of not more than thirty-five per cent.

(2) Extracts shall have a tetrahydrocannabinol content of not more than seventy per cent.

Sec. 3796.061. (A) Any person may submit a petition to the state ~~board of pharmacy~~ division of marijuana control requesting that a form of or method of using medical marijuana be approved for the purposes of section 3796.06 of the Revised Code. A petition shall be submitted to the ~~board~~ division in a manner prescribed by the ~~board~~ division. A petition shall not seek to approve a method of using medical marijuana that involves smoking or combustion.

(B) On receipt of a petition, the ~~board~~ division shall review it to determine whether to approve the form of or method of using medical marijuana described in the petition. The ~~board~~ division may consolidate the review of petitions for the same or similar forms or methods. In making its determination, the ~~board~~ division shall consult with one or more experts and review any relevant scientific evidence.

(C) The ~~board~~ division shall approve or deny the petition in accordance with any rules adopted by the ~~board~~ division under this section. The ~~board's~~ division's decision is final.

(D) The ~~board~~ division may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3796.08. (A)(1) ~~Until one hundred eighty days~~ 39539
~~following the effective date of this amendment, a patient seeking~~ 39540
to use medical marijuana or a caregiver seeking to assist a 39541
patient in the use or administration of medical marijuana shall 39542
apply to the state board of pharmacy for registration. On and 39543
after one hundred eighty days following the effective date of this 39544
amendment, a patient seeking to use medical marijuana or a 39545
caregiver seeking to assist a patient in the use or administration 39546
of medical marijuana shall apply to the division of marijuana 39547
control for registration. The physician who holds a certificate to 39548
recommend issued by the state medical board and is treating the 39549
patient or the physician's delegate shall submit the application 39550
on the patient's or caregiver's behalf in the manner established 39551
in rules adopted under section ~~3796.04~~ 3796.03 of the Revised 39552
Code. 39553

(2) The application shall include all of the following: 39554

(a) A statement from the physician certifying all of the 39555
following: 39556

(i) That a bona fide physician-patient relationship exists 39557
between the physician and patient; 39558

(ii) That the patient has been diagnosed with a qualifying 39559
medical condition; 39560

(iii) That the physician or physician delegate has requested 39561
from the drug database a report of information related to the 39562
patient that covers at least the twelve months immediately 39563
preceding the date of the report; 39564

(iv) That the physician has informed the patient of the risks 39565
and benefits of medical marijuana as it pertains to the patient's 39566
qualifying medical condition and medical history. 39567

(b) In the case of an application submitted on behalf of a 39568

patient, the name or names of the one or more caregivers that will 39569
assist the patient in the use or administration of medical 39570
marijuana; 39571

(c) In the case of an application submitted on behalf of a 39572
caregiver, the name of the patient or patients that the caregiver 39573
seeks to assist in the use or administration of medical marijuana. 39574

(3) If the application is complete and meets the requirements 39575
established in rules, the board or division, as applicable, shall 39576
register the patient or caregiver and issue to the patient or 39577
caregiver an identification card. 39578

(B) The board or division, as applicable, shall not make 39579
public any information reported to or collected by the board or 39580
division, as applicable, under this section that identifies or 39581
would tend to identify any specific patient. 39582

Information collected by the board or division, as 39583
applicable, pursuant to this section is confidential and not a 39584
public record. The board or division, as applicable, may share 39585
identifying information with a licensed retail dispensary for the 39586
purpose of confirming that a person has a valid registration. 39587
Information that does not identify a person may be released in 39588
summary, statistical, or aggregate form. 39589

(C) A registration expires according to the renewal schedule 39590
established in rules adopted under section ~~3796.04~~ 3796.03 of the 39591
Revised Code and may be renewed in accordance with procedures 39592
established in those rules. 39593

Sec. 3796.10. (A) An entity that seeks to dispense at retail 39594
medical marijuana shall file an application for licensure with the 39595
~~state board of pharmacy~~ division of marijuana control. The entity 39596
shall file an application for each location from which it seeks to 39597
operate. Each application shall be submitted in accordance with 39598

rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 39599

(B) The ~~board~~ division shall issue a license to an applicant 39600
if all of the following conditions are met: 39601

(1) The report of the criminal records check conducted 39602
pursuant to section 3796.12 of the Revised Code with respect to 39603
the application demonstrates that the person subject to the 39604
criminal records check requirement has not been convicted of or 39605
pleaded guilty to any of the disqualifying offenses specified in 39606
rules adopted under section 9.79 and division (B)(2)(b) of section 39607
~~3796.04~~ 3796.03 of the Revised Code. 39608

(2) The applicant demonstrates that it does not have an 39609
ownership or investment interest in or compensation arrangement 39610
with any of the following: 39611

(a) A laboratory licensed under this chapter; 39612

(b) An applicant for a license to conduct laboratory testing. 39613

(3) The applicant demonstrates that it does not share any 39614
corporate officers or employees with any of the following: 39615

(a) A laboratory licensed under this chapter; 39616

(b) An applicant for a license to conduct laboratory testing. 39617

(4) The applicant demonstrates that it will not be located 39618
within five hundred feet of a school, church, public library, 39619
public playground, or public park. 39620

(5) The information provided to the ~~board~~ division pursuant 39621
to section 3796.11 of the Revised Code demonstrates that the 39622
applicant is in compliance with the applicable tax laws of this 39623
state. 39624

(6) The applicant meets all other licensure eligibility 39625
conditions established in rules adopted under section ~~3796.04~~ 39626
3796.03 of the Revised Code. 39627

(C) The ~~board~~ division shall issue not less than fifteen per cent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures.

As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership.

(D) A license expires according to the renewal schedule established in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code and may be renewed in accordance with the procedures established in those rules.

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary or any law relating to the confidentiality of tax return information, upon the request of the ~~department of commerce or state board of pharmacy~~ division of marijuana control, the department of taxation shall provide to the ~~department of commerce or board~~ division all of the following information:

(a) Whether an applicant for licensure under this chapter is in compliance with the applicable tax laws of this state;

(b) Any past or pending violation by the applicant of those tax laws, and any penalty imposed on the applicant for such a violation. 39659
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(2) The ~~department of commerce or board~~ division shall request the information only as it pertains to an application for licensure that the ~~department of commerce or board~~ division, as applicable, is reviewing. 39662
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(3) The department of taxation may charge the ~~department of commerce or board~~ division a reasonable fee to cover the administrative cost of providing the information. 39666
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(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the ~~department of commerce or board~~ division shall not make the information available to any person other than the applicant for licensure to whom the information applies. 39669
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Sec. 3796.12. (A) As used in this section, "criminal records check" has the same meaning as in section 109.572 of the Revised Code. 39674
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(B)(1) As part of the application process for a license issued under this chapter, the ~~department of commerce or state board of pharmacy, whichever is issuing the license,~~ division of marijuana control shall require each of the following to complete a criminal records check: 39677
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(a) An administrator or other person responsible for the daily operation of the entity seeking the license; 39682
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(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of the entity seeking the license. 39684
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(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of 39687
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this state for the five-year period immediately prior to the date 39689
the criminal records check is requested or provide evidence that 39690
within that five-year period the superintendent of the bureau of 39691
criminal identification and investigation has requested 39692
information about the person from the federal bureau of 39693
investigation in a criminal records check, the ~~department or board~~ 39694
division shall request that the person obtain through the 39695
superintendent a criminal records request from the federal bureau 39696
of investigation as part of the criminal records check of the 39697
person. Even if a person presents proof of having been a resident 39698
of this state for the five-year period, the ~~department or board~~ 39699
division may request that the person obtain information through 39700
the superintendent from the federal bureau of investigation in the 39701
criminal records check. 39702

(C) The ~~department or board~~ division shall provide the 39703
following to each person who is subject to the criminal records 39704
check requirement: 39705

(1) Information about accessing, completing, and forwarding 39706
to the superintendent of the bureau of criminal identification and 39707
investigation the form prescribed pursuant to division (C)(1) of 39708
section 109.572 of the Revised Code and the standard impression 39709
sheet to obtain fingerprint impressions prescribed pursuant to 39710
division (C)(2) of that section; 39711

(2) Written notification that the person is to instruct the 39712
superintendent to submit the completed report of the criminal 39713
records check directly to the ~~department or board~~ division. 39714

(D) Each person who is subject to the criminal records check 39715
requirement shall pay to the bureau of criminal identification and 39716
investigation the fee prescribed pursuant to division (C)(3) of 39717
section 109.572 of the Revised Code for the criminal records check 39718
conducted of the person. 39719

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The members and staff of the ~~department or board~~ division;

(3) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:

(a) A license denial resulting from the criminal records check;

(b) A civil or criminal action regarding the medical marijuana control program or any violation of this chapter.

(F) The ~~department or board~~ division shall deny a license if, after receiving the information and notification required by this section, a person subject to the criminal records check requirement fails to do either of the following:

(1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(2) Instruct the superintendent to submit the completed report of the criminal records check directly to the ~~department or board~~ division.

Sec. 3796.13. (A) Each person seeking employment with an entity licensed under this chapter shall comply with sections

4776.01 to 4776.04 of the Revised Code. Except as provided in 39750
division (B) of this section, such an entity shall not employ the 39751
person unless the person ~~complies with those sections and the~~ has 39752
submitted a criminal records check under those sections. The 39753
report of the resulting criminal records check ~~demonstrates~~ shall 39754
demonstrate that the person has not been convicted of or pleaded 39755
guilty to ~~the following~~: 39756

~~(1) Any~~ any of the disqualifying offenses specified in rules 39757
adopted under division ~~(B)(8)(a)(B)(14)(a)~~ of section 3796.03 of 39758
the Revised Code if the person is seeking employment with an 39759
entity licensed by the ~~department of commerce~~ division of 39760
marijuana control under this chapter: 39761

~~(2) Any of the disqualifying offenses specified in rules~~ 39762
~~adopted under division (B)(14)(a) of section 3796.04 of the~~ 39763
~~Revised Code if the person is seeking employment with an entity~~ 39764
~~licensed by the state board of pharmacy under this chapter.~~ 39765

(B) An entity is not prohibited by division (A) of this 39766
section from employing a person if ~~the following applies~~: 39767

~~(1) In the case of a person seeking employment with an entity~~ 39768
~~licensed by the department of commerce under this chapter, the~~ 39769
disqualifying offense the person was convicted of or pleaded 39770
guilty to is one of the offenses specified in rules adopted under 39771
division ~~(B)(8)(b)(B)(14)(b)~~ of section 3796.03 of the Revised 39772
Code and the person was convicted of or pleaded guilty to the 39773
offense more than five years before the date the employment 39774
begins. 39775

~~(2) In the case of a person seeking employment with an entity~~ 39776
~~licensed by the state board of pharmacy under this chapter, the~~ 39777
disqualifying offense the person was convicted of or pleaded 39778
guilty to is one of the offenses specified in rules adopted under 39779
division ~~(B)(14)(b) of section 3796.04 of the Revised Code and the~~ 39780

~~person was convicted of or pleaded guilty to the offense more than~~ 39781
~~five years before the date the employment begins.~~ 39782

Sec. 3796.14. ~~(A)(1)(A)~~ The department of commerce division 39783
of marijuana control may do any of the following for any reason 39784
specified in rules adopted under section 3796.03 of the Revised 39785
Code: 39786

~~(a)(1)~~ Suspend, suspend without prior hearing, revoke, or 39787
refuse to renew a license it issued under this chapter or a 39788
license or a registration the state board of pharmacy issued prior 39789
to the transfer of regulatory authority over the medical marijuana 39790
control program to the division; 39791

~~(b)(2)~~ Refuse to issue a license; 39792

~~(e)(3)~~ Impose on a license holder a civil penalty in an 39793
amount to be determined by the ~~department~~ division. 39794

(4) With respect to a suspension of a retail dispensary 39795
license without prior hearing, the division may utilize a 39796
telephone conference call to review the allegations and take a 39797
vote. The division shall suspend a license without prior hearing 39798
only if it finds clear and convincing evidence that continued 39799
distribution of medical marijuana by the license holder presents a 39800
danger of immediate and serious harm to others. The suspension 39801
shall remain in effect, unless lifted by the division, until the 39802
division issues its final adjudication order. If the division does 39803
not issue the order within ninety days after the adjudication 39804
hearing, the suspension shall be lifted on the ninety-first day 39805
following the hearing. 39806

The ~~department's~~ division's actions under ~~this~~ division (A) 39807
of this section shall be taken in accordance with Chapter 119. of 39808
the Revised Code. 39809

~~(2) The department may inspect the premises of an applicant~~ 39810

~~for licensure or holder of a current, valid cultivator, processor,
or laboratory license issued under this chapter without prior
notice to the applicant or license holder.~~

~~(B)(1) The state board of pharmacy may do any of the
following for any reason specified in rules adopted under section
3796.04 of the Revised Code:~~

~~(a) Suspend, suspend without prior hearing, revoke, or refuse
to renew a license or registration it issued under this chapter;~~

~~(b) Refuse to issue a license;~~

~~(c) Impose on a license holder a civil penalty in an amount
to be determined by the board.~~

~~The board's actions under this division shall be taken in
accordance with Chapter 119. of the Revised Code.~~

~~(2)(B) The board division may inspect all of the following
for any reason specified in rules adopted under section 3796.03 of
the Revised Code without prior notice to the applicant or license
holder:~~

~~(a)(1) The premises of an applicant for licensure or holder
of a current, valid cultivator, processor, retail dispensary, or
laboratory license issued under this chapter;~~

~~(b) The premises of and all (2) All records maintained
pursuant to this chapter by a holder of a current, valid retail
dispensary license.~~

~~(3) With respect to a suspension without prior hearing, the
board may utilize a telephone conference call to review the
allegations and take a vote. The board shall suspend without prior
hearing only if it finds clear and convincing evidence that
continued distribution of medical marijuana presents a danger of
immediate and serious harm to others. The board shall comply with
section 119.07 of the Revised Code.~~

~~The suspension shall remain in effect, unless lifted by the board, until the board issues its final adjudication order. If the board does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety first day following the hearing.~~

(C) Whenever it appears to the division, from its files, upon complaint, or otherwise, that any person or entity has engaged in, is engaged in, or is about to engage in any practice declared to be illegal or prohibited by this chapter or the rules adopted under this chapter, or when the division believes it to be in the best interest of the public or patients, the division may do any of the following:

(1) Investigate the person or entity as authorized pursuant to this chapter or the rules adopted under this chapter;

(2) Issue subpoenas to any person or entity for the purpose of compelling either of the following:

(a) The attendance and testimony of witnesses;

(b) The production of books, accounts, papers, records, or documents.

(D) If a person or entity fails to comply with any order of the division or a subpoena issued by the division pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience with respect to the requirements of a subpoena issued from such court or a refusal to testify in such court.

Sec. 3796.15. (A) The state board of pharmacy division of marijuana control shall enforce this chapter, or cause it to be enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23

~~of the Revised Code. If it the division has information that any~~ 39871
~~provision of those sections this chapter or any rule adopted under~~ 39872
this chapter has been violated, it shall investigate the matter 39873
and take any action as it considers appropriate. 39874

(B) Nothing in this chapter shall be construed to require the 39875
~~state board of pharmacy division~~ to enforce minor violations if 39876
the ~~board~~ division determines that the public interest is 39877
adequately served by a notice or warning to the alleged offender. 39878

(C) If the ~~board~~ division suspends, revokes, or refuses to 39879
renew any license or registration issued under this chapter and 39880
determines that there is clear and convincing evidence of a danger 39881
of immediate and serious harm to any person, the ~~board~~ division 39882
may place under seal all medical marijuana owned by or in the 39883
possession, custody, or control of the affected license holder or 39884
registrant. Except as provided in this division, the ~~board~~ 39885
division of marijuana control shall not dispose of the medical 39886
marijuana sealed under this division until the license holder or 39887
registrant exhausts all of the holder's or registrant's appeal 39888
rights under Chapter 119. of the Revised Code. The court involved 39889
in such an appeal may order the ~~board~~ division, during the 39890
pendency of the appeal, to sell medical marijuana that is 39891
perishable. The ~~board~~ division shall deposit the proceeds of the 39892
sale with the court. 39893

Sec. 3796.16. (A)(1) The ~~state board of pharmacy division of~~ 39894
marijuana control shall attempt in good faith to negotiate and 39895
enter into a reciprocity agreement with any other state under 39896
which a medical marijuana registry identification card or 39897
equivalent authorization that is issued by the other state is 39898
recognized in this state, if the ~~board~~ division determines that 39899
both of the following apply: 39900

(a) The eligibility requirements imposed by the other state 39901

for that authorization are substantially comparable to the 39902
eligibility requirements for a patient or caregiver registration 39903
and identification card issued under this chapter. 39904

(b) The other state recognizes a patient or caregiver 39905
registration and identification card issued under this chapter. 39906

(2) The ~~board~~ division shall not negotiate any agreement with 39907
any other state under which an authorization issued by the other 39908
state is recognized in this state other than as provided in 39909
division (A)(1) of this section. 39910

(B) If a reciprocity agreement is entered into in accordance 39911
with division (A) of this section, the authorization issued by the 39912
other state shall be recognized in this state, shall be accepted 39913
and valid in this state, and grants the patient or caregiver the 39914
same right to use, possess, obtain, or administer medical 39915
marijuana in this state as a patient or caregiver who was 39916
registered and issued an identification card under this chapter. 39917

(C) The ~~board~~ division may adopt any rules as necessary to 39918
implement this section. 39919

Sec. 3796.17. The ~~state board of pharmacy~~ division of 39920
marijuana control shall establish a toll-free telephone line to 39921
respond to inquiries from patients, caregivers, and health 39922
professionals regarding adverse reactions to medical marijuana and 39923
to provide information about available services and assistance. 39924
The ~~board~~ division may contract with a separate entity to 39925
establish and maintain the telephone line on behalf of the ~~board~~ 39926
division. 39927

Sec. 3796.19. (A) Notwithstanding any conflicting provision 39928
of the Revised Code, the holder of a current, valid processor 39929
license issued under this chapter may do any of the following: 39930

(1) Obtain medical marijuana from one or more licensed 39931

cultivators;	39932
(2) Subject to division (B) of this section, process medical marijuana obtained from one or more licensed cultivators into a form described in section 3796.06 of the Revised Code;	39933 39934 39935
(3) Deliver or sell processed medical marijuana to one or more licensed retail dispensaries.	39936 39937
(B) When processing medical marijuana, a licensed processor shall do both of the following:	39938 39939
(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on the effective date of this section <u>September 8, 2016</u> ;	39940 39941 39942 39943
(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;	39944 39945
(3) Comply with any packaging or labeling requirements established in rules adopted by the department of commerce <u>division of marijuana control</u> under section 3796.03 of the Revised Code.	39946 39947 39948 39949
Sec. 3796.20. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid retail dispensary license issued under this chapter, <u>or previously issued by the state board of pharmacy</u> , may do both of the following:	39950 39951 39952 39953
(1) Obtain medical marijuana from one or more processors;	39954
(2) Dispense or sell medical marijuana in accordance with division (B) of this section.	39955 39956
(B) When dispensing or selling medical marijuana, a licensed retail dispensary shall do all of the following:	39957 39958
(1) Dispense or sell only upon a showing of a current, valid identification card and in accordance with a written	39959 39960

recommendation issued by a physician ~~in accordance with an~~ holding 39961
a certificate to recommend issued by the state medical board under 39962
section 4731.30 of the Revised Code; 39963

(2) Report to the drug database the information required by 39964
section 4729.771 of the Revised Code; 39965

(3) Label the package containing medical marijuana with the 39966
following information: 39967

(a) The name and address of the licensed processor and retail 39968
dispensary; 39969

(b) The name of the patient and caregiver, if any; 39970

(c) The name of the physician who recommended treatment with 39971
medical marijuana; 39972

(d) The directions for use, if any, as recommended by the 39973
physician; 39974

(e) The date on which the medical marijuana was dispensed; 39975

(f) The quantity, strength, kind, or form of medical 39976
marijuana contained in the package. 39977

(C) When operating a licensed retail dispensary, both of the 39978
following apply: 39979

(1) A dispensary shall use only employees who have met the 39980
training requirements established in rules adopted under section 39981
~~3796.04~~ 3796.03 of the Revised Code. 39982

(2) A dispensary shall not make public any information it 39983
collects that identifies or would tend to identify any specific 39984
patient. 39985

Sec. 3796.22. (A) Notwithstanding any conflicting provision 39986
of the Revised Code, a patient registered under this chapter who 39987
obtains medical marijuana from a retail dispensary licensed under 39988
this chapter may do both of the following: 39989

(1) Use medical marijuana;	39990
(2) Possess medical marijuana, subject to division (B) of this section;	39991 39992
(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	39993 39994
(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	39995 39996 39997
(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:	39998 39999 40000
(1) Obtaining, using, or possessing medical marijuana;	40001
(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revise <u>Revised</u> Code.	40002 40003 40004
(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.	40005 40006 40007
Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	40008 40009 40010 40011
(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section;	40012 40013 40014
(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana;	40015 40016
(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	40017 40018

(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient.

(C) A registered caregiver shall not be subject to arrest or criminal prosecution for doing any of following in accordance with this chapter:

(1) Obtaining or possessing medical marijuana on behalf of a registered patient;

(2) Assisting a registered patient in the use or administration of medical marijuana;

(3) Possessing any paraphernalia or accessories specified in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code.

(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.

Sec. 3796.27. (A) As used in this section:

(1) "Financial institution" means any of the following:

(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;

(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee.

(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections

1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 40048
applicable. 40049

(B) A financial institution that provides financial services 40050
to any cultivator, processor, retail dispensary, or laboratory 40051
licensed under this chapter shall be exempt from any criminal law 40052
of this state an element of which may be proven by substantiating 40053
that a person provides financial services to a person who 40054
possesses, delivers, or manufactures marijuana or marijuana 40055
derived products, including section 2925.05 of the Revised Code 40056
and sections 2923.01 and 2923.03 of the Revised Code as those 40057
sections apply to violations of Chapter 2925. of the Revised Code, 40058
if the cultivator, processor, retail dispensary, or laboratory is 40059
in compliance with this chapter and the applicable tax laws of 40060
this state. 40061

(C)(1) Notwithstanding section 149.43 of the Revised Code or 40062
any other public records law to the contrary, upon the request of 40063
a financial institution, the ~~department of commerce or state board~~ 40064
~~of pharmacy~~ division of marijuana control shall provide to the 40065
financial institution all of the following information: 40066

(a) Whether a person with whom the financial institution is 40067
seeking to do business is a cultivator, processor, retail 40068
dispensary, or laboratory licensed under this chapter; 40069

(b) The name of any other business or individual affiliated 40070
with the person; 40071

(c) An unredacted copy of the application for a license under 40072
this chapter, and any supporting documentation, that was submitted 40073
by the person; 40074

(d) If applicable, information relating to sales and volume 40075
of product sold by the person; 40076

(e) Whether the person is in compliance with this chapter; 40077

(f) Any past or pending violation by the person of this chapter, and any penalty imposed on the person for such a violation. 40078
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(2) The ~~department or board~~ division may charge a financial institution a reasonable fee to cover the administrative cost of providing the information. 40081
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(D) Information received by a financial institution under division (C) of this section is confidential. Except as otherwise permitted by other state law or federal law, a financial institution shall not make the information available to any person other than the customer to whom the information applies and any trustee, conservator, guardian, personal representative, or agent of that customer. 40084
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Sec. 3796.30. (A) Except as provided in division (B) of this section, no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. 40091
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If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the ~~department of commerce or state board of pharmacy~~ division of marijuana control shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory. 40097
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(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part 40106
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of a research protocol approved by an institutional review board 40109
or equivalent entity. 40110

(C) As used in this section and sections ~~3796.04~~ 3796.03 and 40111
3796.12 of the Revised Code: 40112

"Church" has the meaning defined in section 1710.01 of the 40113
Revised Code. 40114

"Public library" means a library provided for under Chapter 40115
3375. of the Revised Code. 40116

"Public park" means a park established by the state or a 40117
political subdivision of the state including a county, township, 40118
municipal corporation, or park district. 40119

"Public playground" means a playground established by the 40120
state or a political subdivision of the state including a county, 40121
township, municipal corporation, or park district. 40122

"School" means a child day-care center as defined under 40123
section 5104.01 of the Revised Code, a preschool as defined under 40124
section 2950.034 of the Revised Code, or a public or nonpublic 40125
primary school or secondary school. 40126

Sec. 3796.32. The state board of pharmacy shall allow the 40127
division of marijuana control to access the drug database 40128
established and maintained by the board pursuant to section 40129
4729.75 of the Revised Code as needed to ensure compliance with 40130
this chapter and rules adopted under this chapter. 40131

Sec. 3798.12. As used in this section, "agency" has the same 40132
meaning as in section 111.15 of the Revised Code, except that 40133
"agency" includes a state college or university, a community 40134
college district, a technical college district, or state community 40135
college. 40136

(A) Except as provided in division (B) of this section, any 40137

of the following pertaining to the confidentiality, privacy,	40138
security, or privileged status of protected health information	40139
transacted, maintained in, or accessed through a health	40140
information exchange is unenforceable if it conflicts with this	40141
chapter:	40142
(1) A section of the Revised Code that is not in this	40143
chapter;	40144
(2) A rule as defined in section 119.01 of the Revised Code;	40145
(3) An internal management rule as defined in section 111.15	40146
of the Revised Code;	40147
(4) Guidance issued by an agency;	40148
(5) Orders or regulations of a board of health of a city	40149
health district made under section 3709.20 of the Revised Code;	40150
(6) Orders or regulations of a board of health of a general	40151
health district made under section 3709.21 of the Revised Code;	40152
(7) An ordinance or resolution adopted by a political	40153
subdivision;	40154
(8) A professional code of ethics.	40155
(B) Division (A) of this section does not render	40156
unenforceable or restrict in any manner any of the following:	40157
(1) A provision of the Revised Code that on the effective	40158
date of this section <u>September 10, 2012</u> , requires a person or	40159
governmental entity to disclose protected health information to a	40160
state agency, political subdivision, or other governmental entity;	40161
(2) The confidential status of proceedings and records within	40162
the scope of a peer review committee of a health care entity as	40163
described in section 2305.252 of the Revised Code;	40164
(3) The confidential status of quality assurance program	40165
activities and quality assurance records as described in section	40166

5122.32 of the Revised Code;	40167
(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;	40168 40169
(5) An item described in divisions (A)(1) to (8) of this section that governs any of the following:	40170 40171
(a) The confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency;	40172 40173 40174
(b) The process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research;	40175 40176 40177
(c) The process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code;	40178 40179 40180 40181
(d) The process for determining whether a minor has been emancipated.	40182 40183
(6) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.	40184 40185 40186 40187 40188
Sec. 3901.021. (A) Three-fourths of all appointment and other fees collected under division (B) of section 3905.20 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund, which is hereby created. The remaining one-fourth shall be credited to the general revenue fund. Other revenues collected by the superintendent of insurance, such as registration fees for sponsored seminars or conferences and grants from private entities, shall be paid into	40189 40190 40191 40192 40193 40194 40195 40196

the state treasury to the credit of the department of insurance 40197
operating fund. 40198

(B) Seven-tenths of all fees collected under divisions 40199
(A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code 40200
shall be paid into the state treasury to the credit of the 40201
department of insurance operating fund. The remaining three-tenths 40202
shall be credited to the general revenue fund. 40203

(C) All operating expenses of the department of insurance 40204
~~except, including~~ those expenses defined under section 3901.07 of 40205
the Revised Code, shall be paid from the department of insurance 40206
operating fund. 40207

Sec. 3901.07. (A) As used in this section, "insurer" means 40208
any person doing or authorized to do any insurance business in 40209
this state. 40210

(B)(1) Before issuing any license to do the business of 40211
insurance in this state, the superintendent of insurance, or a 40212
person appointed by ~~him~~ the superintendent, may examine the 40213
financial affairs of any insurer. 40214

(2) The superintendent, or any person appointed by ~~him~~ the 40215
superintendent, may examine, as often as ~~he~~ the superintendent or 40216
appointee considers it desirable, the affairs of any insurer and 40217
of any person as to any matter relevant to the financial affairs 40218
of the insurer or to the examination. 40219

(3) The superintendent, or any person appointed by ~~him~~ the 40220
superintendent, shall examine each domestic insurer at least once 40221
every three years as to its condition, fulfillment of its 40222
contractual obligations, and compliance with applicable laws, 40223
provided that ~~he~~ the superintendent or appointee may defer making 40224
the examination for a longer period not to exceed five years. 40225

(C) In scheduling and determining the nature, scope, and 40226

frequency of any examination authorized or required by division 40227
(B) of this section, the superintendent shall consider such 40228
matters as the results of financial statement analyses and ratios, 40229
changes in management or ownership, actuarial opinions, reports of 40230
independent certified public accountants, and any other criteria 40231
~~he~~ the superintendent considers appropriate. 40232

(D) The superintendent, in lieu of making any examination 40233
authorized or required by division (B) of this section, may accept 40234
the report of an examination of a foreign or alien insurer made 40235
and certified by the superintendent of insurance or other 40236
insurance supervisory official of the state or government of 40237
domicile or state of entry. The examination of an alien insurer 40238
shall be limited to its United States business except as otherwise 40239
required by the superintendent. 40240

(E) Whenever the superintendent determines to examine the 40241
affairs of any insurer pursuant to any examination authorized or 40242
required by division (B) of this section, ~~he~~ the superintendent 40243
shall appoint as examiners one or more competent persons not 40244
employed by or interested in any insurer except as a policyholder. 40245
The superintendent shall instruct the examiners as to the scope of 40246
the examination. 40247

Each examiner appointed under this division shall have 40248
convenient access at all reasonable hours to the books, records, 40249
files, securities, and other documents of the insurer, its 40250
managers, agents, or other persons that are relevant to the 40251
examination. The examiner may administer oaths and examine any 40252
person under oath as to any matter relevant to the affairs of the 40253
insurer or the examination. 40254

(F) If the superintendent finds the accounts of an insurer 40255
being examined pursuant to any examination authorized or required 40256
by division (B) of this section to be inadequate or improperly 40257
kept or posted and if the insurer has been afforded a reasonable 40258

opportunity to correct the accounts, the superintendent may employ 40259
or require the insurer to employ experts to rewrite, post, or 40260
balance the accounts. The employment of experts under this 40261
division shall be at the expense of the insurer. 40262

(G) In connection with any examination authorized or required 40263
by division (B) of this section, the superintendent may appoint 40264
one or more competent persons to appraise the real property of the 40265
insurer or any real property on which the insurer holds security. 40266

(H) The examiner in charge of any examination authorized or 40267
required by division (B) of this section shall make a true report 40268
of the examination, verified under oath, that shall comprise only 40269
facts appearing upon the books, records, or other documents of the 40270
insurer or its agents or other persons examined, or as ascertained 40271
from the sworn testimony of its officers or agents or other 40272
persons examined concerning its affairs, and such conclusions and 40273
recommendations as may be reasonably warranted from those facts. 40274
The reports so verified shall be prima-facie evidence in any 40275
action or proceeding for the rehabilitation or liquidation of the 40276
insurer brought in the name of the state against the insurer or 40277
its officers or agents. 40278

(I) The examined insurer, within thirty days after the 40279
postmark on the envelope in which the report was mailed, may file 40280
with the superintendent written objections to the report. The 40281
objections shall be attached to and made a part of the report, 40282
which then shall be placed in the files of the department of 40283
insurance as a public record. 40284

(J)(1) The officers, directors, managers, employees, and 40285
agents of an insurer shall facilitate in every way any examination 40286
authorized or required by division (B) of this section and, to the 40287
extent of their authority, aid the examiners and persons appointed 40288
or employed pursuant to divisions (E), (F), and (G) of this 40289
section in conducting the examination. 40290

(2) No officer, director, manager, employee, or agent of an insurer shall do any of the following:

(a) Fail to comply with division (J)(1) of this section;

(b) Refuse, without just cause, to be examined under oath;

(c) Knowingly obstruct or interfere with an examiner or any person appointed or employed pursuant to division (E), (F), or (G) of this section in the exercise of ~~his~~ the examiner's, appointee's, or employee's authority under this section.

(3) No insurer shall refuse to submit to an examination authorized or required by division (B) of this section. The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke or refuse to issue or renew the license of any insurer that violates division (J)(3) of this section.

(K) Personnel conducting an examination shall be compensated for each day or portion thereof worked at the rates provided in the examiners' handbook published by the national association of insurance commissioners or the rates applicable to such personnel under section 124.15 or 124.152 of the Revised Code, whichever are higher. Such personnel shall also be reimbursed for their travel and living expenses at rates not to exceed the rates provided in the examiners' handbook published by the association. Personnel who are appointed by the superintendent, but are not employees of the department of insurance, shall be compensated for their work and travel and living expenses at reasonable and customary rates.

(L) If an examination is made of any insurer, the expenses thereof shall be paid by the insurer.

The superintendent shall provide each insurer with an itemized statement of the expenses incurred in the performance of the examination functions authorized or required by this section. Upon receipt of the superintendent's statement, the insurer shall

remit the amount thereof to the superintendent who shall remit to 40322
the treasurer of state pursuant to section ~~3901.071~~ 3901.021 of 40323
the Revised Code for deposit in the ~~superintendent's examination~~ 40324
department of insurance operating fund. 40325

(M) As used in this section, "expenses" means: 40326

(1) The entire compensation for each day or portion thereof 40327
worked by all personnel, including those who are not employees of 40328
the department of insurance, in: 40329

(a) The conduct of such examination calculated at the rates 40330
provided in the examiners' handbook published by the national 40331
association of insurance commissioners; 40332

(b) The review and analysis of the annual and any interim 40333
financial statements of insurers licensed in this state; 40334

(c) The ongoing evaluation and monitoring of the financial 40335
affairs of licensed insurers; 40336

(d) The preparation of the premium or franchise tax liability 40337
of licensed insurers; 40338

(e) The review and evaluation of foreign and alien insurers 40339
seeking a license in this state; 40340

(f) A portion of the training and continuing education costs 40341
of examiners. 40342

(2) Travel and living expenses of all personnel, including 40343
those who are not employees of the department, directly engaged in 40344
the conduct of such examination calculated at rates not to exceed 40345
the rates provided in the examiners' handbook published by the 40346
association; 40347

(3) All other incidental expenses incurred by or on behalf of 40348
such personnel in the conduct of such examination; 40349

(4) An allocated share of all expenses not paid as described 40350
in division (M)(1), (2), or (3) of this section that are 40351

necessarily incurred in carrying out the duties of the 40352
superintendent under this section, including the expenses of 40353
direct overhead and support staff for the examiners and persons 40354
appointed or employed pursuant to divisions (E), (F), and (G) of 40355
this section. 40356

Sec. 3901.071. All moneys collected by the superintendent of 40357
insurance for expenses incurred by the superintendent in 40358
conducting examinations pursuant to the Revised Code of the 40359
financial affairs of any insurance company doing business in this 40360
state, for which the insurance company examined is required to pay 40361
the costs, shall be paid to the superintendent. The superintendent 40362
shall deposit the money in the state treasury to the credit of the 40363
~~superintendent's examination fund, which is hereby established.~~ 40364
~~Any funds expended or obligated therefrom by the superintendent~~ 40365
~~shall be expended or obligated solely for defrayment of the costs~~ 40366
~~of examinations of the financial affairs of insurance companies~~ 40367
~~made by the superintendent pursuant to the Revised Code~~ department 40368
of insurance operating fund. For purposes of this section, 40369
"insurance company" means any domestic or foreign stock company, 40370
risk retention group, mutual company, mutual protective 40371
association, fraternal benefit society, reciprocal or 40372
inter-insurance exchange, and health insuring corporation, 40373
regardless of the type of coverage written, benefits provided, or 40374
guarantees made by each. 40375

Sec. 3919.19. Each corporation, company, or association 40376
organized under section 3919.01 of the Revised Code and each 40377
applicant for a certificate of authority under this chapter shall 40378
be subject to examination by the superintendent of insurance in 40379
accordance with section 3901.07 of the Revised Code. Section 40380
3901.07 of the Revised Code shall govern every aspect of the 40381
examination, including the circumstances under and frequency with 40382

which it is conducted, the authority of the superintendent and any 40383
examiner or other person appointed by the superintendent, the 40384
liability for the assessment of expenses incurred in conducting 40385
the examination, and the remittance of the assessment to the 40386
~~superintendent's examination~~ department of insurance operating 40387
fund. 40388

Sec. 3921.28. (A)(1) Each domestic fraternal benefit society 40389
and each applicant for a certificate of incorporation as a 40390
domestic fraternal benefit society shall be subject to examination 40391
by the superintendent of insurance in accordance with section 40392
3901.07 of the Revised Code. Section 3901.07 of the Revised Code 40393
shall govern every aspect of the examination, including the 40394
circumstances under and frequency with which it is conducted, and 40395
the authority of the superintendent and any examiner or other 40396
person appointed by the superintendent. 40397

(2)(a) A domestic fraternal benefit society shall be liable 40398
for the payment of any additional expense of an examination 40399
resulting from unreasonable delays by the society in fulfilling a 40400
request for documents or information by the examiner conducting 40401
the examination. A delay is deemed unreasonable if the examiner 40402
has made two separate unfulfilled requests for the same documents 40403
or information. A request for records or information from an 40404
examiner shall allow the fraternal benefit society a minimum of 40405
ten business days to fulfill the request. 40406

(b) In the event of an unreasonable delay, the examiner shall 40407
notify the superintendent, who shall set a hearing, under Chapter 40408
119. of the Revised Code, to determine if there has been an 40409
unreasonable delay because of the fraternal benefit society's 40410
response to a request for documents or information and to 40411
calculate the additional expense incurred by the superintendent as 40412
a result of the unreasonable delay. 40413

(3) A summary of the examination of the superintendent and 40414
any recommendations or statements of the superintendent that 40415
accompany the report, shall be read at the first meeting of the 40416
board of directors or corresponding body of the society following 40417
the receipt thereof, and if directed so to do by the 40418
superintendent, shall also be read at the first meeting of the 40419
supreme legislative or governing body of the society following the 40420
receipt thereof. A copy of the report, recommendations, and 40421
statements of the superintendent shall be furnished by the society 40422
to each member of the board of directors or other governing body. 40423

(B) Each foreign or alien fraternal benefit society 40424
transacting or applying for admission to transact business in this 40425
state shall be subject to examination by the superintendent in 40426
accordance with section 3901.07 of the Revised Code. Section 40427
3901.07 of the Revised Code shall govern every aspect of the 40428
examination, including the circumstances under and frequency with 40429
which it is conducted, the authority of the superintendent and any 40430
examiner or other person appointed by the superintendent, the 40431
liability for the assessment of expenses incurred in conducting 40432
the examination, and the remittance of the assessment to the 40433
~~superintendent's examination~~ department of insurance operating 40434
fund. 40435

Sec. 3930.13. The Ohio commercial insurance joint 40436
underwriting association shall be subject to examination by the 40437
superintendent of insurance in accordance with section 3901.07 of 40438
the Revised Code. Section 3901.07 of the Revised Code shall govern 40439
every aspect of the examination, including the circumstances under 40440
and frequency with which it is conducted, the authority of the 40441
superintendent and any examiner or other person appointed by the 40442
superintendent, the liability for the assessment of expenses 40443
incurred in conducting the examination, and the remittance of the 40444
assessment to the ~~superintendent's examination~~ department of 40445

insurance operating fund. 40446

Sec. 3931.08. Each attorney designated under section 3931.01 40447
of the Revised Code and each applicant for a license under section 40448
3931.10 of the Revised Code shall be subject to examination by the 40449
superintendent of insurance in accordance with section 3901.07 of 40450
the Revised Code. Section 3901.07 of the Revised Code shall govern 40451
every aspect of the examination, including the circumstances under 40452
and frequency with which it is conducted, the authority of the 40453
superintendent and any examiner or other person appointed by the 40454
superintendent, the liability for the assessment of expenses 40455
incurred in conducting the examination, and the remittance of the 40456
assessment to the ~~superintendent's examination~~ department of
insurance operating fund. 40457
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As used in section "expenses" means those items included 40459
under division (M) of section 3901.07 of the Revised Code. 40460

Sec. 3959.12. (A) Any license issued under sections 3959.01 40461
to 3959.16 of the Revised Code may be suspended for a period not 40462
to exceed two years, revoked, or not renewed by the superintendent 40463
of insurance after notice to the licensee and hearing in 40464
accordance with Chapter 119. of the Revised Code. The 40465
superintendent may suspend, revoke, or refuse to renew a license 40466
if upon investigation and proof the superintendent finds that the 40467
licensee has done any of the following: 40468

(1) Knowingly violated any provision of sections 3959.01 to 40469
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 40470
the superintendent; 40471

(2) Knowingly made a material misstatement in the application 40472
for the license; 40473

(3) Obtained or attempted to obtain a license through 40474
misrepresentation or fraud; 40475

(4) Misappropriated or converted to the licensee's own use or 40476
improperly withheld insurance company premiums or contributions 40477
held in a fiduciary capacity, excluding, however, any interest 40478
earnings received by the administrator as disclosed in writing by 40479
the administrator to the plan sponsor; 40480

(5) In the transaction of business under the license, used 40481
fraudulent, coercive, or dishonest practices; 40482

(6) Failed to appear without reasonable cause or excuse in 40483
response to a subpoena, examination, warrant, or other order 40484
lawfully issued by the superintendent; 40485

(7) Is affiliated with or under the same general management 40486
or interlocking directorate or ownership of another administrator 40487
that transacts business in this state and is not licensed under 40488
sections 3959.01 to 3959.16 of the Revised Code; 40489

(8) Had a license suspended, revoked, or not renewed in any 40490
other state, district, territory, or province on grounds identical 40491
to those stated in sections 3959.01 to 3959.16 of the Revised 40492
Code; 40493

(9) Been convicted of a financially related felony; 40494

(10) Failed to report a felony conviction as required under 40495
section 3959.13 of the Revised Code. 40496

(B) Upon receipt of notice of the order of suspension in 40497
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 40498
Code, the licensee shall promptly deliver the license to the 40499
superintendent, unless the order of suspension is appealed under 40500
section 119.12 of the Revised Code. 40501

(C) Any person whose license is revoked or whose application 40502
is denied pursuant to sections 3959.01 to 3959.16 of the Revised 40503
Code is ineligible to apply for an administrators license for two 40504
years. 40505

(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, the superintendent finds that the licensee has done either of the following:

(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services;

(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section.

Sec. 3964.03. (A) A captive insurance company shall be organized under Chapter 1701., 1702., 1705., or 1706. of the Revised Code.

(B) A captive insurance company shall not operate in this state unless all of the following are met:

(1) The captive insurance company obtains from the superintendent a license to do the business of captive insurance in this state.

(2) The captive insurance company's board of directors holds at least one meeting each year in this state.

(3) The captive insurance company maintains its principal place of business in this state.

(4) The person managing the captive insurance company is a resident of this state.

(5) The captive insurance company appoints a registered agent to accept service of process and act on its behalf in this state.

(C) Whenever an agent required under division (B)(5) of this section cannot, with reasonable diligence, be found at the

registered office of the captive insurance company, the 40535
superintendent shall be an agent of such a captive insurance 40536
company upon whom any process, notice, or demand may be served. 40537

(D) A captive insurance company seeking a license to be a 40538
captive insurance company in this state shall file an application 40539
with the superintendent and shall submit all of the following 40540
along with the application: 40541

(1) A certified copy of its articles of incorporation, 40542
bylaws, or other organizational document and code of regulations; 40543

(2) A statement, made under oath by the president and 40544
secretary, in a form prescribed by the superintendent, showing the 40545
captive insurance company's financial condition; 40546

(3) A statement of the captive insurance company's assets 40547
relative to its risks, detailing the amount of assets and their 40548
liquidity; 40549

(4) An account of the adequacy of the expertise, experience, 40550
and character of the person or persons who will manage the captive 40551
insurance company; 40552

(5) An account of the loss prevention programs of the persons 40553
that the captive insurance company insures; 40554

(6) Actuarial assumptions and methodologies that will be 40555
utilized in calculating reserves; 40556

(7) Any other information considered necessary by the 40557
superintendent to determine whether the proposed captive insurance 40558
company will be able to meet its obligations. 40559

(E)(1) A special purpose financial captive insurance company 40560
shall follow the national association of insurance commissioner's 40561
accounting practices and procedures manual. 40562

(2)(a) Upon request, the superintendent may allow a special 40563
purpose financial captive insurance company to use a reserve basis 40564

other than that found in the national association of insurance commissioner's accounting practices and procedures manual. 40565
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(b) The superintendent, in accordance with Chapter 119. of the Revised Code, shall adopt rules that define acceptable alternative reserve bases. 40567
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(c) Such rules shall be adopted prior to availability for use of any such alternative reserve basis and shall ensure that the resulting reserves meet all of the following conditions: 40570
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(i) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk. 40573
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(ii) Incorporate assumptions, risk analysis methods, and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods; 40580
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(iii) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve. 40586
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(d) An alternative basis for calculating a reserve approved by the superintendent shall be treated as a public document after the date the alternative basis for calculating the reserve has been approved, regardless of the application of the uniform trade secrets act set forth in sections 1333.61 to 1333.69 of the Revised Code. 40589
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(3) The special purpose financial captive insurance company 40595

shall submit a request for an alternative reserve basis in 40596
writing, and affirmed by the company's appointed actuary, that 40597
includes, at a minimum, the following information for the 40598
superintendent to consider in evaluating the request: 40599

(a) The reserves based on the national association of 40600
insurance commissioner's accounting practices and procedures 40601
manual and the reserves based on the proposed alternative method 40602
for calculation and the difference between these two calculations; 40603

(b) A detailed analysis of the proposed alternative method 40604
explaining why the use of an alternative basis for calculating the 40605
reserve is appropriate; 40606

(c) All assumptions utilized within the proposed alternative 40607
method, together with the source of the assumptions, as well as 40608
information, satisfactory to the superintendent, supporting the 40609
appropriateness of the assumptions and analysis and identifying 40610
the assumptions that result in the greatest variability in the 40611
reserve and how that analysis was used in setting those 40612
assumptions; 40613

(d) A detailed overview of the corporate governance and 40614
oversight of the actuarial valuation function; 40615

(e) Any other information the superintendent may require to 40616
assess the proposed alternative method for approval or 40617
disapproval. 40618

(4) At the expense of the special purpose financial captive 40619
insurance company, the superintendent may require the company to 40620
secure the affirmation of an independent qualified actuary in 40621
support of any alternative basis for calculating the reserve that 40622
is requested pursuant to this section or to assist the 40623
superintendent in the review of said request. 40624

(5) If the superintendent approves the use of an alternative 40625
basis for calculating a reserve, the special purpose financial 40626

captive insurance company, and the ceding insurer shall each 40627
include a note in its financial statements disclosing the use of a 40628
basis other than the national association of insurance 40629
commissioner's accounting practices and procedures manual and the 40630
difference between the reserve amount determined under the 40631
alternative basis and the reserve amount that would have been 40632
determined had the company utilized the national association of 40633
insurance commissioner's accounting practices and procedures 40634
manual. 40635

(6)(a) The superintendent shall establish an acceptable total 40636
capital and surplus requirement for each insurance company that 40637
will cede risks and obligations to a special purpose financial 40638
captive insurance company. The total capital and surplus 40639
requirement must be met at the time the special purpose financial 40640
captive insurance company applies for a license to do the business 40641
of captive insurance. The total capital and surplus requirement 40642
shall be determined in accordance with a minimum required total 40643
capital and surplus methodology that meets both of the following 40644
requirements: 40645

(i) Is consistent with current risk-based capital principles; 40646

(ii) Takes into account all material risks and obligations, 40647
as well as the assets, of the insurance company. 40648

(b) An insurance company ceding risks and obligations to a 40649
special purpose financial captive insurance company shall fully 40650
disclose all material risks and obligations, as well as its assets 40651
and all affiliated captive insurance company risks. The ceding 40652
insurance company shall advise the superintendent whenever there 40653
is a material change to such risks, obligations, or assets. 40654

(F) In determining whether to approve an application for a 40655
license, the superintendent shall consider all of the following: 40656

(1) The character, reputation, financial standing, and 40657

purposes of the incorporators, or other founders, of the captive insurance company; 40658
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(2) The character, reputation, financial responsibility, experience relating to insurance, and business qualifications of the officers and directors of the captive insurance company; 40660
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(3) The amount of liquidity and assets of the captive insurance company relative to the risks to be assumed; 40663
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(4) The adequacy of the expertise, experience, and character of the person or persons who will manage the captive insurance company; 40665
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(5) The overall soundness of the plan of operation; 40668

(6) The adequacy of the loss prevention programs of the persons that the captive insurance company insures. 40669
40670

(G)(1) Each captive insurance company that offers direct insurance to its parent shall submit to the superintendent for approval a detailed description of the coverages, deductibles, coverage limits, proposed rates or rating plans, documentation from a qualified actuary that demonstrates the actuarial soundness of the proposed rates or rating plans, and other such additional information as the superintendent may require. 40671
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(2)(a) Any captive insurance company licensed under the provisions of this chapter that seeks to make any material change to any item described in division (G)(1) of this section shall submit to the superintendent for approval a detailed description of the revision, documentation from a qualified actuary that demonstrates the actuarial soundness of the revised rates or rating plans, and other such additional information as the superintendent may require. 40678
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(b) Each filing under division (G)(2)(a) of this section is deemed approved thirty days after the filing is received by the 40686
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superintendent of insurance, unless the filing is disapproved by 40688
the superintendent during that thirty-day period. 40689

(c) If at any time subsequent to the thirty-day review period 40690
the superintendent finds that a filing does not demonstrate 40691
actuarial soundness, the superintendent shall hold a hearing 40692
requiring the captive insurance company to show cause why an order 40693
should not be made by the superintendent to disapprove the revised 40694
rates or rating plans. 40695

(d) If, upon such a hearing, the superintendent finds that 40696
the captive insurance company failed to demonstrate the actuarial 40697
soundness of the rates or rating plans, the superintendent shall 40698
issue an order directing the captive insurance company to cease 40699
and desist from using the revised rates or rating plans and to use 40700
rates or rating plans as determined appropriate by the 40701
superintendent. 40702

(H) Except as otherwise provided in this division, documents 40703
and information submitted by a captive insurance company pursuant 40704
to this section are not subject to section 149.43 of the Revised 40705
Code, and are confidential, and may not be disclosed by the 40706
superintendent or any employee of the department of insurance 40707
without the written consent of the company. 40708

(1) Such documents and information may be discoverable in a 40709
civil action in which the captive insurance company filing the 40710
material is a party upon a finding by a court of competent 40711
jurisdiction that the information sought is relevant and necessary 40712
to the case and the information sought is unavailable from other, 40713
nonconfidential sources. 40714

(2) The superintendent may, at the superintendent's sole 40715
discretion, share documents required under this section with the 40716
chief deputy rehabilitator, the chief deputy liquidator, other 40717
deputy rehabilitators and liquidators, and any other person 40718

employed by, or acting on behalf of the superintendent pursuant to 40719
Chapter 3901. or 3903. of the Revised Code, with other local, 40720
state, federal, and international regulatory and law enforcement 40721
agencies, with local, state, and federal prosecutors, and with the 40722
national association of insurance commissioners and its affiliates 40723
and subsidiaries provided that the recipient agrees to maintain 40724
the confidential or privileged status of the documents and has 40725
authority to do so. 40726

(I)(1) Each applicant for a license to do the business of a 40727
captive insurance company in this state shall pay to the 40728
superintendent a nonrefundable fee of five hundred dollars for 40729
processing its application for a license. The superintendent is 40730
authorized to retain legal, financial, and examination services 40731
from outside the department, at the expense of the applicant. Each 40732
captive insurance company shall annually pay a license renewal fee 40733
of five hundred dollars. 40734

(2) The fees collected pursuant to division (I)(1) of this 40735
section shall be deposited into the state treasury to the credit 40736
of the ~~captive department of insurance regulation and supervision~~ 40737
~~operating fund created under section 3964.15 of the Revised Code.~~ 40738

Sec. 3964.13. (A)(1) Not later than the second day of March 40739
of each year, a captive insurance company shall pay to the 40740
superintendent of insurance a fee computed in accordance with both 40741
of the following: 40742

(a) 0.35 per cent on its net direct premiums; 40743

(b) 0.15 per cent on revenue from assumed reinsurance 40744
premiums. 40745

(2) The annual minimum aggregate fee to be paid by a captive 40746
insurance company calculated under this division shall be seven 40747
thousand five hundred dollars. The annual maximum aggregate fee to 40748

be paid by a captive insurance company calculated under this 40749
division shall be two hundred fifty thousand dollars. 40750

(B) The fee on reinsurance premiums set forth under division 40751
(A)(1)(b) of this section shall not be levied on premiums for 40752
risks or portions of risks that are subject to the fee under 40753
division (A)(1)(a) of this section. 40754

(C) A captive insurance company shall not pay any reinsurance 40755
fee pursuant to division (A)(1)(b) of this section on revenue 40756
related to the receipt of assets by the captive insurance company 40757
in exchange for the assumption of loss reserves and other 40758
liabilities of another insurance company that is under common 40759
ownership and control with the captive insurance company, if the 40760
transaction is part of a plan to discontinue the operation of the 40761
other insurance company and the intent of the exchange is to renew 40762
or maintain such business with the captive insurance company. 40763

(D)(1) The fee imposed in division (A) of this section shall 40764
be calculated on an annual basis, notwithstanding policies, 40765
contracts, insurance, or contracts of reinsurance issued on a 40766
multi-year basis. 40767

(2) In the case of multi-year policies or contracts, the 40768
premium shall be prorated for purposes of determining the fee 40769
required under division (A) of this section. 40770

(E) All fees collected under this section shall be deposited 40771
into the state treasury to the credit of the ~~captive~~ department of 40772
insurance ~~regulation and supervision~~ operating fund. 40773

Sec. 3964.15. (A) ~~There is hereby created in the state~~ 40774
~~treasury the captive insurance regulation and supervision fund,~~ 40775
~~which shall consist of all fees, fines, penalties, and assessments~~ 40776
~~received by the superintendent under this chapter.~~ 40777

~~(B)~~ The superintendent may charge captive insurance companies 40778

for any of the following expenses incurred in carrying out this chapter: 40779
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(1) The entire compensation for each day, or portion thereof, worked by all personnel, including those who are not employees of the department of insurance, in any of the following capacities: 40781
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(a) The conduct of an examination, calculated at the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners; 40784
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(b) The review and analysis of a company's annual report submitted pursuant to section 3964.07 of the Revised Code, and any interim financial statements and examination reports or related documents of captive insurance companies in this state; 40787
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(c) The ongoing evaluation and monitoring of the financial affairs of captive insurance companies; 40791
40792

(d) The determination and review of the premium franchise fee liability of a captive insurance company; 40793
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(e) The training and continuing education costs of examiners and analysts. 40795
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(2) Travel and living expenses of all personnel, including those who are not employees of the department of insurance, directly engaged in the conduct of an examination calculated at rates not to exceed the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners; 40797
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(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination; 40803
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(4) An allocated share of all expenses not described in division ~~(B)(1)~~(A)(1), (2), or (3) of this section, but that are necessarily incurred in carrying out the duties of the superintendent under this chapter, including the expenses of 40805
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direct overhead and support staff for the examiners and persons 40809
appointed or employed pursuant to section 3964.08 of the Revised 40810
Code. 40811

~~(C)~~(B) All amounts collected by the superintendent under 40812
division ~~(B)~~(A) of this section shall be deposited into the state 40813
treasury to the credit of the ~~captive~~ department of insurance 40814
~~regulation and supervision operating~~ fund. 40815

~~(D) At the discretion of the superintendent, the expenses of~~ 40816
~~the captive insurance regulation and supervision fund may be~~ 40817
~~covered by the department of insurance operating fund created~~ 40818
~~under section 3901.021 of the Revised Code.~~ 40819

~~(E)~~(C) As used in this section, "examination" means the 40820
examination required under section 3964.08 of the Revised Code. 40821

Sec. 4117.14. (A) The procedures contained in this section 40822
govern the settlement of disputes between an exclusive 40823
representative and a public employer concerning the termination or 40824
modification of an existing collective bargaining agreement or 40825
negotiation of a successor agreement, or the negotiation of an 40826
initial collective bargaining agreement. 40827

(B)(1) In those cases where there exists a collective 40828
bargaining agreement, any public employer or exclusive 40829
representative desiring to terminate, modify, or negotiate a 40830
successor collective bargaining agreement shall: 40831

(a) Serve written notice upon the other party of the proposed 40832
termination, modification, or successor agreement. The party must 40833
serve the notice not less than sixty days prior to the expiration 40834
date of the existing agreement or, in the event the existing 40835
collective bargaining agreement does not contain an expiration 40836
date, not less than sixty days prior to the time it is proposed to 40837
make the termination or modifications or to make effective a 40838

successor agreement. 40839

(b) Offer to bargain collectively with the other party for 40840
the purpose of modifying or terminating any existing agreement or 40841
negotiating a successor agreement; 40842

(c) Notify the state employment relations board of the offer 40843
by serving upon the board a copy of the written notice to the 40844
other party and a copy of the existing collective bargaining 40845
agreement. 40846

(2) In the case of initial negotiations between a public 40847
employer and an exclusive representative, where a collective 40848
bargaining agreement has not been in effect between the parties, 40849
any party may serve notice upon the board and the other party 40850
setting forth the names and addresses of the parties and offering 40851
to meet, for a period of ninety days, with the other party for the 40852
purpose of negotiating a collective bargaining agreement. 40853

If the settlement procedures specified in divisions (B), (C), 40854
and (D) of this section govern the parties, where those procedures 40855
refer to the expiration of a collective bargaining agreement, it 40856
means the expiration of the sixty-day period to negotiate a 40857
collective bargaining agreement referred to in this subdivision, 40858
or in the case of initial negotiations, it means the ninety-day 40859
period referred to in this subdivision. 40860

(3) The parties shall continue in full force and effect all 40861
the terms and conditions of any existing collective bargaining 40862
agreement, without resort to strike or lock-out, for a period of 40863
sixty days after the party gives notice or until the expiration 40864
date of the collective bargaining agreement, whichever occurs 40865
later, or for a period of ninety days where applicable. 40866

(4) Upon receipt of the notice, the parties shall enter into 40867
collective bargaining. 40868

(C) In the event the parties are unable to reach an 40869

agreement, they may submit, at any time prior to forty-five days 40870
before the expiration date of the collective bargaining agreement, 40871
the issues in dispute to any mutually agreed upon dispute 40872
settlement procedure which supersedes the procedures contained in 40873
this section. 40874

(1) The procedures may include: 40875

(a) Conventional arbitration of all unsettled issues; 40876

(b) Arbitration confined to a choice between the last offer 40877
of each party to the agreement as a single package; 40878

(c) Arbitration confined to a choice of the last offer of 40879
each party to the agreement on each issue submitted; 40880

(d) The procedures described in division (C)(1)(a), (b), or 40881
(c) of this section and including among the choices for the 40882
arbitrator, the recommendations of the fact finder, if there are 40883
recommendations, either as a single package or on each issue 40884
submitted; 40885

(e) Settlement by a citizens' conciliation council composed 40886
of three residents within the jurisdiction of the public employer. 40887
The public employer shall select one member and the exclusive 40888
representative shall select one member. The two members selected 40889
shall select the third member who shall chair the council. If the 40890
two members cannot agree upon a third member within five days 40891
after their appointments, the board shall appoint the third 40892
member. Once appointed, the council shall make a final settlement 40893
of the issues submitted to it pursuant to division (G) of this 40894
section. 40895

(f) Any other dispute settlement procedure mutually agreed to 40896
by the parties. 40897

(2) If, fifty days before the expiration date of the 40898
collective bargaining agreement, the parties are unable to reach 40899

an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.

The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.

If an impasse exists or forty-five days before the expiration date of the collective bargaining agreement if one exists, the board shall appoint a mediator to assist the parties in the collective bargaining process.

(3) Any time after the appointment of a mediator, either party may request the appointment of a fact-finding panel. Within fifteen days after receipt of a request for a fact-finding panel, the board shall appoint a fact-finding panel of not more than three members who have been selected by the parties in accordance with rules established by the board, from a list of qualified persons maintained by the board.

(a) The fact-finding panel shall, in accordance with rules and procedures established by the board that include the regulation of costs and expenses of fact-finding, gather facts and make recommendations for the resolution of the matter. The board shall by its rules require each party to specify in writing the unresolved issues and its position on each issue to the fact-finding panel. The fact-finding panel shall make final recommendations as to all the unresolved issues.

(b) The board may continue mediation, order the parties to engage in collective bargaining until the expiration date of the agreement, or both.

(4) The following guidelines apply to fact-finding:

(a) The fact-finding panel may establish times and place of

hearings which shall be, where feasible, in the jurisdiction of 40931
the state. 40932

(b) The fact-finding panel shall conduct the hearing pursuant 40933
to rules established by the board. 40934

(c) Upon request of the fact-finding panel, the board shall 40935
issue subpoenas for hearings conducted by the panel. 40936

(d) The fact-finding panel may administer oaths. 40937

(e) The board shall prescribe guidelines for the fact-finding 40938
panel to follow in making findings. In making its recommendations, 40939
the fact-finding panel shall take into consideration the factors 40940
listed in divisions (G)(7)(a) to (f) of this section. 40941

(f) The fact-finding panel may attempt mediation at any time 40942
during the fact-finding process. From the time of appointment 40943
until the fact-finding panel makes a final recommendation, it 40944
shall not discuss the recommendations for settlement of the 40945
dispute with parties other than the direct parties to the dispute. 40946

(5) The fact-finding panel, acting by a majority of its 40947
members, shall transmit its findings of fact and recommendations 40948
on the unresolved issues to the public employer and employee 40949
organization involved and to the board no later than fourteen days 40950
after the appointment of the fact-finding panel, unless the 40951
parties mutually agree to an extension. The parties shall share 40952
the cost of the fact-finding panel in a manner agreed to by the 40953
parties. 40954

(6)(a) Not later than seven days after the findings and 40955
recommendations are sent, the legislative body, by a three-fifths 40956
vote of its total membership, and in the case of the public 40957
employee organization, the membership, by a three-fifths vote of 40958
the total membership, may reject the recommendations; if neither 40959
rejects the recommendations, the recommendations shall be deemed 40960
agreed upon as the final resolution of the issues submitted and a 40961

collective bargaining agreement shall be executed between the 40962
parties, including the fact-finding panel's recommendations, 40963
except as otherwise modified by the parties by mutual agreement. 40964
If either the legislative body or the public employee organization 40965
rejects the recommendations, the board shall publicize the 40966
findings of fact and recommendations of the fact-finding panel. 40967
The board shall adopt rules governing the procedures and methods 40968
for public employees to vote on the recommendations of the 40969
fact-finding panel. 40970

(b) As used in division (C)(6)(a) of this section, 40971
"legislative body" means the controlling board when the state or 40972
any of its agencies, authorities, commissions, boards, or other 40973
branch of public employment is party to the fact-finding process. 40974

(D) If the parties are unable to reach agreement within seven 40975
days after the publication of findings and recommendations from 40976
the fact-finding panel or the collective bargaining agreement, if 40977
one exists, has expired, then the: 40978

(1) Public employees, who are members of a police or fire 40979
department, members of the state highway patrol, deputy sheriffs, 40980
dispatchers employed by a police, fire, or sheriff's department or 40981
the state highway patrol or civilian dispatchers employed by a 40982
public employer other than a police, fire, or sheriff's department 40983
to dispatch police, fire, sheriff's department, or emergency 40984
medical or rescue personnel and units, an exclusive nurse's unit, 40985
employees of ~~the state school for the deaf or the state school for~~ 40986
~~the blind~~ Ohio deaf and blind education services, employees of any 40987
public employee retirement system, corrections officers, guards at 40988
penal or mental institutions, special police officers appointed in 40989
accordance with sections 5119.08 and 5123.13 of the Revised Code, 40990
psychiatric attendants employed at mental health forensic 40991
facilities, youth leaders employed at juvenile correctional 40992
facilities, or members of a law enforcement security force that is 40993

established and maintained exclusively by a board of county 40994
commissioners and whose members are employed by that board, shall 40995
submit the matter to a final offer settlement procedure pursuant 40996
to a board order issued forthwith to the parties to settle by a 40997
conciliator selected by the parties. The parties shall request 40998
from the board a list of five qualified conciliators and the 40999
parties shall select a single conciliator from the list by 41000
alternate striking of names. If the parties cannot agree upon a 41001
conciliator within five days after the board order, the board 41002
shall on the sixth day after its order appoint a conciliator from 41003
a list of qualified persons maintained by the board or shall 41004
request a list of qualified conciliators from the American 41005
arbitration association and appoint therefrom. 41006

(2) Public employees other than those listed in division 41007
(D)(1) of this section have the right to strike under Chapter 41008
4117. of the Revised Code provided that the employee organization 41009
representing the employees has given a ten-day prior written 41010
notice of an intent to strike to the public employer and to the 41011
board, and further provided that the strike is for full, 41012
consecutive work days and the beginning date of the strike is at 41013
least ten work days after the ending date of the most recent prior 41014
strike involving the same bargaining unit; however, the board, at 41015
its discretion, may attempt mediation at any time. 41016

(E) Nothing in this section shall be construed to prohibit 41017
the parties, at any time, from voluntarily agreeing to submit any 41018
or all of the issues in dispute to any other alternative dispute 41019
settlement procedure. An agreement or statutory requirement to 41020
arbitrate or to settle a dispute pursuant to a final offer 41021
settlement procedure and the award issued in accordance with the 41022
agreement or statutory requirement is enforceable in the same 41023
manner as specified in division (B) of section 4117.09 of the 41024
Revised Code. 41025

(F) Nothing in this section shall be construed to prohibit a party from seeking enforcement of a collective bargaining agreement or a conciliator's award as specified in division (B) of section 4117.09 of the Revised Code.

(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section:

(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time.

(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable.

(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position.

(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing.

(5) The conciliator may administer oaths.

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and recommendation of the fact-finders.

(7) After hearing, the conciliator shall resolve the dispute 41057
between the parties by selecting, on an issue-by-issue basis, from 41058
between each of the party's final settlement offers, taking into 41059
consideration the following: 41060

(a) Past collectively bargained agreements, if any, between 41061
the parties; 41062

(b) Comparison of the issues submitted to final offer 41063
settlement relative to the employees in the bargaining unit 41064
involved with those issues related to other public and private 41065
employees doing comparable work, giving consideration to factors 41066
peculiar to the area and classification involved; 41067

(c) The interests and welfare of the public, the ability of 41068
the public employer to finance and administer the issues proposed, 41069
and the effect of the adjustments on the normal standard of public 41070
service; 41071

(d) The lawful authority of the public employer; 41072

(e) The stipulations of the parties; 41073

(f) Such other factors, not confined to those listed in this 41074
section, which are normally or traditionally taken into 41075
consideration in the determination of the issues submitted to 41076
final offer settlement through voluntary collective bargaining, 41077
mediation, fact-finding, or other impasse resolution procedures in 41078
the public service or in private employment. 41079

(8) Final offer settlement awards made under Chapter 4117. of 41080
the Revised Code are subject to Chapter 2711. of the Revised Code. 41081

(9) If more than one conciliator is used, the determination 41082
must be by majority vote. 41083

(10) The conciliator shall make written findings of fact and 41084
promulgate a written opinion and order upon the issues presented 41085
to the conciliator, and upon the record made before the 41086

conciliator and shall mail or otherwise deliver a true copy 41087
thereof to the parties and the board. 41088

(11) Increases in rates of compensation and other matters 41089
with cost implications awarded by the conciliator may be effective 41090
only at the start of the fiscal year next commencing after the 41091
date of the final offer settlement award; provided that if a new 41092
fiscal year has commenced since the issuance of the board order to 41093
submit to a final offer settlement procedure, the awarded 41094
increases may be retroactive to the commencement of the new fiscal 41095
year. The parties may, at any time, amend or modify a 41096
conciliator's award or order by mutual agreement. 41097

(12) The parties shall bear equally the cost of the final 41098
offer settlement procedure. 41099

(13) Conciliators appointed pursuant to this section shall be 41100
residents of the state. 41101

(H) All final offer settlement awards and orders of the 41102
conciliator made pursuant to Chapter 4117. of the Revised Code are 41103
subject to review by the court of common pleas having jurisdiction 41104
over the public employer as provided in Chapter 2711. of the 41105
Revised Code. If the public employer is located in more than one 41106
court of common pleas district, the court of common pleas in which 41107
the principal office of the chief executive is located has 41108
jurisdiction. 41109

(I) The issuance of a final offer settlement award 41110
constitutes a binding mandate to the public employer and the 41111
exclusive representative to take whatever actions are necessary to 41112
implement the award. 41113

Sec. 4117.15. (A) Whenever a strike by members of a police or 41114
fire department, members of the state highway patrol, deputy 41115
sheriffs, dispatchers employed by a police, fire, or sheriff's 41116

department or the state highway patrol or civilian dispatchers 41117
employed by a public employer other than a police, fire, or 41118
sheriff's department to dispatch police, fire, sheriff's 41119
department, or emergency medical or rescue personnel and units, an 41120
exclusive nurse's unit, employees of ~~the state school for the deaf~~ 41121
~~or the state school for the blind~~ Ohio deaf and blind education 41122
services, employees of any public employee retirement system, 41123
correction officers, guards at penal or mental institutions, or 41124
special police officers appointed in accordance with sections 41125
5119.08 and 5123.13 of the Revised Code, psychiatric attendants 41126
employed at mental health forensic facilities, youth leaders 41127
employed at juvenile correctional facilities, or members of a law 41128
enforcement security force that is established and maintained 41129
exclusively by a board of county commissioners and whose members 41130
are employed by that board, a strike by other public employees 41131
during the pendency of the settlement procedures set forth in 41132
section 4117.14 of the Revised Code, or a strike during the term 41133
or extended term of a collective bargaining agreement occurs, the 41134
public employer may seek an injunction against the strike in the 41135
court of common pleas of the county in which the strike is 41136
located. 41137

(B) An unfair labor practice by a public employer is not a 41138
defense to the injunction proceeding noted in division (A) of this 41139
section. Allegations of unfair labor practices during the 41140
settlement procedures set forth in section 4117.14 of the Revised 41141
Code shall receive priority by the state employment relations 41142
board. 41143

(C) No public employee is entitled to pay or compensation 41144
from the public employer for the period engaged in any strike. 41145

Sec. 4121.443. (A) The bureau of workers' compensation may 41146
summarily suspend the certification of a provider to participate 41147

in the health partnership program created under sections 4121.44 41148
and 4121.441 of the Revised Code without a prior hearing if the 41149
bureau determines any of the following apply to the provider: 41150

(1) The professional license, certification, or registration 41151
held by the provider to practice the provider's profession has 41152
been revoked or suspended for an indefinite period of time or for 41153
a period of more than thirty days, subsequent to the provider's 41154
certification to participate in the health partnership program. 41155

(2) The provider has been convicted of or has pleaded guilty 41156
to a violation of section 2913.48 or sections 2923.31 to 2923.36 41157
of the Revised Code or has been convicted of or pleaded guilty to 41158
any other criminal offense related to the delivery of or billing 41159
for health care services. 41160

(3) The bureau determines, by clear and convincing evidence, 41161
that the continued participation by the provider in the health 41162
partnership program presents a danger of immediate and serious 41163
harm to claimants. 41164

(B) The bureau shall ~~issue~~ serve a written order of summary 41165
suspension ~~by certified mail or in person~~ in accordance with 41166
~~section~~ sections 119.05 and 119.07 of the Revised Code. If the 41167
provider subject to the summary suspension requests an 41168
adjudicatory hearing by the bureau, notwithstanding the time 41169
within which a hearing must be held under section 119.07 of the 41170
Revised Code, the date set for the hearing shall be not later than 41171
fifteen days, but not earlier than seven days, after the provider 41172
requests the hearing, unless otherwise agreed to by both the 41173
bureau and the provider. 41174

(C) If an order issued pursuant to this section is appealed, 41175
the court may stay execution of the order and fix the terms of the 41176
stay, if the court finds both of the following: 41177

(1) That an unusual hardship to the appellant will result from execution of the order pending appeal;	41178 41179
(2) That the health, safety, and welfare of the public will not be threatened by staying execution of the order pending appeal.	41180 41181 41182
(D) A court or agency order staying the suspension of a professional license, certification, or registration shall not affect the ability of the bureau to suspend the certification of a provider to participate in the health partnership program under this section.	41183 41184 41185 41186 41187
(E) The summary suspension of a certification of a provider under this section shall not affect the ability of that provider to receive payment for services rendered prior to the effective date of the suspension.	41188 41189 41190 41191
(F) Any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the bureau pursuant to this section and Chapter 119. of the Revised Code takes effect. The bureau shall issue its final adjudication order within seventy-five days after completion of its hearing. A failure to issue the order within the seventy-five-day time period shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudication order.	41192 41193 41194 41195 41196 41197 41198 41199 41200
(G) As used in this section, "provider" does not include a hospital.	41201 41202
<u>Sec. 4123.543. (A) As used in this section, "customer model enterprise," "employer model enterprise," "inmate," and "federal prison industries enhancement certification program" have the same meanings as in section 5145.163 of the Revised Code.</u>	41203 41204 41205 41206
<u>(B)(1) The department of rehabilitation and correction shall</u>	41207

be considered the employer of an inmate for purposes of this 41208
chapter and Chapters 4121., 4127., and 4131. of the Revised Code 41209
if the inmate works in a customer model enterprise. 41210

(2) If the enterprise for which an inmate works is an 41211
employer model enterprise, the private participant of the 41212
enterprise shall be considered the employer of the inmate for 41213
purposes of this chapter. 41214

(C)(1) An inmate who is injured or who contracts an 41215
occupational disease arising out of participation in authorized 41216
work activity in the federal prison industries enhancement 41217
certification program may file a claim for compensation or 41218
benefits under this chapter and Chapters 4121., 4127., and 4131. 41219
of the Revised Code while the claimant is in the custody of the 41220
department. 41221

(2) The dependent of an inmate who is killed or dies as the 41222
result of an occupational disease contracted in the course of 41223
participation in authorized work activity in the federal prison 41224
industries enhancement certification program may file a claim for 41225
compensation and benefits under this chapter and Chapters 4121., 41226
4127., and 4131. of the Revised Code. 41227

(D) Notwithstanding any provision of this chapter or Chapter 41228
4121. of the Revised Code to the contrary, a claimant who files a 41229
claim pursuant to division (C)(1) of this section while in the 41230
custody of the department shall receive medical treatment and have 41231
medical determinations for purposes of this chapter and Chapter 41232
4121. of the Revised Code made by the department's medical 41233
providers. Medical determinations made by the department's 41234
providers shall be limited to initial claim allowances and 41235
requests for additional conditions. The claimant may request a 41236
review by the department's chief medical officer. In the event of 41237
an appeal, the claimant may receive a medical evaluation from a 41238
medical practitioner affiliated within the department's network of 41239

third-party medical contractors or a medical practitioner in a 41240
managed care organization certified by the bureau of workers' 41241
compensation under section 4121.44 of the Revised Code and located 41242
in Franklin county. 41243

(E) In accordance with division (J) of section 4123.54 of the 41244
Revised Code, compensation or benefits are not payable to a 41245
claimant during the period of confinement of the claimant in any 41246
correctional institution or county jail. Any remaining amount of 41247
an award of compensation or benefits for an injury or occupational 41248
disease arising out of participation in authorized work activity 41249
in the federal prison industries enhancement certification program 41250
shall be paid to or on behalf of a claimant after the claimant is 41251
released from imprisonment. If a claimant is reimprisoned, 41252
compensation and benefits shall be suspended during the claimant's 41253
imprisonment but shall resume on the claimant's release from 41254
imprisonment. 41255

(F) The administrator of workers' compensation may adopt 41256
rules necessary to implement this section. 41257

Sec. 4141.21. (A) Except as provided in division (B) of this 41258
section 4141.162 of the Revised Code, and subject to section 41259
4141.43 of the Revised Code, the information maintained by the 41260
director of job and family services or the unemployment 41261
compensation review commission or furnished to the director or 41262
commission by employers or employees pursuant to this chapter is 41263
for the exclusive use and information of the department of job and 41264
family services and the commission in the discharge of their 41265
duties and shall not be open to the public or be used in any court 41266
in any action or proceeding pending therein, or be admissible in 41267
evidence in any action, other than one arising under this chapter 41268
or section 5733.42 of the Revised Code disclosed. All of the Such 41269
information is not a public record under section 149.43 of the 41270

<u>Revised Code.</u>	41271
<u>(B) The director may adopt rules in accordance with Chapter</u>	41272
<u>119. of the Revised Code to allow for the disclosure of</u>	41273
<u>information otherwise protected from disclosure under division (A)</u>	41274
<u>of this section that conform to requirements of federal law</u>	41275
<u>governing such disclosure, including rules that allow for the</u>	41276
<u>following:</u>	41277
<u>(1) The release of information by the consent of the director</u>	41278
<u>or the commission;</u>	41279
<u>(2) The release of information in accordance with sections</u>	41280
<u>1347.08, 4141.162, and 4141.43 of the Revised Code or in</u>	41281
<u>accordance with an order of a judge of a court of record;</u>	41282
<u>(3) The release of information about an individual or</u>	41283
<u>employer to that individual or employer, or to the individual's or</u>	41284
<u>employer's authorized representative, on request;</u>	41285
<u>(4) The release of information and records necessary or</u>	41286
<u>useful in the determination of any particular claim for benefits</u>	41287
<u>or necessary in verifying any charge to an employer's account</u>	41288
<u>under sections 4141.23 to 4141.26 of the Revised Code shall be</u>	41289
<u>available for examination and use by the employer and the employee</u>	41290
<u>involved or their authorized representatives in the hearing of</u>	41291
<u>such cases, and that information may be tabulated and published;</u>	41292
	41293
<u>(5) The release of information in statistical form for the</u>	41294
<u>use and information of the state departments and the public or an</u>	41295
<u>agency or other entity.</u>	41296
Sec. 4141.241. (A)(1) Any nonprofit organization described in	41297
division (X) of section 4141.01 of the Revised Code, which becomes	41298
subject to this chapter on or after January 1, 1972, shall pay	41299
contributions under section 4141.25 of the Revised Code, unless it	41300

elects, in accordance with this division, to pay to the director 41301
of job and family services for deposit in the unemployment 41302
compensation fund an amount in lieu of contributions equal to the 41303
amount of regular benefits plus one half of extended benefits paid 41304
from that fund that is attributable to service in the employ of 41305
the nonprofit organization to individuals whose service, during 41306
the base period of the claims, was within the effective period of 41307
such election. 41308

(2) Any nonprofit organization which becomes subject to this 41309
chapter after January 1, 1972, may elect to become liable for 41310
payments in lieu of contributions for a period of not less than 41311
the remainder of that calendar year and the next calendar year, 41312
beginning with the date on which such subjectivity begins, by 41313
filing a written notice of its election with the director not 41314
later than thirty days immediately following the date of the 41315
determination of such subjectivity. 41316

(3) Any nonprofit organization which makes an election in 41317
accordance with this division will continue to be liable for 41318
payments in lieu of contributions for the period described in this 41319
division and until it files with the director a written notice 41320
terminating its election. The notice shall be filed not later than 41321
thirty days prior to the beginning of the calendar year for which 41322
the termination is to become effective. 41323

(4) Any nonprofit organization which has been paying 41324
contributions for a period subsequent to January 1, 1972, may 41325
change to a reimbursable basis by filing with the director, not 41326
later than thirty days prior to the beginning of any calendar 41327
year, a written notice of election to become liable for payments 41328
in lieu of contributions. The election shall not be terminable by 41329
the organization during that calendar year and the next calendar 41330
year. 41331

(5) The director, in accordance with any rules the director 41332

prescribes, shall notify each nonprofit organization of any 41333
determination which the director may make of its status as an 41334
employer and of the effective date of any election which it makes 41335
and of any termination of the election. Any determinations shall 41336
be subject to reconsideration, appeal, and review in accordance 41337
with section 4141.26 of the Revised Code. 41338

(B) Except as provided in division (I) of section 4141.29 of 41339
the Revised Code, benefits based on service with a nonprofit 41340
organization granted a reimbursing status under this section shall 41341
be payable in the same amount, on the same terms, and subject to 41342
the same conditions, as benefits payable on the basis of other 41343
service subject to this chapter. Payments in lieu of contributions 41344
shall be made in accordance with this division and division (D) of 41345
section 4141.24 of the Revised Code. 41346

(1)(a) At the end of each calendar quarter, or at the end of 41347
any other period as determined by the director under division 41348
(D)(4) of section 4141.24 of the Revised Code, the director shall 41349
bill each nonprofit organization or group of such organizations 41350
which has elected to make payments in lieu of contributions for an 41351
amount equal to the full amount of regular benefits plus one half 41352
of the amount of extended benefits paid during such quarter or 41353
other prescribed period which is attributable to service in the 41354
employ of such organization. 41355

(b) In the computation of the amount of benefits to be 41356
charged to employers liable for payments in lieu of contributions, 41357
all benefits attributable to service described in division 41358
(B)(1)(a) of this section shall be computed and charged to such 41359
organization as described in division (D) of section 4141.24 of 41360
the Revised Code, and, except as provided in division (D)(2) of 41361
section 4141.24 of the Revised Code, no portion of the amount may 41362
be charged to the mutualized account established by division (B) 41363
of section 4141.25 of the Revised Code. 41364

(c) The director may prescribe regulations under which 41365
organizations, which have elected to make payments in lieu of 41366
contributions, may request permission to make such payments in 41367
equal installments throughout the year with an adjustment at the 41368
end of the year for any excess or shortage of the amount of such 41369
installment payments compared with the total amount of benefits 41370
actually charged the organization's account during the year. In 41371
making any adjustment, where the total installment payments are 41372
less than the actual benefits charged, the organization shall be 41373
liable for payment of the unpaid balance in accordance with 41374
division (B)(2) of this section. If the total installment payments 41375
exceed the actual benefits charged, all or part of the excess may, 41376
at the discretion of the director, be refunded or retained in the 41377
fund as part of the payments which may be required in the next 41378
year. 41379

(2) Payment of any bill rendered under division (B)(1) of 41380
this section shall be made not later than thirty days after the 41381
bill was mailed to the last known address of the organization or 41382
was otherwise delivered to it, unless there has been an 41383
application for review and redetermination in accordance with 41384
division (B)(4) of this section. 41385

(3) Payments made by an organization under this section shall 41386
not be deducted or deductible, in whole or in part, from the 41387
remuneration of individuals in the employ of the organization. 41388

(4) An organization may file an application for review and 41389
redetermination of the amounts appearing on any bill rendered to 41390
such organization under division (B)(1) of this section. The 41391
application shall be filed and determined under division (D)(4) of 41392
section 4141.24 of the Revised Code. 41393

(5) Past-due payments of amounts in lieu of contributions 41394
shall be subject to the same interest rates and collection 41395
procedures that apply to past-due contributions under sections 41396

4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 41397
to file a required quarterly report within the time prescribed by 41398
the director, the nonprofit organization shall be subject to a 41399
forfeiture pursuant to section 4141.20 of the Revised Code for 41400
each quarterly report that is not timely filed. 41401

All interest and forfeitures collected under this division 41402
shall be paid into the unemployment compensation special 41403
administrative fund as provided in section 4141.11 of the Revised 41404
Code. 41405

(6) All payments in lieu of contributions collected under 41406
this section shall be paid into the unemployment compensation fund 41407
as provided in section 4141.09 of the Revised Code. Any refunds of 41408
such payments shall be paid from the unemployment compensation 41409
fund, as provided in section 4141.09 of the Revised Code. 41410

(C)(1) Any nonprofit organization, or group of such 41411
organizations approved under division (D) of this section, that 41412
elects to become liable for payments in lieu of contributions 41413
shall be required within thirty days after the effective date of 41414
its election, to execute and file with the director a surety bond 41415
approved by the director ~~or it may elect instead to deposit with~~ 41416
~~the director approved municipal or other bonds, or approved~~ 41417
~~securities, or a combination thereof, or other forms of collateral~~ 41418
~~security approved by the director.~~ 41419

(2)(a) The amount of the bond ~~or deposit~~ required shall be 41420
equal to three per cent of the organization's wages paid for 41421
employment as defined in section 4141.01 of the Revised Code that 41422
would have been taxable had the organization been a subject 41423
employer during the four calendar quarters immediately preceding 41424
the effective date of the election, or the amount established by 41425
the director within the limitation provided in division 41426
~~(C)(2)(d)~~ (C)(2)(c) of this section, whichever is the less. The 41427
effective date of the amount of the bond ~~or other collateral~~ 41428

~~security~~ required after the employer initially is determined by 41429
the director to be liable for payments in lieu of contributions 41430
shall be the renewal date ~~in the case of a the bond ~~or the~~~~ 41431
~~biennial anniversary of the effective date of election in the case~~ 41432
~~of deposit of securities or other forms of collateral security~~ 41433
~~approved by the director, whichever date shall be most recent and~~ 41434
~~applicable.~~ If the nonprofit organization did not pay wages in 41435
each of such four calendar quarters, the amount of the bond ~~or~~ 41436
~~deposit~~ shall be as determined by the director under regulations 41437
prescribed for this purpose. 41438

(b) ~~Any bond or other form of collateral security approved by~~ 41439
~~the director~~ deposited under this division shall be in force for a 41440
period of not less than two calendar years and shall be renewed 41441
with the approval of the director, at such times as the director 41442
may prescribe, but not less frequently than at two-year intervals 41443
as long as the organization continues to be liable for payments in 41444
lieu of contributions. The director shall require adjustments to 41445
be made in a previously filed bond ~~or other form of collateral~~ 41446
~~security~~ as the director considers appropriate. If the bond ~~or~~ 41447
~~other form of collateral security~~ is to be increased, the adjusted 41448
bond ~~or collateral security~~ shall be filed by the organization 41449
within thirty days of the date that notice of the required 41450
adjustment was mailed or otherwise delivered to it. Failure by any 41451
organization covered by such bond ~~or collateral security~~ to pay 41452
the full amount of payments in lieu of contributions when due, 41453
together with any applicable interest provided for in division 41454
(B)(5) of this section, shall render the surety liable on the bond 41455
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 41456
~~security~~, as though the surety was the organization. 41457

(c) ~~Any securities accepted in lieu of surety bond by the~~ 41458
~~director shall be deposited with the treasurer of state who shall~~ 41459
~~have custody thereof and retain the same in the treasurer of~~ 41460

~~state's possession, or release them, according to conditions 41461
prescribed by regulations of the director. Income from the 41462
securities, held in custody by the treasurer of state, shall 41463
accrue to the benefit of the depositor and shall be distributed to 41464
the depositor in the absence of any notification from the director 41465
that the depositor is in default on any payment owed to the 41466
director. The director may require the sale of any such bonds to 41467
the extent necessary to satisfy any unpaid payments in lieu of 41468
contributions, together with any applicable interest or 41469
forfeitures provided for in division (B)(5) of this section. The 41470
director shall require the employer within thirty days following 41471
any sale of deposited securities, under this subdivision, to 41472
deposit additional securities, surety bond, or combination of 41473
both, to make whole the employer's security deposit at the 41474
approved level. Any cash remaining from the sale of such 41475
securities may, at the discretion of the director, be refunded in 41476
whole or in part, or be paid into the unemployment compensation 41477
fund to cover future payments required of the organization. 41478~~

(d) ~~The required bond or deposit for any nonprofit 41479
organization, or group of such organizations approved by the 41480
director under division (D) of this section, that is determined by 41481
the director to be liable for payments in lieu of contributions 41482
effective beginning on and after January 1, 1996, but prior to 41483
January 1, 1998, and the required bond or deposit for any renewed 41484
elections under division (C)(2)(b) of this section effective 41485
during that period shall not exceed one million two hundred fifty 41486
thousand dollars. The required bond or deposit for any nonprofit 41487
organization, or group of such organizations approved by the 41488
director under division (D) of this section, that is determined to 41489
be liable for payments in lieu of contributions effective on and 41490
after January 1, 1998, and the required bond or deposit for any 41491
renewed elections effective on and after January 1, 1998, shall 41492
not exceed two million dollars. 41493~~

(3) If any nonprofit organization fails to file a bond ~~or~~ 41494
~~make a deposit~~, or to file a bond in an increased amount ~~or to~~ 41495
~~make whole the amount of a previously made deposit~~, as provided 41496
under this division, the director may terminate the organization's 41497
election to make payments in lieu of contributions effective for 41498
the quarter following such failure and the termination shall 41499
continue for not less than the remainder of that calendar year and 41500
the next calendar year, beginning with the quarter in which the 41501
termination becomes effective; except that the director may extend 41502
for good cause the applicable filing, ~~deposit, or adjustment~~ 41503
period by not more than thirty days. 41504

(D)(1) Two or more nonprofit organizations that have become 41505
liable for payments in lieu of contributions, in accordance with 41506
division (A) of this section, may file a joint application to the 41507
director for the establishment of the group account for the 41508
purpose of sharing the cost of benefits paid that are attributable 41509
to service in the employ of those employers. Notwithstanding 41510
division (E) of section 4141.242 of the Revised Code, hospitals 41511
operated by this state or a political subdivision may participate 41512
in a group account with nonprofit organizations under the 41513
procedures set forth in this section. Each application shall 41514
identify and authorize a group representative to act as the 41515
group's agent for the purposes of this division. 41516

(2) Upon the director's approval of the application, the 41517
director shall establish a group account for the employers 41518
effective as of the beginning of the calendar quarter in which the 41519
director receives the application and shall notify the group's 41520
representative of the effective date of the account. The account 41521
shall remain in effect for not less than two years and thereafter 41522
until terminated by the director or upon application by the group. 41523

(3) Upon establishment of the account, each member of the 41524
group shall be liable, in the event that the group representative 41525

fails to pay any bill issued to it pursuant to division (B) of 41526
this section, for payments in lieu of contributions with respect 41527
to each calendar quarter in the amount that bears the same ratio 41528
to the total benefits paid in the quarter that are attributable to 41529
service performed in the employ of all members of the group as the 41530
total wages paid for service in employment by the member in the 41531
quarter bear to the total wages paid during the quarter for 41532
service performed in the employ of all members of the group. 41533

(4) The director shall adopt regulations as considered 41534
necessary with respect to the following: applications for 41535
establishment, bonding, maintenance, and termination of group 41536
accounts that are authorized by this section; addition of new 41537
members to and withdrawal of active members from such accounts; 41538
and the determination of the amounts that are payable under this 41539
division by the group representative and in the event of default 41540
in payment by the group representative, members of the group, and 41541
the time and manner of payments. 41542

Sec. 4141.28. 41543

BENEFITS 41544

(A) FILINGS 41545

Applications for determination of benefit rights and claims 41546
for benefits shall be filed with the director of job and family 41547
services. Such applications and claims also may be filed with an 41548
employee of another state or federal agency charged with the duty 41549
of accepting applications and claims for unemployment benefits or 41550
with an employee of the unemployment insurance commission of 41551
Canada. 41552

When an unemployed individual files an application for 41553
determination of benefit rights, the director shall furnish the 41554
individual with an explanation of the individual's appeal rights. 41555
The explanation shall describe clearly the different levels of 41556

appeal and explain where and when each appeal must be filed. 41557

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 41558

In filing an application, an individual shall furnish the 41559
director with the name and address of the individual's most recent 41560
separating employer and the individual's statement of the reason 41561
for separation from the employer. The director shall promptly 41562
notify the individual's most recent separating employer of the 41563
filing and request the reason for the individual's unemployment, 41564
unless that notice is not necessary under conditions the director 41565
establishes by rule. The director may request from the individual 41566
or any employer information necessary for the determination of the 41567
individual's right to benefits. The employer shall provide the 41568
information requested within ten working days after the request is 41569
sent. If necessary to ensure prompt determination and payment of 41570
benefits, the director shall base the determination on the 41571
information that is available. 41572

An individual filing an application for determination of 41573
benefit rights shall disclose, at the time of filing, whether or 41574
not the individual owes child support obligations. 41575

An individual filing an application for determination of 41576
benefit rights shall furnish proof of identity at the time of 41577
filing in the manner prescribed by the director. The director 41578
shall adopt rules to prescribe the manner in which an applicant 41579
shall furnish proof of identity. 41580

(C) MASS LAYOFFS 41581

An employer who lays off or separates within any seven-day 41582
period fifty or more individuals because of lack of work shall 41583
furnish notice to the director of the dates of layoff or 41584
separation and the approximate number of individuals being laid 41585
off or separated. The notice shall be furnished at least three 41586
working days prior to the date of the first day of such layoff or 41587

separation. In addition, at the time of the layoff or separation 41588
the employer shall furnish to the individual and to the director 41589
information necessary to determine the individual's eligibility 41590
for unemployment compensation. 41591

(D) DETERMINATION OF BENEFIT RIGHTS 41592

The director shall promptly examine any application for 41593
determination of benefit rights. On the basis of the information 41594
available to the director under this chapter, the director shall 41595
determine whether or not the application is valid, and if valid, 41596
the date on which the benefit year shall commence and the weekly 41597
benefit amount. The director shall promptly notify the applicant, 41598
employers in the applicant's base period, and any other interested 41599
parties of the determination and the reasons for it. In addition, 41600
the determination issued to the claimant shall include the total 41601
amount of benefits payable. The determination issued to each 41602
chargeable base period employer shall include the total amount of 41603
benefits that may be charged to the employer's account. 41604

(E) CLAIM FOR BENEFITS 41605

The director shall examine the first claim and any additional 41606
claim for benefits. On the basis of the information available, the 41607
director shall determine whether the claimant's most recent 41608
separation and, to the extent necessary, prior separations from 41609
work, allow the claimant to qualify for benefits. Written notice 41610
of the determination granting or denying benefits shall be sent to 41611
the claimant, the most recent separating employer, and any other 41612
employer involved in the determination, except that written notice 41613
is not required to be sent to the claimant if the reason for 41614
separation is lack of work and the claim is allowed. 41615

If the director identifies an eligibility issue, the director 41616
shall immediately send notice to the claimant of the issue 41617
identified, specify the week or weeks involved, and identify what 41618

the claimant must do to address the issue or who the claimant may 41619
contact for more information. The claimant has a minimum of five 41620
business days after the notice is sent to respond to the 41621
information included in the notice, and after the time allowed as 41622
determined by the director, the director shall make a 41623
determination. The claimant's response may include a request for a 41624
fact-finding interview when the eligibility issue is raised by an 41625
informant or source other than the claimant, or when the 41626
eligibility issue, if determined adversely, disqualifies the 41627
claimant for the duration of the claimant's period of 41628
unemployment. 41629

When the determination of a continued claim for benefits 41630
results in a disallowed claim, the director shall notify the 41631
claimant of the disallowance and the reasons for it. 41632

(F) ELIGIBILITY NOTICE 41633

Any base period or subsequent employer of a claimant who has 41634
knowledge of specific facts affecting the claimant's right to 41635
receive benefits for any week may notify the director in writing 41636
of those facts. The director shall prescribe a form for such 41637
eligibility notice, but failure to use the form shall not preclude 41638
the director's examination of any notice. 41639

To be considered valid, an eligibility notice must: contain 41640
in writing, a statement that identifies either a source who has 41641
firsthand knowledge of the information or an informant who can 41642
identify the source; provide specific and detailed information 41643
that may potentially disqualify the claimant; provide the name and 41644
address of the source or the informant; and appear to the director 41645
to be reliable and credible. 41646

An eligibility notice is timely filed if received or 41647
postmarked prior to or within forty-five calendar days after the 41648
end of the week with respect to which a claim for benefits is 41649

filed by the claimant. An employer who timely files a valid 41650
eligibility notice shall be an interested party to the claim for 41651
benefits which is the subject of the notice. 41652

The director shall consider the information contained in the 41653
eligibility notice, together with other available information. 41654
After giving the claimant notice and an opportunity to respond, 41655
the director shall make a determination and inform the notifying 41656
employer, the claimant, and other interested parties of the 41657
determination. 41658

(G) CORRECTED DETERMINATION 41659

If the director finds within the fifty-two calendar weeks 41660
beginning with the Sunday of the week during which an application 41661
for benefit rights was filed or within the benefit year that a 41662
determination made by the director was erroneous due to an error 41663
in an employer's report or any typographical or clerical error in 41664
the director's determination, or as shown by correct remuneration 41665
information received by the director, the director shall issue a 41666
corrected determination to all interested parties. The corrected 41667
determination shall take precedence over and void the prior 41668
determination of the director. The director shall not issue a 41669
corrected determination when the commission or a court has 41670
jurisdiction with respect to that determination. 41671

(H) EFFECT OF COMMISSION DECISIONS 41672

In making determinations, the director shall follow decisions 41673
of the unemployment compensation review commission which have 41674
become final with respect to claimants similarly situated. 41675

(I) PROMPT PAYMENTS 41676

If benefits are allowed by the director, a hearing officer, 41677
the commission, or a court, the director shall pay benefits 41678
promptly, notwithstanding any further appeal, provided that if 41679
benefits are denied on appeal, of which the parties have notice 41680

and an opportunity to be heard, the director shall withhold 41681
payment of benefits pending a decision on any further appeal. 41682

Sec. 4141.31. (A) Benefits otherwise payable for any week 41683
shall be reduced by the amount of remuneration or other payments a 41684
claimant receives with respect to such week as follows: 41685

(1) Remuneration in lieu of notice; 41686

(2) Compensation for wage loss under division (B) of section 41687
4123.56 of the Revised Code or a similar provision under the 41688
workers' compensation law of any state or the United States; 41689

(3) Payments in the form of retirement, or pension allowances 41690
as provided under section 4141.312 of the Revised Code; 41691

(4) Except as otherwise provided in division (D) of this 41692
section, remuneration in the form of separation or termination pay 41693
paid to an employee at the time of the employee's separation from 41694
employment; 41695

(5) ~~Vacation pay or allowance~~ Amounts payable under the law, 41696
terms of a labor-management contract or agreement, or other 41697
contract of hire, which payments are allocated to designated 41698
weeks, for either of the following: 41699

(a) Vacation pay or allowance; 41700

(b) Holiday pay or allowance. 41701

(6) Bonuses payable under the law, terms of a 41702
labor-management contract or agreement, or other contract of hire; 41703

(7) The determinable value of cost savings days. 41704

If payments under this division are paid with respect to a 41705
month then the amount of remuneration deemed to be received with 41706
respect to any week during such month shall be computed by 41707
multiplying such monthly amount by twelve and dividing the product 41708
by fifty-two. If there is no designation of the period with 41709

respect to which payments to an individual are made under this 41710
section then an amount equal to such individual's normal weekly 41711
wage shall be attributed to and deemed paid with respect to the 41712
first and each succeeding week following the individual's 41713
separation or termination from the employment of the employer 41714
making the payment until such amount so paid is exhausted. 41715

If benefits for any week, when reduced as provided in this 41716
division, result in an amount not a multiple of one dollar, such 41717
benefits shall be rounded to the next lower multiple of one 41718
dollar. 41719

Any payment allocated by the employer or the director of job 41720
and family services to weeks under division (A)(1), (4), or (5) of 41721
this section shall be deemed to be remuneration for the purposes 41722
of establishing a qualifying week and a benefit year under 41723
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 41724

(B) Benefits payable for any week shall not be reduced by the 41725
amount of remuneration a claimant receives with respect to such 41726
week in the form of drill or reserve pay received by a member of 41727
the Ohio national guard or the armed forces reserve for attendance 41728
at a regularly scheduled drill or meeting. 41729

(C) No benefits shall be paid for any week with respect to 41730
which or a part of which an individual has received or is seeking 41731
unemployment benefits under an unemployment compensation law of 41732
any other state or of the United States, provided the 41733
disqualifications shall not apply if the appropriate agency of 41734
such other state or of the United States finally determines that 41735
an individual is not entitled to such unemployment benefits. A law 41736
of the United States providing any payment of any type and in any 41737
amounts for periods of unemployment due to lack of work shall be 41738
considered an unemployment compensation law of the United States. 41739

(D) Benefits payable for any week shall not be reduced by the 41740

amount of military severance, disability, or separation pay paid 41741
to an individual who is a former member of the armed forces of the 41742
United States. 41743

(E) Remuneration for personal services includes cost savings 41744
days, as defined in division (DD) of section 4141.01 of the 41745
Revised Code, for which employees continue to accrue employee 41746
benefits that have a determinable value. Any unemployment 41747
compensation benefits that may be payable as a result of cost 41748
savings days shall be reduced as provided in division (A)(6) of 41749
this section. 41750

Sec. 4141.43. (A) The Except as provided in division (B) of 41751
this section, the director of job and family services may 41752
~~cooperate with the industrial commission, the bureau of workers'~~ 41753
~~compensation, the United States internal revenue service, the~~ 41754
~~United States employment service, and other similar departments~~ 41755
~~and agencies, as determined by the director, in the exchange or~~ 41756
~~disclosure of information as to wages, employment, payrolls,~~ 41757
~~unemployment, and other information. The director may employ,~~ 41758
~~jointly with one or more of such agencies or departments,~~ 41759
~~auditors, examiners, inspectors, and other employees necessary for~~ 41760
~~the administration of this chapter and employment and training~~ 41761
~~services for workers in the state.~~ 41762

~~(B) The director may make the state's record relating to the~~ 41763
~~administration of this chapter available to the railroad~~ 41764
~~retirement board and may furnish the board at the board's expense~~ 41765
~~such copies thereof as the board deems necessary for its purposes~~ 41766
adopt rules to allow for the disclosure of information otherwise 41767
protected from disclosure under section 4141.21 of the Revised 41768
Code that conform to requirements of federal law governing such 41769
disclosure as follows: 41770

(1) To a federal or state public official, or an agent or 41771

contractor of such an official, for use in the performance of 41772
official duties, including research related to the administration 41773
of those duties; 41774

(2) Pursuant to an order of a judge of a court of record; 41775

(3) Pursuant to a subpoena issued by a local, state, or 41776
federal government official, other than a clerk of court on behalf 41777
of a litigant; 41778

(4) To a prosecuting authority, law enforcement officer, or 41779
law enforcement agency if the director determines that providing 41780
the information is in the best interests of the public and does 41781
not interfere with the efficient administration of the department 41782
of job and family services; 41783

(5) To a consumer reporting agency; 41784

(6) Pursuant to a requirement of federal law. 41785

(B) Information otherwise protected from disclosure under 41786
section 4141.21 of the Revised Code shall not be disclosed for the 41787
purpose of solicitation of contributions or expenditures to or on 41788
behalf of a candidate for public or political office or to a 41789
political party. 41790

(C) The director may afford reasonable cooperation with every 41791
agency of the United States charged with the administration of any 41792
unemployment compensation law. 41793

(D) The director may enter into arrangements with the 41794
appropriate agencies of other states or of the United States or 41795
Canada whereby individuals performing services in this and other 41796
states for a single employer under circumstances not specifically 41797
provided for in division (B) of section 4141.01 of the Revised 41798
Code or in similar provisions in the unemployment compensation 41799
laws of such other states shall be deemed to be engaged in 41800
employment performed entirely within this state or within one of 41801

such other states or within Canada, and whereby potential rights 41802
to benefits accumulated under the unemployment compensation laws 41803
of several states or under such a law of the United States, or 41804
both, or of Canada may constitute the basis for the payment of 41805
benefits through a single appropriate agency under terms that the 41806
director finds will be fair and reasonable as to all affected 41807
interests and will not result in any substantial loss to the 41808
unemployment compensation fund. 41809

(E) The director may enter into agreements with the 41810
appropriate agencies of other states or of the United States or 41811
Canada: 41812

(1) Whereby services or wages upon the basis of which an 41813
individual may become entitled to benefits under the unemployment 41814
compensation law of another state or of the United States or 41815
Canada shall be deemed to be employment or wages for employment by 41816
employers for the purposes of qualifying claimants for benefits 41817
under this chapter, and the director may estimate the number of 41818
weeks of employment represented by the wages reported to the 41819
director for such claimants by such other agency, provided such 41820
other state agency or agency of the United States or Canada has 41821
agreed to reimburse the unemployment compensation fund for such 41822
portion of benefits paid under this chapter upon the basis of such 41823
services or wages as the director finds will be fair and 41824
reasonable as to all affected interests; 41825

(2) Whereby the director will reimburse other state or 41826
federal or Canadian agencies charged with the administration of 41827
unemployment compensation laws with such reasonable portion of 41828
benefits, paid under the law of such other states or of the United 41829
States or of Canada upon the basis of employment or wages for 41830
employment by employers, as the director finds will be fair and 41831
reasonable as to all affected interests. Reimbursements so payable 41832
shall be deemed to be benefits for the purpose of section 4141.09 41833

and division (A) of section 4141.30 of the Revised Code. However, 41834
no reimbursement so payable shall be charged against any 41835
employer's account for the purposes of section 4141.24 of the 41836
Revised Code if the employer's account, under the same or similar 41837
circumstances, with respect to benefits charged under the 41838
provisions of this chapter, other than this section, would not be 41839
charged or, if the claimant at the time the claimant files the 41840
combined wage claim cannot establish benefit rights under this 41841
chapter. This noncharging shall not be applicable to a nonprofit 41842
organization that has elected to make payments in lieu of 41843
contributions under section 4141.241 of the Revised Code, except 41844
as provided in division (D)(2) of section 4141.24 of the Revised 41845
Code. The director may make to other state or federal or Canadian 41846
agencies and receive from such other state or federal or Canadian 41847
agencies reimbursements from or to the unemployment compensation 41848
fund, in accordance with arrangements pursuant to this section. 41849

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 41850
the Revised Code, the director may enter into agreements with 41851
other states whereby services performed for a crew leader, as 41852
defined in division (BB) of section 4141.01 of the Revised Code, 41853
may be covered in the state in which the crew leader either: 41854

(a) Has the crew leader's place of business or from which the 41855
crew leader's business is operated or controlled; 41856

(b) Resides if the crew leader has no place of business in 41857
any state. 41858

(F) The director may apply for an advance to the unemployment 41859
compensation fund and do all things necessary or required to 41860
obtain such advance and arrange for the repayment of such advance 41861
in accordance with Title XII of the "Social Security Act" as 41862
amended. 41863

(G) The director may enter into reciprocal agreements or 41864

arrangements with the appropriate agencies of other states in 41865
regard to services on vessels engaged in interstate or foreign 41866
commerce whereby such services for a single employer, wherever 41867
performed, shall be deemed performed within this state or within 41868
such other states. 41869

(H) The director shall participate in any arrangements for 41870
the payment of compensation on the basis of combining an 41871
individual's wages and employment, covered under this chapter, 41872
with the individual's wages and employment covered under the 41873
unemployment compensation laws of other states which are approved 41874
by the United States secretary of labor in consultation with the 41875
state unemployment compensation agencies as reasonably calculated 41876
to assure the prompt and full payment of compensation in such 41877
situations and which include provisions for: 41878

(1) Applying the base period of a single state law to a claim 41879
involving the combining of an individual's wages and employment 41880
covered under two or more state unemployment compensation laws, 41881
and 41882

(2) Avoiding the duplicate use of wages and employment by 41883
reason of such combining. 41884

~~(I)~~(I)(1) The director shall cooperate with the United States 41885
department of labor to the fullest extent consistent with this 41886
chapter, and shall take such action, through the adoption of 41887
appropriate rules, regulations, and administrative methods and 41888
standards, as may be necessary to secure to this state and its 41889
citizens all advantages available under the provisions of the 41890
"Social Security Act" that relate to unemployment compensation, 41891
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 41892
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 41893
113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment 41894
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 41895
"Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et 41896

seq. 41897

(2) Nothing in division (I)(1) of this section requires the 41898
director to participate in, nor precludes the director from 41899
ceasing to participate in, any voluntary, optional, special, or 41900
emergency program offered by the federal government, including 41901
programs offered under any of the federal acts listed in division 41902
(I)(1) of this section, the "Coronavirus Aid, Relief, and Economic 41903
Security Act," 15 U.S.C. 9023, or any other federal program 41904
enacted to address exceptional unemployment conditions. 41905

(J) The director may disclose wage information furnished to 41906
or maintained by the director under Chapter 4141. of the Revised 41907
Code to a consumer reporting agency as defined by the "Fair Credit 41908
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 41909
the purpose of verifying an individual's income under a written 41910
agreement that requires all of the following: 41911

(1) A written statement of informed consent from the 41912
individual whose information is to be disclosed; 41913

(2) A written statement confirming that the consumer 41914
reporting agency and any other entity to which the information is 41915
disclosed or released will safeguard the information from illegal 41916
or unauthorized disclosure; 41917

(3) A written statement confirming that the consumer 41918
reporting agency will pay to the bureau all costs associated with 41919
the disclosure. 41920

The director shall prescribe a manner and format in which 41921
this information may be provided. 41922

~~(K) The director shall adopt rules defining the requirements~~ 41923
~~of the release of individual income verification information~~ 41924
~~specified in division (J) of this section, which shall include all~~ 41925
~~terms and conditions necessary to meet the requirements of federal~~ 41926
~~law as interpreted by the United States department of labor or~~ 41927

~~considered necessary by the director for the proper administration
of this division.~~ 41928
41929

~~(L)~~ The director shall disclose information furnished to or 41930
maintained by the director under this chapter upon request and on 41931
a reimbursable basis as required by section 303 of the "Social 41932
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 41933
Revenue Code," 26 U.S.C.A. 3304. 41934

Sec. 4301.441. Any information provided to a state agency by 41935
the department of taxation in accordance with ~~division (C)(11) of~~ 41936
section 5703.21 of the Revised Code for the purpose of verifying a 41937
permit holder's gallonage or noncompliance with taxes levied under 41938
this chapter or Chapter 4305. of the Revised Code shall not be 41939
disclosed publicly by that agency, except for purposes of 41940
enforcement, to deny the renewal of a liquor permit, or to report 41941
such information to the alcohol and tobacco tax and trade bureau 41942
in the United States department of the treasury. 41943

Sec. 4303.041. (A) An A-3a permit may be issued to a 41944
distiller that manufactures less than one hundred thousand gallons 41945
of spirituous liquor per year. An A-3a permit holder may sell to a 41946
personal consumer, in sealed containers for consumption off the 41947
premises where manufactured, spirituous liquor that the permit 41948
holder manufactures, but sales to the personal consumer may occur 41949
only by an in-person transaction at the permit premises. The A-3a 41950
permit holder shall not ship, send, or use an H permit holder to 41951
deliver spirituous liquor to the personal consumer. 41952

"Distiller" means a person in this state who mashes, 41953
ferments, distills, and ages spirituous liquor. 41954

~~(B)(1)~~(B) Except as otherwise provided in this section, no 41955
A-3a permit shall be issued unless the sale of spirituous liquor 41956
by the glass for consumption on the premises or by the package for 41957

consumption off the premises is authorized in the election 41958
precinct in which the A-3a permit is proposed to be located. 41959

~~(2) Division (B)(1) of this section does not prohibit the 41960
issuance of an A-3a permit to an applicant for such a permit who 41961
has filed an application with the division of liquor control 41962
before March 22, 2012. 41963~~

(C)(1) An A-3a permit holder may offer for sale tasting 41964
samples of spirituous liquor. The A-3a permit holder shall not 41965
serve more than four tasting samples of spirituous liquor per 41966
person per day. A tasting sample shall not exceed a quarter ounce. 41967
Tasting samples shall be only for the purpose of allowing a 41968
purchaser to determine, by tasting only, the quality and character 41969
of the spirituous liquor. The tasting samples shall be offered for 41970
sale in accordance with rules adopted by the division of liquor 41971
control. 41972

(2) An A-3a permit holder shall sell not more than three 41973
liters of spirituous liquor per day from the permit premises to 41974
the same personal consumer. 41975

(D) An A-3a permit holder may sell spirituous liquor in 41976
sealed containers for consumption off the premises where 41977
manufactured as an independent contractor under agreement, by 41978
virtue of the permit, with the division of liquor control. The 41979
price at which the A-3a permit holder shall sell each spirituous 41980
liquor product to a personal consumer is to be determined by the 41981
division of liquor control. For an A-3a permit holder to purchase 41982
and then offer spirituous liquor for retail sale, the spirituous 41983
liquor need not first leave the physical possession of the A-3a 41984
permit holder to be so registered. The spirituous liquor that the 41985
A-3a permit holder buys from the division of liquor control shall 41986
be maintained in a separate area of the permit premises for sale 41987
to personal consumers. The A-3a permit holder shall sell such 41988
spirituous liquor in sealed containers for consumption off the 41989

premises where manufactured as an independent contractor by virtue 41990
of the permit issued by the division of liquor control, but the 41991
permit holder shall not be compensated as provided in division 41992
(A)(1) of section 4301.17 of the Revised Code. Each A-3a permit 41993
holder shall be subject to audit by the division of liquor 41994
control. Each A-3a permit holder shall execute and file with the 41995
division a surety bond, in an amount established by the division, 41996
that is conditioned on the faithful performance of the permit 41997
holder's duties as prescribed by the division. 41998

~~(D)~~(E) The fee for the A-3a permit is two dollars per 41999
fifty-gallon barrel. 42000

~~(E)~~(F) The holder of an A-3a permit may also exercise the 42001
same privileges as the holder of an A-3 permit. 42002

Sec. 4303.271. (A) Except as provided in divisions (B) and 42003
(D) of this section, the holder of a permit issued under sections 42004
4303.02 to 4303.232 of the Revised Code, who files an application 42005
for the renewal of the same class of permit for the same premises, 42006
shall be entitled to the renewal of the permit. The division of 42007
liquor control shall renew the permit unless the division rejects 42008
for good cause any renewal application, subject to the right of 42009
the applicant to appeal the rejection to the liquor control 42010
commission. 42011

(B) The legislative authority of the municipal corporation, 42012
the board of township trustees, or the board of county 42013
commissioners of the county in which a permit premises is located 42014
may object to the renewal of a permit issued under sections 42015
4303.11 to 4303.183 of the Revised Code for any of the reasons 42016
contained in division (A) of section 4303.292 of the Revised Code. 42017
Any objection shall be made no later than thirty days prior to the 42018
expiration of the permit, and the division shall accept the 42019
objection if it is postmarked no later than thirty days prior to 42020

the expiration of the permit. The objection shall be made by a 42021
resolution specifying the reasons for objecting to the renewal and 42022
requesting a hearing, but no objection shall be based upon 42023
noncompliance of the permit premises with local zoning regulations 42024
that prohibit the sale of beer or intoxicating liquor in an area 42025
zoned for commercial or industrial uses, for a permit premises 42026
that would otherwise qualify for a proper permit issued by the 42027
division. The resolution shall be accompanied by a statement by 42028
the chief legal officer of the political subdivision that, in the 42029
chief legal officer's opinion, the objection is based upon 42030
substantial legal grounds within the meaning and intent of 42031
division (A) of section 4303.292 of the Revised Code. 42032

Upon receipt of a resolution of a legislative authority or 42033
board objecting to the renewal of a permit and a statement from 42034
the chief legal officer, the division shall set a time for the 42035
hearing and send by certified mail to the permit holder, at the 42036
permit holder's usual place of business, a copy of the resolution 42037
and notice of the hearing. The division shall then hold a hearing 42038
in the central office of the division, except that, upon written 42039
request of the legislative authority or board, the hearing shall 42040
be held in the county seat of the county in which the permit 42041
premises is located, to determine whether the renewal shall be 42042
denied for any of the reasons contained in division (A) of section 42043
4303.292 of the Revised Code. Only the reasons for refusal 42044
contained in division (A) of section 4303.292 of the Revised Code 42045
and specified in the resolution of objection shall be considered 42046
at the hearing. 42047

The permit holder and the objecting legislative authority or 42048
board shall be parties to the proceedings under this section and 42049
shall have the right to be present, to be represented by counsel, 42050
to offer evidence, to require the attendance of witnesses, and to 42051
cross-examine witnesses at the hearing. 42052

(C) An application for renewal of a permit shall be filed 42053
with the division at least fifteen days prior to the expiration of 42054
an existing permit, and the existing permit shall continue in 42055
effect as provided in section 119.06 of the Revised Code until the 42056
application is approved or rejected by the division. Any holder of 42057
a permit, which has expired through failure to be renewed as 42058
provided in this section, shall obtain a renewal of the permit, 42059
upon filing an application for renewal with the division, at any 42060
time within thirty days from the date of the expired permit. A 42061
penalty of ten per cent of the permit fee shall be paid by the 42062
permit holder if the application for renewal is not filed at least 42063
fifteen days prior to the expiration of the permit. 42064

(D)(1) Annually, the tax commissioner shall examine the 42065
department of taxation's records for the horse-racing, alcoholic 42066
beverage, motor fuel, petroleum activity, sales or use, cigarette, 42067
other tobacco products, employer withholding, commercial activity, 42068
and gross casino revenue tax and gross receipts taxes levied 42069
pursuant to section 5739.101 of the Revised Code for each holder 42070
of a permit issued under sections 4303.02 to 4303.232 of the 42071
Revised Code to determine if the permit holder is delinquent in 42072
filing any returns, submitting any information required by the 42073
commissioner, or remitting any payments with respect to those 42074
taxes or any fees, charges, penalties, or interest related to 42075
those taxes. 42076

If any delinquency or liability exists, the commissioner 42077
shall send a notice of that fact ~~by certified mail, return receipt~~ 42078
~~requested, to the permit holder in the manner provided in section~~ 42079
5703.37 of the Revised Code. The notice shall specify, in as much 42080
detail as is possible, the periods for which returns have not been 42081
filed and the nature and amount of unpaid assessments and other 42082
liabilities and shall be sent on or before the first day of the 42083
third month preceding the month in which the permit expires. The 42084

commissioner also shall notify the division of liquor control of 42085
the delinquency or liability, identifying the permit holder by 42086
name and permit number. 42087

(2)(a) Except as provided in division (D)(4) of this section, 42088
the division of liquor control shall not renew the permit of any 42089
permit holder the tax commissioner has identified as being 42090
delinquent in filing any returns, providing any information, or 42091
remitting any payments with respect to the taxes listed in 42092
division (D)(1) of this section as of the first day of the sixth 42093
month preceding the month in which the permit expires, or of any 42094
permit holder the commissioner has identified as having been 42095
assessed by the department on or before the first day of the third 42096
month preceding the month in which the permit expires, until the 42097
division is notified by the commissioner that the delinquency, 42098
liability, or assessment has been resolved. 42099

(b)(i) Within ninety days after the date on which the permit 42100
expires, any permit holder whose permit is not renewed under this 42101
division may file an appeal with the liquor control commission. 42102
The commission shall notify the tax commissioner regarding the 42103
filing of any such appeal. During the period in which the appeal 42104
is pending, the permit shall not be renewed by the division. The 42105
permit shall be reinstated if the permit holder and the 42106
commissioner or the attorney general demonstrate to the liquor 42107
control commission that the commissioner's notification of a 42108
delinquency or assessment was in error or that the issue of the 42109
delinquency or assessment has been resolved. 42110

(ii) A permit holder who has filed an appeal under division 42111
(D)(2)(b)(i) of this section may file a motion to withdraw the 42112
appeal. The division of liquor control may renew a permit holder's 42113
permit if the permit holder has withdrawn such an appeal and the 42114
division receives written certification from the tax commissioner 42115
that the permit holder's delinquency or assessment has been 42116

resolved. 42117

(3) A permit holder notified of delinquency or liability 42118
under this section may protest the notification to the tax 42119
commissioner on the basis that no return or information is 42120
delinquent and no tax, fee, charge, penalty, or interest is 42121
outstanding. The commissioner shall expeditiously consider any 42122
evidence submitted by the permit holder and, if it is determined 42123
that the notification was in error, immediately shall inform the 42124
division of liquor control that the renewal application may be 42125
granted. The renewal shall not be denied if the delinquency or 42126
unreported liability is the subject of a bona fide dispute as to 42127
the validity of the delinquency or unreported liability and is the 42128
subject of an assessment and of an appeal properly filed by the 42129
permit holder. 42130

(4) If the commissioner concludes that under the 42131
circumstances the permit holder's delinquency or liability has 42132
been conditionally resolved, the commissioner shall allow the 42133
permit to be renewed, conditioned upon the permit holder's 42134
continuing performance in satisfying the delinquency and 42135
liability. The conditional nature of the renewal shall be 42136
specified in the notification given to the division of liquor 42137
control under division (D)(1) of this section. Upon receipt of 42138
notice of the resolution, the division shall issue a conditional 42139
renewal. If the taxpayer defaults on any agreement to pay the 42140
delinquency or liability or fails to keep subsequent tax or fee 42141
payments current, the liquor control commission, upon request and 42142
proof of the default or failure to keep subsequent tax or fee 42143
payments current, shall indefinitely suspend the permit holder's 42144
permit until all taxes or fees and interest due are paid. 42145

(5) The commissioner may adopt rules to assist in 42146
administering the duties imposed by this section. 42147

Sec. 4303.30. The rights granted by any ~~D 2, D 3, D 3a, D 4,~~ 42148
~~D 4a, D 5, D 5a, D 5b, D 5e, D 5f, D 5g, D 5h, D 5i, D 5j, D 5k,~~ 42149
~~D 5l, D 5m, D 5n, D 5o, or D 6~~ permit that authorizes on-premises 42150
consumption of beer, mixed beverages, wine, or spirituous liquor 42151
shall be exercised at not more than two fixed counters, commonly 42152
known as bars, in rooms or places on the permit premises, where 42153
beer, mixed beverages, wine, or spirituous liquor is sold to the 42154
public for consumption on the premises. For each additional fixed 42155
counter on the permit premises where those beverages are sold for 42156
consumption on the premises, the permit holder shall obtain a 42157
duplicate ~~D 2, D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b, D 5e, D 5f,~~ 42158
~~D 5g, D 5h, D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ 42159
permit for the class of permit already issued. 42160

The holder of any ~~D 2, D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b,~~ 42161
~~D 5e, D 5f, D 5g, D 5h, D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o,~~ 42162
~~or D 6~~ such permit shall be granted, upon application to the 42163
division of liquor control, a duplicate ~~D 2, D 3, D 3a, D 4, D 4a,~~ 42164
~~D 5, D 5a, D 5b, D 5e, D 5f, D 5g, D 5h, D 5i, D 5j, D 5k, D 5l,~~ 42165
~~D 5m, D 5n, D 5o, or D 6~~ permit for each additional fixed counter 42166
on the permit premises at which beer, mixed beverages, wine, or 42167
spirituous liquor is sold for consumption on the premises, 42168
provided the application is made in the same manner as an 42169
application for an original permit. The application shall be 42170
identified with DUPLICATE printed on the permit application form 42171
furnished by the department, in boldface type. The application 42172
shall identify by name, or otherwise amply describe, the room or 42173
place on the premises where the duplicate permit is to be 42174
operative. Each duplicate permit shall be issued only to the same 42175
individual, firm, or corporation as that of the original permit 42176
and shall be an exact duplicate in size and word content as the 42177
original permit, except that it shall show on it the name or other 42178
ample identification of the room, or place, for which it is issued 42179

and shall have DUPLICATE printed on it in boldface type. A 42180
duplicate permit shall bear the same number as the original 42181
permit. The fee for a duplicate permit is: ~~D 1, one hundred~~ 42182
~~dollars; D 2, one hundred dollars; D 3, four hundred dollars;~~ 42183
~~D 3a, four hundred dollars; D 4, two hundred dollars; D 5, one~~ 42184
~~thousand dollars; D 5a, one thousand dollars; D 5b, one thousand~~ 42185
~~dollars; D 5c, four hundred dollars; D 5e, six hundred fifty~~ 42186
~~dollars; D 5f, one thousand dollars; D 5o, one thousand dollars;~~ 42187
~~D 6, one hundred dollars when issued to the holder of a D 4a~~ 42188
~~permit; and in all other cases one hundred dollars or an amount~~ 42189
which is twenty per cent of the ~~fees~~ fee payable for the ~~A 1 A,~~ 42190
~~D 2, D 3, D 3a, D 4, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 42191
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, and D 6 permits~~ the 42192
original permit issued to the same premises, whichever is higher. 42193
Application for a duplicate permit may be filed any time during 42194
the life of an original permit. The fee for each duplicate ~~D 2,~~ 42195
~~D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 42196
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ permit shall be 42197
paid in accordance with section 4303.24 of the Revised Code. 42198

Sec. 4501.11. (A) There is hereby created in the state 42199
treasury the security, investigations, and policing fund. 42200
Notwithstanding section 5503.04 of the Revised Code, no fines 42201
collected from or money arising from bonds or bail forfeited by 42202
persons apprehended or arrested by state highway patrol troopers 42203
shall be credited to the general revenue fund until sufficient 42204
revenue to fund appropriations for the activities described under 42205
division (B) of this section are credited to the security, 42206
investigations, and policing fund. All investment earnings of the 42207
security, investigations, and policing fund shall be credited to 42208
that fund. 42209

This division does not apply to fines for violations of 42210
division (B) of section 4513.263 of the Revised Code, or to fines 42211

for violations of any municipal ordinance that is substantively 42212
comparable to that division, which fines shall be delivered to the 42213
treasurer of state as provided in ~~division (E)~~ of section 4513.263 42214
of the Revised Code. 42215

(B) The money credited to the security, investigations, and 42216
policing fund shall be used to pay the costs of: 42217

(1) Providing security for the governor, other officials and 42218
dignitaries, the capitol square, and other state property pursuant 42219
to division (E) of section 5503.02 of the Revised Code; 42220

(2) Undertaking major criminal investigations that involve 42221
state property interests; 42222

(3) Providing traffic control and security for the Ohio 42223
expositions commission on a full-time, year-round basis; 42224

(4) Performing nonhighway-related duties of the state highway 42225
patrol at the Ohio state fair. 42226

Sec. 4503.03. (A)(1)(a) Except as provided in division (B) of 42227
this section, the registrar of motor vehicles may designate one or 42228
more of the following persons to act as a deputy registrar in each 42229
county: 42230

(i) The county auditor in any county, ~~subject to division~~ 42231
~~(A)(1)(b)(i) of this section;~~ 42232

(ii) The clerk of a court of common pleas in any county, ~~subject to division~~ 42233
~~(A)(1)(b)(ii) of this section;~~ 42234

(iii) An individual; 42235

(iv) A nonprofit corporation as defined in division (C) of 42236
section 1702.01 of the Revised Code. 42237

~~(b)(i) If the population of a county is forty thousand or 42238
less according to the most recent federal decennial census and if 42239
the county auditor is designated by the registrar as a deputy 42240~~

~~registrar, no other person need be designated in the county to act
as a deputy registrar.~~ 42241
42242

~~(ii) The registrar may designate a clerk of a court of common
pleas as a deputy registrar if the population of the county is
forty thousand or less according to the last federal census. In a
county with a population greater than forty thousand but not more
than fifty thousand according to the last federal census, the
clerk of a court of common pleas is eligible to act as a deputy
registrar and may participate in the competitive selection process
for the award of a deputy registrar contract by applying in the
same manner as any other person. All fees collected and retained
by a clerk for conducting deputy registrar services shall be paid
into the county treasury to the credit of the certificate of title
administration fund created under section 325.33 of the Revised
Code.~~ 42243
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~~Notwithstanding the county population restrictions in
division (A)(1)(b) of this section, if no person applies to act
under contract as a deputy registrar in a county and the county
auditor is not designated as a deputy registrar, the registrar may
ask the clerk of a court of common pleas to serve as the deputy
registrar for that county.~~ 42256
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~~(e)(b) As part of the selection process in awarding a deputy
registrar contract, the registrar shall consider the customer
service performance record of any person previously awarded a
deputy registrar contract pursuant to division (A)(1) of this
section.~~ 42262
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(2) Deputy registrars shall accept applications for the 42267
annual license tax for any vehicle not taxed under section 4503.63 42268
of the Revised Code and shall assign distinctive numbers in the 42269
same manner as the registrar. Such deputies shall be located in 42270
such locations ~~in the county~~ as the registrar sees fit. ~~There~~ 42271
Except as provided in division (A)(3) of this section, there shall 42272

be at least one deputy registrar in each county. 42273

(3) The registrar need not appoint a deputy registrar in a county to which all of the following apply: 42274
42275

(a) No individual, nonprofit corporation, or, where applicable, clerk of court of common pleas participates in the competitive selection process to be designated as a deputy registrar; 42276
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(b) Neither the county auditor nor the clerk of court of common pleas agrees to be designated as a deputy registrar; 42280
42281

(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar; 42282
42283

(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county. 42284
42285
42286

(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply: 42287
42288

(a) The county auditor requests to be designated as a deputy registrar; 42289
42290

(b) The clerk of court of common pleas requests to be designated as a deputy registrar; 42291
42292

(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county; 42293
42294
42295

(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the competitive selection process. 42296
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Deputy registrar contracts are subject to the provisions of 42302

division (B) of section 125.081 of the Revised Code. 42303

(B)(1) The registrar shall not designate any person to act as 42304
a deputy registrar under division (A)(1) of this section if the 42305
person or, where applicable, the person's spouse or a member of 42306
the person's immediate family has made, within the current 42307
calendar year or any one of the previous three calendar years, one 42308
or more contributions totaling in excess of one hundred dollars to 42309
any person or entity included in division (A)(2) of section 42310
4503.033 of the Revised Code. As used in this division, "immediate 42311
family" has the same meaning as in division (D) of section 102.01 42312
of the Revised Code, and "entity" includes any political party and 42313
any "continuing association" as defined in division (C)(4) of 42314
section 3517.01 of the Revised Code or "political action 42315
committee" as defined in division (C)(8) of that section that is 42316
primarily associated with that political party. For purposes of 42317
this division, contributions to any continuing association or any 42318
political action committee that is primarily associated with a 42319
political party shall be aggregated with contributions to that 42320
political party. 42321

The contribution limitations contained in this division do 42322
not apply to any county auditor or clerk of a court of common 42323
pleas. A county auditor or clerk of a court of common pleas is not 42324
required to file the disclosure statement or pay the filing fee 42325
required under section 4503.033 of the Revised Code. The 42326
limitations of this division also do not apply to a deputy 42327
registrar who, subsequent to being awarded a deputy registrar 42328
contract, is elected to an office of a political subdivision. 42329

(2) The registrar shall not designate either of the following 42330
to act as a deputy registrar: 42331

(a) Any elected public official other than a county auditor 42332
or, as authorized by division ~~(A)(1)~~(A)(1) of this section, a 42333
clerk of a court of common pleas, acting in an official capacity, 42334

except that, the registrar shall continue and may renew a contract 42335
with any deputy registrar who, subsequent to being awarded a 42336
deputy registrar contract, is elected to an office of a political 42337
subdivision; 42338

(b) Any person holding a current, valid contract to conduct 42339
motor vehicle inspections under section 3704.14 of the Revised 42340
Code. 42341

(3) As used in division (B) of this section, "political 42342
subdivision" has the same meaning as in section 3501.01 of the 42343
Revised Code. 42344

(C)(1) Except as provided in division (C)(2) of this section, 42345
deputy registrars are independent contractors and neither they nor 42346
their employees are employees of this state, except that nothing 42347
in this section shall affect the status of county auditors or 42348
clerks of courts of common pleas as public officials, nor the 42349
status of their employees as employees of any of the counties of 42350
this state, which are political subdivisions of this state. Each 42351
deputy registrar shall be responsible for the payment of all 42352
unemployment compensation premiums, all workers' compensation 42353
premiums, social security contributions, and any and all taxes for 42354
which the deputy registrar is legally responsible. Each deputy 42355
registrar shall comply with all applicable federal, state, and 42356
local laws requiring the withholding of income taxes or other 42357
taxes from the compensation of the deputy registrar's employees. 42358
Each deputy registrar shall maintain during the entire term of the 42359
deputy registrar's contract a policy of business liability 42360
insurance satisfactory to the registrar and shall hold the 42361
department of public safety, the director of public safety, the 42362
bureau of motor vehicles, and the registrar harmless upon any and 42363
all claims for damages arising out of the operation of the deputy 42364
registrar agency. 42365

(2) For purposes of Chapter 4141. of the Revised Code, 42366

determinations concerning the employment of deputy registrars and 42367
their employees shall be made under Chapter 4141. of the Revised 42368
Code. 42369

(D)(1) With the approval of the director, the registrar shall 42370
adopt rules governing deputy registrars. The rules shall do all of 42371
the following: 42372

(a) Establish requirements governing the terms of the 42373
contract between the registrar and each deputy registrar and the 42374
services to be performed; 42375

(b) Establish requirements governing the amount of bond to be 42376
given as provided in this section; 42377

(c) Establish requirements governing the size and location of 42378
the deputy's office; 42379

(d) Establish requirements governing the leasing of equipment 42380
necessary to conduct the vision screenings required under section 42381
4507.12 of the Revised Code and training in the use of the 42382
equipment; 42383

(e) Encourage every deputy registrar to inform the public of 42384
the location of the deputy registrar's office and hours of 42385
operation by means of public service announcements; 42386

(f) Allow any deputy registrar to advertise in regard to the 42387
operation of the deputy registrar's office, including allowing 42388
nonprofit corporations operating as a deputy registrar to 42389
advertise that a specified amount of proceeds collected by the 42390
nonprofit corporation are directed to a specified charitable 42391
organization or philanthropic cause; 42392

(g) Specify the hours the deputy's office is to be open to 42393
the public and require as a minimum that one deputy's office in 42394
each county be open to the public for at least four hours each 42395
weekend, provided that if only one deputy's office is located 42396

within the boundary of the county seat, that office is the office 42397
that shall be open for the four-hour period each weekend; 42398

(h) Specify that every deputy registrar, upon request, 42399
provide any person with information about the location and office 42400
hours of all deputy registrars in the county; 42401

(i) Allow a deputy registrar contract to be awarded to a 42402
nonprofit corporation formed under the laws of this state; 42403

~~(j) Except as provided in division (D)(2) of this section, 42404
prohibit any deputy registrar from operating more than one deputy 42405
registrar's office at any time; 42406~~

~~(k) For the duration of any deputy registrar contract, 42407
require that the deputy registrar occupy a primary residence in a 42408
location that is within a one hour commute time from the deputy 42409
registrar's office or offices. The rules shall require the 42410
registrar to determine commute time by using multiple established 42411
internet based mapping services. 42412~~

~~(l)~~ Establish procedures for a deputy registrar to request 42413
the authority to collect reinstatement fees under sections 42414
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, 42415
and 4511.191 of the Revised Code and to transmit the reinstatement 42416
fees and two dollars of the service fee collected under those 42417
sections. The registrar shall ensure that at least one deputy 42418
registrar in each county has the necessary equipment and is able 42419
to accept reinstatement fees. The registrar shall deposit the 42420
service fees received from a deputy registrar under those sections 42421
into the public safety - highway purposes fund created in section 42422
4501.06 of the Revised Code and shall use the money for deputy 42423
registrar equipment necessary in connection with accepting 42424
reinstatement fees. 42425

~~(m)~~(k) Establish standards for a deputy registrar, when the 42426
deputy registrar is not a county auditor or a clerk of a court of 42427

common pleas, to sell advertising rights to third party businesses 42428
to be placed in the deputy registrar's office; 42429

~~(n)~~(l) Allow any deputy registrar that is not a county 42430
auditor or a clerk of a court of common pleas to operate a vending 42431
machine; 42432

~~(o)~~(m) Establish such other requirements as the registrar and 42433
director consider necessary to provide a high level of service. 42434

(2) ~~Notwithstanding division (D)(1)(j) of this section, the~~ 42435
The rules may allow both of the following: 42436

(a) The registrar to award a contract to a deputy registrar 42437
to operate more than one deputy registrar's office if determined 42438
by the registrar to be practical; 42439

(b) A nonprofit corporation formed for the purposes of 42440
providing automobile-related services to its members or the public 42441
and that provides such services from more than one location in 42442
this state to operate a deputy registrar office at any location. 42443

(3) As a daily adjustment, the bureau of motor vehicles shall 42444
credit to a deputy registrar the amount established under section 42445
4503.038 of the Revised Code for each damaged license plate or 42446
validation sticker the deputy registrar replaces as a service to a 42447
member of the public. 42448

(4)(a) With the prior approval of the registrar, each deputy 42449
registrar may conduct at the location of the deputy registrar's 42450
office any business that is consistent with the functions of a 42451
deputy registrar and that is not specifically mandated or 42452
authorized by this or another chapter of the Revised Code or by 42453
implementing rules of the registrar. 42454

(b) In accordance with guidelines the director of public 42455
safety shall establish, a deputy registrar may operate or contract 42456
for the operation of a vending machine at a deputy registrar 42457

location if products of the vending machine are consistent with 42458
the functions of a deputy registrar. 42459

(c) A deputy registrar may enter into an agreement with the 42460
Ohio turnpike and infrastructure commission pursuant to division 42461
(A)(11) of section 5537.04 of the Revised Code for the purpose of 42462
allowing the general public to acquire from the deputy registrar 42463
the electronic toll collection devices that are used under the 42464
multi-jurisdiction electronic toll collection agreement between 42465
the Ohio turnpike and infrastructure commission and any other 42466
entities or agencies that participate in such an agreement. The 42467
approval of the registrar is not necessary if a deputy registrar 42468
engages in this activity. 42469

(5) As used in this section and in section 4507.01 of the 42470
Revised Code, "nonprofit corporation" has the same meaning as in 42471
section 1702.01 of the Revised Code. 42472

(E)(1) Unless otherwise terminated and except for interim 42473
contracts lasting not longer than one year, contracts with deputy 42474
registrars shall be entered into through a competitive selection 42475
process and shall be limited in duration as follows: 42476

(a) For contracts entered into between July 1, 1996 and June 42477
29, 2014, for a period of not less than two years, but not more 42478
than three years; 42479

(b) For contracts entered into on or after June 29, 2014, for 42480
a period of five years, unless the registrar determines that a 42481
shorter contract term is appropriate for a particular deputy 42482
registrar. 42483

(2) All contracts with deputy registrars shall expire on the 42484
last Saturday of June in the year of their expiration. Prior to 42485
the expiration of any deputy registrar contract, the registrar, 42486
with the approval of the director, may award a one-year contract 42487
extension to any deputy registrar who has provided exemplary 42488

service based upon objective performance evaluations. 42489

(3)(a) The auditor of state may examine the accounts, 42490
reports, systems, and other data of each deputy registrar at least 42491
every two years. The registrar, with the approval of the director, 42492
shall immediately remove a deputy who violates any provision of 42493
the Revised Code related to the duties as a deputy, any rule 42494
adopted by the registrar, or a term of the deputy's contract with 42495
the registrar. The registrar also may remove a deputy who, in the 42496
opinion of the registrar, has engaged in any conduct that is 42497
either unbecoming to one representing this state or is 42498
inconsistent with the efficient operation of the deputy's office. 42499

(b) If the registrar, with the approval of the director, 42500
determines that there is good cause to believe that a deputy 42501
registrar or a person proposing for a deputy registrar contract 42502
has engaged in any conduct that would require the denial or 42503
termination of the deputy registrar contract, the registrar may 42504
require the production of books, records, and papers as the 42505
registrar determines are necessary, and may take the depositions 42506
of witnesses residing within or outside the state in the same 42507
manner as is prescribed by law for the taking of depositions in 42508
civil actions in the court of common pleas, and for that purpose 42509
the registrar may issue a subpoena for any witness or a subpoena 42510
duces tecum to compel the production of any books, records, or 42511
papers, directed to the sheriff of the county where the witness 42512
resides or is found. Such a subpoena shall be served and returned 42513
in the same manner as a subpoena in a criminal case is served and 42514
returned. The fees of the sheriff shall be the same as that 42515
allowed in the court of common pleas in criminal cases. Witnesses 42516
shall be paid the fees and mileage provided for under section 42517
119.094 of the Revised Code. The fees and mileage shall be paid 42518
from the fund in the state treasury for the use of the agency in 42519
the same manner as other expenses of the agency are paid. 42520

In any case of disobedience or neglect of any subpoena served 42521
on any person or the refusal of any witness to testify to any 42522
matter regarding which the witness lawfully may be interrogated, 42523
the court of common pleas of any county where the disobedience, 42524
neglect, or refusal occurs or any judge of that court, on 42525
application by the registrar, shall compel obedience by attachment 42526
proceedings for contempt, as in the case of disobedience of the 42527
requirements of a subpoena issued from that court, or a refusal to 42528
testify in that court. 42529

(4) Nothing in division (E) of this section shall be 42530
construed to require a hearing of any nature prior to the 42531
termination of any deputy registrar contract by the registrar, 42532
with the approval of the director, for cause. 42533

(F) Except as provided in section 2743.03 of the Revised 42534
Code, no court, other than the court of common pleas of Franklin 42535
county, has jurisdiction of any action against the department of 42536
public safety, the director, the bureau, or the registrar to 42537
restrain the exercise of any power or authority, or to entertain 42538
any action for declaratory judgment, in the selection and 42539
appointment of, or contracting with, deputy registrars. Neither 42540
the department, the director, the bureau, nor the registrar is 42541
liable in any action at law for damages sustained by any person 42542
because of any acts of the department, the director, the bureau, 42543
or the registrar, or of any employee of the department or bureau, 42544
in the performance of official duties in the selection and 42545
appointment of, and contracting with, deputy registrars. 42546

(G) The registrar shall assign to each deputy registrar a 42547
series of numbers sufficient to supply the demand at all times in 42548
the area the deputy registrar serves, and the registrar shall keep 42549
a record in the registrar's office of the numbers within the 42550
series assigned. Except as otherwise provided in section 3.061 of 42551
the Revised Code, each deputy shall be required to give bond in 42552

the amount of at least twenty-five thousand dollars, or in such 42553
higher amount as the registrar determines necessary, based on a 42554
uniform schedule of bond amounts established by the registrar and 42555
determined by the volume of registrations handled by the deputy. 42556
The form of the bond shall be prescribed by the registrar. The 42557
bonds required of deputy registrars, in the discretion of the 42558
registrar, may be individual or schedule bonds or may be included 42559
in any blanket bond coverage carried by the department. 42560

(H) Each deputy registrar shall keep a file of each 42561
application received by the deputy and shall register that motor 42562
vehicle with the name and address of its owner. 42563

(I) Upon request, a deputy registrar shall make the physical 42564
inspection of a motor vehicle and issue the physical inspection 42565
certificate required in section 4505.061 of the Revised Code. 42566

(J) Each deputy registrar shall file a report semiannually 42567
with the registrar of motor vehicles listing the number of 42568
applicants for licenses the deputy has served, the number of voter 42569
registration applications the deputy has completed and transmitted 42570
to the board of elections, and the number of voter registration 42571
applications declined. 42572

Sec. 4503.038. (A) Not later than ninety days after ~~the~~ 42573
~~effective date of this amendment~~ July 3, 2019, the registrar of 42574
motor vehicles shall adopt rules in accordance with Chapter 119. 42575
of the Revised Code establishing a service fee that applies for 42576
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 42577
4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 42578
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 42579
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 42580
shall be five dollars. 42581

(B) Not later than ninety days after ~~the effective date of~~ 42582
~~this amendment~~ July 3, 2019, the registrar shall adopt rules in 42583

accordance with Chapter 119. of the Revised Code establishing 42584
prorated service fees that apply for purposes of multi-year 42585
registrations authorized under section 4503.103 of the Revised 42586
Code. 42587

Sec. 4503.27. A manufacturer, dealer, or distributor shall 42588
~~make application~~ apply for registration, for each place in this 42589
state at which the business of manufacturing, dealing, or 42590
distributing of motor vehicles is carried on. The application 42591
shall show the make of motor vehicles manufactured, dealt in, or 42592
distributed at such place and shall show the taxing district in 42593
which the place of business is located. Upon the filing of such 42594
application and the payment of the annual tax ~~and postage therefor~~ 42595
imposed by section 4503.09 of the Revised Code, the registrar of 42596
motor vehicles shall assign to the applicant a distinctive number 42597
~~which that~~ must be carried and displayed by each such motor 42598
vehicle in like manner as provided by law for other motor vehicles 42599
while it is operated on the public highway until it is sold or 42600
transferred. At the time the registrar assigns the distinctive 42601
number the registrar shall furnish one ~~placard~~ license plate with 42602
the number thereon. Such manufacturer, dealer, or distributor may 42603
procure a reasonable number of ~~certified copies of the~~ additional 42604
registration ~~certificate~~ certificates upon the payment for each of 42605
an annual fee of five dollars and the appropriate postage as 42606
required by the registrar. With each ~~of the certified copies~~ 42607
additional registration certificate the registrar shall furnish 42608
one ~~placard~~ license plate with the same numbering provided in the 42609
original registration certificate, and shall add thereto such 42610
special designation as necessary to distinguish one ~~set of~~ 42611
~~placards~~ license plate from another. 42612

The registrar shall not assign any distinctive number and 42613
shall not furnish any ~~placards~~ license plates to any dealer or 42614
distributor unless the dealer or distributor, at the time of 42615

~~making~~ application for the ~~placards~~ license plates, produces 42616
evidence to show that the dealer or distributor is the holder 42617
either of a motor vehicle dealer's license required by section 42618
4517.04 or 4517.05 of the Revised Code or a distributor's license 42619
required by section 4517.08 of the Revised Code. Such evidence 42620
shall be presented in the manner prescribed by the registrar. 42621

Sec. 4503.271. A new motor vehicle may be operated on the 42622
public roads or highways of this state without displaying a 42623
license plate ~~or placard~~ issued to a manufacturer, dealer, or 42624
distributor under section 4503.27 of the Revised Code or any other 42625
license plate specified in the Revised Code if all of the 42626
following apply to the new motor vehicle: 42627

(A) The new motor vehicle was being transported on a railroad 42628
car; 42629

(B) The railroad car or the train of which the railroad car 42630
was a part was involved in an accident that required the unloading 42631
of the new motor vehicle from the railroad car in order to 42632
preserve its condition or to facilitate the process of returning 42633
the accident site to its normal state; 42634

(C) The operator of the new motor vehicle was instructed by a 42635
law enforcement officer at the accident site to drive the new 42636
motor vehicle from the accident site directly to another location 42637
for the purpose of removing the new motor vehicle from the 42638
accident site and storing the new motor vehicle; 42639

(D) The operator of the new motor vehicle proceeds from the 42640
accident site to the storage location utilizing the most direct 42641
route. 42642

Sec. 4503.28. (A) No person who is a manufacturer of, dealer 42643
in, or distributor of motor vehicles shall fail to file an 42644
application for registration ~~and~~ to pay the tax for the 42645

registration, and to apply for and pay the legal fees for as many 42646
~~certified copies of the~~ additional registration certificates as 42647
the law requires. 42648

(B) Whoever violates this section is guilty of a misdemeanor 42649
of the fourth degree. 42650

Sec. 4503.30. (A) Any ~~placards~~ license plates issued by the 42651
registrar of motor vehicles and bearing the distinctive number 42652
assigned to a manufacturer, dealer, or distributor pursuant to 42653
section 4503.27 of the Revised Code may be displayed on any motor 42654
vehicle, other than commercial cars, or on any motorized bicycle 42655
owned by the manufacturer, dealer, or distributor, or lawfully in 42656
the possession or control of the manufacturer, or the agent or 42657
employee of the manufacturer, the dealer, or the agent or employee 42658
of the dealer, the distributor, or the agent or employee of the 42659
distributor, ~~and~~. Such license plates shall be displayed on no 42660
other motor vehicle or motorized bicycle. ~~A placard~~ 42661

(B)(1) A license plate issued to a dealer under section 42662
4503.27 of the Revised Code may be displayed on a motor vehicle, 42663
other than a commercial car, owned by a dealer when the vehicle is 42664
in transit from a dealer to a purchaser, when the vehicle is being 42665
demonstrated for sale or lease, or when the vehicle otherwise is 42666
being utilized by the dealer. ~~A~~ 42667

(2) A vehicle bearing a ~~placard~~ license plate issued to a 42668
dealer under section 4503.27 of the Revised Code may be operated 42669
by the dealer, an agent or employee of the dealer, a prospective 42670
purchaser, or a third party operating the vehicle with the 42671
permission of the dealer. 42672

~~Such placards~~ (C) A license plate issued to a manufacturer, 42673
dealer, or distributor pursuant to section 4503.27 of the Revised 42674
Code may be displayed on commercial cars only when the cars are in 42675

transit from a manufacturer to a dealer, from a distributor to a 42676
dealer or distributor, or from a dealer to a purchaser, or when 42677
the cars are being demonstrated for sale or lease, ~~and~~. Such a 42678
license plate shall not be displayed when the cars are being used 42679
for delivery, hauling, transporting, or other commercial purpose. 42680

~~(B)~~(D) Whoever violates this section is guilty of a 42681
misdemeanor of the third degree. 42682

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of 42683
motor vehicles may apply for a reasonable number of commercial car 42684
demonstration ~~placards~~ license plates. The application shall show 42685
the make of commercial cars, commercial tractors, trailers, and 42686
semitrailers manufactured, dealt, or distributed in and shall show 42687
the taxing district in which the applicant's place of business is 42688
located. 42689

Upon the filing of such application and the payment of an 42690
annual fee of five hundred dollars and appropriate postage as 42691
required by the registrar of motor vehicles, the registrar shall 42692
assign to the applicant a distinctive ~~placard~~ and number and the 42693
requested license plates with the number thereon. Such ~~placards~~ 42694
license plates shall be known as "commercial car demonstration 42695
~~placards~~ license plates," and shall expire on a date prescribed by 42696
the registrar. Upon the first application by any person for such 42697
~~placards~~ license plates, the registrar shall prorate the annual 42698
fee in accordance with section 4503.11 of the Revised Code; for 42699
all renewals or replacements of such ~~placards~~ license plates, the 42700
registrar shall collect the full amount of the annual fee. 42701

Commercial car demonstration ~~placards~~ license plates may be 42702
displayed on commercial cars, commercial tractors, trailers and 42703
semitrailers owned by the manufacturer, dealer, or distributor, 42704
when those vehicles are operated by or being demonstrated to a 42705
prospective purchaser. In addition to the purposes permitted by 42706

section 4503.30 of the Revised Code, the ~~placards~~ license plates 42707
provided for in this section may be displayed on vehicles operated 42708
or used for delivery, hauling, transporting, or any other lawful 42709
purpose. When such ~~placards~~ license plates are used, the ~~placards~~ 42710
license plates provided for in section 4503.30 of the Revised Code 42711
need not be displayed. 42712

The operator of any commercial car, commercial tractor, 42713
trailer, or semitrailer displaying the ~~placards~~ license plates 42714
provided for in this section, at all times, shall carry with the 42715
operator a letter from the manufacturer, dealer, or distributor 42716
authorizing the use of such manufacturer's, dealer's, or 42717
distributor's commercial car demonstration ~~placards~~ license 42718
plates. 42719

When such ~~placards~~ license plates are used on any commercial 42720
car or commercial tractor, such power unit shall be considered 42721
duly registered and licensed for the purposes of section 4503.38 42722
of the Revised Code. 42723

(B) No manufacturer, dealer, or distributor of motor vehicles 42724
shall use the commercial car demonstration ~~placard~~ license plates 42725
for purposes other than those authorized by this section. 42726

(C) Whoever violates division (B) of this section is guilty 42727
of a misdemeanor of the third degree. 42728

Sec. 4503.31. (A) As used in this section, "person" includes, 42729
but is not limited to, any person engaged in the business of 42730
manufacturing or distributing, or selling at retail, displaying, 42731
offering for sale, or dealing in, motorized bicycles who is not 42732
subject to section 4503.09 of the Revised Code, or an Ohio 42733
nonprofit corporation engaged in the business of testing of motor 42734
vehicles. 42735

(B) Persons other than manufacturers, dealers, or 42736

distributors may register annually with the registrar of motor 42737
vehicles and obtain ~~placards~~ license plates to be displayed on 42738
motor vehicles as provided by this section. Applications for 42739
annual registration shall be made at the time provided for payment 42740
of the tax ~~and postage~~ otherwise imposed on manufacturers, 42741
dealers, or distributors by section 4503.09 of the Revised Code 42742
and shall be in the manner to be prescribed by the registrar. The 42743
fee for such registration shall be twenty-five dollars and shall 42744
not be reduced when the registration is for a part of a year. 42745
Applicants may procure a reasonable number of ~~certified copies of~~ 42746
~~such~~ additional registration certificates upon the payment of a 42747
fee of five dollars and appropriate postage as required by the 42748
registrar for each copy. 42749

(C) Upon the filing of the application and the payment of the 42750
fee and postage prescribed by this section, the registrar shall 42751
issue to each applicant a certificate of registration and assign a 42752
distinctive number and furnish one ~~placard~~ license plate with the 42753
number thereon. With each ~~of the certified copies of the~~ 42754
additional registration certificate provided for in this section 42755
the registrar shall furnish one ~~placard~~ license plate with the 42756
same numbering assigned in the original registration certificate 42757
and shall add thereto such special designation as necessary to 42758
distinguish one ~~set of placards~~ license plate from another. All 42759
~~placards~~ license plates furnished by the registrar pursuant to 42760
this section shall be so marked as to be distinguishable from 42761
~~placards~~ license plates issued to dealers, manufacturers, or 42762
distributors. ~~Placards~~ 42763

(D) Except as provided by divisions (E) and (F) of this 42764
section, license plates issued pursuant to this section may be 42765
used only on ~~motor~~ the following: 42766

(1) Motor vehicles or motorized bicycles owned and being used 42767
in testing or being demonstrated for purposes of sale or lease; ~~or~~ 42768

on motor	42769
(2) <u>Motor</u> vehicles subject to the rights and remedies of a secured party being exercised under Chapter 1309. of the Revised Code; or on motor	42770 42771 42772
(3) <u>Motor</u> vehicles being held or transported by any insurance company for purposes of salvage disposition; or on motor	42773 42774
(4) <u>Motor</u> vehicles being transported by any persons regularly engaged in salvage operations or scrap metal processing from the point of acquisition to their established place of business; or on motor	42775 42776 42777 42778
(5) <u>Motor</u> vehicles owned by or in the lawful possession of an Ohio nonprofit corporation while being used in the testing of those motor vehicles.	42779 42780 42781
Placards (E) <u>License plates</u> issued pursuant to this section also may be used by persons <u>all of the following:</u>	42782 42783
(1) <u>Persons</u> regularly engaged in the business of rustproofing, reconditioning, or installing equipment or trim on motor vehicles for motor vehicle dealers and shall be used exclusively when such motor vehicles are being transported to or from the motor vehicle dealer's place of business; and by persons	42784 42785 42786 42787 42788
(2) <u>Persons</u> engaged in manufacturing articles for attachment to motor vehicles when such motor vehicles are being transported to or from places where mechanical equipment is attached to the chassis of such new motor vehicles; or on motor vehicles being towed by any persons	42789 42790 42791 42792 42793
(3) <u>Persons</u> regularly and primarily engaged in the business of towing motor vehicles while such vehicle is <u>motor vehicles are</u> being towed to a point of storage.	42794 42795 42796
Placards (F) <u>License plates</u> issued pursuant to this section also may be used on trailers being transported by persons engaged	42797 42798

in the business of selling tangible personal property other than 42799
motor vehicles. 42800

(G) No person required to register an apportionable vehicle 42801
under the international registration plan shall apply for or 42802
receive a ~~placard~~ license plate for that vehicle under this 42803
section. 42804

(H) The fees collected by the registrar pursuant to this 42805
section shall be paid into the public safety - highway purposes 42806
fund established in section 4501.06 of the Revised Code and used 42807
for the purposes described in that section. 42808

Sec. 4503.311. A manufacturer of or dealer in trailers for 42809
transporting watercraft may apply for registration with the 42810
registrar of motor vehicles for each place in this state where the 42811
manufacturer or dealer carries on the business of manufacturing or 42812
dealing in such trailers. Applications for annual registration 42813
shall be made at the time provided for payment of the tax imposed 42814
on manufacturers and dealers by section 4503.09 of the Revised 42815
Code and shall be in the manner to be prescribed by the registrar. 42816
The fee for such registration shall be twenty-five dollars and 42817
shall not be reduced when the registration is for a part of a 42818
year. 42819

Upon the filing of such application and the payment of the 42820
fee and appropriate postage as required by the registrar ~~of motor~~ 42821
~~vehicles~~, the registrar shall assign to the applicant a 42822
distinctive number which shall be displayed on the rear of each 42823
trailer while it is operated on the public highway. Such trailer 42824
may be operated on the public highway while loaded, until it is 42825
sold or transferred. At the time the registrar assigns the 42826
distinctive number, the registrar shall furnish one ~~placard~~ 42827
license plate with the number thereon. Such manufacturer or dealer 42828
may procure a reasonable number of ~~certified copies of the~~ 42829

~~additional registration certificate certificates~~ upon the payment 42830
of a fee of five dollars and postage. With each ~~of such certified~~ 42831
~~copies additional registration certificate~~, the registrar shall 42832
furnish one ~~placard~~ license plate with the same number provided in 42833
the original registration certificate, and shall add thereto such 42834
special designation as necessary to distinguish one ~~set of~~ 42835
~~placards~~ license plate from another. All ~~placards~~ license plates 42836
furnished by the registrar pursuant to this section shall be so 42837
marked as to be distinguishable from ~~placards~~ license plates 42838
issued to dealers in or manufacturers of motor vehicles. 42839

The fees collected by the registrar pursuant to this section 42840
shall be paid into the public safety - highway purposes fund 42841
established in section 4501.06 of the Revised Code and used for 42842
the purposes described in that section. 42843

Sec. 4503.312. As used in this section: 42844

(A) "Utility trailer" means any trailer, except a travel 42845
trailer or trailer for transporting watercraft, having a gross 42846
weight of less than four thousand pounds. 42847

(B) "Snowmobile" and "all-purpose vehicle" have the same 42848
meanings as in section 4519.01 of the Revised Code. 42849

(C) "Distributor" means any person authorized by a 42850
manufacturer of utility trailers or trailers for transporting 42851
motorcycles, snowmobiles, or all-purpose vehicles to distribute 42852
new trailers to persons for purposes of resale. 42853

A manufacturer, distributor, or retail seller of utility 42854
trailers or trailers for transporting motorcycles, snowmobiles, or 42855
all-purpose vehicles may apply for registration with the registrar 42856
of motor vehicles for each place in this state where the 42857
manufacturer, distributor, or retail seller carries on the 42858
business of manufacturing, distributing, or selling at retail such 42859

trailers. Applications for annual registration shall be made at 42860
the time provided for payment of the tax imposed by section 42861
4503.09 of the Revised Code; shall be in the manner to be 42862
prescribed by the registrar; and shall be accompanied by an 42863
affidavit certifying that the applicant is a manufacturer, 42864
distributor, or retail seller of utility trailers or trailers for 42865
transporting motorcycles, snowmobiles, or all-purpose vehicles. 42866
The fee for such registration shall be twenty-five dollars and 42867
shall not be reduced when the registration is for a part of a 42868
year. 42869

Upon the filing of the application and affidavit, and payment 42870
of the fee and appropriate postage as required by the registrar, 42871
the registrar shall assign to the applicant a distinctive number 42872
which shall be displayed on the rear of each trailer when it is 42873
operated on the public highway. Any trailer for transporting 42874
motorcycles, snowmobiles, or all-purpose vehicles that is not 42875
loaded may be operated on the public highway until it is sold or 42876
transferred; and any utility trailer that is not loaded, or that 42877
is being used to transport another utility trailer for purposes of 42878
demonstration or delivery, may be operated on the public highway 42879
until it is sold or transferred. 42880

At the time the registrar assigns the distinctive number, the 42881
registrar shall furnish one ~~placard~~ license plate with the number 42882
thereon. The manufacturer, distributor, or retail seller may 42883
procure a reasonable number of ~~certified copies of the additional~~ 42884
registration ~~certificate~~ certificates upon the payment of a fee of 42885
five dollars and postage. With each ~~of such certified copies~~ 42886
additional registration certificate, the registrar shall furnish 42887
one ~~placard~~ license plate with the same number provided in the 42888
original registration certificate, and shall add thereto such 42889
special designation as necessary to distinguish one ~~set of~~ 42890
~~placards~~ license plate from another. All ~~placards~~ license plates 42891

furnished by the registrar pursuant to this section shall be so 42892
marked as to be distinguishable from ~~placards~~ license plates 42893
issued to dealers in or manufacturers of motor vehicles or 42894
trailers for transporting watercraft. 42895

The fees collected by the registrar pursuant to this section 42896
shall be paid into the public safety - highway purposes fund 42897
established by section 4501.06 of the Revised Code and used for 42898
the purposes described in that section. 42899

Sec. 4503.32. (A) No person shall use the license ~~placards~~ 42900
plates provided for in section 4503.31 of the Revised Code 42901
contrary to said section. 42902

(B) Whoever violates this section is guilty of a misdemeanor 42903
of the third degree. 42904

Sec. 4503.33. A person, firm, or corporation engaged in this 42905
state as a drive-away operator or trailer transporter or both in 42906
the business of transporting and delivering, by means of the full 42907
mount method, the saddle mount method, the tow bar method, 42908
tow-away method, or any combination thereof, or under their own 42909
power, new motor vehicles from the manufacturer or any other point 42910
of origin to any point of destination, or used motor vehicles from 42911
any individual, firm, or corporation to any point of destination, 42912
or both, shall ~~make application~~ apply to the registrar of motor 42913
vehicles for an "in transit" permit. This application shall be 42914
accompanied by a registration fee of fifty dollars, and shall show 42915
such information as is considered necessary by the registrar. Upon 42916
the filing of the application and the payment of the annual fee 42917
and appropriate postage as required by the registrar, the 42918
registrar shall issue to each permittee a certificate of 42919
registration bearing a distinctive number or designation of the 42920
registration and one ~~placard~~ license plate bearing a corresponding 42921

number or designation, ~~which placard must~~. The license plate shall 42922
be carried and displayed by each such motor vehicle in like manner 42923
as provided by law for other motor vehicles while operated upon a 42924
public highway in transit from the manufacturer or any other point 42925
of origin to any point of destination. 42926

A permittee may procure a reasonable number of ~~certified~~ 42927
~~copies of such~~ additional registration certificate certificates 42928
upon the payment of a fee of three dollars and postage. With each 42929
such ~~certified copy~~ additional registration certificate the 42930
registrar shall furnish one ~~placard~~ license plate with the same 42931
numbering or designation provided in the original registration 42932
certificate, and the registrar may add thereto such special 42933
designation as may be necessary to distinguish one ~~placard~~ license 42934
plate from another. 42935

No person required to register an apportionable vehicle under 42936
the international registration plan shall apply for or receive a 42937
~~placard~~ license plate for that vehicle under this section. 42938

Sec. 4503.34. (A) No person who is a drive-away operator or 42939
trailer transporter, or both, engaged in the business of 42940
transporting and delivering new motor vehicles or used motor 42941
vehicles, or both, by means of the full mount method, the saddle 42942
mount method, the tow bar method, the tow-away method, or any 42943
combination thereof, or under their own power, shall fail to file 42944
an application as required by section 4503.33 of the Revised Code, 42945
~~and~~ to pay the fees therefor, and to apply for and pay the legal 42946
fees for as many ~~certified copies~~ additional registration 42947
certificates thereof as said section requires. 42948

(B) Whoever violates this section is guilty of a minor 42949
misdemeanor. 42950

Sec. 4503.44. (A) As used in this section and in section 42951

4511.69 of the Revised Code: 42952

(1) "Person with a disability that limits or impairs the 42953
ability to walk" means any person who, as determined by a health 42954
care provider, meets any of the following criteria: 42955

(a) Cannot walk two hundred feet without stopping to rest; 42956

(b) Cannot walk without the use of, or assistance from, a 42957
brace, cane, crutch, another person, prosthetic device, 42958
wheelchair, or other assistive device; 42959

(c) Is restricted by a lung disease to such an extent that 42960
the person's forced (respiratory) expiratory volume for one 42961
second, when measured by spirometry, is less than one liter, or 42962
the arterial oxygen tension is less than sixty millimeters of 42963
mercury on room air at rest; 42964

(d) Uses portable oxygen; 42965

(e) Has a cardiac condition to the extent that the person's 42966
functional limitations are classified in severity as class III or 42967
class IV according to standards set by the American heart 42968
association; 42969

(f) Is severely limited in the ability to walk due to an 42970
arthritic, neurological, or orthopedic condition; 42971

(g) Is blind, legally blind, or severely visually impaired. 42972

(2) "Organization" means any private organization or 42973
corporation, or any governmental board, agency, department, 42974
division, or office, that, as part of its business or program, 42975
transports persons with disabilities that limit or impair the 42976
ability to walk on a regular basis in a motor vehicle that has not 42977
been altered for the purpose of providing it with special 42978
equipment for use by persons with disabilities. This definition 42979
does not apply to division (I) of this section. 42980

(3) "Health care provider" means a physician, physician 42981
assistant, advanced practice registered nurse, optometrist, or 42982
chiropractor as defined in this section except that an optometrist 42983
shall only make determinations as to division (A)(1)(g) of this 42984
section. 42985

(4) "Physician" means a person licensed to practice medicine 42986
or surgery or osteopathic medicine and surgery under Chapter 4731. 42987
of the Revised Code. 42988

(5) "Chiropractor" means a person licensed to practice 42989
chiropractic under Chapter 4734. of the Revised Code. 42990

(6) "Advanced practice registered nurse" means a certified 42991
nurse practitioner, clinical nurse specialist, certified 42992
registered nurse anesthetist, or certified nurse-midwife who holds 42993
a certificate of authority issued by the board of nursing under 42994
Chapter 4723. of the Revised Code. 42995

(7) "Physician assistant" means a person who is licensed as a 42996
physician assistant under Chapter 4730. of the Revised Code. 42997

(8) "Optometrist" means a person licensed to engage in the 42998
practice of optometry under Chapter 4725. of the Revised Code. 42999

(9) "Removable windshield placard" includes a standard 43000
removable windshield placard, a temporary removable windshield 43001
placard, or a permanent removable windshield placard, unless 43002
otherwise specified. 43003

(B)(1) An organization, or a person with a disability that 43004
limits or impairs the ability to walk, may apply for the 43005
registration of any motor vehicle the organization or person owns 43006
or leases. When a motor vehicle has been altered for the purpose 43007
of providing it with special equipment for a person with a 43008
disability that limits or impairs the ability to walk, but is 43009
owned or leased by someone other than such a person, the owner or 43010
lessee may apply to the registrar of motor vehicles or a deputy 43011

registrar for registration under this section. The application for 43012
registration of a motor vehicle owned or leased by a person with a 43013
disability that limits or impairs the ability to walk shall be 43014
accompanied by a signed statement from the applicant's health care 43015
provider certifying that the applicant meets at least one of the 43016
criteria contained in division (A)(1) of this section and that the 43017
disability is expected to continue for more than six consecutive 43018
months. The application for registration of a motor vehicle that 43019
has been altered for the purpose of providing it with special 43020
equipment for a person with a disability that limits or impairs 43021
the ability to walk but is owned by someone other than such a 43022
person shall be accompanied by such documentary evidence of 43023
vehicle alterations as the registrar may require by rule. 43024

(2) When an organization, a person with a disability that 43025
limits or impairs the ability to walk, or a person who does not 43026
have a disability that limits or impairs the ability to walk but 43027
owns a motor vehicle that has been altered for the purpose of 43028
providing it with special equipment for a person with a disability 43029
that limits or impairs the ability to walk first submits an 43030
application for registration of a motor vehicle under this section 43031
and every fifth year thereafter, the organization or person shall 43032
submit a signed statement from the applicant's health care 43033
provider, a completed application, and any required documentary 43034
evidence of vehicle alterations as provided in division (B)(1) of 43035
this section, and also a power of attorney from the owner of the 43036
motor vehicle if the applicant leases the vehicle. Upon submission 43037
of these items, the registrar or deputy registrar shall issue to 43038
the applicant appropriate vehicle registration and a set of 43039
license plates and validation stickers, or validation stickers 43040
alone when required by section 4503.191 of the Revised Code. In 43041
addition to the letters and numbers ordinarily inscribed thereon, 43042
the license plates shall be imprinted with the international 43043
symbol of access. The license plates and validation stickers shall 43044

be issued upon payment of the regular license fee as prescribed 43045
under section 4503.04 of the Revised Code and any motor vehicle 43046
tax levied under Chapter 4504. of the Revised Code, and the 43047
payment of a service fee equal to the amount ~~specified in division~~ 43048
~~(D) or (G) of~~ established under section ~~4503.10~~ 4503.038 of the 43049
Revised Code. 43050

(C)(1) A person with a disability that limits or impairs the 43051
ability to walk may apply to the registrar ~~of motor vehicles~~ for a 43052
removable windshield placard by completing and signing an 43053
application provided by the registrar. ~~The~~ 43054

(2) The person shall include with the application a 43055
prescription from the person's health care provider prescribing 43056
such a placard for the person based upon a determination that the 43057
person meets at least one of the criteria contained in division 43058
(A)(1) of this section. The health care provider shall state on 43059
the prescription the length of time the health care provider 43060
expects the applicant to have the disability that limits or 43061
impairs the person's ability to walk. If the length of time the 43062
applicant is expected to have the disability is six consecutive 43063
months or less, the applicant shall submit an application for a 43064
temporary removable windshield placard. If the length of time the 43065
applicant is expected to have the disability is permanent, the 43066
applicant shall submit an application for a permanent removable 43067
windshield placard. All other applicants shall submit an 43068
application for a standard removable windshield placard. 43069

(3) In addition to one placard or one or more sets of license 43070
plates, a person with a disability that limits or impairs the 43071
ability to walk is entitled to one additional placard, but only if 43072
the person applies separately for the additional placard, states 43073
the reasons why the additional placard is needed, and the 43074
registrar, in the registrar's discretion determines that good and 43075
justifiable cause exists to approve the request for the additional 43076

placard. 43077

~~(2)~~(4) An organization may apply to the registrar of motor 43078
vehicles for a standard removable windshield placard by completing 43079
and signing an application provided by the registrar. The 43080
organization shall comply with any procedures the registrar 43081
establishes by rule. The organization shall include with the 43082
application documentary evidence that the registrar requires by 43083
rule showing that the organization regularly transports persons 43084
with disabilities that limit or impair the ability to walk. 43085

~~(3) Upon~~ (5) The registrar or deputy registrar shall issue to 43086
an applicant a standard removable windshield placard, a temporary 43087
removable windshield placard, or a permanent removable windshield 43088
placard, as applicable, upon receipt of a all of the following: 43089

(a) A receipt of a completed and signed application for a 43090
removable windshield placard,~~the~~ 43091

(b) The accompanying documents required under division ~~(C)(1)~~ 43092
~~or (2)(C)(2) or (4) of this section, and payment;~~ 43093

(c) Payment of a service fee equal to the amount ~~specified in~~ 43094
~~division (D) or (G) of~~ established under section ~~4503.10~~ 4503.038 43095
of the Revised Code, ~~the registrar or deputy registrar shall issue~~ 43096
~~to the applicant a removable windshield placard, which for a~~ 43097
standard removable windshield placard or temporary removable 43098
windshield placard, or payment of fifteen dollars for a permanent 43099
removable windshield placard. 43100

(6) The removable windshield placard shall ~~bear~~ display the 43101
date of expiration on both sides of the placard, or the word 43102
"permanent" if the placard is a permanent removable windshield 43103
placard, and shall be valid until expired, revoked, or 43104
surrendered. ~~Every~~ Except for a permanent removable windshield 43105
placard, which has no expiration, a removable windshield placard 43106
expires as described in division (C)(4) of this section, but in no 43107

on the earliest of the following two dates: 43108

(a) The date that the person issued the placard is expected 43109
to no longer have the disability that limits or impairs the 43110
ability to walk, as indicated on the prescription submitted with 43111
the application for the placard; 43112

(b) Five years after the date of issuance on the placard. 43113

In no case shall a removable windshield placard be valid for 43114
a period of less than sixty days. ~~Removable~~ 43115

(7) Standard removable windshield placards shall be renewable 43116
upon application ~~as provided in division (C)(1) or (2) of this~~ 43117
~~section~~ and upon payment of a service fee equal to the amount 43118
~~specified in division (D) or (C) of~~ established under section 43119
~~4503.10 4503.038~~ of the Revised Code ~~for the renewal of a~~ 43120
~~removable windshield placard.~~ The registrar shall provide the 43121
application form and shall determine the information to be 43122
included thereon. ~~The~~ 43123

(8) The registrar ~~also~~ shall determine the form and size of 43124
each type of the removable windshield placard, the material of 43125
which it is to be made, any differences in color between each type 43126
of placard to make them readily identifiable, and any other 43127
information to be included thereon, and shall adopt rules relating 43128
to the issuance, expiration, revocation, surrender, and proper 43129
display of such placards. A temporary removable windshield placard 43130
shall display the word "temporary" in letters of such size as the 43131
registrar shall prescribe. Any placard issued after October 14, 43132
1999, shall be manufactured in a manner that allows the expiration 43133
date of the placard to be indicated on it through the punching, 43134
drilling, boring, or creation by any other means of holes in the 43135
placard. 43136

~~(4)~~(9) At the time a removable windshield placard is issued 43137
to a person with a disability that limits or impairs the ability 43138

to walk, the registrar or deputy registrar shall enter into the 43139
records of the bureau of motor vehicles the last date on which the 43140
person will have that disability, as indicated on the accompanying 43141
prescription. ~~Not~~ For a standard removable windshield placard, not 43142
~~less than thirty days prior to that date and all removable~~ 43143
~~windshield placard~~ any renewal dates, the bureau shall send a 43144
renewal notice to that person at the person's last known address 43145
as shown in the records of the bureau, informing the person that 43146
the person's removable windshield placard will expire on the 43147
indicated date ~~not to exceed five years from the date of issuance,~~ 43148
and that the person is required to renew the placard by submitting 43149
to the registrar or a deputy registrar another prescription, ~~as~~ 43150
~~described in division (C)(1) or (2) of this section,~~ and by 43151
complying with the renewal provisions ~~prescribed in division~~ 43152
~~(C)(3) of this section.~~ If such a prescription is not received by 43153
the registrar or a deputy registrar by that date, the placard 43154
issued to that person expires and no longer is valid, and this 43155
fact shall be recorded in the records of the bureau. 43156

~~(5)(10)~~ At least once every year, on a date determined by the 43157
registrar, the bureau shall examine the records of the office of 43158
vital statistics, located within the department of health, that 43159
pertain to deceased persons, and also the bureau's records of all 43160
persons who have been issued removable windshield placards ~~and~~ 43161
~~temporary removable windshield placards.~~ If the records of the 43162
office of vital statistics indicate that a person to whom a 43163
removable windshield placard ~~or temporary removable windshield~~ 43164
~~placard~~ has been issued is deceased, the bureau shall cancel that 43165
placard, and note the cancellation in its records. 43166

The office of vital statistics shall make available to the 43167
bureau all information necessary to enable the bureau to comply 43168
with division ~~(C)(5)(C)(10)~~ of this section. 43169

~~(6)(11)~~ Nothing in this section shall be construed to require 43170

a person or organization to apply for a removable windshield placard or special license plates if the special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

~~(D)(1)(a) A person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription from the applicant's health care provider, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a temporary removable windshield placard.~~

~~(b)(D)~~ Any active-duty member of the armed forces of the United States, including the reserve components of the armed forces and the national guard, who has an illness or injury that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. With the application, the person shall present evidence of the person's active-duty status and the illness or injury. Evidence of the illness or injury may include a current department

of defense convalescent leave statement, any department of defense 43203
document indicating that the person currently has an ill or 43204
injured casualty status or has limited duties, or a prescription 43205
from any health care provider prescribing the placard for the 43206
applicant. Upon receipt of the application and the necessary 43207
evidence, the registrar or deputy registrar shall issue the 43208
applicant the temporary removable windshield placard without the 43209
payment of any service fee. 43210

~~(2) The temporary removable windshield placard shall be of 43211
the same size and form as the removable windshield placard, shall 43212
be printed in white on a red colored background, and shall bear 43213
the word "temporary" in letters of such size as the registrar 43214
shall prescribe. A temporary removable windshield placard also 43215
shall bear the date of expiration on the front and back of the 43216
placard, and shall be valid until expired, surrendered, or 43217
revoked, but in no case shall such a placard be valid for a period 43218
of less than sixty days. The registrar shall provide the 43219
application form and shall determine the information to be 43220
included on it, provided that the registrar shall not require a 43221
health care provider's prescription or certification for a person 43222
applying under division (D)(1)(b) of this section. The registrar 43223
also shall determine the material of which the temporary removable 43224
windshield placard is to be made and any other information to be 43225
included on the placard and shall adopt rules relating to the 43226
issuance, expiration, surrender, revocation, and proper display of 43227
those placards. Any temporary removable windshield placard issued 43228
after October 14, 1999, shall be manufactured in a manner that 43229
allows for the expiration date of the placard to be indicated on 43230
it through the punching, drilling, boring, or creation by any 43231
other means of holes in the placard. 43232~~

(E) If an applicant for a removable windshield placard is a 43233
veteran of the armed forces of the United States whose disability, 43234

as defined in division (A)(1) of this section, is 43235
service-connected, the registrar or deputy registrar, upon receipt 43236
of the application, presentation of a signed statement from the 43237
applicant's health care provider certifying the applicant's 43238
disability, and presentation of such documentary evidence from the 43239
department of veterans affairs that the disability of the 43240
applicant meets at least one of the criteria identified in 43241
division (A)(1) of this section and is service-connected as the 43242
registrar may require by rule, but without the payment of any 43243
service fee, shall issue the applicant a removable windshield 43244
placard that is valid until expired, surrendered, or revoked. 43245

~~(F)~~(F)(1) Upon a conviction of a violation of division (H) or 43246
(I) of this section, the court shall report the conviction, and 43247
send the placard, if available, to the registrar, who thereupon 43248
shall revoke the privilege of using the placard and send notice in 43249
writing to the placardholder at that holder's last known address 43250
as shown in the records of the bureau, and the placardholder shall 43251
return the placard if not previously surrendered to the court, to 43252
the registrar within ten days following mailing of the notice. 43253

(2) Whenever a person to whom a removable windshield placard 43254
has been issued moves to another state, the person shall surrender 43255
the placard to the registrar; and whenever an organization to 43256
which a placard has been issued changes its place of operation to 43257
another state, the organization shall surrender the placard to the 43258
registrar. 43259

(3) If a person no longer requires a permanent removable 43260
windshield placard, the person shall notify and surrender the 43261
placard to the registrar or deputy registrar within ten days of no 43262
longer requiring the placard. The person may still apply for a 43263
standard removable windshield placard or temporary removable 43264
windshield placard, if applicable. 43265

(G) Subject to division (F) of section 4511.69 of the Revised 43266

Code, the operator of a motor vehicle displaying a removable
windshield placard, ~~temporary removable windshield placard~~, or the
special license plates authorized by this section is entitled to
park the motor vehicle in any special parking location reserved
for persons with disabilities that limit or impair the ability to
walk, also known as handicapped parking spaces or disability
parking spaces.

(H) No person or organization that is not eligible for the
issuance of license plates or any placard under this section shall
willfully and falsely represent that the person or organization is
so eligible.

No person or organization shall display license plates issued
under this section unless the license plates have been issued for
the vehicle on which they are displayed and are valid.

(I) No person or organization to which a removable windshield
placard ~~or temporary removable windshield placard~~ is issued shall
do either of the following:

(1) Display or permit the display of the placard on any motor
vehicle when having reasonable cause to believe the motor vehicle
is being used in connection with an activity that does not include
providing transportation for persons with disabilities that limit
or impair the ability to walk;

(2) Refuse to return or surrender the placard, when required.

(J) If a removable windshield placard, ~~temporary removable
windshield placard~~, or parking card is lost, destroyed, or
mutilated, the placardholder or cardholder may obtain a duplicate
by doing both of the following:

(1) Furnishing suitable proof of the loss, destruction, or
mutilation to the registrar;

(2) Paying a service fee equal to the amount ~~specified in~~

~~division (D) or (G) of section 4503.10 of the Revised Code paid~~ 43297
~~when the placardholder obtained the original placard.~~ 43298

Any placardholder or cardholder who loses a placard ~~or card~~ 43299
and, after obtaining a duplicate, finds the original, immediately 43300
shall surrender the original placard ~~or card~~ to the registrar. 43301

(K)(1) The registrar shall pay all fees received under this 43302
section for the issuance of removable windshield placards ~~or~~ 43303
~~temporary removable windshield placards~~ or duplicate removable 43304
windshield placards ~~or cards~~ into the state treasury to the credit 43305
of the public safety - highway purposes fund created in section 43306
4501.06 of the Revised Code. 43307

(2) In addition to the fees collected under this section, the 43308
registrar or deputy registrar shall ask each person applying for a 43309
removable windshield placard ~~or temporary removable windshield~~ 43310
~~placard~~ or duplicate removable windshield placard or license plate 43311
issued under this section, whether the person wishes to make a 43312
two-dollar voluntary contribution to support rehabilitation 43313
employment services. The registrar shall transmit the 43314
contributions received under this division to the treasurer of 43315
state for deposit into the rehabilitation employment fund, which 43316
is hereby created in the state treasury. A deputy registrar shall 43317
transmit the contributions received under this division to the 43318
registrar in the time and manner prescribed by the registrar. The 43319
contributions in the fund shall be used by the opportunities for 43320
Ohioans with disabilities agency to purchase services related to 43321
vocational evaluation, work adjustment, personal adjustment, job 43322
placement, job coaching, and community-based assessment from 43323
accredited community rehabilitation program facilities. 43324

(L) For purposes of enforcing this section, every peace 43325
officer is deemed to be an agent of the registrar. Any peace 43326
officer or any authorized employee of the bureau of motor vehicles 43327
who, in the performance of duties authorized by law, becomes aware 43328

of a person whose removable windshield placard or parking card has 43329
been revoked pursuant to this section, may confiscate that placard 43330
or parking card and return it to the registrar. The registrar 43331
shall prescribe any forms used by law enforcement agencies in 43332
administering this section. 43333

No peace officer, law enforcement agency employing a peace 43334
officer, or political subdivision or governmental agency employing 43335
a peace officer, and no employee of the bureau is liable in a 43336
civil action for damages or loss to persons arising out of the 43337
performance of any duty required or authorized by this section. As 43338
used in this division, "peace officer" has the same meaning as in 43339
division (B) of section 2935.01 of the Revised Code. 43340

(M) All applications for registration of motor vehicles, and 43341
~~removable windshield placards, and temporary removable windshield~~ 43342
~~placards~~ issued under this section, all renewal notices for such 43343
items, and all other publications issued by the bureau that relate 43344
to this section shall set forth the criminal penalties that may be 43345
imposed upon a person who violates any provision relating to 43346
special license plates issued under this section, the parking of 43347
vehicles displaying such license plates, and the issuance, 43348
procurement, use, and display of removable windshield placards and 43349
~~temporary removable windshield placards~~ issued under this section. 43350

(N) Whoever violates this section is guilty of a misdemeanor 43351
of the fourth degree. 43352

Sec. 4505.061. (A) If the application for a certificate of 43353
title refers to a motor vehicle last previously registered in 43354
another state, the application shall be accompanied by a physical 43355
inspection certificate issued by the ~~department of public safety~~ 43356
registrar of motor vehicles. A physical inspection of a motor 43357
vehicle shall consist of verifying the make, body type, model, and 43358
mileage of, and manufacturer's vehicle identification number ~~of~~ 43359

from, the motor vehicle for which the certificate of title is 43360
desired. 43361

(B) The physical inspection certificate shall be in such form 43362
as is designated by the registrar ~~of motor vehicles~~. The Except as 43363
provided for in division (C) of this section, the physical 43364
inspection of the motor vehicle shall ~~be made~~ occur at a either of 43365
the following: 43366

(1) A deputy registrar's office, ~~or at an~~ 43367

(2) An established place of business ~~operated by~~ of a 43368
licensed motor vehicle dealer located in this state. ~~Additionally,~~ 43369
the 43370

(C) The physical inspection of a salvage vehicle owned by an 43371
insurance company may be made at an established place of business 43372
~~operated by a~~ of any of the following that is licensed and located 43373
in this state: 43374

(1) A motor vehicle salvage dealer, ~~;~~ 43375

(2) A salvage motor vehicle auction, ~~or;~~ 43376

(3) A salvage motor vehicle pool ~~licensed under Chapter 4738~~. 43377
~~of the Revised Code. The~~ 43378

(D) The deputy registrar, motor vehicle dealer, motor vehicle 43379
salvage dealer, salvage motor vehicle auction, or salvage motor 43380
vehicle pool may charge a maximum fee equal to the amount 43381
established under section 4503.038 of the Revised Code for 43382
conducting the physical inspection. 43383

(E) The clerk of the court of common pleas shall charge a fee 43384
of one dollar and fifty cents for the processing of each physical 43385
inspection certificate. The clerk shall retain fifty cents of the 43386
one dollar and fifty cents so charged and shall pay the remaining 43387
one dollar to the registrar by monthly returns, which shall be 43388
forwarded to the registrar not later than the fifth day of the 43389

month next succeeding that in which the certificate is received by 43390
the clerk. The registrar shall pay such remaining sums into the 43391
public safety - highway purposes fund established by section 43392
4501.06 of the Revised Code. 43393

Sec. 4506.04. (A) No person shall do any of the following: 43394

(1) Drive a commercial motor vehicle while having in the 43395
person's possession or otherwise under the person's control more 43396
than one valid driver's license issued by this state, any other 43397
state, or by a foreign jurisdiction; 43398

(2) Drive a commercial motor vehicle on a highway in this 43399
state in violation of an out-of-service order, while the person's 43400
driving privilege is suspended, revoked, or canceled, or while the 43401
person is subject to disqualification; 43402

(3) Drive a motor vehicle on a highway in this state under 43403
authority of a commercial driver's license issued by another state 43404
or a foreign jurisdiction, after having been a resident of this 43405
state for thirty days or longer; 43406

(4) Knowingly give false information in any application or 43407
certification required by section 4506.07 of the Revised Code; 43408

(5) Knowingly provide false statements or engage in any 43409
fraudulent act related to testing for a commercial driver's 43410
license as required in section 4506.09 of the Revised Code. 43411

(B) The department of public safety shall give every 43412
conviction occurring out of this state and notice of which is 43413
received after December 31, 1989, full faith and credit and treat 43414
it for sanctioning purposes under this chapter as though the 43415
conviction had occurred in this state. 43416

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 43417
section is guilty of a misdemeanor of the first degree. 43418

(2) Whoever violates division (A)(4) or (5) of this section 43419

is guilty of falsification, a misdemeanor of the first degree. In 43420
addition, the provisions of section 4507.19 of the Revised Code 43421
apply. 43422

Sec. 4506.06. (A) The registrar of motor vehicles, upon 43423
receiving an application for a commercial driver's license 43424
temporary instruction permit, may issue the permit to any person 43425
who is at least eighteen years of age and holds a valid driver's 43426
license, other than a restricted license, issued under Chapter 43427
4507. of the Revised Code. The registrar shall not issue a 43428
commercial driver's license temporary instruction permit for a 43429
period exceeding ~~six~~ twelve months. ~~The registrar shall grant only~~ 43430
~~one renewal of such a permit in a two-year period.~~ A commercial 43431
driver's license temporary instruction permit is a prerequisite ~~to~~ 43432
the for the following: 43433

(1) An initial issuance of a commercial driver's license and 43434
the when a skills test is required; 43435

(2) An upgrade of a commercial driver's license if the 43436
upgrade requires when a skills test is required. 43437

(B) The holder of a commercial driver's license temporary 43438
instruction permit, unless otherwise disqualified, may drive a 43439
commercial motor vehicle only when the holder has the permit in 43440
the holder's actual possession and is accompanied by a person who: 43441

(1) Holds a valid commercial driver's license and all 43442
necessary endorsements for the type of vehicle being driven; 43443

(2) Occupies a seat beside the permit holder for the purpose 43444
of giving instruction in driving the motor vehicle; and 43445

(3) Has the permit holder under observation and direct 43446
supervision. 43447

(C)(1) The director of public safety shall adopt rules, in 43448
accordance with Chapter 119. of the Revised Code, authorizing the 43449

waiver of the knowledge test that is generally required in order 43450
to obtain a commercial driver's license temporary instruction 43451
permit. In order to obtain the waiver, an applicant for a 43452
commercial driver's license temporary instruction permit shall 43453
certify and provide evidence that, during the one-year period 43454
immediately preceding the application for the permit, all of the 43455
following apply: 43456

(a) As authorized under 49 C.F.R. 383.77, the applicant is or 43457
was regularly employed and designated as one of the following: 43458

(i) A motor transport operator - 88M, army; 43459

(ii) A PATRIOT launching station operator - 14T, army; 43460

(iii) A fueler - 92F, army; 43461

(iv) A vehicle operator - 2T1, air force; 43462

(v) A fueler - 2F0, air force; 43463

(vi) A pavement and construction equipment operator - 3E2, 43464
air force; 43465

(vii) A motor vehicle operator - 3531, marine corps; 43466

(viii) An equipment operator - E.O., navy. 43467

(b) The applicant has been operating a vehicle representative 43468
of the type of commercial motor vehicle that the applicant expects 43469
to operate upon separation from the military or operated such a 43470
vehicle immediately preceding such separation. 43471

(c) The applicant has not held more than one license 43472
simultaneously, excluding any military license. 43473

(d) The applicant has not had any license suspended, revoked, 43474
or canceled. 43475

(e) The applicant has not had any convictions, for any type 43476
of motor vehicle, for the offenses for which disqualification is 43477
prescribed in section 4506.16 of the Revised Code. 43478

(f) The applicant has not had more than one conviction, for 43479
any type of motor vehicle, for a serious traffic violation. 43480

(g) The applicant has not had any violation of a military, 43481
state, or local law relating to motor vehicle traffic control, 43482
other than a parking violation, arising in connection with any 43483
traffic accident and has no record of an accident in which the 43484
applicant was at fault. 43485

(2) The waiver established under division (C) of this section 43486
does not apply to a United States reserve technician. 43487

(D) Whoever violates division (A) or (B) of this section is 43488
guilty of a misdemeanor of the first degree. 43489

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 43490
approval by the director of public safety, shall adopt rules 43491
conforming with applicable standards adopted by the federal motor 43492
carrier safety administration as regulations under Pub. L. No. 43493
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 43494
31317. The rules shall establish requirements for the 43495
qualification and testing of persons applying for a commercial 43496
driver's license, which are in addition to other requirements 43497
established by this chapter. Except as provided in division (B) of 43498
this section, the highway patrol or any other employee of the 43499
department of public safety the registrar authorizes shall 43500
supervise and conduct the testing of persons applying for a 43501
commercial driver's license. 43502

(B) The director may adopt rules, in accordance with Chapter 43503
119. of the Revised Code and applicable requirements of the 43504
federal motor carrier safety administration, authorizing the 43505
skills test specified in this section to be administered by any 43506
person, by an agency of this or another state, or by an agency, 43507
department, or instrumentality of local government. Each party 43508
authorized under this division to administer the skills test may 43509

charge a maximum divisible fee of one hundred fifteen dollars for 43510
each skills test given as part of a commercial driver's license 43511
examination. The fee shall consist of not more than twenty-seven 43512
dollars for the pre-trip inspection portion of the test, not more 43513
than twenty-seven dollars for the off-road maneuvering portion of 43514
the test, and not more than sixty-one dollars for the on-road 43515
portion of the test. Each such party may require an appointment 43516
fee in the same manner provided in division (E)(2) of this 43517
section, except that the maximum amount such a party may require 43518
as an appointment fee is one hundred fifteen dollars. The skills 43519
test administered by another party under this division shall be 43520
the same as otherwise would be administered by this state. The 43521
other party shall enter into an agreement with the director that, 43522
without limitation, does all of the following: 43523

(1) Allows the director or the director's representative and 43524
the federal motor carrier safety administration or its 43525
representative to conduct random examinations, inspections, and 43526
audits of the other party, whether covert or overt, without prior 43527
notice; 43528

(2) Requires the director or the director's representative to 43529
conduct on-site inspections of the other party at least annually; 43530

(3) Requires that all examiners of the other party meet the 43531
same qualification and training standards as examiners of the 43532
department of public safety, including criminal background checks 43533
and the standards applicable to the class of vehicle and 43534
endorsements for which an applicant taking the skills test is 43535
applying, to the extent necessary to conduct skills tests in the 43536
manner required by 49 C.F.R. 383.110 through 383.135. In 43537
accordance with federal guidelines, any examiner employed on July 43538
1, 2017, shall have a criminal background check conducted at least 43539
once, and any examiner hired after July 1, 2015, shall have a 43540
criminal background check conducted after the examiner is 43541

initially hired. 43542

(4) Requires either that state employees take, at least 43543
annually and as though the employees were test applicants, the 43544
tests actually administered by the other party, that the director 43545
test a sample of drivers who were examined by the other party to 43546
compare the test results, or that state employees accompany a test 43547
applicant during an actual test; 43548

(5) Unless the other party is a governmental entity, requires 43549
the other party to initiate and maintain a bond in an amount 43550
determined by the director to sufficiently pay for the retesting 43551
of drivers in the event that the other party or its skills test 43552
examiners are involved in fraudulent activities related to skills 43553
testing; 43554

(6) Requires the other party to use only skills test 43555
examiners who have successfully completed a commercial driver's 43556
license examiner training course as prescribed by the director, 43557
and have been certified by the state as a commercial driver's 43558
license skills test examiner qualified to administer skills tests; 43559

(7) Requires the other party to use designated road test 43560
routes that have been approved by the director; 43561

(8) Requires the other party to schedule all skills test 43562
appointments through a system or method provided by the director. 43563
If a system or method is not provided by the director, the other 43564
party ~~to~~ shall submit a schedule of skills test appointments to 43565
the director weekly. The director may request that any additions 43566
to the schedule of skills test appointments, made after the weekly 43567
submission, be submitted to the director not later than two 43568
business days prior to ~~each~~ the additional skills test+ 43569
appointment. 43570

(9) Requires the other party to maintain copies of the 43571
following records at its principal place of business: 43572

(a) The other party's commercial driver's license skills testing program certificate;	43573 43574
(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;	43575 43576 43577
(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;	43578 43579
(d) A complete list of the test routes that have been approved by the director;	43580 43581
(e) A complete and accurate copy of each examiner's training record;	43582 43583
<u>(f) A copy of the agreement that the other party made with the director.</u>	43584 43585
(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;	43586 43587 43588
(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year;	43589 43590 43591
(12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.	43592 43593 43594 43595 43596
(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of	43597 43598 43599 43600 43601 43602

division (B) of this section. Skills tests administered by the 43603
department shall be limited to persons applying for a commercial 43604
driver's license with a school bus endorsement. 43605

(D)(1) The director shall adopt rules, in accordance with 43606
Chapter 119. of the Revised Code, authorizing waiver of the skills 43607
test specified in this section for any applicant for a commercial 43608
driver's license who meets all of the following requirements: 43609

(a) As authorized under 49 C.F.R. 383.77, the applicant 43610
operates a commercial motor vehicle for military purposes and is 43611
one of the following: 43612

(i) Active duty military personnel; 43613

(ii) A member of the military reserves; 43614

(iii) A member of the national guard on active duty, 43615
including full-time national guard duty, part-time national guard 43616
training, and national guard military technicians; 43617

(iv) Active duty U.S. coast guard personnel. 43618

(b) The applicant certifies that, during the two-year period 43619
immediately preceding application for a commercial driver's 43620
license, all of the following apply: 43621

(i) The applicant has not had more than one license, 43622
excluding any military license. 43623

(ii) The applicant has not had any license suspended, 43624
revoked, or canceled. 43625

(iii) The applicant has not had any convictions for any type 43626
of motor vehicle for the offenses for which disqualification is 43627
prescribed in section 4506.16 of the Revised Code. 43628

(iv) The applicant has not had more than one conviction for 43629
any type of motor vehicle for a serious traffic violation. 43630

(v) The applicant has not had any violation of a state or 43631

local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following:

(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;

(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code;

(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate.

(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians.

(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test.

(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a

commercial driver's license who schedules an appointment with the 43663
highway patrol or other authorized employee of the department of 43664
public safety to take all portions of the skills test and to pay 43665
an appointment fee of fifty dollars at the time of scheduling the 43666
appointment. If the applicant appears at the time and location 43667
specified for the appointment and takes all portions of the skills 43668
test during that appointment, the appointment fee serves as the 43669
skills test fee. If the applicant schedules an appointment to take 43670
all portions of the skills test and fails to appear at the time 43671
and location specified for the appointment, the director shall not 43672
refund any portion of the appointment fee. If the applicant 43673
schedules an appointment to take all portions of the skills test 43674
and appears at the time and location specified for the 43675
appointment, but declines or is unable to take all portions of the 43676
skills test, the director shall not refund any portion of the 43677
appointment fee. If the applicant cancels a scheduled appointment 43678
forty-eight hours or more prior to the time of the appointment 43679
time, the applicant shall not forfeit the appointment fee. 43680

An applicant for a commercial driver's license who schedules 43681
an appointment to take one or more, but not all, portions of the 43682
skills test is required to pay an appointment fee equal to the 43683
costs of each test scheduled, as prescribed in division (E)(1) of 43684
this section, when scheduling such an appointment. If the 43685
applicant appears at the time and location specified for the 43686
appointment and takes all the portions of the skills test during 43687
that appointment that the applicant was scheduled to take, the 43688
appointment fee serves as the skills test fee. If the applicant 43689
schedules an appointment to take one or more, but not all, 43690
portions of the skills test and fails to appear at the time and 43691
location specified for the appointment, the director shall not 43692
refund any portion of the appointment fee. If the applicant 43693
schedules an appointment to take one or more, but not all, 43694
portions of the skills test and appears at the time and location 43695

specified for the appointment, but declines or is unable to take 43696
all portions of the skills test that the applicant was scheduled 43697
to take, the director shall not refund any portion of the 43698
appointment fee. If the applicant cancels a scheduled appointment 43699
forty-eight hours or more prior to the time of the appointment 43700
time, the applicant shall not forfeit the appointment fee. 43701

(3) The department of public safety shall deposit all fees it 43702
collects under division (E) of this section in the public safety - 43703
highway purposes fund established in section 4501.06 of the 43704
Revised Code. 43705

(F)(1) Unless an applicant for a commercial driver's license 43706
has successfully completed the training required under 49 C.F.R. 43707
380, subpart F, the applicant is not eligible to do any of the 43708
following: 43709

(a) Take the skills test required for initial issuance of a 43710
class A or a class B commercial driver's license; 43711

(b) Take the skills test required for initial issuance of a 43712
passenger (P) or school bus (S) endorsement on the applicant's 43713
commercial driver's license; 43714

(c) Take the knowledge test required for initial issuance of 43715
a hazardous materials (H) endorsement on the applicant's 43716
commercial driver's license. 43717

Before an applicant takes the applicable skills or knowledge 43718
test, the registrar shall electronically verify, through the 43719
federal motor carrier safety administration's training provider 43720
registry, that an applicant has completed the required training 43721
under 49 C.F.R. 380, subpart F. 43722

(2) The training required under 49 C.F.R. 380, subpart F, and 43723
under division (F)(1) of this section may be provided by either of 43724
the following: 43725

(a) A driver training school pursuant to section 4508.031 of the Revised Code; 43726
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(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry. 43728
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(G) A person who has successfully completed commercial driver's license training in this state but seeks a commercial driver's license in another state where the person is domiciled may schedule an appointment to take the skills test in this state and shall pay the appropriate appointment fee. Upon the person's completion of the skills test, this state shall electronically transmit the applicant's results to the state where the person is domiciled. If a person who is domiciled in this state takes a skills test in another state, this state shall accept the results of the skills test from the other state. If the person passed the other state's skills test and meets all of the other licensing requirements set forth in this chapter and rules adopted under this chapter, the registrar of motor vehicles or a deputy registrar shall issue a commercial driver's license to that person. 43731
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(H) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B)(2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply with state or federal standards for the skills testing program, the director or the director's representative shall take prompt and appropriate remedial action against the party and its skills test examiners. Remedial action may include termination of the agreement or revocation of a skills test examiner's certification. 43746
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(I) As used in this section, "skills test" means a test of an applicant's ability to drive the type of commercial motor vehicle 43756
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for which the applicant seeks a commercial driver's license by 43758
having the applicant drive such a motor vehicle while under the 43759
supervision of an authorized state driver's license examiner or 43760
tester. 43761

Sec. 4506.10. (A) No person who holds a valid commercial 43762
driver's license shall drive a commercial motor vehicle unless the 43763
person is physically qualified to do so. 43764

(1) Any person applying for a commercial driver's license or 43765
commercial driver's license temporary instruction permit, the 43766
renewal or upgrade of a commercial driver's license or commercial 43767
driver's license temporary instruction permit, or the transfer of 43768
a commercial driver's license from out of state shall self-certify 43769
to the registrar for purposes of 49 C.F.R. 383.71, one of the 43770
following in regard to the applicant's operation of a commercial 43771
motor vehicle, as applicable: 43772

(a)(i) If the applicant operates or expects to operate a 43773
commercial motor vehicle in interstate or foreign commerce and is 43774
subject to and meets the requirements under 49 C.F.R. part 391, 43775
the applicant shall self-certify that the applicant is 43776
non-excepted interstate and shall provide the registrar with the 43777
original or a copy of a medical examiner's certificate and each 43778
subsequently issued medical examiner's certificate prepared by a 43779
qualified medical examiner to maintain a medically certified 43780
status on the applicant's commercial driver licensing system 43781
driver record; 43782

(ii) If the applicant operates or expects to operate a 43783
commercial motor vehicle in interstate commerce, but engages in 43784
transportation or operations excepted under 49 C.F.R. 390.3(f), 43785
391.2, 391.68, or 398.3 from all or parts of the qualification 43786
requirements of 49 C.F.R. part 391, the applicant shall 43787
self-certify that the applicant is excepted interstate and is not 43788

required to obtain a medical examiner's certificate. 43789

(b)(i) If the applicant operates only in intrastate commerce 43790
and is subject to state driver qualification requirements, the 43791
applicant shall self-certify that the applicant is non-excepted 43792
intrastate; 43793

(ii) If the applicant operates only in intrastate commerce 43794
and is excepted from all or parts of the state driver 43795
qualification requirements, the applicant shall self-certify that 43796
the applicant is excepted intrastate. 43797

(2) Notwithstanding the expiration date on a person's 43798
commercial driver's license or commercial driver's license 43799
temporary instruction permit, every commercial driver's license or 43800
commercial driver's license temporary instruction permit holder 43801
shall provide the registrar with the certification required by 43802
this section, on or after January 30, 2012, but prior to January 43803
30, 2014. 43804

(B) A person is qualified to drive a school bus if the person 43805
holds a valid commercial driver's license along with the proper 43806
endorsements, and if the person has been certified as medically 43807
qualified in accordance with rules adopted by the department of 43808
education. 43809

(C)(1) Except as provided in division (C)(2) of this section, 43810
only a medical examiner who is listed on the national registry of 43811
certified medical examiners established by the federal motor 43812
carrier safety administration shall perform a medical examination 43813
required by this section. 43814

(2) A person licensed under Chapter 4725. of the Revised Code 43815
to practice optometry in this state, or licensed under any similar 43816
law of another state, may perform any part of an examination 43817
required by this section that pertains to visual acuity, field of 43818
vision, and the ability to recognize colors. 43819

(3) The individual who performed an examination conducted 43820
pursuant to this section shall complete any written documentation 43821
of a physical examination on a form that substantially complies 43822
with the requirements of 49 C.F.R. 391.43(h). 43823

(D) Whenever good cause appears, the registrar, upon issuing 43824
a commercial driver's license or commercial driver's license 43825
temporary instruction permit under this chapter, may impose 43826
restrictions suitable to the licensee's driving ability with 43827
respect to the type of motor vehicle or special mechanical control 43828
devices required on a motor vehicle that the licensee may operate, 43829
or such other restrictions applicable to the licensee as the 43830
registrar determines to be necessary. 43831

The registrar may either issue a special restricted license 43832
or may set forth upon the usual license form the restrictions 43833
imposed. 43834

The registrar, upon receiving satisfactory evidence of any 43835
violation of the restrictions of the license, may impose a class D 43836
license suspension of the license for the period of time specified 43837
in division (B)(4) of section 4510.02 of the Revised Code. 43838

The registrar, upon receiving satisfactory evidence that an 43839
applicant or holder of a commercial driver's license or commercial 43840
driver's license temporary instruction permit has violated 43841
division (A)(4) or (A)(5) of section 4506.04 of the Revised Code 43842
~~and knowingly given false information in any application or~~ 43843
~~certification required by section 4506.07 of the Revised Code,~~ 43844
shall cancel the person's commercial driver's license or 43845
commercial driver's license temporary instruction permit or any 43846
pending application from the person for a commercial driver's 43847
license, commercial driver's license temporary instruction permit, 43848
or class D driver's license for a period of at least sixty days, 43849
during which time no application for a commercial driver's 43850
license, commercial driver's license temporary instruction permit, 43851

or class D driver's license shall be received from the person. 43852

(E) Whoever violates this section is guilty of a misdemeanor 43853
of the first degree. 43854

Sec. 4506.11. (A) Every commercial driver's license shall be 43855
marked "commercial driver's license" or "CDL" and shall be of such 43856
material and so designed as to prevent its reproduction or 43857
alteration without ready detection. The commercial driver's 43858
license for licensees under twenty-one years of age shall have 43859
characteristics prescribed by the registrar of motor vehicles 43860
distinguishing it from that issued to a licensee who is twenty-one 43861
years of age or older. Every commercial driver's license shall 43862
display all of the following information: 43863

(1) The name and residence address of the licensee; 43864

(2) A ~~color~~ photograph of the licensee showing the licensee's 43865
uncovered face; 43866

(3) A physical description of the licensee, including sex, 43867
height, weight, and color of eyes and hair; 43868

(4) The licensee's date of birth; 43869

(5) The licensee's social security number if the person has 43870
requested that the number be displayed in accordance with section 43871
4501.31 of the Revised Code or if federal law requires the social 43872
security number to be displayed and any number or other identifier 43873
the director of public safety considers appropriate and 43874
establishes by rules adopted under Chapter 119. of the Revised 43875
Code and in compliance with federal law; 43876

(6) The licensee's signature; 43877

(7) The classes of commercial motor vehicles the licensee is 43878
authorized to drive and any endorsements or restrictions relating 43879
to the licensee's driving of those vehicles; 43880

- (8) The name of this state; 43881
- (9) The dates of issuance and of expiration of the license; 43882
- (10) If the licensee has certified willingness to make an anatomical gift under section 2108.05 of the Revised Code, any symbol chosen by the registrar of motor vehicles to indicate that the licensee has certified that willingness; 43883
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- (11) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument; 43887
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- (12) ~~On and after October 7, 2009, if~~ If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States; 43894
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- (13) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen; 43902
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- (14) Any other information the registrar considers advisable and requires by rule. 43904
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- (B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section. 43906
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- (C) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by 43908
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the registrar distinguishing it from the commercial driver's 43911
license issued to persons who are twenty-one years of age or 43912
older. 43913

(D) Whoever violates division (C) of this section is guilty 43914
of a minor misdemeanor. 43915

Sec. 4506.15. (A) No person who holds a commercial driver's 43916
license or commercial driver's license temporary instruction 43917
permit or who operates a motor vehicle for which a commercial 43918
driver's license or permit is required shall do any of the 43919
following: 43920

(1) Drive a commercial motor vehicle while having a 43921
measurable or detectable amount of alcohol or of a controlled 43922
substance in the person's blood, breath, or urine; 43923

(2) Drive a commercial motor vehicle while having an alcohol 43924
concentration of four-hundredths of one per cent or more by whole 43925
blood or breath; 43926

(3) Drive a commercial motor vehicle while having an alcohol 43927
concentration of forty-eight-thousandths of one per cent or more 43928
by blood serum or blood plasma; 43929

(4) Drive a commercial motor vehicle while having an alcohol 43930
concentration of fifty-six-thousandths of one per cent or more by 43931
urine; 43932

(5) Drive a motor vehicle while under the influence of a 43933
controlled substance; 43934

(6) Drive a motor vehicle in violation of section 4511.19 of 43935
the Revised Code or a municipal OVI ordinance as defined in 43936
section 4511.181 of the Revised Code; 43937

(7) Use a motor vehicle in the commission of a felony; 43938

(8) Refuse to submit to a test under section 4506.17 or 43939

4511.191 of the Revised Code;	43940
(9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, canceled, or disqualified;	43941 43942 43943
(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;	43944 43945 43946 43947
(11) Fail to stop after an accident in violation of sections 4549.02 to 4549.03 of the Revised Code;	43948 43949
(12) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or ordinance pertaining to railroad-highway grade crossings;	43950 43951 43952 43953
(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance;	43954 43955 43956 43957 43958
<u>(14) Use a commercial motor vehicle in the commission of a violation of section 2905.32 of the Revised Code or any other substantially equivalent offense established under federal law or the laws of another state.</u>	43959 43960 43961 43962
(B) Whoever violates this section is guilty of a misdemeanor of the first degree.	43963 43964
<u>(C) The offenses established under this section are strict liability offenses and section 2901.20 of the Revised Code does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a</u>	43965 43966 43967 43968 43969

strict liability offense. 43970

Sec. 4506.16. (A) Any person who is found to have been 43971
convicted of a violation of an out-of-service order shall be 43972
disqualified by the registrar of motor vehicles as follows: 43973

(1) If the person has not been convicted previously of a 43974
violation of an out-of-service order, the period of 43975
disqualification is one hundred eighty days. 43976

(2) If, during any ten-year period, the driver is convicted 43977
of a second violation of an out-of-service order in an incident 43978
separate from the incident that resulted in the first violation, 43979
the period of disqualification is two years. 43980

(3) If, during any ten-year period, the driver is convicted 43981
of a third or subsequent violation of an out-of-service order in 43982
an incident separate from the incidents that resulted in the 43983
previous violations during that ten-year period, the period of 43984
disqualification is three years. 43985

(B)(1) A driver is disqualified for one hundred eighty days 43986
if the driver is convicted of a first violation of an 43987
out-of-service order while transporting hazardous materials 43988
required to be placarded under the "Hazardous Materials 43989
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 43990
amended, or while operating a motor vehicle designed to transport 43991
sixteen or more passengers, including the driver. 43992

(2) A driver is disqualified for a period of three years if, 43993
during any ten-year period, the driver is convicted of a second or 43994
subsequent violation, in an incident separate from the incident 43995
that resulted in a previous violation during that ten-year period, 43996
of an out-of-service order while transporting hazardous materials 43997
required to be placarded under that act, or while operating a 43998
motor vehicle designed to transport sixteen or more passengers, 43999

including the driver. 44000

(C) Whoever violates division (A)(1) of section 4506.15 of 44001
the Revised Code or a similar law of another state or a foreign 44002
jurisdiction, immediately shall be placed out-of-service for 44003
twenty-four hours, in addition to any disqualification required by 44004
this section and any other penalty imposed by the Revised Code. 44005

(D) The registrar of motor vehicles shall disqualify any 44006
holder of a commercial driver's license or commercial driver's 44007
license temporary instruction permit, or any operator of a 44008
commercial motor vehicle for which a commercial driver's license 44009
or permit is required, from operating a commercial motor vehicle 44010
as follows: 44011

(1) Upon a first conviction for a violation of any provision 44012
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 44013
or a similar law of another state or a foreign jurisdiction, or 44014
upon a first suspension imposed under section 4511.191 of the 44015
Revised Code or a similar law of another state or foreign 44016
jurisdiction, one year; 44017

(2) Upon a second conviction for a violation of any provision 44018
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 44019
or a similar law of another state or a foreign jurisdiction, or 44020
upon a second suspension imposed under section 4511.191 of the 44021
Revised Code or a similar law of another state or foreign 44022
jurisdiction, or any combination of such violations arising from 44023
two or more separate incidents, the person shall be disqualified 44024
for life or for any other period of time as determined by the 44025
United States secretary of transportation and designated by the 44026
director of public safety by rule; 44027

(3) Upon a first conviction for any of the following 44028
violations while transporting hazardous materials, three years: 44029

(a) Divisions (A)(2) to (12) of section 4506.15 of the 44030

Revised Code; 44031

(b) A similar law of another state or a foreign jurisdiction. 44032

(4) Upon conviction of a violation of division (A)(13) or 44033
(A)(14) of section 4506.15 of the Revised Code or a similar law of 44034
another state or a foreign jurisdiction, the person shall be 44035
disqualified for life; 44036

(5)(a) Upon conviction of two serious traffic violations 44037
involving the operation of a commercial motor vehicle by the 44038
person and arising from separate incidents occurring in a 44039
three-year period, the person shall be disqualified for sixty 44040
days, which disqualification shall be imposed consecutively to any 44041
other separate disqualification imposed under division (D)(5) or 44042
(6) of this section; 44043

(b) Upon conviction of three or more serious traffic 44044
violations involving the operation of a commercial motor vehicle 44045
by the person and arising from separate incidents occurring in a 44046
three-year period, the person shall be disqualified for one 44047
hundred twenty days, which disqualification shall be imposed 44048
consecutively to any other separate disqualification imposed under 44049
division (D)(5) or (6) of this section; 44050

(6)(a) Upon conviction of two serious traffic violations 44051
involving the operation of a vehicle other than a commercial motor 44052
vehicle by the person and arising from separate incidents 44053
occurring in a three-year period, the person shall be disqualified 44054
for sixty days if the conviction results in the suspension, 44055
cancellation, or revocation of the holder's commercial driver's 44056
license or commercial driver's license temporary instruction 44057
permit, or noncommercial motor vehicle driving privileges, which 44058
disqualification shall be imposed consecutively to any other 44059
separate disqualification imposed under division (D)(5) or (6) of 44060
this section; 44061

(b) Upon conviction of three or more serious traffic 44062
violations involving the operation of a vehicle other than a 44063
commercial motor vehicle by the person and arising from separate 44064
incidents occurring in a three-year period, the person shall be 44065
disqualified for one hundred twenty days if the conviction results 44066
in the suspension, cancellation, or revocation of the holder's 44067
commercial driver's license or permit, or noncommercial motor 44068
vehicle driving privileges, which disqualification shall be 44069
imposed consecutively to any other separate disqualification 44070
imposed under division (D)(5) or (6) of this section. 44071

(7) Upon a first conviction involving the operation of a 44072
commercial motor vehicle in violation of any provisions of 44073
sections 4511.61 to 4511.63 of the Revised Code or a similar law 44074
of another state or foreign jurisdiction, not less than sixty 44075
days; 44076

(8) Upon a second conviction involving the operation of a 44077
commercial motor vehicle in violation of any provisions of 44078
sections 4511.61 to 4511.63 of the Revised Code or a similar law 44079
of another state or foreign jurisdiction within three years of the 44080
first such conviction, not less than one hundred twenty days; 44081

(9) Upon a third or subsequent conviction involving the 44082
operation of a commercial motor vehicle in violation of any 44083
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 44084
similar law of another state or foreign jurisdiction within three 44085
years of the first such conviction, not less than one year; 44086

(10) Upon receiving notification from the federal motor 44087
carrier safety administration, the registrar immediately, prior to 44088
any hearing, shall disqualify any commercial motor vehicle driver 44089
whose driving is determined to constitute an imminent hazard as 44090
defined under federal motor carrier safety regulation 49 C.F.R. 44091
383.52. 44092

(E) For the purposes of this section, conviction of a violation for which disqualification is required includes conviction under any municipal ordinance that is substantially similar to any section of the Revised Code that is set forth in division (D) of this section and may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:

(1) The offense occurred after the person obtained the person's commercial driver's license or commercial driver's license temporary instruction permit.

(2) The offense occurs on or after September 30, 2005.

(G) If a person commits a serious traffic violation by operating a commercial motor vehicle without having a commercial driver's license or commercial driver's license temporary instruction permit in the person's possession as described in division (II)(3)(e) of section 4506.01 of the Revised Code and the person then submits proof to either the enforcement agency that issued the citation for the violation or to the court with jurisdiction over the case before the date of the person's initial

appearance that shows that the person held a valid commercial 44123
driver's license or permit at the time of the violation, the 44124
violation shall not be deemed to be a serious traffic violation. 44125

(H) Any record described in division (C) of this section 44126
shall be deemed to be self-authenticating when it is received by 44127
the bureau of motor vehicles. 44128

(I) When disqualifying a driver, the registrar shall cause 44129
the records of the bureau to be updated to reflect that action 44130
within ten days after it occurs. 44131

(J) The registrar immediately shall notify a driver who is 44132
finally convicted of any offense described in section 4506.15 of 44133
the Revised Code or division (D)(4), (5), or (6) of this section 44134
and thereby is subject to disqualification, of the offense or 44135
offenses involved, of the length of time for which 44136
disqualification is to be imposed, and that the driver may request 44137
a hearing within thirty days of the mailing of the notice to show 44138
cause why the driver should not be disqualified from operating a 44139
commercial motor vehicle. If a request for such a hearing is not 44140
made within thirty days of the mailing of the notice, the order of 44141
disqualification is final. The registrar may designate hearing 44142
examiners who, after affording all parties reasonable notice, 44143
shall conduct a hearing to determine whether the disqualification 44144
order is supported by reliable evidence. The registrar shall adopt 44145
rules to implement this division. 44146

(K) Any person who is disqualified from operating a 44147
commercial motor vehicle under this section may apply to the 44148
registrar for a driver's license to operate a motor vehicle other 44149
than a commercial motor vehicle, provided the person's commercial 44150
driver's license is not otherwise suspended. A person whose 44151
commercial driver's license is suspended shall not apply to the 44152
registrar for or receive a driver's license under Chapter 4507. of 44153
the Revised Code during the period of suspension. 44154

(L) The disqualifications imposed under this section are in addition to any other penalty imposed by the Revised Code.

(M) Any conviction for an offense that would lead to disqualification as specified in this section, whether committed in a commercial motor vehicle or a vehicle other than a commercial motor vehicle, shall be counted for the purposes of determining the number of violations and the appropriate disqualification period under this section.

Sec. 4506.17. (A) Both of the following are deemed to have given consent to a test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance or a metabolite of a controlled substance:

(1) A person while operating a commercial motor vehicle that requires a commercial driver's license or commercial driver's license temporary instruction permit;

(2) A person who holds a commercial driver's license or commercial driver's license temporary instruction permit while operating a motor vehicle, including a commercial motor vehicle.

(B) A test or tests as provided in division (A) of this section may be administered at the direction of a peace officer having reasonable ground to stop or detain the person and, after investigating the circumstances surrounding the operation of the motor vehicle, also having reasonable ground to believe the person was driving the motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine. Any such test shall be given within two hours of the time of the alleged violation.

(C) A person requested by a peace officer to submit to a test 44185
under division (A) of this section shall be advised by the peace 44186
officer that a refusal to submit to the test will result in the 44187
person immediately being placed out-of-service for a period of 44188
twenty-four hours and being disqualified from operating a 44189
commercial motor vehicle for a period of not less than one year, 44190
and that the person is required to surrender the person's 44191
commercial driver's license or permit to the peace officer. 44192

(D) If a person refuses to submit to a test after being 44193
warned as provided in division (C) of this section or submits to a 44194
test that discloses the presence of an amount of alcohol or a 44195
controlled substance prohibited by divisions (A)(1) to ~~(5)~~(6) of 44196
section 4506.15 of the Revised Code or a metabolite of a 44197
controlled substance, the person immediately shall surrender the 44198
person's commercial driver's license or permit to the peace 44199
officer. The peace officer shall forward the license or permit, 44200
together with a sworn report, to the registrar of motor vehicles 44201
certifying that the test was requested pursuant to division (A) of 44202
this section and that the person either refused to submit to 44203
testing or submitted to a test that disclosed the presence of one 44204
of the prohibited concentrations of a substance listed in 44205
divisions (A)(1) to ~~(5)~~(6) of section 4506.15 of the Revised Code 44206
or a metabolite of a controlled substance. The form and contents 44207
of the report required by this section shall be established by the 44208
registrar by rule, but shall contain the advice to be read to the 44209
driver and a statement to be signed by the driver acknowledging 44210
that the driver has been read the advice and that the form was 44211
shown to the driver. 44212

(E) Upon receipt of a sworn report from a peace officer as 44213
provided in division (D) of this section, or upon receipt of 44214
notification that a person has been disqualified under a similar 44215
law of another state or foreign jurisdiction, the registrar shall 44216

disqualify the person named in the report from driving a 44217
commercial motor vehicle for the period described below: 44218

(1) Upon a first incident, one year; 44219

(2) Upon an incident of refusal or of a prohibited 44220
concentration of alcohol, a controlled substance, or a metabolite 44221
of a controlled substance after one or more previous incidents of 44222
either refusal or of a prohibited concentration of alcohol, a 44223
controlled substance, or a metabolite of a controlled substance, 44224
the person shall be disqualified for life or such lesser period as 44225
prescribed by rule by the registrar. 44226

(F) A test of a person's whole blood or a person's blood 44227
serum or plasma given under this section shall comply with the 44228
applicable provisions of division (D) of section 4511.19 of the 44229
Revised Code and any physician, registered nurse, emergency 44230
medical technician-intermediate, emergency medical 44231
technician-paramedic, or qualified technician, chemist, or 44232
phlebotomist who withdraws whole blood or blood serum or plasma 44233
from a person under this section, and any hospital, first-aid 44234
station, clinic, or other facility at which whole blood or blood 44235
serum or plasma is withdrawn from a person pursuant to this 44236
section, is immune from criminal liability, and from civil 44237
liability that is based upon a claim of assault and battery or 44238
based upon any other claim of malpractice, for any act performed 44239
in withdrawing whole blood or blood serum or plasma from the 44240
person. The immunity provided in this division also extends to an 44241
emergency medical service organization that employs an emergency 44242
medical technician-intermediate or emergency medical 44243
technician-paramedic who withdraws blood under this section. 44244

(G) When a person submits to a test under this section, the 44245
results of the test, at the person's request, shall be made 44246
available to the person, the person's attorney, or the person's 44247
agent, immediately upon completion of the chemical test analysis. 44248

The person also may have an additional test administered by a 44249
physician, a registered nurse, or a qualified technician, chemist, 44250
or phlebotomist of the person's own choosing as provided in 44251
division (D) of section 4511.19 of the Revised Code for tests 44252
administered under that section, and the failure to obtain such a 44253
test has the same effect as in that division. 44254

(H) No person shall refuse to immediately surrender the 44255
person's commercial driver's license or permit to a peace officer 44256
when required to do so by this section. 44257

(I) A peace officer issuing an out-of-service order or 44258
receiving a commercial driver's license or permit surrendered 44259
under this section may remove or arrange for the removal of any 44260
commercial motor vehicle affected by the issuance of that order or 44261
the surrender of that license. 44262

(J)(1) Except for civil actions arising out of the operation 44263
of a motor vehicle and civil actions in which the state is a 44264
plaintiff, no peace officer of any law enforcement agency within 44265
this state is liable in compensatory damages in any civil action 44266
that arises under the Revised Code or common law of this state for 44267
an injury, death, or loss to person or property caused in the 44268
performance of official duties under this section and rules 44269
adopted under this section, unless the officer's actions were 44270
manifestly outside the scope of the officer's employment or 44271
official responsibilities, or unless the officer acted with 44272
malicious purpose, in bad faith, or in a wanton or reckless 44273
manner. 44274

(2) Except for civil actions that arise out of the operation 44275
of a motor vehicle and civil actions in which the state is a 44276
plaintiff, no peace officer of any law enforcement agency within 44277
this state is liable in punitive or exemplary damages in any civil 44278
action that arises under the Revised Code or common law of this 44279
state for any injury, death, or loss to person or property caused 44280

in the performance of official duties under this section of the 44281
Revised Code and rules adopted under this section, unless the 44282
officer's actions were manifestly outside the scope of the 44283
officer's employment or official responsibilities, or unless the 44284
officer acted with malicious purpose, in bad faith, or in a wanton 44285
or reckless manner. 44286

(K) When disqualifying a driver, the registrar shall cause 44287
the records of the bureau of motor vehicles to be updated to 44288
reflect the disqualification within ten days after it occurs. 44289

(L) The registrar immediately shall notify a driver who is 44290
subject to disqualification of the disqualification, of the length 44291
of the disqualification, and that the driver may request a hearing 44292
within thirty days of the mailing of the notice to show cause why 44293
the driver should not be disqualified from operating a commercial 44294
motor vehicle. If a request for such a hearing is not made within 44295
thirty days of the mailing of the notice, the order of 44296
disqualification is final. The registrar may designate hearing 44297
examiners who, after affording all parties reasonable notice, 44298
shall conduct a hearing to determine whether the disqualification 44299
order is supported by reliable evidence. The registrar shall adopt 44300
rules to implement this division. 44301

(M) Any person who is disqualified from operating a 44302
commercial motor vehicle under this section may apply to the 44303
registrar for a driver's license to operate a motor vehicle other 44304
than a commercial motor vehicle, provided the person's commercial 44305
driver's license or permit is not otherwise suspended. A person 44306
whose commercial driver's license or permit is suspended shall not 44307
apply to the registrar for or receive a driver's license under 44308
Chapter 4507. of the Revised Code during the period of suspension. 44309

(N) Whoever violates division (H) of this section is guilty 44310
of a misdemeanor of the first degree. 44311

(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," "motorized bicycle," "state," "owner," "operator," "chauffeur," and "highways" have the same meanings as in section 4501.01 of the Revised Code.

"Driver's license" means a class D license issued to any person to operate a motor vehicle or motor-driven cycle, other than a commercial motor vehicle, and includes "probationary license," "restricted license," "limited term license," and any operator's or chauffeur's license issued before January 1, 1990.

"Probationary license" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a

motorized bicycle including a "probationary motorized bicycle license." 44342
44343

"Probationary motorized bicycle license" means the license 44344
issued under section 4511.521 of the Revised Code to any person 44345
between fourteen and sixteen years of age to operate a motorized 44346
bicycle. 44347

"Identification card" means a card issued under sections 44348
4507.50 and ~~4507.51~~ to 4507.52 of the Revised Code. 44349

"Resident" means a person who, in accordance with standards 44350
prescribed in rules adopted by the registrar, resides in this 44351
state on a permanent basis. 44352

"Temporary resident" means a person who, in accordance with 44353
standards prescribed in rules adopted by the registrar, resides in 44354
this state on a temporary basis. 44355

(B) In the administration of this chapter and Chapter 4506. 44356
of the Revised Code, the registrar has the same authority as is 44357
conferred on the registrar by section 4501.02 of the Revised Code. 44358
Any act of an authorized deputy registrar of motor vehicles under 44359
direction of the registrar is deemed the act of the registrar. 44360

To carry out this chapter, the registrar shall appoint such 44361
deputy registrars in each county as are necessary. 44362

The registrar also shall provide at each place where an 44363
application for a driver's or commercial driver's license or 44364
identification card may be made the necessary equipment to take a 44365
~~color~~ photograph of the applicant for such license or card as 44366
required under section 4506.11 or 4507.06 of the Revised Code, and 44367
to conduct the vision screenings required by section 4507.12 of 44368
the Revised Code. 44369

The registrar shall assign one or more deputy registrars to 44370
any driver's license examining station operated under the 44371

supervision of the director of public safety, whenever the 44372
registrar considers such assignment possible. Space shall be 44373
provided in the driver's license examining station for any such 44374
deputy registrar so assigned. The deputy registrars shall not 44375
exercise the powers conferred by such sections upon the registrar, 44376
unless they are specifically authorized to exercise such powers by 44377
such sections. 44378

(C) No agent for any insurance company, writing automobile 44379
insurance, shall be appointed deputy registrar, and any such 44380
appointment is void. No deputy registrar shall in any manner 44381
solicit any form of automobile insurance, nor in any manner 44382
advise, suggest, or influence any licensee or applicant for 44383
license for or against any kind or type of automobile insurance, 44384
insurance company, or agent, nor have the deputy registrar's 44385
office directly connected with the office of any automobile 44386
insurance agent, nor impart any information furnished by any 44387
applicant for a license or identification card to any person, 44388
except the registrar. This division shall not apply to any 44389
nonprofit corporation appointed deputy registrar. 44390

(D) The registrar shall immediately remove a deputy registrar 44391
who violates the requirements of this chapter. 44392

Sec. 4507.05. (A) The registrar of motor vehicles, or a 44393
deputy registrar, upon receiving an application for a temporary 44394
instruction permit and a temporary instruction permit 44395
identification card for a driver's license from any person who is 44396
at least fifteen years six months of age, may issue such a permit 44397
and identification card entitling the applicant to drive a motor 44398
vehicle, other than a commercial motor vehicle, upon the highways 44399
under the following conditions: 44400

(1) If the permit is issued to a person who is at least 44401
fifteen years six months of age, but less than sixteen years of 44402

age: 44403

(a) The permit and identification card are in the holder's 44404
immediate possession; 44405

(b) The holder is accompanied by an eligible adult who 44406
actually occupies the seat beside the permit holder and does not 44407
have a prohibited concentration of alcohol in the whole blood, 44408
blood serum or plasma, breath, or urine as provided in division 44409
(A) of section 4511.19 of the Revised Code; 44410

(c) The total number of occupants of the vehicle does not 44411
exceed the total number of occupant restraining devices originally 44412
installed in the motor vehicle by its manufacturer, and each 44413
occupant of the vehicle is wearing all of the available elements 44414
of a properly adjusted occupant restraining device. 44415

(2) If the permit is issued to a person who is at least 44416
sixteen years of age: 44417

(a) The permit and identification card are in the holder's 44418
immediate possession; 44419

(b) The holder is accompanied by a licensed operator who is 44420
at least twenty-one years of age, is actually occupying a seat 44421
beside the driver, and does not have a prohibited concentration of 44422
alcohol in the whole blood, blood serum or plasma, breath, or 44423
urine as provided in division (A) of section 4511.19 of the 44424
Revised Code; 44425

(c) The total number of occupants of the vehicle does not 44426
exceed the total number of occupant restraining devices originally 44427
installed in the motor vehicle by its manufacturer, and each 44428
occupant of the vehicle is wearing all of the available elements 44429
of a properly adjusted occupant restraining device. 44430

(B) The registrar or a deputy registrar, upon receiving from 44431
any person an application for a temporary instruction permit and 44432

temporary instruction permit identification card to operate a 44433
motorcycle, motor-driven cycle or motor scooter, or motorized 44434
bicycle, may issue such a permit and identification card entitling 44435
the applicant, while having the permit and identification card in 44436
the applicant's immediate possession, to drive a motorcycle or 44437
motor-driven cycle or motor scooter, under the restrictions 44438
prescribed in section 4511.53 of the Revised Code, or to drive a 44439
motorized bicycle under restrictions determined by the registrar. 44440
A temporary instruction permit and temporary instruction permit 44441
identification card to operate a motorized bicycle may be issued 44442
to a person fourteen or fifteen years old. 44443

(C) Any permit and identification card issued under this 44444
section shall be issued in the same manner as a driver's license, 44445
upon a form to be furnished by the registrar. A temporary 44446
instruction permit to drive a motor vehicle other than a 44447
commercial motor vehicle shall be valid for a period of one year. 44448

(D) Any person having in the person's possession a valid and 44449
current driver's license or motorcycle operator's license or 44450
endorsement issued to the person by another jurisdiction 44451
recognized by this state is exempt from obtaining a temporary 44452
instruction permit for a driver's license and from submitting to 44453
the examination for a temporary instruction permit and the regular 44454
examination for obtaining a driver's license or motorcycle 44455
operator's endorsement in this state if the person does all of the 44456
following: 44457

(1) Submits to and passes vision screening as provided in 44458
section 4507.12 of the Revised Code; 44459

(2) Surrenders to the registrar or deputy registrar the 44460
person's driver's license issued by the other jurisdiction; and 44461

(3) Complies with all other applicable requirements for 44462
issuance by this state of a driver's license, driver's license 44463

with a motorcycle operator's endorsement, or restricted license to operate a motorcycle.

If the person does not comply with all the requirements of this division, the person shall submit to the regular examination for obtaining a driver's license or motorcycle operator's endorsement in this state in order to obtain such a license or endorsement.

(E) The registrar may adopt rules governing the use of temporary instruction permits and temporary instruction permit identification cards.

(F)(1) No holder of a permit issued under division (A) of this section shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under division (A) of this section.

(2) Except as provided in division (F)(2) of this section, no holder of a permit that is issued under division (A) of this section and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under division (A) of this section on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually

occupying a seat beside the permit holder, and does not have a 44495
prohibited concentration of alcohol in the whole blood, blood 44496
serum or plasma, breath, or urine as provided in division (A) of 44497
section 4511.19 of the Revised Code. 44498

~~(G)(1) Notwithstanding any other provision of law to the 44499
contrary, no law enforcement officer shall cause the operator of a 44500
motor vehicle being operated on any street or highway to stop the 44501
motor vehicle for the sole purpose of determining whether each 44502
occupant of the motor vehicle is wearing all of the available 44503
elements of a properly adjusted occupant restraining device as 44504
required by division (A) of this section, or for the sole purpose 44505
of issuing a ticket, citation, or summons if the requirement in 44506
that division has been or is being violated, or for causing the 44507
arrest of or commencing a prosecution of a person for a violation 44508
of that requirement. 44509~~

~~(2)(G) Notwithstanding any other provision of law to the 44510
contrary, no law enforcement officer shall cause the operator of a 44511
motor vehicle being operated on any street or highway to stop the 44512
motor vehicle for the sole purpose of determining whether a 44513
violation of division (F)(2) of this section has been or is being 44514
committed or for the sole purpose of issuing a ticket, citation, 44515
or summons for such a violation or for causing the arrest of or 44516
commencing a prosecution of a person for such violation. 44517~~

(H) As used in this section: 44518

(1) "Eligible adult" means any of the following: 44519

(a) An instructor of a driver training course approved by the 44520
department of public safety; 44521

(b) Any of the following persons who holds a current valid 44522
driver's or commercial driver's license issued by this state: 44523

(i) A parent, guardian, or custodian of the permit holder; 44524

(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder. 44525
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(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code. 44527
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(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor. 44529
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Sec. 4507.06. (A)(1) Every application for a driver's license, motorcycle operator's license or endorsement, or motor-driven cycle or motor scooter license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant. 44531
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Every application shall state the following: 44537

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship; 44538
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(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation; 44543
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(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant; 44548
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(d) Whether an applicant for a duplicate driver's license, 44554

duplicate license containing a motorcycle operator endorsement, or 44555
duplicate license containing a motor-driven cycle or motor scooter 44556
endorsement has pending a citation for violation of any motor 44557
vehicle law or ordinance, a description of any such citation 44558
pending, and the date of the citation; 44559

(e) If an applicant has not certified the applicant's 44560
willingness to make an anatomical gift under section 2108.05 of 44561
the Revised Code, whether the applicant wishes to certify 44562
willingness to make such an anatomical gift, which shall be given 44563
no consideration in the issuance of a license or endorsement; 44564

(f) Whether the applicant has executed a valid durable power 44565
of attorney for health care pursuant to sections 1337.11 to 44566
1337.17 of the Revised Code or has executed a declaration 44567
governing the use or continuation, or the withholding or 44568
withdrawal, of life-sustaining treatment pursuant to sections 44569
2133.01 to 2133.15 of the Revised Code and, if the applicant has 44570
executed either type of instrument, whether the applicant wishes 44571
the applicant's license to indicate that the applicant has 44572
executed the instrument; 44573

(g) Whether the applicant is a veteran, active duty, or 44574
reservist of the armed forces of the United States and, if the 44575
applicant is such, whether the applicant wishes the applicant's 44576
license to indicate that the applicant is a veteran, active duty, 44577
or reservist of the armed forces of the United States by a 44578
military designation on the license. 44579

(2) Every applicant for a driver's license applying in person 44580
at a deputy registrar office shall be photographed ~~in color~~ at the 44581
time the application for the license is made. The application 44582
shall state any additional information that the registrar 44583
requires. 44584

(B) The registrar or a deputy registrar, in accordance with 44585

section 3503.11 of the Revised Code, shall register as an elector 44586
any person who applies for a license or endorsement under division 44587
(A) of this section, or for a renewal or duplicate of the license 44588
or endorsement, if the applicant is eligible and wishes to be 44589
registered as an elector. The decision of an applicant whether to 44590
register as an elector shall be given no consideration in the 44591
decision of whether to issue the applicant a license or 44592
endorsement, or a renewal or duplicate. 44593

(C) The registrar or a deputy registrar, in accordance with 44594
section 3503.11 of the Revised Code, shall offer the opportunity 44595
of completing a notice of change of residence or change of name to 44596
any applicant for a driver's license or endorsement under division 44597
(A) of this section, or for a renewal or duplicate of the license 44598
or endorsement, if the applicant is a registered elector who has 44599
changed the applicant's residence or name and has not filed such a 44600
notice. 44601

(D) In addition to any other information it contains, the 44602
approved form furnished by the registrar of motor vehicles for an 44603
application for a license or endorsement or an application for a 44604
duplicate of any such license or endorsement shall inform 44605
applicants that the applicant must present a copy of the 44606
applicant's DD-214 or an equivalent document in order to qualify 44607
to have the license or duplicate indicate that the applicant is a 44608
veteran, active duty, or reservist of the armed forces of the 44609
United States based on a request made pursuant to division 44610
(A)(1)(g) of this section. 44611

Sec. 4507.061. (A) ~~Beginning on and after July 1, 2022, the~~ 44612
~~The~~ registrar of motor vehicles may authorize the online renewal 44613
of a driver's license, commerical driver's license, or 44614
identification card issued by the bureau of motor vehicles for 44615
eligible applicants. An applicant is eligible for online renewal 44616

if all of the following apply: 44617

(1) The applicant's current driver's license, commerical driver's license, or identification card was processed in person at a deputy registrar office. 44618
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(2) The applicant has a photo on file with the bureau of motor vehicles from the applicant's current driver's license, commerical driver's license, or identification card. 44621
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(3) The applicant's current driver's license, commerical driver's license, or identification card expires on the birthday of the applicant in the fourth year after the date it was issued. 44624
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(4) The applicant is applying for a driver's license, commerical driver's license, or identification card that expires on the birthday of the applicant in the fourth year after the date it is issued. 44627
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(5) The applicant's current driver's license, commerical driver's license, or identification card is unexpired or expired not more than six months prior to the date of the application. 44631
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(6) The applicant is a citizen or a permanent resident of the United States and a permanent resident of this state. 44634
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(7) The ~~applicant is~~ applicant's current driver's license, commercial driver's license, or identification card was issued when the applicant was twenty-one years of age or older, ~~but~~. 44636
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(8) The applicant is less than sixty-five years of age. 44639

~~(8)~~(9) The applicant's current driver's license, commerical driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commerical driver's license, or identification card. 44640
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~~(9)~~(10) The applicant has no changes to the applicant's name 44645

or personal information, other than a change of address. 44646

~~(10)~~(11) The applicant has no medical restrictions that would 44647
require the applicant to apply for a driver's license, commerical 44648
driver's license, or identification card in person at a deputy 44649
registrar office. The registrar shall determine the medical 44650
restrictions that require in person applications. 44651

(12) For a commercial driver's license, the applicant 44652
complies with all the requirements of Chapter 4506. of the Revised 44653
Code, including self-certification and medical certificate 44654
requirements. 44655

(13) For a commercial driver's license, the applicant is not 44656
under any restriction specified by any federal regulation. 44657

(B) An applicant may not submit an application online for any 44658
of the following: 44659

(1) A temporary instruction permit; 44660

(2) A ~~commercial driver's license or a~~ commercial driver's 44661
license temporary instruction permit; 44662

(3) An initial issuance of an Ohio driver's license, 44663
commerical driver's license, or identification card; 44664

(4) An initial issuance of a federally compliant driver's 44665
license or identification card; 44666

(5) An ignition interlock license; 44667

(6) A ~~nonrenewable~~ limited term driver's license or 44668
nonrenewable commerical driver's license. 44669

(C) The registrar may require an applicant to provide a 44670
digital copy of any identification documents and supporting 44671
documents as required by statute or administrative rule to comply 44672
with current state and federal requirements. 44673

(D) Except as otherwise provided, an applicant shall comply 44674

with all other applicable laws related to the issuance of a 44675
driver's license, commerical driver's license, or identification 44676
card in order to renew a driver's license, commerical driver's 44677
license, or identification card under this section. 44678

(E) The registrar may adopt rules in accordance with Chapter 44679
119. of the Revised Code to implement and administer this section. 44680

Sec. 4507.07. (A) As used in this section: 44681

(1) "Minor's representative" means a person who has custody 44682
of a minor under the age of eighteen and who is one of the 44683
following: 44684

(a) A representative of a PCPA or PCSA; 44685

(b) A resource caregiver who has placement of a child in the 44686
custody of a PCPA or PCSA. 44687

(2) "PCPA" means a private child placing agency. 44688

(3) "PCSA" means a public children services agency. 44689

(4) "Resource caregiver" has the same meaning as in section 44690
5103.02 of the Revised Code. 44691

(B)(1) The registrar of motor vehicles shall not grant the 44692
application of any minor under eighteen years of age for a 44693
probationary license, a restricted license, or a temporary 44694
instruction permit, unless the application is signed by one of the 44695
minor's parents, the minor's guardian, another person having 44696
custody of the applicant, or, if there is no parent or guardian, a 44697
responsible person who is willing to assume the obligation imposed 44698
under this section. A responsible person may include a minor's 44699
representative. 44700

(2) At the time a minor under eighteen years of age submits 44701
an application for a license or permit at a driver's license 44702
examining station, the adult who signs the application shall 44703

present identification establishing that the adult is the 44704
individual whose signature appears on the application. The 44705
registrar shall prescribe, by rule, the types of identification 44706
that are suitable for the purposes of this paragraph. If the adult 44707
who signs the application does not provide identification as 44708
required by this paragraph, the application shall not be accepted. 44709

(3) When a minor under eighteen years of age applies for a 44710
probationary license, a restricted license, or a temporary 44711
instruction permit, the registrar shall give the adult who signs 44712
the application notice of the potential liability that may be 44713
imputed to the adult pursuant to division ~~(B)~~(C)(1) of this 44714
section and notice of how the adult may prevent any liability from 44715
being imputed to the adult pursuant to that division. 44716

~~(B)~~ Any (C)(1) Except as otherwise provided in divisions 44717
(C)(2) and (3) of this section, any negligence, or willful or 44718
wanton misconduct, that is committed by a minor under eighteen 44719
years of age when driving a motor vehicle upon a highway shall be 44720
imputed to the person who has signed the application of the minor 44721
for a probationary license, restricted license, or temporary 44722
instruction permit, which person shall be jointly and severally 44723
liable with the minor for any damages caused by the negligence or 44724
the willful or wanton misconduct. This joint and several liability 44725
is not subject to section 2307.22 or 2315.36 of the Revised Code 44726
with respect to a tort claim that otherwise is subject to that 44727
section. 44728

(2) There shall be no imputed liability imposed under ~~this~~ 44729
division (C)(1) of this section if a minor under eighteen years of 44730
age has proof of financial responsibility with respect to the 44731
operation of a motor vehicle owned by the minor or, if the minor 44732
is not the owner of a motor vehicle, with respect to the minor's 44733
operation of any motor vehicle, in the form and in the amounts 44734
required under Chapter 4509. of the Revised Code. 44735

~~(C)~~(3) There is no imputed liability under division (C)(1) of this section with respect to a minor's representative who signs an application for a probationary license, a restricted license, or a temporary instruction permit on behalf of the minor under division (B) of this section. 44736
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(4) The department of job and family services or minor's representative shall verify that the minor has proof of financial responsibility in the form and amounts required by Chapter 4509. of the Revised Code before the minor's representative signs the minor's application for a probationary license, restricted license, or temporary instruction permit. The department may provide proof of financial responsibility for the minor directly or through a third party acting on its behalf. The department, third party, or minor's representative shall provide the registrar proof of financial responsibility in the form and amounts required by Chapter 4509. of the Revised Code. 44741
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(D)(1) Any person who has signed the application of a minor under eighteen years of age for a license or permit subsequently may surrender to the registrar the license or temporary instruction permit of the minor and request that the license or permit be canceled. The registrar then shall cancel the license or temporary instruction permit, and the person who signed the application of the minor shall be relieved from the liability imposed by division ~~(B)~~(C)(1) of this section. 44752
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(2) If the department of job and family services or a minor's representative determines that a minor does not have proof of financial responsibility, the department or minor's representative shall notify the registrar and surrender the minor's license or temporary instruction permit and request that it be canceled. The registrar shall cancel the license or temporary instruction permit. 44760
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~~(D)~~(E) Any minor under eighteen years of age whose 44767

probationary license, restricted license, or temporary instruction 44768
permit is surrendered to the registrar by the person who signed 44769
the application for the license or permit and whose license or 44770
temporary instruction permit subsequently is canceled by the 44771
registrar may obtain a new license or temporary instruction permit 44772
without having to undergo the examinations otherwise required by 44773
sections 4507.11 and 4507.12 of the Revised Code and without 44774
having to tender the fee for that license or temporary instruction 44775
permit, if the minor is able to produce another parent, guardian, 44776
other person having custody of the minor, or other adult, and that 44777
adult is willing to assume the liability imposed under division 44778
~~(B)~~(C)(1) of this section. That adult shall comply with the 44779
procedures contained in division ~~(A)~~(B) of this section. 44780

Sec. 4507.071. (A) The registrar of motor vehicles or any 44781
deputy registrar shall not issue a driver's license to any person 44782
under eighteen years of age, except that the registrar or a deputy 44783
registrar may issue a probationary license to a person who is at 44784
least sixteen years of age and has held a temporary instruction 44785
permit for a period of at least six months. 44786

(B)(1)(a) No holder of a probationary driver's license who 44787
has held the license for less than twelve months shall operate a 44788
motor vehicle upon a highway or any public or private property 44789
used by the public for purposes of vehicular travel or parking 44790
between the hours of midnight and six a.m. unless the holder is 44791
accompanied by the holder's parent or guardian. 44792

(b) No holder of a probationary driver's license who has held 44793
the license for twelve months or longer shall operate a motor 44794
vehicle upon a highway or any public or private property used by 44795
the public for purposes of vehicular travel or parking between the 44796
hours of one a.m. and five a.m. unless the holder is accompanied 44797
by the holder's parent or guardian. 44798

(2)(a) Subject to division (D)(1) of this section, division 44799
(B)(1)(a) of this section does not apply to the holder of a 44800
probationary driver's license who is doing ~~either~~ any of the 44801
following: 44802

(i) Traveling to or from work between the hours of midnight 44803
and six a.m., provided that the holder has in the holder's 44804
immediate possession written documentation from the holder's 44805
employer-i 44806

(ii) Traveling to or from an official function sponsored by 44807
the school the holder attends between the hours of midnight and 44808
six a.m., provided that the holder has in the holder's immediate 44809
possession written documentation from an appropriate official of 44810
the school; 44811

(iii) Traveling to or from an official religious event 44812
between the hours of midnight and six a.m., provided that the 44813
holder has in the holder's immediate possession written 44814
documentation from an appropriate official affiliated with the 44815
event. 44816

(b) Division (B)(1)(b) of this section does not apply to the 44817
holder of a probationary driver's license who is doing ~~either~~ any 44818
of the following: 44819

(i) Traveling to or from work between the hours of one a.m. 44820
and five a.m., provided that the holder has in the holder's 44821
immediate possession written documentation from the holder's 44822
employer-i 44823

(ii) Traveling to or from an official function sponsored by 44824
the school the holder attends between the hours of one a.m. and 44825
five a.m., provided that the holder has in the holder's immediate 44826
possession written documentation from an appropriate official of 44827
the school; 44828

(iii) Traveling to or from an official religious event 44829

between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(3) An employer, school official, or official affiliated with a religious event is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in division (B)(2) of this section.

The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in division (B)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.

(4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(C) It is an affirmative defense to a violation of division (B)(1)(a) or (b) of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of division (B)(1)(a) or (b) of this section or the holder was an emancipated minor.

(D)(1) If a person is issued a probationary driver's license 44861
prior to attaining the age of seventeen years and the person 44862
pleads guilty to, is convicted of, or is adjudicated in juvenile 44863
court of having committed a moving violation during the six-month 44864
period commencing on the date on which the person is issued the 44865
probationary driver's license, the court with jurisdiction over 44866
the violation may order that the holder must be accompanied by the 44867
holder's parent or guardian whenever the holder is operating a 44868
motor vehicle upon a highway or any public or private property 44869
used by the public for purposes of vehicular travel or parking for 44870
a period not to exceed six months or the date the holder attains 44871
the age of seventeen years, whichever occurs first. 44872

(2) Any person who is subject to the operating restrictions 44873
established under division (D)(1) of this section as a result of a 44874
first moving violation may petition the court for driving 44875
privileges without being accompanied by the holder's parent or 44876
guardian during the period of time determined by the court under 44877
that division. In granting the driving privileges, the court shall 44878
specify the purposes of the privileges and shall issue the person 44879
appropriate forms setting forth the privileges granted. If a 44880
person is convicted of, pleads guilty to, or is adjudicated in 44881
juvenile court of having committed a second or subsequent moving 44882
violation, the court with jurisdiction over the violation may 44883
terminate any driving privileges previously granted under this 44884
division. 44885

(3) No person shall violate any operating restriction imposed 44886
under division (D)(1) or (2) of this section. 44887

(E) No holder of a probationary license shall operate a motor 44888
vehicle upon a highway or any public or private property used by 44889
the public for purposes of vehicular travel or parking unless the 44890
total number of occupants of the vehicle does not exceed the total 44891
number of occupant restraining devices originally installed in the 44892

motor vehicle by its manufacturer, and each occupant of the 44893
vehicle is wearing all of the available elements of a properly 44894
adjusted occupant restraining device. 44895

(F) A restricted license may be issued to a person who is 44896
fourteen or fifteen years of age upon proof of hardship 44897
satisfactory to the registrar of motor vehicles. 44898

~~(G) Notwithstanding any other provision of law to the 44899
contrary, no law enforcement officer shall cause the operator of a 44900
motor vehicle being operated on any street or highway to stop the 44901
motor vehicle for the sole purpose of determining whether each 44902
occupant of the motor vehicle is wearing all of the available 44903
elements of a properly adjusted occupant restraining device as 44904
required by division (E) of this section, or for the sole purpose 44905
of issuing a ticket, citation, or summons if the requirement in 44906
that division has been or is being violated, or for causing the 44907
arrest of or commencing a prosecution of a person for a violation 44908
of that requirement. 44909~~

~~(H)~~ Notwithstanding any other provision of law to the 44910
contrary, no law enforcement officer shall cause the operator of a 44911
motor vehicle being operated on any street or highway to stop the 44912
motor vehicle for the sole purpose of determining whether a 44913
violation of division (B)(1)(a) or (b) of this section has been or 44914
is being committed or for the sole purpose of issuing a ticket, 44915
citation, or summons for such a violation or for causing the 44916
arrest of or commencing a prosecution of a person for such 44917
violation. 44918

~~(I)~~(H) As used in this section: 44919

(1) "Occupant restraining device" has the same meaning as in 44920
section 4513.263 of the Revised Code. 44921

(2) "Family member" of a probationary license holder includes 44922
any of the following: 44923

(a) A spouse;	44924
(b) A child or stepchild;	44925
(c) A parent, stepparent, grandparent, or parent-in-law;	44926
(d) An aunt or uncle;	44927
(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;	44928 44929
(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;	44930 44931 44932
(g) An eligible adult, as defined in section 4507.05 of the Revised Code.	44933 44934
(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.	44935 44936 44937 44938 44939 44940 44941 44942
(J) (I) Whoever violates division (B)(1) or (4), (D)(3), or (E) of this section is guilty of a minor misdemeanor.	44943 44944
Sec. 4507.08. (A) No probationary license shall be issued to any person under the age of eighteen who has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment	44945 44946 44947 44948 44949 44950 44951 44952 44953

program specified by the court and has satisfactorily completed 44954
the program. 44955

(B) No temporary instruction permit or driver's license shall 44956
be issued to any person whose license has been suspended, during 44957
the period for which the license was suspended, nor to any person 44958
whose license has been canceled, under Chapter 4510. or any other 44959
provision of the Revised Code. 44960

(C) No temporary instruction permit or driver's license shall 44961
be issued to any person whose commercial driver's license is 44962
suspended under Chapter 4510. or any other provision of the 44963
Revised Code during the period of the suspension. 44964

No temporary instruction permit or driver's license shall be 44965
issued to any person when issuance is prohibited by division (A) 44966
of section 4507.091 of the Revised Code. 44967

(D) No temporary instruction permit or driver's license shall 44968
be issued to, or retained by, any of the following persons: 44969

(1) Any person who has alcoholism, or is addicted to the use 44970
of controlled substances to the extent that the use constitutes an 44971
impairment to the person's ability to operate a motor vehicle with 44972
the required degree of safety; 44973

(2) Any person who is under the age of eighteen and has been 44974
adjudicated an unruly or delinquent child or a juvenile traffic 44975
offender for having committed any act that if committed by an 44976
adult would be a drug abuse offense, as defined in section 2925.01 44977
of the Revised Code, a violation of division (B) of section 44978
2917.11, or a violation of division (A) of section 4511.19 of the 44979
Revised Code, unless the person has been required by the court to 44980
attend a drug abuse or alcohol abuse education, intervention, or 44981
treatment program specified by the court and has satisfactorily 44982
completed the program; 44983

(3) Any person who, in the opinion of the registrar, has a 44984

physical or mental disability or disease that prevents the person 44985
from exercising reasonable and ordinary control over a motor 44986
vehicle while operating the vehicle upon the highways, except that 44987
a restricted license ~~effective for six months~~ may be issued to any 44988
person otherwise qualified who is or has been subject to any 44989
condition resulting in episodic impairment of consciousness or 44990
loss of muscular control and whose condition, in the opinion of 44991
the registrar, is dormant or is sufficiently under medical control 44992
that the person is capable of exercising reasonable and ordinary 44993
control over a motor vehicle. A restricted license ~~effective for~~ 44994
~~six months~~ shall be issued to any person who otherwise is 44995
qualified and who is subject to any condition that causes episodic 44996
impairment of consciousness or a loss of muscular control if the 44997
person presents a statement from a licensed physician that the 44998
person's condition is under effective medical control and the 44999
period of time for which the control has been continuously 45000
maintained, unless, thereafter, a medical examination is ordered 45001
and, pursuant thereto, cause for denial is found. 45002

A person to whom a ~~six month~~ restricted license has been 45003
issued shall give notice of the person's medical condition to the 45004
registrar on forms provided by the registrar and signed by the 45005
licensee's physician at intervals required by the registrar. The 45006
~~notice shall be sent to the registrar six months after the~~ 45007
~~issuance of the license. Subsequent restricted licenses issued to~~ 45008
~~the same individual shall be effective for six months~~ determine 45009
the validity period of a restricted license. 45010

(4) Any person who is unable to understand highway warnings 45011
or traffic signs or directions given in the English language; 45012

(5) Any person making an application whose driver's license 45013
or driving privileges are under cancellation, revocation, or 45014
suspension in the jurisdiction where issued or any other 45015
jurisdiction, until the expiration of one year after the license 45016

was canceled or revoked or until the period of suspension ends. 45017
Any person whose application is denied under this division may 45018
file a petition in the municipal court or county court in whose 45019
jurisdiction the person resides agreeing to pay the cost of the 45020
proceedings and alleging that the conduct involved in the offense 45021
that resulted in suspension, cancellation, or revocation in the 45022
foreign jurisdiction would not have resulted in a suspension, 45023
cancellation, or revocation had the offense occurred in this 45024
state. If the petition is granted, the petitioner shall notify the 45025
registrar by a certified copy of the court's findings and a 45026
license shall not be denied under this division. 45027

(6) Any person who is under a class one or two suspension 45028
imposed for a violation of section 2903.01, 2903.02, 2903.04, 45029
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 45030
Code or whose driver's or commercial driver's license or permit 45031
was permanently revoked prior to January 1, 2004, for a 45032
substantially equivalent violation pursuant to section 4507.16 of 45033
the Revised Code; 45034

(7) Any person who is not a resident or temporary resident of 45035
this state. 45036

(E) No person whose driver's license or permit has been 45037
suspended under Chapter 4510. of the Revised Code or any other 45038
provision of the Revised Code shall have driving privileges 45039
reinstated if the registrar determines that a warrant has been 45040
issued in this state or any other state for the person's arrest 45041
and that warrant is an active warrant. 45042

Sec. 4507.09. ~~(A)~~(A)(1) Except as provided in division (B) of 45043
this section, every driver's license issued to a resident of this 45044
state expires on the birthday of the applicant in the fourth or 45045
eighth year after the date it is issued, based on the period of 45046
renewal requested by the applicant. A ~~person~~ resident who is 45047

sixty-five years of age or older may only apply for a driver's license that expires on the birthday of the applicant in the fourth year after the date it is issued. ~~Every driver's license issued to a temporary resident expires in accordance with rules adopted by the registrar of motor vehicles.~~ In no event shall any license be issued for a period longer than eight years and ninety days.

Subject to the requirements of section 4507.12 of the Revised Code, every driver's license issued to a resident is renewable at any time prior to its expiration ~~and any license of a temporary resident is nonrenewable. A nonrenewable~~

(2) A driver's license issued to a temporary resident shall expire in accordance with rules adopted by the registrar of motor vehicles. A driver's license issued to a temporary resident is a limited term license, but may be ~~replaced with a new license renewed~~ within ninety days prior to its expiration in accordance with division (E) of this section. ~~No~~

(3) No refund shall be made or credit given for the unexpired portion of the driver's license that is renewed. The registrar ~~of motor vehicles~~ shall notify each person whose driver's license has expired within forty-five days after the date of expiration. Notification shall be made by regular mail sent to the person's last known address as shown in the records of the bureau of motor vehicles. Failure to provide such notification shall not be construed as a renewal or extension of any license. ~~For~~

(4) For the purposes of this section, the date of birth of any applicant born on the twenty-ninth day of February shall be deemed to be the first day of March in any year in which there is no twenty-ninth day of February.

(B) Every driver's license or renewal of a driver's license issued to ~~an~~ a resident applicant who is sixteen years of age or

older, but less than twenty-one years of age, expires on the 45079
twenty-first birthday of the applicant, except that an applicant 45080
who applies no more than thirty days before the applicant's 45081
twenty-first birthday shall be issued a license in accordance with 45082
division (A) of this section. 45083

(C) Each person licensed as a driver under this chapter shall 45084
notify the registrar of any change in the person's address within 45085
ten days following that change. The notification shall be in 45086
writing on a form provided by the registrar and shall include the 45087
full name, date of birth, license number, county of residence, 45088
social security number, and new address of the person. 45089

(D) No driver's license shall be renewed when renewal is 45090
prohibited by division (A) of section 4507.091 of the Revised 45091
Code. 45092

~~(E) A nonrenewable~~ (E)(1) Except as provided in division 45093
(E)(2) of this section, a limited term license shall not be issued 45094
to a temporary resident for a period longer than the expiration 45095
date of the temporary resident's authorized stay in the United 45096
States, or for four years from the date of issuance, whichever 45097
date is earliest. 45098

(2) If there is no expiration date for a temporary resident's 45099
authorized stay in the United States, a limited term license shall 45100
not be issued to the temporary resident for a period longer than 45101
one year from the date of issuance. 45102

(3) A limited term license may be replaced with a new license 45103
renewed within ninety days prior to its expiration upon the 45104
applicant's presentation of documentation verifying the 45105
applicant's legal presence or continued temporary lawful status in 45106
the United States. ~~A nonrenewable license expires on the same date~~ 45107
~~listed on the legal presence documentation, or on the same date in~~ 45108
~~the fourth year after the date the nonrenewable license is issued,~~ 45109

~~whichever comes first.~~ 45110

(3) A nonrenewable limited term license is not transferable, 45111
and the applicant may not rely on it to obtain a driver's license 45112
in another state. 45113

(4) In accordance with Chapter 119. of the Revised Code, the 45114
registrar ~~of motor vehicles~~ shall adopt rules governing 45115
~~nonrenewable limited term~~ licenses for temporary residents. ~~At a~~ 45116
~~minimum, the rules shall include provisions specifying all of the~~ 45117
~~following:~~ 45118

~~(1) That no nonrenewable license may extend beyond the~~ 45119
~~duration of the applicant's temporary residence in this state;~~ 45120

~~(2) That no nonrenewable license may be replaced by a new~~ 45121
~~license unless the applicant provides acceptable documentation of~~ 45122
~~the person's identity and of the applicant's continued temporary~~ 45123
~~residence in this state;~~ 45124

~~(3) That no nonrenewable license is valid to apply for a~~ 45125
~~driver's license in any other state;~~ 45126

~~(4) That every nonrenewable license may contain any security~~ 45127
~~features that the registrar prescribes.~~ 45128

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 45129
issue a driver's license to every person licensed as an operator 45130
of motor vehicles other than commercial motor vehicles. No person 45131
licensed as a commercial motor vehicle driver under Chapter 4506. 45132
of the Revised Code need procure a driver's license, but no person 45133
shall drive any commercial motor vehicle unless licensed as a 45134
commercial motor vehicle driver. 45135

(2) Every driver's license shall display all of the following 45136
information: 45137

(a) The distinguishing number assigned to the licensee; i 45138

(b) The licensee's name and date of birth;	45139
(c) The licensee's residence address and county of residence;	45140
(d) A color photograph of the licensee;	45141
(e) A brief description of the licensee for the purpose of identification;	45142 45143
(f) A facsimile of the signature of the licensee as it appears on the application for the license;	45144 45145
(g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject;	45146 45147 45148
(h) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	45149 45150 45151 45152 45153 45154 45155
(i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;	45156 45157 45158 45159 45160 45161 45162
(j) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen;	45163 45164
(k) Any additional information that the registrar requires by rule.	45165 45166
(3) No license shall display the licensee's social security number unless the licensee specifically requests that the	45167 45168

licensee's social security number be displayed on the license. If 45169
federal law requires the licensee's social security number to be 45170
displayed on the license, the social security number shall be 45171
displayed on the license notwithstanding this section. 45172

(4) The driver's license for licensees under twenty-one years 45173
of age shall have characteristics prescribed by the registrar 45174
distinguishing it from that issued to a licensee who is twenty-one 45175
years of age or older, except that a driver's license issued to a 45176
person who applies no more than thirty days before the applicant's 45177
twenty-first birthday shall have the characteristics of a license 45178
issued to a person who is twenty-one years of age or older. 45179

(5) The ~~driver's~~ limited term license issued to a temporary 45180
resident shall contain the word "~~nonrenewable~~" "limited term" and 45181
shall have any additional characteristics prescribed by the 45182
registrar distinguishing it from a license issued to a resident. 45183

(6) Every driver's or commercial driver's license displaying 45184
a motorcycle operator's endorsement and every restricted license 45185
to operate a motor vehicle also shall display the designation 45186
"novice," if the endorsement or license is issued to a person who 45187
is eighteen years of age or older and previously has not been 45188
licensed to operate a motorcycle by this state or another 45189
jurisdiction recognized by this state. The "novice" designation 45190
shall be effective for one year after the date of issuance of the 45191
motorcycle operator's endorsement or license. 45192

(7) Each license issued under this section shall be of such 45193
material and so designed as to prevent its reproduction or 45194
alteration without ready detection. 45195

(B) Except in regard to a driver's license issued to a person 45196
who applies no more than thirty days before the applicant's 45197
twenty-first birthday, neither the registrar nor any deputy 45198
registrar shall issue a driver's license to anyone under 45199

twenty-one years of age that does not have the characteristics 45200
prescribed by the registrar distinguishing it from the driver's 45201
license issued to persons who are twenty-one years of age or 45202
older. 45203

(C) The registrar shall ensure that driver's licenses issued 45204
in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et 45205
seq., comply with the regulations specified in 6 C.F.R. part 37. 45206

(D) Whoever violates division (B) of this section is guilty 45207
of a minor misdemeanor. 45208

Sec. 4507.18. (A) The registrar of motor vehicles shall 45209
permit all of the following to renew a driver's license or 45210
motorcycle operator's endorsement issued by this state by 45211
electronic means: 45212

(1) Any person who is on active duty in the armed forces of 45213
the United States who is stationed outside of this state; 45214

(2) The spouse of a person described in division (A)(1) of 45215
this section who is also outside of this state; 45216

(3) The dependents of a person described in division (A)(1) 45217
of this section who are also outside of this state. 45218

(B) The registrar shall require all of the following: 45219

(1) That the applicant provide a digital copy of the 45220
applicant's military identification card or military dependent 45221
identification card; 45222

(2) That any spouse or dependent applicant provide a digital 45223
copy of a form provided by the registrar demonstrating that the 45224
applicant received and passed a vision examination in accordance 45225
with the vision requirements under section 4507.12 of the Revised 45226
Code; 45227

(3) That the applicant provide a digital copy of a current 45228

two inch by two inch ~~color~~ passport quality photograph with a 45229
white background to be used as the applicant's new driver's 45230
license or motorcycle operator's endorsement photograph; 45231

(4) That the applicant provide a digital copy of any 45232
identification documents and supporting documents as required by 45233
statute or administrative rule to comply with current state and 45234
federal requirements. 45235

(C) The registrar shall make it possible for applicants to 45236
upload and send by electronic means all required copies of 45237
supporting documents and photographs for a driver's license or 45238
motorcycle operator's endorsement renewal under this section. 45239

(D)(1) This section does not impact a person's ability to use 45240
the exemption from the license requirements available under 45241
division (B) of section 4507.03 of the Revised Code. 45242

(2) This section does not prevent a person who is permitted 45243
to renew a driver's license or motorcycle operator's endorsement 45244
by electronic means under this section from making an application, 45245
as provided in section 4507.10 of the Revised Code, in person at a 45246
deputy ~~registrar~~ registrar's office. 45247

(E) The registrar shall adopt rules under Chapter 119. of the 45248
Revised Code to implement and administer this section. 45249

Sec. 4507.50. (A)(1) The registrar of motor vehicles or a 45250
deputy registrar shall issue an identification card to a person 45251
when all of the following apply: 45252

(a) The registrar or deputy registrar receives an application 45253
completed in accordance with section 4507.51 of the Revised Code 45254
and, if the person is under seventeen years of age, payment of the 45255
applicable fees. 45256

(b) The person is a resident or a temporary resident of this 45257
state. 45258

(c) The person is not licensed as an operator of a motor vehicle in this state or another licensing jurisdiction. 45259
45260

(d) The person does not hold an identification card from another jurisdiction. 45261
45262

(2)(a) The registrar of motor vehicles or a deputy registrar may issue a temporary identification card when all of the following apply: 45263
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(i) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and payment of the applicable fees. 45266
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(ii) The person is a resident or temporary resident of this state. 45269
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(iii) The person's Ohio driver's or commercial driver's license has been suspended or canceled. 45271
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(iv) The person does not hold an identification card from another jurisdiction. 45273
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(b) The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid ~~during the effective dates of the suspension or cancellation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter~~ for a temporary period. The temporary period shall be in accordance with the expiration dates specified in section 4507.501 of the Revised Code. 45275
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(c) The cardholder shall surrender the temporary identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued. 45284
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(B)(1) Except as provided in division (D) of this section, an 45288

applicant who is under seventeen years of age shall pay the 45289
following fees prior to issuance of an identification card or a 45290
temporary identification card: 45291

(a) A fee of three dollars and fifty cents if the card will 45292
expire on the applicant's birthday four years after the date of 45293
issuance or a fee of six dollars if the card will expire on the 45294
applicant's birthday eight years after the date of issuance; 45295

(b) A fee equal to the amount established under section 45296
4503.038 of the Revised Code if the card will expire on the 45297
applicant's birthday four years after the date of issuance or 45298
twice that amount if the card will expire on the applicant's 45299
birthday eight years after the date of issuance; 45300

(c) A fee of one dollar and fifty cents if the card will 45301
expire on the applicant's birthday four years after the date of 45302
issuance or three dollars if the card will expire on the 45303
applicant's birthday eight years after the date of issuance, for 45304
the authentication of the documents required for processing an 45305
identification card or temporary identification card. A deputy 45306
registrar that authenticates the required documents shall retain 45307
the entire amount of the fee. 45308

(2) The fees collected for issuing an identification card 45309
under this section, except for any fees allowed to the deputy 45310
registrar, shall be paid into the state treasury to the credit of 45311
the public safety - highway purposes fund created in section 45312
4501.06 of the Revised Code. 45313

(C) A person seventeen years of age or older may apply to the 45314
registrar or a deputy registrar for the issuance to that person of 45315
an identification card or a temporary identification card under 45316
this section without payment of any fee prescribed in division (B) 45317
of this section. 45318

(D) A resident who is ~~eligible for an identification card~~ 45319

~~with an expiration date that is in accordance with division~~ 45320
~~(A)(8)(b) of section 4507.52 of the Revised Code permanently or~~ 45321
~~irreversibly disabled~~ and who is under seventeen years of age may 45322
apply to the registrar or a deputy registrar for the issuance of 45323
an identification card under this section without payment of any 45324
fee as prescribed in division (B) of this section. As used in this 45325
section, "permanently or irreversibly disabled" means a condition 45326
of disability from which there is no present indication of 45327
recovery. 45328

An application made under division (D) of this section shall 45329
be accompanied by such documentary evidence of disability as the 45330
registrar may require by rule. 45331

Sec. 4507.501. (A) An identification card issued to a 45332
resident shall expire, unless canceled or surrendered earlier, on 45333
the birthday of the cardholder in the fourth or the eighth year 45334
after the date on which it is issued, based on the period of 45335
renewal requested by the applicant. 45336

(B) A temporary identification card issued to a resident 45337
shall expire on the earliest of the following dates: 45338

(1) After the effective dates of the suspension or 45339
cancellation of the cardholder's driver's or commercial driver's 45340
license; 45341

(2) The birthday of the cardholder in the fourth year after 45342
the date on which it is issued. 45343

(C)(1) Subject to rules adopted under division (D) of this 45344
section, a limited term identification card issued to a temporary 45345
resident who has a definite expiration date for the resident's 45346
authorized stay in the United States shall expire on the earliest 45347
of the following dates: 45348

(a) The expiration date of the applicant's authorized stay in 45349

the United States; 45350

(b) Four years from the date of issuance. 45351

(2) Subject to rules adopted under division (D) of this 45352
section, a limited term identification card issued to a temporary 45353
resident who has no expiration date for the applicant's authorized 45354
stay in the United States shall expire one year from the date of 45355
issuance. 45356

(D) The registrar of motor vehicles shall adopt rules in 45357
accordance with Chapter 119. of the Revised Code governing limited 45358
term identification cards for temporary residents and limited term 45359
temporary identification cards for temporary residents. 45360

(E) A cardholder may renew the cardholder's identification 45361
card within ninety days prior to the day on which it expires by 45362
filing an application and paying the prescribed fee, if required, 45363
in accordance with section 4507.50 of the Revised Code. A limited 45364
term identification card or limited term temporary identification 45365
card may only be renewed upon verification of the applicant's 45366
continued temporary lawful status in the United States and the 45367
applicant's compliance with any other applicable requirements. 45368

Sec. 4507.51. (A)(1) Every application for an identification 45369
card or duplicate shall be made on a form furnished or in a manner 45370
specified by the registrar of motor vehicles, shall be signed by 45371
the applicant, and by the applicant's parent or guardian if the 45372
applicant is under eighteen years of age, and shall contain the 45373
following information pertaining to the applicant: name, date of 45374
birth, sex, general description including the applicant's height, 45375
weight, hair color, and eye color, address, country of 45376
citizenship, and social security number. The application also 45377
shall include, for an applicant who has not already certified the 45378
applicant's willingness to make an anatomical gift under section 45379
2108.05 of the Revised Code, whether the applicant wishes to 45380

certify willingness to make such an anatomical gift and shall 45381
include information about the requirements of sections 2108.01 to 45382
2108.29 of the Revised Code that apply to persons who are less 45383
than eighteen years of age. The statement regarding willingness to 45384
make such a donation shall be given no consideration in the 45385
decision of whether to issue an identification card. Each 45386
applicant applying in person at a deputy registrar office shall be 45387
photographed ~~in color~~ at the time of making application. 45388

(2)(a) The application also shall state whether the applicant 45389
has executed a valid durable power of attorney for health care 45390
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 45391
executed a declaration governing the use or continuation, or the 45392
withholding or withdrawal, of life-sustaining treatment pursuant 45393
to sections 2133.01 to 2133.15 of the Revised Code and, if the 45394
applicant has executed either type of instrument, whether the 45395
applicant wishes the identification card issued to indicate that 45396
the applicant has executed the instrument. 45397

(b) The application also shall state whether the applicant is 45398
a veteran, active duty, or reservist of the armed forces of the 45399
United States and, if the applicant is such, whether the applicant 45400
wishes the identification card issued to indicate that the 45401
applicant is a veteran, active duty, or reservist of the armed 45402
forces of the United States by a military designation on the 45403
identification card. 45404

(3) The registrar or deputy registrar, in accordance with 45405
section 3503.11 of the Revised Code, shall register as an elector 45406
any person who applies for an identification card or duplicate if 45407
the applicant is eligible and wishes to be registered as an 45408
elector. The decision of an applicant whether to register as an 45409
elector shall be given no consideration in the decision of whether 45410
to issue the applicant an identification card or duplicate. 45411

(B) Except as provided in section 4507.061 of the Revised Code, the application for an identification card or duplicate shall be filed in the office of the registrar or deputy registrar. Each applicant shall present documentary evidence as required by the registrar of the applicant's age and identity, and the applicant shall swear that all information given is true. An identification card issued by the department of rehabilitation and correction under section 5120.59 of the Revised Code or an identification card issued by the department of youth services under section 5139.511 of the Revised Code shall be sufficient documentary evidence under this division upon verification of the applicant's social security number by the registrar or a deputy registrar. Upon issuing an identification card under this section for a person who has been issued an identification card under section 5120.59 or section 5139.511 of the Revised Code, the registrar or deputy registrar shall destroy the identification card issued under section 5120.59 or section 5139.511 of the Revised Code.

All applications for an identification card or duplicate under this section shall be filed in duplicate, and if submitted to a deputy registrar, a copy shall be forwarded to the registrar. The registrar shall prescribe rules for the manner in which a deputy registrar is to file and maintain applications and other records. The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

(C) In addition to any other information it contains, the form furnished by the registrar of motor vehicles for an application for an identification card or duplicate shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the card or duplicate indicate that the applicant is an honorably discharged veteran of the armed forces of the United

States based on a request made pursuant to division (A)(2)(b) of 45444
this section. 45445

Sec. 4507.52. (A)(1) Each identification card issued by the 45446
registrar of motor vehicles or a deputy registrar shall display a 45447
distinguishing number assigned to the cardholder, and shall 45448
display the following inscription: 45449

"STATE OF OHIO IDENTIFICATION CARD 45450

This card is not valid for the purpose of operating a motor 45451
vehicle. It is provided solely for the purpose of establishing the 45452
identity of the bearer described on the card, ~~who currently is not~~ 45453
~~licensed to operate a motor vehicle in the state of Ohio.~~ 45454

(2) The identification card shall display substantially the 45455
same information as contained in the application and as described 45456
in division (A)(1) of section 4507.51 of the Revised Code, 45457
including, if the cardholder is a noncitizen of the United States, 45458
a notation designating that the cardholder is a noncitizen. The 45459
identification card shall not display the cardholder's social 45460
security number unless the cardholder specifically requests that 45461
the cardholder's social security number be displayed on the card. 45462
If federal law requires the cardholder's social security number to 45463
be displayed on the identification card, the social security 45464
number shall be displayed on the card notwithstanding this 45465
section. 45466

(3) The identification card also shall display the ~~eeler~~ 45467
photograph of the cardholder. 45468

(4) If the cardholder has executed a durable power of 45469
attorney for health care or a declaration governing the use or 45470
continuation, or the withholding or withdrawal, of life-sustaining 45471
treatment and has specified that the cardholder wishes the 45472
identification card to indicate that the cardholder has executed 45473
either type of instrument, the card also shall display any symbol 45474

chosen by the registrar to indicate that the cardholder has 45475
executed either type of instrument. 45476

(5) If the cardholder has specified that the cardholder 45477
wishes the identification card to indicate that the cardholder is 45478
a veteran, active duty, or reservist of the armed forces of the 45479
United States and has presented a copy of the cardholder's DD-214 45480
form or an equivalent document, the card also shall display any 45481
symbol chosen by the registrar to indicate that the cardholder is 45482
a veteran, active duty, or reservist of the armed forces of the 45483
United States. 45484

(6) The card shall be designed as to prevent its reproduction 45485
or alteration without ready detection. 45486

(7) The identification card for persons under twenty-one 45487
years of age shall have characteristics prescribed by the 45488
registrar distinguishing it from that issued to a person who is 45489
twenty-one years of age or older, except that an identification 45490
card issued to a person who applies no more than thirty days 45491
before the applicant's twenty-first birthday shall have the 45492
characteristics of an identification card issued to a person who 45493
is twenty-one years of age or older. 45494

~~(8)(a) Except as provided in division (A)(8)(b) of this 45495
section, every (8) Every identification card issued to a resident 45496
of this state shall expire, unless canceled or surrendered 45497
earlier, on the birthday of the cardholder in the fourth or the 45498
eighth year after the date on which it is issued, based on the 45499
period of renewal requested by the applicant display the 45500
expiration date of the card, in accordance with section 4507.501
of the Revised Code. 45502~~

~~(b) Upon request, the registrar or a deputy registrar shall 45503
issue an identification card to a resident of this state who is 45504
permanently or irreversibly disabled that shall expire, unless 45505~~

~~canceled or surrendered earlier, on the birthday of the cardholder 45506
in the eighth year after the date on which it is issued. The 45507
registrar shall issue a reminder notice to a cardholder, at the 45508
last known address of the cardholder, six months before the 45509
identification card is scheduled to expire. The registrar shall 45510
adopt rules governing the documentation a cardholder shall submit 45511
to certify that the cardholder is permanently or irreversibly 45512
disabled. 45513~~

~~As used in this section, "permanently or irreversibly 45514
disabled" means a condition of disability from which there is no 45515
present indication of recovery. 45516~~

~~(e)(9) Every identification card issued to a temporary 45517
resident shall expire in accordance with section 4507.501 of the 45518
Revised Code and rules adopted by the registrar and is 45519
nonrenewable, but may be replaced with a new identification card 45520
upon the applicant's compliance with all applicable requirements 45521
limited term. Every limited term identification card and limited 45522
term temporary identification card shall contain the words 45523
"limited term" and shall have any additional characteristics 45524
prescribed by the registrar distinguishing it from an 45525
identification card issued to a resident. 45526~~

~~(9) A cardholder may renew the cardholder's identification 45527
card within ninety days prior to the day on which it expires by 45528
filing an application and paying the prescribed fee, if required, 45529
in accordance with section 4507.50 of the Revised Code. 45530~~

~~(10) If a cardholder applies for a driver's or commercial 45531
driver's license in this state or another licensing jurisdiction, 45532
the cardholder shall surrender the cardholder's identification 45533
card to the registrar or any deputy registrar before the license 45534
is issued. 45535~~

(B)(1) If a card is lost, destroyed, or mutilated, the person 45536

to whom the card was issued may obtain a duplicate by doing both 45537
of the following: 45538

(a) Furnishing suitable proof of the loss, destruction, or 45539
mutilation to the registrar or a deputy registrar; 45540

(b) Filing an application and presenting documentary evidence 45541
under section 4507.51 of the Revised Code. 45542

(2) A cardholder may apply to obtain a reprint of the 45543
cardholder's identification card through electronic means in 45544
accordance with section 4507.40 of the Revised Code. 45545

~~(3) Any person who loses a card and, after obtaining a 45546
duplicate or reprint, finds the original, immediately shall 45547
surrender the original to the registrar or a deputy registrar. 45548~~

~~(4) A cardholder may obtain a replacement identification card 45549
that reflects any change of the cardholder's name by furnishing 45550
suitable proof of the change to the registrar or a deputy 45551
registrar and surrendering the cardholder's existing card. 45552~~

~~(5)(4) Except as provided in division (A)(6)(B)(5) or (7)(6) 45553
of this section, when a cardholder applies for a duplicate, 45554
reprint, or replacement identification card, the cardholder shall 45555
pay the following fees: 45556~~

~~(a) Two dollars and fifty cents; 45557~~

~~(b) A deputy registrar or service fee equal to the amount 45558
established under section 4503.038 of the Revised Code. 45559~~

~~(6)(5) The following cardholders may apply for a duplicate, 45560
reprint, or replacement identification card without payment of any 45561
fee prescribed in division (B)(5)(B)(4) of this section: 45562~~

~~(a) A disabled veteran who has a service-connected disability 45563
rated at one hundred per cent by the veterans' administration; 45564~~

~~(b) A resident who is permanently or irreversibly disabled 45565
and who is unemployed. 45566~~

~~(7)(6)~~ A cardholder who is seventeen years of age or older 45567
may apply for a replacement identification card without payment of 45568
any fee prescribed in division ~~(B)(5)(B)(4)~~ of this section. 45569

~~(8)(7)~~ A duplicate, reprint, or replacement identification 45570
card expires on the same date as the card it replaces. 45571

(C) The registrar shall cancel any card upon determining that 45572
the card was obtained unlawfully, issued in error, or was altered. 45573
~~The registrar also shall cancel any card that is surrendered to 45574
the registrar or to a deputy registrar after the holder has 45575
obtained a duplicate, reprint, replacement, or driver's or 45576
commercial driver's license. 45577~~

(D)(1) No agent of the state or its political subdivisions 45578
shall condition the granting of any benefit, service, right, or 45579
privilege upon the possession by any person of an identification 45580
card. Nothing in this section shall preclude any publicly operated 45581
or franchised transit system from using an identification card for 45582
the purpose of granting benefits or services of the system. 45583

(2) No person shall be required to apply for, carry, or 45584
possess an identification card. 45585

(E) Except in regard to an identification card issued to a 45586
person who applies no more than thirty days before the applicant's 45587
twenty-first birthday, neither the registrar nor any deputy 45588
registrar shall issue an identification card to a person under 45589
twenty-one years of age that does not have the characteristics 45590
prescribed by the registrar distinguishing it from the 45591
identification card issued to persons who are twenty-one years of 45592
age or older. 45593

(F) The registrar shall ensure that identification cards 45594
issued in accordance with the federal "Real ID Act," 49 U.S.C. 45595
30301, et seq., comply with the regulations specified in 6 C.F.R. 45596
part 37. 45597

(G) Whoever violates division (E) of this section is guilty 45598
of a minor misdemeanor. 45599

Sec. 4508.06. (A) The director of public safety may refuse to 45600
issue, or may suspend or revoke, a license or may impose a fine of 45601
not more than ten thousand dollars per occurrence in any case in 45602
which the director finds the applicant or licensee has violated 45603
any of the provisions of this chapter, or any of the rules adopted 45604
by the director, or has failed to pay a fine imposed under this 45605
division. No person whose license has been suspended or revoked 45606
under this section shall fail to return the license to the 45607
director. 45608

(B) In addition to the reasons for a suspension under 45609
division (A) of this section, the director may suspend a driver 45610
training instructor license without a prior hearing if the 45611
director believes there exists clear and convincing evidence of 45612
any of the following: 45613

(1) The license holder has engaged in conduct that presents a 45614
clear and present danger to a student or students. 45615

(2) The license holder has engaged in inappropriate contact 45616
with a student. "Inappropriate contact" means any of the 45617
following: 45618

(a) Causing or attempting to cause "physical harm," as 45619
defined in division (A)(3) of section 2901.01 of the Revised Code; 45620

(b) "Sexual activity," as defined in division (C) of section 45621
2907.01 of the Revised Code; 45622

(c) Engaging in any communication, either directly or through 45623
"telecommunication," as defined in division (X) of section 2913.01 45624
of the Revised Code, that is of a sexual nature or intended to 45625
abuse, threaten, or harass the student. 45626

(3) The license holder has been convicted of a felony, or a 45627

misdemeanor that directly relates to the fitness of that person to provide driving instruction. 45628
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(C) In addition to the reasons for a suspension under division (A) of this section, the director may suspend a driver training school license without a prior hearing if the director believes there exists clear and convincing evidence of any of the following: 45630
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(1) There exists a clear and present danger to the health, safety, or welfare of students should the school be permitted to continue operation. 45635
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(2) At the time the contract for training was signed, there was no intention to provide training, or no ability to provide training to students. 45638
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(3) Any school official knowingly allowed inappropriate contact, as defined in division (B)(2) of this section, between instructors and students. 45641
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(D) Immediately following a decision to impose a suspension without a prior hearing under division (B) or (C) of this section, the director, in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code, shall issue a written order of suspension, cause it to be ~~delivered to~~ served on the license holder, and notify the license holder of the opportunity for a hearing. If timely requested by the license holder, a hearing shall be conducted in accordance with Chapter 119. of the Revised Code. 45644
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(E) The director shall deposit all fines collected under division (A) of this section into the state treasury to the credit of the public safety - highway purposes fund created by section 4501.06 of the Revised Code. 45653
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(F) Whoever fails to return a license that has been suspended or revoked under division (A), (B), or (C) of this section is 45657
45658

guilty of failing to return a suspended or revoked license, a 45659
minor misdemeanor or, on a second or subsequent offense within two 45660
years after the first offense, a misdemeanor of the fourth degree. 45661

Sec. 4510.43. (A)(1) The director of public safety, upon 45662
consultation with the director of health and in accordance with 45663
Chapter 119. of the Revised Code, shall certify immobilizing and 45664
disabling devices and, subject to section 4510.45 of the Revised 45665
Code, shall publish and make available to the courts, without 45666
charge, a list of licensed manufacturers of ignition interlock 45667
devices and approved devices together with information about the 45668
manufacturers of the devices and where they may be obtained. The 45669
manufacturer of an immobilizing or disabling device shall pay the 45670
cost of obtaining the certification of the device to the director 45671
of public safety, and the director shall deposit the payment in 45672
the state indigent drivers alcohol treatment fund established by 45673
section 4511.191 of the Revised Code. 45674

(2) The director of public safety, in accordance with Chapter 45675
119. of the Revised Code, shall adopt and publish rules setting 45676
forth the requirements for obtaining the certification of an 45677
immobilizing or disabling device. The director of public safety 45678
shall not certify an immobilizing or disabling device under this 45679
section unless it meets the requirements specified and published 45680
by the director in the rules adopted pursuant to this division. A 45681
certified device may consist of an ignition interlock device, an 45682
ignition blocking device initiated by time or magnetic or 45683
electronic encoding, an activity monitor, or any other device that 45684
reasonably assures compliance with an order granting limited 45685
driving privileges. Ignition interlock devices shall be certified 45686
annually. 45687

The requirements for an immobilizing or disabling device that 45688
is an ignition interlock device shall require that the 45689

manufacturer of the device submit to the department of public safety a certificate from an independent testing laboratory indicating that the device meets or exceeds the standards of the national highway traffic safety administration, as defined in section 4511.19 of the Revised Code, that are in effect at the time of the director's decision regarding certification of the device, shall include provisions for setting a minimum and maximum calibration range, and shall include, but shall not be limited to, specifications that the device complies with all of the following:

- (a) It does not impede the safe operation of the vehicle.
- (b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle, and the features are operating and functioning.
- (c) It correlates well with established measures of alcohol impairment.
- (d) It works accurately and reliably in an unsupervised environment.
- (e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.
- (f) It is difficult to circumvent and requires premeditation to do so.
- (g) It minimizes inconvenience to a sober user.
- (h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.
- (i) It operates reliably over the range of automobile environments.
- (j) It is made by a manufacturer who is covered by product liability insurance.
- (k) Beginning January 1, 2020, it is equipped with a camera.

(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices.

(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability.

(5) The director of public safety shall establish a certificate of installation that a manufacturer of immobilizing or disabling devices shall sign and provide to a person upon the completion of the installation of such a device on the person's motor vehicle. The director also shall adopt rules in accordance with Chapter 119. of the Revised Code that govern procedures for confirming and inspecting the installation of immobilizing or disabling devices.

(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, a violation of a municipal OVI ordinance, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding

the effectiveness of the prototype device and the program. 45752

(C) If a person has been granted limited or unlimited driving 45753
privileges with a condition of the privileges being that the motor 45754
vehicle that is operated under the privileges must be equipped 45755
with an immobilizing or disabling device, the person may operate a 45756
motor vehicle that is owned by the person's employer only if the 45757
person is required to operate that motor vehicle in the course and 45758
scope of the offender's employment. Such a person may operate that 45759
vehicle without the installation of an immobilizing or disabling 45760
device, provided that the employer has been notified that the 45761
person has limited driving privileges and of the nature of the 45762
restriction and further provided that the person has proof of the 45763
employer's notification in the person's possession while operating 45764
the employer's vehicle for normal business duties. A motor vehicle 45765
owned by a business that is partly or entirely owned or controlled 45766
by a person with limited driving privileges is not a motor vehicle 45767
owned by an employer, for purposes of this division. 45768

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock 45769
devices that desires for its devices to be certified under section 45770
4510.43 of the Revised Code and then to be included on the list of 45771
certified devices that the department of public safety compiles 45772
and makes available to courts pursuant to that section first shall 45773
obtain a license from the department under this section. The 45774
department, in accordance with Chapter 119. of the Revised Code, 45775
shall adopt any rules that are necessary to implement this 45776
licensing requirement. 45777

(2) A manufacturer shall apply to the department for the 45778
license and shall include all information the department may 45779
require by rule. Each application, including an application for 45780
license renewal, shall be accompanied by an application fee of one 45781
hundred dollars, which the department shall deposit into the state 45782

treasury to the credit of the state indigent drivers alcohol 45783
treatment fund created by section 4511.191 of the Revised Code. 45784
Each application also shall be accompanied by a signed agreement, 45785
in a form established by the director, affirming that the 45786
manufacturer agrees to install and monitor all devices produced by 45787
that manufacturer and affirming that the manufacturer agrees to 45788
charge a reduced fee, established by the department, for the 45789
installation and monitoring of a device used by a person who is 45790
deemed to be an indigent offender by the court that granted 45791
limited or unlimited driving privileges to the offender subject to 45792
the condition that the offender use a certified ignition interlock 45793
device. 45794

(3) Upon receipt of a completed application, if the 45795
department finds that a manufacturer has complied with all 45796
application requirements, the department shall issue a license to 45797
the manufacturer. A manufacturer that has been issued a license 45798
under this section is eligible immediately to have the models of 45799
ignition interlock devices it produces certified under section 45800
4510.43 of the Revised Code and then included on the list of 45801
certified devices that the department compiles and makes available 45802
to courts pursuant to that section. 45803

(4)(a) A license issued under this section shall expire 45804
annually on a date selected by the department. The department 45805
shall reject the license application of a manufacturer if any of 45806
the following apply: 45807

(i) The application is not accompanied by the application fee 45808
or the required agreement. 45809

(ii) The department finds that the manufacturer has not 45810
complied with all application requirements. 45811

(iii) The license application is a renewal application and 45812
the manufacturer failed to file the annual report or failed to pay 45813

the fee as required by division (B) of this section. 45814

(iv) The license application is a renewal application and the 45815
manufacturer failed to monitor or report violations as required 45816
under section 4510.46 of the Revised Code. 45817

(b) The department may reject the license application of a 45818
manufacturer if the manufacturer has a history of failing to 45819
properly install immobilizing or disabling devices. 45820

(c) A manufacturer whose license application is rejected by 45821
the department may appeal the decision to the director of public 45822
safety. The director or the director's designee shall hold a 45823
hearing on the matter not more than thirty days from the date of 45824
the manufacturer's appeal. If the director or the director's 45825
designee upholds the denial of the manufacturer's application for 45826
a license, the manufacturer may appeal the decision to the 45827
Franklin county court of common pleas. If the director or the 45828
director's designee reverses the denial of the manufacturer's 45829
application for a license, the director or the director's designee 45830
shall issue a written order directing that the department issue a 45831
license to the manufacturer. 45832

(B) Every manufacturer of ignition interlock devices that is 45833
issued a license under this section shall file an annual report 45834
with the department on a form the department prescribes on or 45835
before a date the department prescribes. The annual report shall 45836
state the amount of net profit the manufacturer earned during a 45837
twelve-month period specified by the department that is 45838
attributable to the sales of that manufacturer's certified 45839
ignition interlock devices to purchasers in this state. Each 45840
manufacturer shall pay a fee equal to five per cent of the amount 45841
of the net profit described in this division. 45842

The department may permit annual reports to be filed via 45843
electronic means. 45844

(C) The department shall deposit all fees it receives from 45845
manufacturers under this section into the state treasury to the 45846
credit of the state indigent drivers alcohol treatment fund 45847
created by section 4511.191 of the Revised Code. All money so 45848
deposited into that fund that is paid by the department of mental 45849
health and addiction services to county indigent drivers alcohol 45850
treatment funds, county juvenile indigent drivers alcohol 45851
treatment funds, and municipal indigent drivers alcohol treatment 45852
funds shall be used only as described in division (H)(3) of 45853
section 4511.191 of the Revised Code. 45854

(D)(1) The director may make an assessment, based on any 45855
information in the director's possession, against any manufacturer 45856
that fails to file an annual report or pay the fee required by 45857
division (B) of this section. The director, in accordance with 45858
Chapter 119. of the Revised Code, shall adopt rules governing 45859
assessments and assessment procedures and related provisions. In 45860
adopting these rules, the director shall incorporate the 45861
provisions of section 5751.09 of the Revised Code to the greatest 45862
extent possible, except that the director is not required to 45863
incorporate any provisions of that section that by their nature 45864
are not applicable, appropriate, or necessary to assessments made 45865
by the director under this section. 45866

(2) A manufacturer may appeal the final determination of the 45867
director regarding an assessment made by the director under this 45868
section. The director, in accordance with Chapter 119. of the 45869
Revised Code, shall adopt rules governing such appeals. In 45870
adopting these rules, the director shall incorporate the 45871
provisions of section 5717.02 of the Revised Code to the greatest 45872
extent possible, except that the director is not required to 45873
incorporate any provisions of that section that by their nature 45874
are not applicable, appropriate, or necessary to appeals of 45875
assessments made by the director under this section. 45876

(E) The director, in accordance with Chapter 119. of the Revised Code, shall adopt a penalty schedule setting forth the monetary penalties to be imposed upon a manufacturer that is issued a license under this section and fails to file an annual report or pay the fee required by division (B) of this section in a timely manner. The penalty amounts shall not exceed the maximum penalty amounts established in section 5751.06 of the Revised Code for similar or equivalent facts or circumstances.

(F)(1) No manufacturer of ignition interlock devices that is required by division (B) of this section to file an annual report with the department or to pay a fee shall fail to do so as required by that division.

(2) No manufacturer of ignition interlock devices that is required by division (B) of this section to file an annual report with the department shall file a report that contains incorrect or erroneous information.

(G) Whoever violates division (F)(2) of this section is guilty of a misdemeanor of the first degree. The department shall remove from the list of certified devices described in division (A)(1) of this section the ignition interlock devices manufactured by a manufacturer that violates division (F)(1) or (2) of this section.

Sec. 4511.043. (A)(1) No law enforcement officer who stops the operator of a motor vehicle in the course of an authorized sobriety or other motor vehicle checkpoint operation or a motor vehicle safety inspection shall issue a ticket, citation, or summons for a secondary traffic offense unless in the course of the checkpoint operation or safety inspection the officer first determines that an offense other than a secondary traffic offense has occurred and either places the operator or a vehicle occupant under arrest or issues a ticket, citation, or summons to the

operator or a vehicle occupant for an offense other than a secondary offense.

(2) A law enforcement agency that operates a motor vehicle checkpoint for an express purpose related to a secondary traffic offense shall not issue a ticket, citation, or summons for any secondary traffic offense at such a checkpoint, but may use such a checkpoint operation to conduct a public awareness campaign and distribute information.

(B) As used in this section, "secondary traffic offense" means a violation of division ~~(A)~~ or (F)(2) of section 4507.05, division (B)(1)(a) or (b) ~~or (E)~~ of section 4507.071, division (A) of section 4511.204, ~~division (C) or (D) of section 4511.81, or~~ division (A)(3) of section 4513.03, ~~or division (B) of section 4513.263~~ of the Revised Code.

Sec. 4511.191. (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(c) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(d) "IDATF" means indigent drivers alcohol treatment fund.

(2) Any person who operates a vehicle, streetcar, or

trackless trolley upon a highway or any public or private property 45938
used by the public for vehicular travel or parking within this 45939
state or who is in physical control of a vehicle, streetcar, or 45940
trackless trolley shall be deemed to have given consent to a 45941
chemical test or tests of the person's whole blood, blood serum or 45942
plasma, breath, or urine to determine the alcohol, drug of abuse, 45943
controlled substance, metabolite of a controlled substance, or 45944
combination content of the person's whole blood, blood serum or 45945
plasma, breath, or urine if arrested for a violation of division 45946
(A) or (B) of section 4511.19 of the Revised Code, section 45947
4511.194 of the Revised Code or a substantially equivalent 45948
municipal ordinance, or a municipal OVI ordinance. 45949

(3) The chemical test or tests under division (A)(2) of this 45950
section shall be administered at the request of a law enforcement 45951
officer having reasonable grounds to believe the person was 45952
operating or in physical control of a vehicle, streetcar, or 45953
trackless trolley in violation of a division, section, or 45954
ordinance identified in division (A)(2) of this section. The law 45955
enforcement agency by which the officer is employed shall 45956
designate which of the tests shall be administered. 45957

(4) Any person who is dead or unconscious, or who otherwise 45958
is in a condition rendering the person incapable of refusal, shall 45959
be deemed to have consented as provided in division (A)(2) of this 45960
section, and the test or tests may be administered, subject to 45961
sections 313.12 to 313.16 of the Revised Code. 45962

(5)(a) If a law enforcement officer arrests a person for a 45963
violation of division (A) or (B) of section 4511.19 of the Revised 45964
Code, section 4511.194 of the Revised Code or a substantially 45965
equivalent municipal ordinance, or a municipal OVI ordinance and 45966
if the person if convicted would be required to be sentenced under 45967
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 45968
Code, the law enforcement officer shall request the person to 45969

submit, and the person shall submit, to a chemical test or tests 45970
of the person's whole blood, blood serum or plasma, breath, or 45971
urine for the purpose of determining the alcohol, drug of abuse, 45972
controlled substance, metabolite of a controlled substance, or 45973
combination content of the person's whole blood, blood serum or 45974
plasma, breath, or urine. A law enforcement officer who makes a 45975
request pursuant to this division that a person submit to a 45976
chemical test or tests is not required to advise the person of the 45977
consequences of submitting to, or refusing to submit to, the test 45978
or tests and is not required to give the person the form described 45979
in division (B) of section 4511.192 of the Revised Code, but the 45980
officer shall advise the person at the time of the arrest that if 45981
the person refuses to take a chemical test the officer may employ 45982
whatever reasonable means are necessary to ensure that the person 45983
submits to a chemical test of the person's whole blood or blood 45984
serum or plasma. The officer shall also advise the person at the 45985
time of the arrest that the person may have an independent 45986
chemical test taken at the person's own expense. Divisions (A)(3) 45987
and (4) of this section apply to the administration of a chemical 45988
test or tests pursuant to this division. 45989

(b) If a person refuses to submit to a chemical test upon a 45990
request made pursuant to division (A)(5)(a) of this section, the 45991
law enforcement officer who made the request may employ whatever 45992
reasonable means are necessary to ensure that the person submits 45993
to a chemical test of the person's whole blood or blood serum or 45994
plasma. A law enforcement officer who acts pursuant to this 45995
division to ensure that a person submits to a chemical test of the 45996
person's whole blood or blood serum or plasma is immune from 45997
criminal and civil liability based upon a claim for assault and 45998
battery or any other claim for the acts, unless the officer so 45999
acted with malicious purpose, in bad faith, or in a wanton or 46000
reckless manner. 46001

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical

test, had been convicted of or pleaded guilty to two violations of 46034
division (A) or (B) of section 4511.19 of the Revised Code or 46035
other equivalent offenses, or had refused one previous request to 46036
consent to a chemical test and also had been convicted of or 46037
pleaded guilty to one violation of division (A) or (B) of section 46038
4511.19 of the Revised Code or other equivalent offenses, which 46039
violation or offense arose from an incident other than the 46040
incident that led to the refusal, the suspension shall be a class 46041
A suspension imposed for the period of time specified in division 46042
(B)(1) of section 4510.02 of the Revised Code. 46043

(d) If the arrested person, within ten years of the date on 46044
which the person refused the request to consent to the chemical 46045
test, had refused three or more previous requests to consent to a 46046
chemical test, had been convicted of or pleaded guilty to three or 46047
more violations of division (A) or (B) of section 4511.19 of the 46048
Revised Code or other equivalent offenses, or had refused a number 46049
of previous requests to consent to a chemical test and also had 46050
been convicted of or pleaded guilty to a number of violations of 46051
division (A) or (B) of section 4511.19 of the Revised Code or 46052
other equivalent offenses that cumulatively total three or more 46053
such refusals, convictions, and guilty pleas, the suspension shall 46054
be for five years. 46055

(2) The registrar shall terminate a suspension of the 46056
driver's or commercial driver's license or permit of a resident or 46057
of the operating privilege of a nonresident, or a denial of a 46058
driver's or commercial driver's license or permit, imposed 46059
pursuant to division (B)(1) of this section upon receipt of notice 46060
that the person has entered a plea of guilty to, or that the 46061
person has been convicted after entering a plea of no contest to, 46062
operating a vehicle in violation of section 4511.19 of the Revised 46063
Code or in violation of a municipal OVI ordinance, if the offense 46064
for which the conviction is had or the plea is entered arose from 46065

the same incident that led to the suspension or denial. 46066

The registrar shall credit against any judicial suspension of 46067
a person's driver's or commercial driver's license or permit or 46068
nonresident operating privilege imposed pursuant to section 46069
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 46070
Revised Code for a violation of a municipal OVI ordinance, any 46071
time during which the person serves a related suspension imposed 46072
pursuant to division (B)(1) of this section. 46073

(C)(1) Upon receipt of the sworn report of the law 46074
enforcement officer who arrested a person for a violation of 46075
division (A) or (B) of section 4511.19 of the Revised Code or a 46076
municipal OVI ordinance that was completed and sent to the 46077
registrar and a court pursuant to section 4511.192 of the Revised 46078
Code in regard to a person whose test results indicate that the 46079
person's whole blood, blood serum or plasma, breath, or urine 46080
contained at least the concentration of alcohol specified in 46081
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 46082
Revised Code or at least the concentration of a listed controlled 46083
substance or a listed metabolite of a controlled substance 46084
specified in division (A)(1)(j) of section 4511.19 of the Revised 46085
Code, the registrar shall enter into the registrar's records the 46086
fact that the person's driver's or commercial driver's license or 46087
permit or nonresident operating privilege was suspended by the 46088
arresting officer under this division and section 4511.192 of the 46089
Revised Code and the period of the suspension, as determined under 46090
divisions (C)(1)(a) to (d) of this section. The suspension shall 46091
be subject to appeal as provided in section 4511.197 of the 46092
Revised Code. The suspension described in this division does not 46093
apply to, and shall not be imposed upon, a person arrested for a 46094
violation of section 4511.194 of the Revised Code or a 46095
substantially equivalent municipal ordinance who submits to a 46096
designated chemical test. The suspension shall be for whichever of 46097

the following periods applies: 46098

(a) Except when division (C)(1)(b), (c), or (d) of this 46099
section applies and specifies a different period, the suspension 46100
shall be a class E suspension imposed for the period of time 46101
specified in division (B)(5) of section 4510.02 of the Revised 46102
Code. 46103

(b) The suspension shall be a class C suspension for the 46104
period of time specified in division (B)(3) of section 4510.02 of 46105
the Revised Code if the person has been convicted of or pleaded 46106
guilty to, within ten years of the date the test was conducted, 46107
one violation of division (A) or (B) of section 4511.19 of the 46108
Revised Code or one other equivalent offense. 46109

(c) If, within ten years of the date the test was conducted, 46110
the person has been convicted of or pleaded guilty to two 46111
violations of a statute or ordinance described in division 46112
(C)(1)(b) of this section, the suspension shall be a class B 46113
suspension imposed for the period of time specified in division 46114
(B)(2) of section 4510.02 of the Revised Code. 46115

(d) If, within ten years of the date the test was conducted, 46116
the person has been convicted of or pleaded guilty to more than 46117
two violations of a statute or ordinance described in division 46118
(C)(1)(b) of this section, the suspension shall be a class A 46119
suspension imposed for the period of time specified in division 46120
(B)(1) of section 4510.02 of the Revised Code. 46121

(2) The registrar shall terminate a suspension of the 46122
driver's or commercial driver's license or permit of a resident or 46123
of the operating privilege of a nonresident, or a denial of a 46124
driver's or commercial driver's license or permit, imposed 46125
pursuant to division (C)(1) of this section upon receipt of notice 46126
that the person has entered a plea of guilty to, or that the 46127
person has been convicted after entering a plea of no contest to, 46128

operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the

citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be 46193
credited to the statewide treatment and prevention fund created by 46194
section 4301.30 of the Revised Code. Money credited to the fund 46195
under this section shall be used for purposes identified under 46196
section 5119.22 of the Revised Code. 46197

(b) Seventy-five dollars shall be credited to the reparations 46198
fund created by section 2743.191 of the Revised Code. 46199

(c) Thirty-seven dollars and fifty cents shall be credited to 46200
the state indigent drivers alcohol treatment fund, which is hereby 46201
established in the state treasury. The department of mental health 46202
and addiction services shall distribute the moneys in that fund to 46203
the county ~~indigent drivers alcohol treatment funds~~ IDATFs, the 46204
county juvenile ~~indigent drivers alcohol treatment funds~~ IDATFs, 46205
and the municipal ~~indigent drivers alcohol treatment funds~~ IDATFs 46206
that are required to be established by counties and municipal 46207
corporations pursuant to division (H) of this section to be used 46208
only as provided in division (H)(3) of this section. Moneys in the 46209
fund that are not distributed to a county ~~indigent drivers alcohol~~ 46210
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 46211
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 46212
~~treatment fund~~ IDATF under division (H) of this section because 46213
the director of mental health and addiction services does not have 46214
the information necessary to identify the county or municipal 46215
corporation where the offender or juvenile offender was arrested 46216
may be transferred by the director of budget and management to the 46217
statewide treatment and prevention fund created by section 4301.30 46218
of the Revised Code, upon certification of the amount by the 46219
director of mental health and addiction services. 46220

(d) Seventy-five dollars shall be credited to the 46221
opportunities for Ohioans with disabilities agency established by 46222
section 3304.15 of the Revised Code, to the services for 46223
rehabilitation fund, which is hereby established. The fund shall 46224

be used to match available federal matching funds where 46225
appropriate, ~~and or~~ for any other purpose or program of the agency 46226
~~to rehabilitate persons with disabilities to help them become~~ 46227
~~employed and independent.~~ 46228

(e) Seventy-five dollars shall be deposited into the state 46229
treasury and credited to the drug abuse resistance education 46230
programs fund, which is hereby established, to be used by the 46231
attorney general for the purposes specified in division (F)(4) of 46232
this section. 46233

(f) Thirty dollars shall be credited to the public safety - 46234
highway purposes fund created by section 4501.06 of the Revised 46235
Code. 46236

(g) Twenty dollars shall be credited to the trauma and 46237
emergency medical services fund created by section 4513.263 of the 46238
Revised Code. 46239

(h) Fifty dollars shall be credited to the indigent drivers 46240
interlock and alcohol monitoring fund, which is hereby established 46241
in the state treasury. Moneys in the fund shall be distributed by 46242
the department of public safety to the county indigent drivers 46243
interlock and alcohol monitoring funds, the county juvenile 46244
indigent drivers interlock and alcohol monitoring funds, and the 46245
municipal indigent drivers interlock and alcohol monitoring funds 46246
that are required to be established by counties and municipal 46247
corporations pursuant to this section, and shall be used only to 46248
pay the cost of an immobilizing or disabling device, including a 46249
certified ignition interlock device, or an alcohol monitoring 46250
device used by an offender or juvenile offender who is ordered to 46251
use the device by a county, juvenile, or municipal court judge and 46252
who is determined by the county, juvenile, or municipal court 46253
judge not to have the means to pay for the person's use of the 46254
device. 46255

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section,

if the person pays the reinstatement fee to a deputy registrar, 46288
the deputy registrar shall collect a service fee of ten dollars to 46289
compensate the deputy registrar for services performed under this 46290
section. The deputy registrar shall retain eight dollars of the 46291
service fee and shall transmit the reinstatement fee, plus two 46292
dollars of the service fee, to the registrar in the manner the 46293
registrar shall determine. 46294

(G) Suspension of a commercial driver's license under 46295
division (B) or (C) of this section shall be concurrent with any 46296
period of disqualification under section 3123.611 or 4506.16 of 46297
the Revised Code or any period of suspension under section 3123.58 46298
of the Revised Code. No person who is disqualified for life from 46299
holding a commercial driver's license under section 4506.16 of the 46300
Revised Code shall be issued a driver's license under Chapter 46301
4507. of the Revised Code during the period for which the 46302
commercial driver's license was suspended under division (B) or 46303
(C) of this section. No person whose commercial driver's license 46304
is suspended under division (B) or (C) of this section shall be 46305
issued a driver's license under Chapter 4507. of the Revised Code 46306
during the period of the suspension. 46307

(H)(1) Each county shall establish an ~~indigent drivers~~ 46308
~~alcohol treatment fund~~ IDATF and a juvenile ~~indigent drivers~~ 46309
~~alcohol treatment fund~~ IDATF. Each municipal corporation in which 46310
there is a municipal court shall establish an ~~indigent drivers~~ 46311
~~alcohol treatment fund~~ IDATF. All revenue that the general 46312
assembly appropriates to the ~~indigent drivers alcohol treatment~~ 46313
~~fund~~ state IDATF for transfer to a county ~~indigent drivers alcohol~~ 46314
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 46315
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 46316
~~treatment fund~~ IDATF, all portions of fees that are paid under 46317
division (F) of this section and that are credited under that 46318
division to the ~~indigent drivers alcohol treatment fund~~ state 46319

IDATF in the state treasury for a county ~~indigent drivers alcohol~~ 46320
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 46321
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 46322
~~treatment fund IDATF~~, all portions of additional costs imposed 46323
under section 2949.094 of the Revised Code that are specified for 46324
deposit into a county, county juvenile, or municipal ~~indigent~~ 46325
~~drivers alcohol treatment fund IDATF~~ by that section, and all 46326
portions of fines that are specified for deposit into a county or 46327
municipal ~~indigent drivers alcohol treatment fund IDATF~~ by section 46328
4511.193 of the Revised Code shall be deposited into that county 46329
~~indigent drivers alcohol treatment fund IDATF~~, county juvenile 46330
~~indigent drivers alcohol treatment fund IDATF~~, or municipal 46331
~~indigent drivers alcohol treatment fund IDATF~~. The portions of the 46332
fees paid under division (F) of this section that are to be so 46333
deposited shall be determined in accordance with division (H)(2) 46334
of this section. Additionally, all portions of fines that are paid 46335
for a violation of section 4511.19 of the Revised Code or of any 46336
prohibition contained in Chapter 4510. of the Revised Code, and 46337
that are required ~~under section 4511.19 or any provision of~~ 46338
~~Chapter 4510. of the Revised Code~~ to be deposited into a county 46339
~~indigent drivers alcohol treatment fund IDATF~~ or municipal 46340
~~indigent drivers alcohol treatment fund IDATF~~ shall be deposited 46341
into the appropriate fund in accordance with the applicable 46342
division of the section or provision. 46343

(2) That portion of the license reinstatement fee that is 46344
paid under division (F) of this section and that is credited under 46345
that division to the ~~indigent drivers alcohol treatment fund~~ state 46346
IDATF shall be deposited into a county ~~indigent drivers alcohol~~ 46347
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 46348
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 46349
~~treatment fund IDATF~~ as follows: 46350

(a) Regarding a suspension imposed under this section, that 46351

portion of the fee shall be deposited as follows: 46352

(i) If the fee is paid by a person who was charged in a 46353
county court with the violation that resulted in the suspension or 46354
in the imposition of the court costs, the portion shall be 46355
deposited into the county ~~indigent drivers alcohol treatment fund~~ 46356
IDATF under the control of that court; 46357

(ii) If the fee is paid by a person who was charged in a 46358
juvenile court with the violation that resulted in the suspension 46359
or in the imposition of the court costs, the portion shall be 46360
deposited into the county juvenile ~~indigent drivers alcohol~~ 46361
~~treatment fund~~ IDATF established in the county served by the 46362
court; 46363

(iii) If the fee is paid by a person who was charged in a 46364
municipal court with the violation that resulted in the suspension 46365
or in the imposition of the court costs, the portion shall be 46366
deposited into the municipal ~~indigent drivers alcohol treatment~~ 46367
~~fund~~ IDATF under the control of that court. 46368

(b) Regarding a suspension imposed under section 4511.19 of 46369
the Revised Code or under section 4510.07 of the Revised Code for 46370
a violation of a municipal OVI ordinance, that portion of the fee 46371
shall be deposited as follows: 46372

(i) If the fee is paid by a person whose license or permit 46373
was suspended by a county court, the portion shall be deposited 46374
into the county ~~indigent drivers alcohol treatment fund~~ IDATF 46375
under the control of that court; 46376

(ii) If the fee is paid by a person whose license or permit 46377
was suspended by a municipal court, the portion shall be deposited 46378
into the municipal ~~indigent drivers alcohol treatment fund~~ IDATF 46379
under the control of that court. 46380

(3)(a) As used in division (H)(3) of this section, "indigent 46381
person" means a person who is ~~convicted~~ determined to be indigent 46382

by a court under division (H)(4) of this section and to whom one 46383
or more of the following apply: 46384

(i) The person is convicted of a criminal offense, and the 46385
court determines that substance abuse was a contributing factor 46386
leading to the commission of that offense. 46387

(ii) The person is adjudicated a delinquent child or found to 46388
be a juvenile traffic offender, and the court determines that 46389
substance abuse was a contributing factor leading to that 46390
adjudication or finding. 46391

(iii) The person is convicted of a violation of division (A) 46392
or (B) of section 4511.19 of the Revised Code or a substantially 46393
similar municipal ordinance ~~or found to be a juvenile traffic~~ 46394
~~offender by reason of a violation of division (A) or (B) of~~ 46395
~~section 4511.19 of the Revised Code or a substantially similar~~ 46396
~~municipal ordinance, who and~~ is ordered by the court to attend an 46397
alcohol and drug addiction treatment program, ~~and who is~~ 46398
~~determined by the court under division (H)(5) of this section to~~ 46399
~~be unable to pay the cost of the assessment or the cost of~~ 46400
~~attendance at the treatment program.~~ 46401

(iv) The person is found to be a juvenile traffic offender by 46402
reason of a violation of division (A) or (B) of section 4511.19 of 46403
the Revised Code or a substantially similar municipal ordinance 46404
and is ordered by the court to attend an alcohol and drug 46405
addiction treatment program. 46406

(b) A county, juvenile, or municipal court judge, by order, 46407
may make expenditures from a county ~~indigent drivers alcohol~~ 46408
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 46409
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 46410
~~treatment fund IDATF~~ with respect to an indigent person for any of 46411
the following: 46412

(i) To pay the cost of an assessment that is conducted by an 46413

appropriately licensed clinician at either a driver intervention 46414
program that is certified under section 5119.38 of the Revised 46415
Code or at a community addiction services provider whose alcohol 46416
and drug addiction services are certified under section 5119.36 of 46417
the Revised Code; 46418

(ii) To pay the cost of alcohol addiction services, drug 46419
addiction services, or integrated alcohol and drug addiction 46420
services at a community addiction services provider whose alcohol 46421
and drug addiction services are certified under section 5119.36 of 46422
the Revised Code; 46423

(iii) To pay the cost of transportation to attend an 46424
assessment as provided under division (H)(3)(b)(i) of this section 46425
or addiction services as provided under division (H)(3)(b)(ii) of 46426
this section. 46427

(iv) To pay the cost of recovery supports, as defined in 46428
section 5119.01 of the Revised Code. 46429

The alcohol and drug addiction services board or the board of 46430
alcohol, drug addiction, and mental health services established 46431
pursuant to section 340.02 or 340.021 of the Revised Code and 46432
serving the alcohol, drug addiction, and mental health service 46433
district in which the court is located shall administer the 46434
indigent drivers alcohol treatment program of the court. When a 46435
court orders an offender or juvenile traffic offender to obtain an 46436
assessment or attend an alcohol and drug addiction treatment 46437
program, the board shall determine which program is suitable to 46438
meet the needs of the offender or juvenile traffic offender, and 46439
when a suitable program is located and space is available at the 46440
program, the offender or juvenile traffic offender shall attend 46441
the program designated by the board. ~~A reasonable amount not to 46442~~
~~exceed five per cent of the amounts credited to and deposited into 46443~~
~~the county indigent drivers alcohol treatment fund, the county 46444~~
~~juvenile indigent drivers alcohol treatment fund, or the municipal 46445~~

~~indigent drivers alcohol treatment fund serving every court whose
program is administered by that board shall be paid to the board
to cover the costs it incurs in administering those indigent
drivers alcohol treatment programs.~~

(c) If a county, juvenile, or municipal court, in
consultation with the board of alcohol, drug addiction, and mental
health services serving the alcohol, drug addiction, and mental
health service district in which the court is located, determines
that the amount of money in its county IDATF, county juvenile
IDATF, or municipal IDATF, as applicable, is more than sufficient
to satisfy the purposes of the fund, the court may take one or
more of the following actions:

(i) Transfer an amount determined appropriate by the court
from that fund to another court in the same county to be used as
specified in division (H)(3)(b) of this section. If funds are so
transferred, the court initiating the transfer shall notify the
board it consulted with pursuant to division (H)(3)(c) of this
section.

(ii) Transfer an amount determined appropriate by the court
from that fund to the board of alcohol, drug addiction, and mental
health services it consulted with pursuant to division (H)(3)(c)
of this section. Such money shall be used by the board in a manner
consistent with division (H)(3)(b) of this section.

(iii) Spend an amount determined appropriate by the court to
cover part or all of the cost of purchasing alcohol monitoring
devices to be used in conjunction with (H)(3)(d) of this section,
upon exhaustion of moneys in the indigent drivers interlock and
alcohol monitoring fund for the use of an alcohol monitoring
device.

(iv) Spend an amount determined appropriate by the court for
staffing, equipment, supplies, training, drug testing, or any

other expenses associated with the administration of any 46477
specialized docket program established within the court and 46478
certified by the supreme court. 46479

(d) Upon exhaustion of moneys in the indigent drivers 46480
interlock and alcohol monitoring fund for the use of an alcohol 46481
monitoring device, a county, juvenile, or municipal court judge 46482
may use moneys in the county ~~indigent drivers alcohol treatment~~ 46483
~~fund~~ IDATF, county juvenile ~~indigent drivers alcohol treatment~~ 46484
~~fund~~ IDATF, or municipal ~~indigent drivers alcohol treatment fund~~ 46485
IDATF in either of the following manners: 46486

(i) If the source of the moneys was an appropriation of the 46487
general assembly, a portion of a fee that was paid under division 46488
(F) of this section, a portion of a fine that was specified for 46489
deposit into the fund by section 4511.193 of the Revised Code, or 46490
a portion of a fine that was paid for a violation of section 46491
4511.19 of the Revised Code or of a provision contained in Chapter 46492
4510. of the Revised Code that was required to be deposited into 46493
the fund, to pay for the continued use of an alcohol monitoring 46494
device by an offender or juvenile traffic offender, in conjunction 46495
with a treatment program approved by the department of mental 46496
health and addiction services, when such use is determined 46497
clinically necessary by the treatment program and when the court 46498
determines that the offender or juvenile traffic offender is 46499
unable to pay all or part of the daily monitoring or cost of the 46500
device; 46501

(ii) If the source of the moneys was a portion of an 46502
additional court cost imposed under section 2949.094 of the 46503
Revised Code, to pay for the continued use of an alcohol 46504
monitoring device by an offender or juvenile traffic offender when 46505
the court determines that the offender or juvenile traffic 46506
offender is unable to pay all or part of the daily monitoring or 46507
cost of the device. The moneys may be used for a device as 46508

described in this division if the use of the device is in 46509
conjunction with a treatment program approved by the department of 46510
mental health and addiction services, when the use of the device 46511
is determined clinically necessary by the treatment program, but 46512
the use of a device is not required to be in conjunction with a 46513
treatment program approved by the department in order for the 46514
moneys to be used for the device as described in this division. 46515

~~(4) If a county, juvenile, or municipal court determines, in 46516
consultation with the alcohol and drug addiction services board or 46517
the board of alcohol, drug addiction, and mental health services 46518
established pursuant to section 340.02 or 340.021 of the Revised 46519
Code and serving the alcohol, drug addiction, and mental health 46520
district in which the court is located, that the funds in the 46521
county indigent drivers alcohol treatment fund, the county 46522
juvenile indigent drivers alcohol treatment fund, or the municipal 46523
indigent drivers alcohol treatment fund under the control of the 46524
court are more than sufficient to satisfy the purpose for which 46525
the fund was established, as specified in divisions (H)(1) to (3) 46526
of this section, the court may declare a surplus in the fund. If 46527
the court declares a surplus in the fund, the court may take one 46528
or more of the following actions with regard to the amount of the 46529
surplus in the fund: 46530~~

~~(a) Expend any of the surplus amount for alcohol and drug 46531
abuse assessment and treatment, and for the cost of transportation 46532
related to assessment and treatment, of persons who are charged in 46533
the court with committing a criminal offense or with being a 46534
delinquent child or juvenile traffic offender and in relation to 46535
whom both of the following apply: 46536~~

~~(i) The court determines that substance abuse was a 46537
contributing factor leading to the criminal or delinquent activity 46538
or the juvenile traffic offense with which the person is charged. 46539~~

~~(ii) The court determines that the person is unable to pay 46540~~

~~the cost of the alcohol and drug abuse assessment and treatment 46541
for which the surplus money will be used. 46542~~

~~(b) Expend any of the surplus amount to pay all or part of 46543
the cost of purchasing alcohol monitoring devices to be used in 46544
conjunction with division (H)(3)(c) of this section, upon 46545
exhaustion of moneys in the indigent drivers interlock and alcohol 46546
monitoring fund for the use of an alcohol monitoring device. 46547~~

~~(c) Transfer to another court in the same county any of the 46548
surplus amount to be utilized in a manner consistent with division 46549
(H)(3) of this section. If surplus funds are transferred to 46550
another court, the court that transfers the funds shall notify the 46551
alcohol and drug addiction services board or the board of alcohol, 46552
drug addiction, and mental health services that serves the 46553
alcohol, drug addiction, and mental health service district in 46554
which that court is located. 46555~~

~~(d) Transfer to the alcohol and drug addiction services board 46556
or the board of alcohol, drug addiction, and mental health 46557
services that serves the alcohol, drug addiction, and mental 46558
health service district in which the court is located any of the 46559
surplus amount to be utilized in a manner consistent with division 46560
(H)(3) of this section or for board contracted recovery support 46561
services. 46562~~

~~(e) Expend any of the surplus amount for the cost of 46563
staffing, equipment, training, drug testing, supplies, and other 46564
expenses of any specialized docket program established within the 46565
court and certified by the supreme court. 46566~~

~~(5) In order to determine if an offender does not have the 46567
means to pay for the offender's attendance at an alcohol and drug 46568
addiction treatment program for purposes of division (H)(3) of 46569
this section or if an alleged offender or delinquent child is 46570
unable to pay the costs specified in division (H)(4) of this 46571~~

~~section, the~~ 46572

The court shall use the indigent client eligibility 46573
guidelines and the standards of indigency established by the state 46574
public defender to ~~make the determination~~ determine if an 46575
offender, juvenile traffic offender, or delinquent child is 46576
indigent and does not have the means to pay for any item specified 46577
in divisions (H)(3)(b)(i) to (H)(3)(b)(iv) of this section. 46578

~~(6) The court shall identify and refer any community~~ 46579
~~addiction services provider that intends to provide alcohol and~~ 46580
~~drug addiction services and has not had its alcohol and drug~~ 46581
~~addiction services certified under section 5119.36 of the Revised~~ 46582
~~Code and that is interested in receiving amounts from the surplus~~ 46583
~~in the fund declared under division (H)(4) of this section to the~~ 46584
~~department of mental health and addiction services in order for~~ 46585
~~the community addiction services provider to have its alcohol and~~ 46586
~~drug addiction services certified by the department. The~~ 46587
~~department shall keep a record of applicant referrals received~~ 46588
~~pursuant to this division and shall submit a report on the~~ 46589
~~referrals each year to the general assembly. If a community~~ 46590
~~addiction services provider interested in having its alcohol and~~ 46591
~~drug addiction services certified makes an application pursuant to~~ 46592
~~section 5119.36 of the Revised Code, the community addiction~~ 46593
~~services provider is eligible to receive surplus funds as long as~~ 46594
~~the application is pending with the department. The department of~~ 46595
~~mental health and addiction services must offer technical~~ 46596
~~assistance to the applicant. If the interested community addiction~~ 46597
~~services provider withdraws the certification application, the~~ 46598
~~department must notify the court, and the court shall not provide~~ 46599
~~the interested community addiction services provider with any~~ 46600
~~further surplus funds.~~ 46601

(7)(a)(5)(a) Not later than the fifteenth day of July of each 46602
year, each court with a county IDATF, county juvenile IDATF, or 46603

municipal IDATF, as applicable, shall submit all of the following 46604
information to the board of alcohol, drug addiction, and mental 46605
health services serving the alcohol, drug addiction, and mental 46606
health service district in which the court is located: 46607

(i) The balance of funds in each fund specified in division 46608
(H)(5)(a) of this section under the court's control on the 46609
thirtieth day of June of that year; 46610

(ii) The amount, if any, the court transferred from each fund 46611
specified in division (H)(5)(a) of this section to another court 46612
in its same county; 46613

(iii) The amount the court spent in the state fiscal year 46614
that ended on the thirtieth day of June of that year from each 46615
fund specified in division (H)(5)(a) of this section; 46616

(iv) The number of indigent persons served in the state 46617
fiscal year that ended on the thirtieth day of June of that year 46618
from each fund specified in division (H)(5)(a) of this section. 46619

(b) Each alcohol and drug addiction services board and board 46620
of alcohol, drug addiction, and mental health services established 46621
pursuant to section 340.02 or 340.021 of the Revised Code shall 46622
compile the information submitted by each court under division 46623
(H)(5)(a) of this section into an annual report for that board's 46624
area, clearly delineating the items specified in that division for 46625
each court. A board shall submit to the department of mental 46626
health and addiction services an its annual report for each 46627
indigent drivers alcohol treatment fund in that board's area to 46628
the department of mental health and addiction services not later 46629
than the first day of September of each year. 46630

(b) The report, which shall be submitted not later than sixty 46631
days after the end of the state fiscal year, shall provide the 46632
total payment that was made from the fund, including the number of 46633
indigent consumers that received treatment services and the number 46634

~~of indigent consumers that received an alcohol monitoring device. 46635
The report shall identify the treatment program and expenditure 46636
for an alcohol monitoring device for which that payment was made. 46637
The report shall include the fiscal year balance of each indigent 46638
drivers alcohol treatment fund located in that board's area. In 46639
the event that a surplus is declared in the fund pursuant to 46640
division (H)(4) of this section, the report also shall provide the 46641
total payment that was made from the surplus moneys and identify 46642
the authorized purpose for which that payment was made. 46643~~

(c) If a board is unable to obtain adequate information ~~to~~ 46644
~~develop the report to submit to the department for a~~ from any 46645
~~particular indigent drivers alcohol treatment fund~~ court for 46646
purposes of preparing its annual report, the board shall ~~submit a~~ 46647
~~report detailing the effort made in obtaining the information~~ 46648
specify that fact in the annual report. 46649

(I)(1) Each county shall establish an indigent drivers 46650
interlock and alcohol monitoring fund and a juvenile indigent 46651
drivers interlock and alcohol treatment fund. Each municipal 46652
corporation in which there is a municipal court shall establish an 46653
indigent drivers interlock and alcohol monitoring fund. All 46654
revenue that the general assembly appropriates to the indigent 46655
drivers interlock and alcohol monitoring fund for transfer to a 46656
county indigent drivers interlock and alcohol monitoring fund, a 46657
county juvenile indigent drivers interlock and alcohol monitoring 46658
fund, or a municipal indigent drivers interlock and alcohol 46659
monitoring fund, all portions of license reinstatement fees that 46660
are paid under division (F)(2) of this section and that are 46661
credited under that division to the indigent drivers interlock and 46662
alcohol monitoring fund in the state treasury, and all portions of 46663
fines that are paid under division (G) of section 4511.19 of the 46664
Revised Code and that are credited by division (G)(5)(e) of that 46665
section to the indigent drivers interlock and alcohol monitoring 46666

fund in the state treasury shall be deposited in the appropriate 46667
fund in accordance with division (I)(2) of this section. 46668

(2) That portion of the license reinstatement fee that is 46669
paid under division (F) of this section and that portion of the 46670
fine paid under division (G) of section 4511.19 of the Revised 46671
Code and that is credited under either division to the indigent 46672
drivers interlock and alcohol monitoring fund shall be deposited 46673
into a county indigent drivers interlock and alcohol monitoring 46674
fund, a county juvenile indigent drivers interlock and alcohol 46675
monitoring fund, or a municipal indigent drivers interlock and 46676
alcohol monitoring fund as follows: 46677

(a) If the fee or fine is paid by a person who was charged in 46678
a county court with the violation that resulted in the suspension 46679
or fine, the portion shall be deposited into the county indigent 46680
drivers interlock and alcohol monitoring fund under the control of 46681
that court. 46682

(b) If the fee or fine is paid by a person who was charged in 46683
a juvenile court with the violation that resulted in the 46684
suspension or fine, the portion shall be deposited into the county 46685
juvenile indigent drivers interlock and alcohol monitoring fund 46686
established in the county served by the court. 46687

(c) If the fee or fine is paid by a person who was charged in 46688
a municipal court with the violation that resulted in the 46689
suspension, the portion shall be deposited into the municipal 46690
indigent drivers interlock and alcohol monitoring fund under the 46691
control of that court. 46692

(3) If a county, juvenile, or municipal court determines that 46693
the funds in the county indigent drivers interlock and alcohol 46694
monitoring fund, the county juvenile indigent drivers interlock 46695
and alcohol monitoring fund, or the municipal indigent drivers 46696
interlock and alcohol monitoring fund under the control of that 46697

court are more than sufficient to satisfy the purpose for which 46698
the fund was established as specified in division (F)(2)(h) of 46699
this section, the court may declare a surplus in the fund. The 46700
court then may order the transfer of a specified amount into the 46701
county ~~indigent drivers alcohol treatment fund~~ IDATF, the county 46702
juvenile ~~indigent drivers alcohol treatment fund~~ IDATF, or the 46703
municipal ~~indigent drivers alcohol treatment fund~~ IDATF under the 46704
control of that court to be utilized in accordance with division 46705
(H) of this section. 46706

Sec. 4511.34. (A) As used in this section: 46707

(1) "Connected vehicle" means a motor vehicle that exchanges 46708
information with another motor vehicle, with infrastructure, or 46709
with other road users by way of electronic communications 46710
technology. 46711

(2) "Vehicle platoon" means the linking of two or more 46712
connected vehicles using electronic vehicle-to-vehicle 46713
communication technology where the first connected vehicle in the 46714
platoon sets the speed and direction for the rest of the connected 46715
vehicles enabling all connected vehicles in the platoon to follow 46716
at a close distance. 46717

(B)(1) The operator of a motor vehicle, streetcar, or 46718
trackless trolley shall not follow another vehicle, streetcar, or 46719
trackless trolley more closely than is reasonable and prudent, 46720
having due regard for the speed of such vehicle, streetcar, or 46721
trackless trolley, and the traffic upon and the condition of the 46722
highway. 46723

(2) The driver of any truck, or motor vehicle drawing another 46724
vehicle, when traveling upon a roadway outside a business or 46725
residence district shall maintain a sufficient space, whenever 46726
conditions permit, between such vehicle and another vehicle ahead 46727
so an overtaking motor vehicle may enter and occupy such space 46728

without danger. This paragraph does not prevent overtaking and 46729
passing nor does it apply to any lane specially designated for use 46730
by trucks. 46731

(3) Outside a municipal corporation, the driver of any truck, 46732
or motor vehicle when drawing another vehicle, while ascending to 46733
the crest of a grade beyond which the driver's view of a roadway 46734
is obstructed, shall not follow within three hundred feet of 46735
another truck, or motor vehicle drawing another vehicle. This 46736
paragraph shall not apply to ~~any~~ either of the following: 46737

(a) Any lane specially designated for use by trucks; 46738

(b) A vehicle platoon. 46739

(4) Motor vehicles being driven upon any roadway outside of a 46740
business or residence district in a caravan or motorcade, shall 46741
maintain a sufficient space between such vehicles so an overtaking 46742
vehicle may enter and occupy such space without danger. This 46743
paragraph shall not apply to funeral processions. 46744

~~(B)~~(C) Except as otherwise provided in this division, whoever 46745
violates this section is guilty of a minor misdemeanor. If, within 46746
one year of the offense, the offender previously has been 46747
convicted of or pleaded guilty to one predicate motor vehicle or 46748
traffic offense, whoever violates this section is guilty of a 46749
misdemeanor of the fourth degree. If, within one year of the 46750
offense, the offender previously has been convicted of two or more 46751
predicate motor vehicle or traffic offenses, whoever violates this 46752
section is guilty of a misdemeanor of the third degree. 46753

If the offender commits the offense while distracted and the 46754
distracting activity is a contributing factor to the commission of 46755
the offense, the offender is subject to the additional fine 46756
established under section 4511.991 of the Revised Code. 46757

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 46758

roadway where there is an adjacent curb shall be stopped or parked 46759
with the right-hand wheels of the vehicle parallel with and not 46760
more than twelve inches from the right-hand curb, unless it is 46761
impossible to approach so close to the curb; in such case the stop 46762
shall be made as close to the curb as possible and only for the 46763
time necessary to discharge and receive passengers or to load or 46764
unload merchandise. Local authorities by ordinance may permit 46765
angle parking on any roadway under their jurisdiction, except that 46766
angle parking shall not be permitted on a state route within a 46767
municipal corporation unless an unoccupied roadway width of not 46768
less than twenty-five feet is available for free-moving traffic. 46769

(B) Local authorities by ordinance may permit parking of 46770
vehicles with the left-hand wheels adjacent to and within twelve 46771
inches of the left-hand curb of a one-way roadway. 46772

(C)(1)(a) Except as provided in division (C)(1)(b) of this 46773
section, no vehicle or trackless trolley shall be stopped or 46774
parked on a road or highway with the vehicle or trackless trolley 46775
facing in a direction other than the direction of travel on that 46776
side of the road or highway. 46777

(b) The operator of a motorcycle may back the motorcycle into 46778
an angled parking space so that when the motorcycle is parked it 46779
is facing in a direction other than the direction of travel on the 46780
side of the road or highway. 46781

(2) The operator of a motorcycle may back the motorcycle into 46782
a parking space that is located on the side of, and parallel to, a 46783
road or highway. The motorcycle may face any direction when so 46784
parked. Not more than two motorcycles at a time shall be parked in 46785
a parking space as described in division (C)(2) of this section 46786
irrespective of whether or not the space is metered. 46787

(D) Notwithstanding any statute or any rule, resolution, or 46788
ordinance adopted by any local authority, air compressors, 46789

tractors, trucks, and other equipment, while being used in the 46790
construction, reconstruction, installation, repair, or removal of 46791
facilities near, on, over, or under a street or highway, may stop, 46792
stand, or park where necessary in order to perform such work, 46793
provided a flagperson is on duty or warning signs or lights are 46794
displayed as may be prescribed by the director of transportation. 46795

(E) Special parking locations and privileges for persons with 46796
disabilities that limit or impair the ability to walk, also known 46797
as handicapped parking spaces or disability parking spaces, shall 46798
be provided and designated by all political subdivisions and by 46799
the state and all agencies and instrumentalities thereof at all 46800
offices and facilities, where parking is provided, whether owned, 46801
rented, or leased, and at all publicly owned parking garages. The 46802
locations shall be designated through the posting of an elevated 46803
sign, whether permanently affixed or movable, imprinted with the 46804
international symbol of access and shall be reasonably close to 46805
exits, entrances, elevators, and ramps. All elevated signs posted 46806
in accordance with this division and division (C) of section 46807
3781.111 of the Revised Code shall be mounted on a fixed or 46808
movable post, and the distance from the ground to the bottom edge 46809
of the sign shall measure not less than five feet. If a new sign 46810
or a replacement sign designating a special parking location is 46811
posted on or after October 14, 1999, there also shall be affixed 46812
upon the surface of that sign or affixed next to the designating 46813
sign a notice that states the fine applicable for the offense of 46814
parking a motor vehicle in the special designated parking location 46815
if the motor vehicle is not legally entitled to be parked in that 46816
location. 46817

(F)(1)(a) No person shall stop, stand, or park any motor 46818
vehicle at special parking locations provided under division (E) 46819
of this section or at special clearly marked parking locations 46820
provided in or on privately owned parking lots, parking garages, 46821

or other parking areas and designated in accordance with that 46822
division, unless one of the following applies: 46823

(i) The motor vehicle is being operated by or for the 46824
transport of a person with a disability that limits or impairs the 46825
ability to walk and is displaying a valid removable windshield 46826
placard or special license plates; 46827

(ii) The motor vehicle is being operated by or for the 46828
transport of a handicapped person and is displaying a parking card 46829
or special handicapped license plates. 46830

(b) Any motor vehicle that is parked in a special marked 46831
parking location in violation of division (F)(1)(a)(i) or (ii) of 46832
this section may be towed or otherwise removed from the parking 46833
location by the law enforcement agency of the political 46834
subdivision in which the parking location is located. A motor 46835
vehicle that is so towed or removed shall not be released to its 46836
owner until the owner presents proof of ownership of the motor 46837
vehicle and pays all towing and storage fees normally imposed by 46838
that political subdivision for towing and storing motor vehicles. 46839
If the motor vehicle is a leased vehicle, it shall not be released 46840
to the lessee until the lessee presents proof that that person is 46841
the lessee of the motor vehicle and pays all towing and storage 46842
fees normally imposed by that political subdivision for towing and 46843
storing motor vehicles. 46844

(c) If a person is charged with a violation of division 46845
(F)(1)(a)(i) or (ii) of this section, it is an affirmative defense 46846
to the charge that the person suffered an injury not more than 46847
seventy-two hours prior to the time the person was issued the 46848
ticket or citation and that, because of the injury, the person 46849
meets at least one of the criteria contained in division (A)(1) of 46850
section 4503.44 of the Revised Code. 46851

(2) No person shall stop, stand, or park any motor vehicle in 46852

an area that is commonly known as an access aisle, which area is 46853
marked by diagonal stripes and is located immediately adjacent to 46854
a special parking location provided under division (E) of this 46855
section or at a special clearly marked parking location provided 46856
in or on a privately owned parking lot, parking garage, or other 46857
parking area and designated in accordance with that division. 46858

(G) When a motor vehicle is being operated by or for the 46859
transport of a person with a disability that limits or impairs the 46860
ability to walk and is displaying a removable windshield placard 46861
~~or a temporary removable windshield placard~~ or special license 46862
plates, or when a motor vehicle is being operated by or for the 46863
transport of a handicapped person and is displaying a parking card 46864
or special handicapped license plates, the motor vehicle is 46865
permitted to park for a period of two hours in excess of the legal 46866
parking period permitted by local authorities, except where local 46867
ordinances or police rules provide otherwise or where the vehicle 46868
is parked in such a manner as to be clearly a traffic hazard. 46869

(H) No owner of an office, facility, or parking garage where 46870
special parking locations are required to be designated in 46871
accordance with division (E) of this section shall fail to 46872
properly mark the special parking locations in accordance with 46873
that division or fail to maintain the markings of the special 46874
locations, including the erection and maintenance of the fixed or 46875
movable signs. 46876

(I) Nothing in this section shall be construed to require a 46877
person or organization to apply for a removable windshield placard 46878
or special license plates if the parking card or special license 46879
plates issued to the person or organization under prior law have 46880
not expired or been surrendered or revoked. 46881

(J)(1) Whoever violates division (A) or (C) of this section 46882
is guilty of a minor misdemeanor. 46883

(2)(a) Whoever violates division (F)(1)(a)(i) or (ii) of this section is guilty of a misdemeanor and shall be punished as provided in division (J)(2)(a) and (b) of this section. Except as otherwise provided in division (J)(2)(a) of this section, an offender who violates division (F)(1)(a)(i) or (ii) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (F)(1)(a)(i) or (ii) of this section shall be fined not more than one hundred dollars if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

(i) At the time of the violation of division (F)(1)(a)(i) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (F)(1)(a)(i) of this section.

(ii) At the time of the violation of division (F)(1)(a)(ii) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (F)(1)(a)(ii) of this section.

(b) In no case shall an offender who violates division (F)(1)(a)(i) or (ii) of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of division (F)(1)(a)(i) or (ii) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege,

or made in connection with the person's appearance as a witness. 46916

The clerk of the court shall pay every fine collected under 46917
divisions (J)(2) and (3) of this section to the political 46918
subdivision in which the violation occurred. Except as provided in 46919
division (J)(2) of this section, the political subdivision shall 46920
use the fine moneys it receives under divisions (J)(2) and (3) of 46921
this section to pay the expenses it incurs in complying with the 46922
signage and notice requirements contained in division (E) of this 46923
section. The political subdivision may use up to fifty per cent of 46924
each fine it receives under divisions (J)(2) and (3) of this 46925
section to pay the costs of educational, advocacy, support, and 46926
assistive technology programs for persons with disabilities, and 46927
for public improvements within the political subdivision that 46928
benefit or assist persons with disabilities, if governmental 46929
agencies or nonprofit organizations offer the programs. 46930

(3) Whoever violates division (F)(2) of this section shall be 46931
fined not less than two hundred fifty nor more than five hundred 46932
dollars. 46933

In no case shall an offender who violates division (F)(2) of 46934
this section be sentenced to any term of imprisonment. An arrest 46935
or conviction for a violation of division (F)(2) of this section 46936
does not constitute a criminal record and need not be reported by 46937
the person so arrested or convicted in response to any inquiries 46938
contained in any application for employment, license, or other 46939
right or privilege, or made in connection with the person's 46940
appearance as a witness. 46941

(4) Whoever violates division (H) of this section shall be 46942
punished as follows: 46943

(a) Except as otherwise provided in division (J)(4) of this 46944
section, the offender shall be issued a warning. 46945

(b) If the offender previously has been convicted of or 46946

pleaded guilty to a violation of division (H) of this section or 46947
of a municipal ordinance that is substantially similar to that 46948
division, the offender shall not be issued a warning but shall be 46949
fined not more than twenty-five dollars for each parking location 46950
that is not properly marked or whose markings are not properly 46951
maintained. 46952

(K) As used in this section: 46953

(1) "Handicapped person" means any person who has lost the 46954
use of one or both legs or one or both arms, who is blind, deaf, 46955
or so severely handicapped as to be unable to move without the aid 46956
of crutches or a wheelchair, or whose mobility is restricted by a 46957
permanent cardiovascular, pulmonary, or other handicapping 46958
condition. 46959

(2) "Person with a disability that limits or impairs the 46960
ability to walk" has the same meaning as in section 4503.44 of the 46961
Revised Code. 46962

(3) "Special license plates" and "removable windshield 46963
placard" mean any license plates ~~or, standard~~ removable windshield 46964
placard, permanent removable windshield placard, or temporary 46965
removable windshield placard issued under section 4503.41 or 46966
4503.44 of the Revised Code, and also mean any substantially 46967
similar license plates or removable windshield placard ~~or~~ 46968
~~temporary removable windshield placard~~ issued by a state, 46969
district, country, or sovereignty. 46970

Sec. 4511.81. (A) When any child who is in either or both of 46971
the following categories is being transported in a motor vehicle, 46972
other than a taxicab or public safety vehicle as defined in 46973
section 4511.01 of the Revised Code, that is required by the 46974
United States department of transportation to be equipped with 46975
seat belts at the time of manufacture or assembly, the operator of 46976
the motor vehicle shall have the child properly secured in 46977

accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards: 46978
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(1) A child who is less than four years of age; 46981

(2) A child who weighs less than forty pounds. 46982

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards: 46983
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(1) A child who is less than four years of age; 46990

(2) A child who weighs less than forty pounds. 46991

(C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code or a vehicle that is regulated under section 5104.015 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards. 46992
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(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as 47004
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defined in section 4511.01 of the Revised Code, that is required 47009
by the United States department of transportation to be equipped 47010
with seat belts at the time of manufacture or assembly, the 47011
operator of the motor vehicle shall have the child properly 47012
restrained either in accordance with the manufacturer's 47013
instructions in a child restraint system that meets federal motor 47014
vehicle safety standards or in an occupant restraining device as 47015
defined in section 4513.263 of the Revised Code. 47016

~~(E) Notwithstanding any provision of law to the contrary, no 47017
law enforcement officer shall cause an operator of a motor vehicle 47018
being operated on any street or highway to stop the motor vehicle 47019
for the sole purpose of determining whether a violation of 47020
division (C) or (D) of this section has been or is being committed 47021
or for the sole purpose of issuing a ticket, citation, or summons 47022
for a violation of division (C) or (D) of this section or causing 47023
the arrest of or commencing a prosecution of a person for a 47024
violation of division (C) or (D) of this section, and absent 47025
another violation of law, a law enforcement officer's view of the 47026
interior or visual inspection of a motor vehicle being operated on 47027
any street or highway may not be used for the purpose of 47028
determining whether a violation of division (C) or (D) of this 47029
section has been or is being committed. 47030~~

~~(F)~~ The director of public safety shall adopt such rules as 47031
are necessary to carry out this section. 47032

~~(G)~~(F) The failure of an operator of a motor vehicle to 47033
secure a child in a child restraint system, a booster seat, or an 47034
occupant restraining device as required by this section is not 47035
negligence imputable to the child, is not admissible as evidence 47036
in any civil action involving the rights of the child against any 47037
other person allegedly liable for injuries to the child, is not to 47038
be used as a basis for a criminal prosecution of the operator of 47039
the motor vehicle other than a prosecution for a violation of this 47040

section, and is not admissible as evidence in any criminal action 47041
involving the operator of the motor vehicle other than a 47042
prosecution for a violation of this section. 47043

~~(H)~~(G) This section does not apply when an emergency exists 47044
that threatens the life of any person operating or occupying a 47045
motor vehicle that is being used to transport a child who 47046
otherwise would be required to be restrained under this section. 47047
This section does not apply to a person operating a motor vehicle 47048
who has an affidavit signed by a physician licensed to practice in 47049
this state under Chapter 4731. of the Revised Code or a 47050
chiropractor licensed to practice in this state under Chapter 47051
4734. of the Revised Code that states that the child who otherwise 47052
would be required to be restrained under this section has a 47053
physical impairment that makes use of a child restraint system, 47054
booster seat, or an occupant restraining device impossible or 47055
impractical, provided that the person operating the vehicle has 47056
safely and appropriately restrained the child in accordance with 47057
any recommendations of the physician or chiropractor as noted on 47058
the affidavit. 47059

~~(I)~~(H) There is hereby created in the state treasury the 47060
child highway safety fund, consisting of fines imposed pursuant to 47061
division (K)(1) of this section for violations of divisions (A), 47062
(B), (C), and (D) of this section. The money in the fund shall be 47063
used by the department of health only to defray the cost of 47064
designating hospitals as pediatric trauma centers under section 47065
3727.081 of the Revised Code and to establish and administer a 47066
child highway safety program. The purpose of the program shall be 47067
to educate the public about child restraint systems and booster 47068
seats and the importance of their proper use. The program also 47069
shall include a process for providing child restraint systems and 47070
booster seats to persons who meet the eligibility criteria 47071
established by the department, and a toll-free telephone number 47072

the public may utilize to obtain information about child restraint 47073
systems and booster seats, and their proper use. 47074

~~(J)~~(I) The director of health, in accordance with Chapter 47075
119. of the Revised Code, shall adopt any rules necessary to carry 47076
out this section, including rules establishing the criteria a 47077
person must meet in order to receive a child restraint system or 47078
booster seat under the department's child highway safety program; 47079
provided that rules relating to the verification of pediatric 47080
trauma centers shall not be adopted under this section. 47081

~~(K)~~(J) Nothing in this section shall be construed to require 47082
any person to carry with the person the birth certificate of a 47083
child to prove the age of the child, but the production of a valid 47084
birth certificate for a child showing that the child was not of an 47085
age to which this section applies is a defense against any ticket, 47086
citation, or summons issued for violating this section. 47087

~~(L)~~~~(1)~~(K)(1) Whoever violates division (A), (B), (C), or (D) 47088
of this section shall be punished as follows, provided that the 47089
failure of an operator of a motor vehicle to secure more than one 47090
child in a child restraint system, booster seat, or occupant 47091
restraining device as required by this section that occurred at 47092
the same time, on the same day, and at the same location is deemed 47093
to be a single violation of this section: 47094

(a) Except as otherwise provided in division 47095
~~(L)~~~~(1)~~~~(b)~~(K)(1)(b) of this section, the offender is guilty of a 47096
minor misdemeanor and shall be fined not less than twenty-five 47097
dollars nor more than seventy-five dollars. 47098

(b) If the offender previously has been convicted of or 47099
pleaded guilty to a violation of division (A), (B), (C), or (D) of 47100
this section or of a municipal ordinance that is substantially 47101
similar to any of those divisions, the offender is guilty of a 47102
misdemeanor of the fourth degree. 47103

(2) All fines imposed pursuant to division ~~(L)~~~~(1)~~(K)(1) of 47104
this section shall be forwarded to the treasurer of state for 47105
deposit in the child highway safety fund created by division 47106
~~(I)~~(H) of this section. 47107

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 47108
headlights also is equipped with any auxiliary lights or spotlight 47109
or any other light on the front thereof projecting a beam of an 47110
intensity greater than three hundred candle power, not more than a 47111
total of five of any such lights on the front of a vehicle shall 47112
be lighted at any one time when the vehicle is upon a highway. 47113

(B) Any lighted light or illuminating device upon a motor 47114
vehicle, other than headlights, spotlights, signal lights, or 47115
auxiliary driving lights, that projects a beam of light of an 47116
intensity greater than three hundred candle power, shall be so 47117
directed that no part of the beam will strike the level of the 47118
roadway on which the vehicle stands at a distance of more than 47119
seventy-five feet from the vehicle. 47120

(C)(1) Flashing lights are prohibited on motor vehicles, 47121
except as a means for indicating a right or a left turn, or in the 47122
presence of a vehicular traffic hazard requiring unusual care in 47123
approaching, or overtaking or passing. 47124

(2) The prohibition in division (C)(1) of this section does 47125
not apply to any of the following: 47126

(a) Emergency vehicles, road service vehicles servicing or 47127
towing a disabled vehicle, stationary waste collection vehicles 47128
actively collecting garbage, refuse, trash, or recyclable 47129
materials on the roadside, rural mail delivery vehicles, vehicles 47130
as provided in section 4513.182 of the Revised Code, highway 47131
maintenance vehicles, and similar equipment operated by the 47132
department or local authorities, provided such vehicles are 47133
equipped with and display, when used on a street or highway for 47134

the special purpose necessitating such lights, a flashing, 47135
oscillating, or rotating amber light; 47136

(b) Vehicles or machinery permitted by section 4513.111 of 47137
the Revised Code to have a flashing red light; 47138

(c) Farm machinery and vehicles escorting farm machinery, 47139
provided such machinery and vehicles are equipped with and 47140
display, when used on a street or highway, a flashing, 47141
oscillating, or rotating amber light. Farm machinery also may 47142
display the lights described in section 4513.111 of the Revised 47143
Code. 47144

(d) A funeral hearse or funeral escort vehicle, provided that 47145
the funeral hearse or funeral escort vehicle is equipped with and 47146
displays, when used on a street or highway for the special purpose 47147
necessitating such lights, a flashing, oscillating, or rotating 47148
purple or amber light; 47149

(e) A vehicle being used for emergency preparedness, 47150
response, and recovery activities, as those terms are defined in 47151
section 5502.21 of the Revised Code, that is equipped with and 47152
displays, when used on a street or highway for the special purpose 47153
necessitating such lights, a flashing, oscillating, or rotating 47154
amber light, provided that the vehicle is being operated by a 47155
person from one of the following and the vehicle is clearly marked 47156
with the applicable agency's or authority's insignia: 47157

(i) The Ohio emergency management agency; 47158

(ii) A countywide emergency management agency established 47159
under section 5502.26 of the Revised Code; 47160

(iii) A regional authority for emergency management 47161
established under section 5502.27 of the Revised Code. 47162

(3) Division (C)(1) of this section does not apply to 47163
animal-drawn vehicles subject to section 4513.114 of the Revised 47164

Code. 47165

(D)(1) Except a person operating a public safety vehicle, as 47166
defined in division (E) of section 4511.01 of the Revised Code, or 47167
a school bus, no person shall operate, move, or park upon, or 47168
permit to stand within the right-of-way of any public street or 47169
highway any vehicle or equipment that is equipped with and 47170
displaying a flashing red or a flashing combination red and white 47171
light, or an oscillating or rotating red light, or a combination 47172
red and white oscillating or rotating light. 47173

(2) Except a public law enforcement officer, or other person 47174
sworn to enforce the criminal and traffic laws of the state, 47175
operating a public safety vehicle when on duty, no person shall 47176
operate, move, or park upon, or permit to stand within the 47177
right-of-way of any street or highway any vehicle or equipment 47178
that is equipped with, or upon which is mounted, and displaying a 47179
flashing blue or a flashing combination blue and white light, or 47180
an oscillating or rotating blue light, or a combination blue and 47181
white oscillating or rotating light. 47182

(E) This section does not prohibit the use of warning lights 47183
required by law or the simultaneous flashing of turn signals on 47184
disabled vehicles or on vehicles being operated in unfavorable 47185
atmospheric conditions in order to enhance their visibility. This 47186
section also does not prohibit the simultaneous flashing of turn 47187
signals or warning lights either on farm machinery or vehicles 47188
escorting farm machinery, when used on a street or highway. 47189

(F) Whoever violates this section is guilty of a minor 47190
misdemeanor. 47191

Sec. 4513.263. (A) As used in this section ~~and in section~~ 47192
~~4513.99 of the Revised Code:~~ 47193

(1) "Automobile" means any commercial tractor, passenger car, 47194

commercial car, or truck that is required to be factory-equipped 47195
with an occupant restraining device for the operator or any 47196
passenger by regulations adopted by the United States secretary of 47197
transportation ~~pursuant to the "National Traffic and Motor Vehicle~~ 47198
~~Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392~~ and the 47199
national highway traffic safety administration. 47200

(2) "Occupant restraining device" means a seat safety belt, 47201
shoulder belt, harness, or other safety device for restraining a 47202
person who is an operator of or passenger in an automobile and 47203
that satisfies the minimum federal vehicle safety standards 47204
established by the United States department of transportation. 47205

(3) "Passenger" means any person in an automobile, other than 47206
its operator, who is occupying a seating position for which an 47207
occupant restraining device is provided. 47208

(4) "Commercial tractor," "passenger car," and "commercial 47209
car" have the same meanings as in section 4501.01 of the Revised 47210
Code. 47211

(5) "Vehicle" and "motor vehicle," as used in the definitions 47212
of the terms set forth in division (A)(4) of this section, have 47213
the same meanings as in section 4511.01 of the Revised Code. 47214

(6) "Tort action" means a civil action for damages for 47215
injury, death, or loss to person or property. "Tort action" 47216
includes a product liability claim, as defined in section 2307.71 47217
of the Revised Code, and an asbestos claim, as defined in section 47218
2307.91 of the Revised Code, but does not include a civil action 47219
for damages for breach of contract or another agreement between 47220
persons. 47221

(B) No person shall do any of the following: 47222

(1) Operate an automobile on any street or highway unless 47223
that person is wearing all of the available elements of a properly 47224
adjusted occupant restraining device, or operate a school bus that 47225

has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(C)(1) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device or booster seat.

(2) Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.

(3) Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states the following:

(a) That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;

(b) Whether the physical impairment is temporary, permanent, 47256
or reasonably expected to be permanent; 47257

(c) If the physical impairment is temporary, how long the 47258
physical impairment is expected to make the use of an occupant 47259
restraining device impossible or impractical. 47260

(4) Divisions (B)(1) and (3) of this section do not apply to 47261
a person who has registered with the registrar of motor vehicles 47262
in accordance with division (C)(5) of this section. 47263

(5) A person who has received an affidavit under division 47264
(C)(3) of this section stating that the person has a permanent or 47265
reasonably expected to be permanent physical impairment that makes 47266
use of an occupant restraining device impossible or impracticable 47267
may register with the registrar attesting to that fact. Upon such 47268
registration, the registrar shall make that information available 47269
in the law enforcement automated data system. A person included in 47270
the database under division (C)(5) of this section is not required 47271
to have the affidavit obtained in accordance with division (C)(3) 47272
of this section in their possession while operating or occupying 47273
an automobile. 47274

(6) A physician or chiropractor who issues an affidavit for 47275
the purposes of division (C)(3) or (4) of this section is immune 47276
from civil liability arising from any injury or death sustained by 47277
the person who was issued the affidavit due to the failure of the 47278
person to wear an occupant restraining device unless the physician 47279
or chiropractor, in issuing the affidavit, acted in a manner that 47280
constituted willful, wanton, or reckless misconduct. 47281

(7) The registrar shall adopt rules in accordance with 47282
Chapter 119. of the Revised Code establishing a process for a 47283
person to be included in the database under division (C)(5) of 47284
this section. The information provided and included in the 47285
database under division (C)(5) of this section is not a public 47286

record subject to inspection or copying under section 149.43 of 47287
the Revised Code. 47288

~~(D) Notwithstanding any provision of law to the contrary, no 47289
law enforcement officer shall cause an operator of an automobile 47290
being operated on any street or highway to stop the automobile for 47291
the sole purpose of determining whether a violation of division 47292
(B) of this section has been or is being committed or for the sole 47293
purpose of issuing a ticket, citation, or summons for a violation 47294
of that nature or causing the arrest of or commencing a 47295
prosecution of a person for a violation of that nature, and no law 47296
enforcement officer shall view the interior or visually inspect 47297
any automobile being operated on any street or highway for the 47298
sole purpose of determining whether a violation of that nature has 47299
been or is being committed. 47300~~

~~(E)(D)(1) All fines collected for violations of division (B) 47301
of this section, or for violations of any ordinance or resolution 47302
of a political subdivision that is substantively comparable to 47303
that division, shall be forwarded to the treasurer of state for 47304
deposit into the state treasury to the credit of the trauma and 47305
emergency medical services fund, which is hereby created. In 47306
addition, the 47307~~

(2) The trauma and emergency medical services fund shall also 47308
consist of all of the following which shall be deposited into the 47309
fund: 47310

(a) The portion of the driver's license reinstatement fee 47311
described in division (F)(2)(g) of section 4511.191 of the Revised 47312
Code, ~~plus all;~~ 47313

(b) All fees collected under section 4765.11 of the Revised 47314
Code, ~~plus all;~~ 47315

(c) All fines imposed under section 4765.55 of the Revised 47316
Code, ~~plus the;~~ 47317

(d) The fees and other moneys specified in section 4766.05 of the Revised Code, ~~and plus five;~~

(e) Five per cent of fines and moneys arising from bail forfeitures as directed by section 5503.04 of the Revised Code, ~~also shall be deposited into the trauma and emergency medical services fund. All~~

(3) All money deposited into the trauma and emergency medical services fund shall be used by the department of public safety for the administration and operation of the division of emergency medical services and the state board of emergency medical, fire, and transportation services, and by the state board of emergency medical, fire, and transportation services to make grants, in accordance with section 4765.07 of the Revised Code and rules the board adopts under section 4765.11 of the Revised Code. ~~The~~

(4) The director of budget and management may transfer excess money from the trauma and emergency medical services fund to the public safety - highway purposes fund established in section 4501.06 of the Revised Code if the director of public safety determines that the amount of money in the trauma and emergency medical services fund exceeds the amount required to cover such costs incurred by the emergency medical services agency and the grants made by the state board of emergency medical, fire, and transportation services and requests the director of budget and management to make the transfer.

~~(F)(1)~~ (E)(1) Subject to division ~~(F)(2)~~ (E)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of division (B)(1) or (3) of this section or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device in violation of division (B)(2) of this section shall not

be considered or used by the trier of fact in a tort action as 47350
evidence of negligence or contributory negligence. But, the trier 47351
of fact may determine based on evidence admitted consistent with 47352
the Ohio Rules of Evidence that the failure contributed to the 47353
harm alleged in the tort action and may diminish a recovery of 47354
compensatory damages that represents noneconomic loss, as defined 47355
in section 2307.011 of the Revised Code, in a tort action that 47356
could have been recovered but for the plaintiff's failure to wear 47357
all of the available elements of a properly adjusted occupant 47358
restraining device. Evidence of that failure shall not be used as 47359
a basis for a criminal prosecution of the person other than a 47360
prosecution for a violation of this section; and shall not be 47361
admissible as evidence in a criminal action involving the person 47362
other than a prosecution for a violation of this section. 47363

(2) If, at the time of an accident involving a passenger car 47364
equipped with occupant restraining devices, any occupant of the 47365
passenger car who sustained injury or death was not wearing an 47366
available occupant restraining device, was not wearing all of the 47367
available elements of such a device, or was not wearing such a 47368
device as properly adjusted, then, consistent with the Rules of 47369
Evidence, the fact that the occupant was not wearing the available 47370
occupant restraining device, was not wearing all of the available 47371
elements of such a device, or was not wearing such a device as 47372
properly adjusted is admissible in evidence in relation to any 47373
claim for relief in a tort action to the extent that the claim for 47374
relief satisfies all of the following: 47375

(a) It seeks to recover damages for injury or death to the 47376
occupant. 47377

(b) The defendant in question is the manufacturer, designer, 47378
distributor, or seller of the passenger car. 47379

(c) The claim for relief against the defendant in question is 47380
that the injury or death sustained by the occupant was enhanced or 47381

aggravated by some design defect in the passenger car or that the 47382
passenger car was not crashworthy. 47383

~~(G)(1)~~(F)(1) Whoever violates division (B)(1) of this section 47384
shall be fined thirty dollars. 47385

(2) Whoever violates division (B)(3) of this section shall be 47386
fined twenty dollars. 47387

(3) Except as otherwise provided in this division, whoever 47388
violates division (B)(4) of this section is guilty of a minor 47389
misdemeanor. If the offender previously has been convicted of or 47390
pleaded guilty to a violation of division (B)(4) of this section, 47391
whoever violates division (B)(4) of this section is guilty of a 47392
misdemeanor of the third degree. 47393

Sec. 4513.35. (A) All fines collected under sections 4511.01 47394
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 47395
shall be paid into the county treasury and, with the exception of 47396
that portion distributed under section 307.515 of the Revised 47397
Code, shall be placed to the credit of the fund for the 47398
maintenance and repair of the highways within that county, except 47399
that: 47400

(1) All fines for violations of division (B) of section 47401
4513.263 shall be delivered to the treasurer of state as provided 47402
in ~~division (E)~~ of section 4513.263 of the Revised Code. 47403

(2) All fines collected from, or moneys arising from bonds 47404
forfeited by, persons apprehended or arrested by state highway 47405
patrol troopers shall be distributed as provided in section 47406
5503.04 of the Revised Code. 47407

(3)(a) Subject to division (E) of section 4513.263 of the 47408
Revised Code and except as otherwise provided in division 47409
(A)(3)(b) of this section, one-half of all fines collected from, 47410
and one-half of all moneys arising from bonds forfeited by, 47411

persons apprehended or arrested by a township constable or other 47412
township police officer shall be paid to the township treasury to 47413
be placed to the credit of the general fund. 47414

(b) All fines collected from, and all moneys arising from 47415
bonds forfeited by, persons apprehended or arrested by a township 47416
constable or other township police officer pursuant to division 47417
(B)(2) or (C) of section 4513.39 of the Revised Code for a 47418
violation of section 4511.21 of the Revised Code or any other law, 47419
ordinance, or regulation pertaining to speed that occurred on a 47420
highway that is part of the interstate system or otherwise part of 47421
the national highway system, shall be paid into the county 47422
treasury and be credited as provided in the first paragraph of 47423
this section. 47424

(B) Notwithstanding any other provision of this section or of 47425
any other section of the Revised Code: 47426

(1) All fines collected from, and all moneys arising from 47427
bonds forfeited by, persons arrested under division (E)(1) or (2) 47428
of section 2935.03 of the Revised Code are deemed to be collected, 47429
and to arise, from arrests made within the jurisdiction in which 47430
the arresting officer is appointed, elected, or employed, for 47431
violations of one of the sections or chapters of the Revised Code 47432
listed in division (E)(1) of that section and shall be distributed 47433
accordingly. 47434

(2) All fines collected from, and all moneys arising from 47435
bonds forfeited by, persons arrested under division (E)(3) of 47436
section 2935.03 of the Revised Code are deemed to be collected, 47437
and to arise, from arrests made within the jurisdiction in which 47438
the arresting officer is appointed, elected, or employed, for 47439
violations of municipal ordinances that are substantially 47440
equivalent to one of the sections or one of the provisions of one 47441
of the chapters of the Revised Code listed in division (E)(1) of 47442
that section and for violations of one of the sections or one of 47443

the provisions of one of the chapters of the Revised Code listed 47444
in division (E)(1) of that section, and shall be distributed 47445
accordingly. 47446

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 47447
Revised Code: 47448

(A) "Persons" includes individuals, firms, partnerships, 47449
associations, joint stock companies, corporations, financial 47450
institutions, and any combinations of individuals. 47451

(B) "Motor vehicle" means motor vehicle as defined in section 47452
4501.01 of the Revised Code and also includes "all-purpose 47453
vehicle" and "off-highway motorcycle" as those terms are defined 47454
in section 4519.01 of the Revised Code. "Motor vehicle" does not 47455
include a snowmobile as defined in section 4519.01 of the Revised 47456
Code or manufactured and mobile homes. 47457

(C) "New motor vehicle" means a motor vehicle, the legal 47458
title to which has never been transferred by a manufacturer, 47459
remanufacturer, distributor, or dealer to an ultimate purchaser. 47460

(D) "Ultimate purchaser" means, with respect to any new motor 47461
vehicle, the first person, other than a dealer purchasing in the 47462
capacity of a dealer, who in good faith purchases such new motor 47463
vehicle for purposes other than resale. 47464

(E) "Business" includes any activities engaged in by any 47465
person for the object of gain, benefit, or advantage either direct 47466
or indirect, including activities conducted through the internet 47467
or another computer network. 47468

(F) "Engaging in business" means commencing, conducting, or 47469
continuing in business, or liquidating a business when the 47470
liquidator thereof holds self out to be conducting such business; 47471
making a casual sale or otherwise making transfers in the ordinary 47472
course of business when the transfers are made in connection with 47473

the disposition of all or substantially all of the transferor's 47474
assets is not engaging in business. 47475

(G) "Retail sale" or "~~sale~~ selling at retail" means the act 47476
or attempted act of selling, bartering, exchanging, or otherwise 47477
disposing of a motor vehicle, including through use of the 47478
internet or another computer network, to an ultimate purchaser for 47479
use as a consumer. 47480

(H) "Retail installment contract" includes any contract in 47481
the form of a note, chattel mortgage, conditional sales contract, 47482
lease, agreement, or other instrument payable in one or more 47483
installments over a period of time and arising out of the retail 47484
sale of a motor vehicle. 47485

(I) "Farm machinery" means all machines and tools used in the 47486
production, harvesting, and care of farm products. 47487

(J) "Dealer" or "motor vehicle dealer" means any new motor 47488
vehicle dealer, any motor vehicle leasing dealer, and any used 47489
motor vehicle dealer. 47490

(K) "New motor vehicle dealer" means any person engaged in 47491
the business of selling at retail, displaying, offering for sale, 47492
or dealing in new motor vehicles pursuant to a contract or 47493
agreement entered into with the manufacturer, remanufacturer, or 47494
distributor of the motor vehicles. 47495

(L) "Used motor vehicle dealer" means any person engaged in 47496
the business of selling, displaying, offering for sale, or dealing 47497
in used motor vehicles, at retail or wholesale, but does not mean 47498
any new motor vehicle dealer selling, displaying, offering for 47499
sale, or dealing in used motor vehicles incidentally to engaging 47500
in the business of selling, displaying, offering for sale, or 47501
dealing in new motor vehicles, any person engaged in the business 47502
of dismantling, salvaging, or rebuilding motor vehicles by means 47503
of using used parts, or any public officer performing official 47504

duties. 47505

(M) "Motor vehicle leasing dealer" means any person engaged 47506
in the business of regularly making available, offering to make 47507
available, or arranging for another person to use a motor vehicle 47508
pursuant to a bailment, lease, sublease, or other contractual 47509
arrangement under which a charge is made for its use at a periodic 47510
rate for a term of thirty days or more, and title to the motor 47511
vehicle is in and remains in the motor vehicle leasing dealer who 47512
originally leases it, irrespective of whether or not the motor 47513
vehicle is the subject of a later sublease, and not in the user, 47514
but does not mean a manufacturer or its affiliate leasing to its 47515
employees or to dealers. 47516

(N) "Salesperson" means any person employed by a dealer to 47517
sell, display, and offer for sale, or deal in motor vehicles for a 47518
commission, compensation, or other valuable consideration, but 47519
does not mean any public officer performing official duties. 47520

(O) "Casual sale" means any transfer of a motor vehicle by a 47521
person other than a new motor vehicle dealer, used motor vehicle 47522
dealer, motor vehicle salvage dealer, as defined in division (A) 47523
of section 4738.01 of the Revised Code, salesperson, motor vehicle 47524
auction owner, manufacturer, or distributor acting in the capacity 47525
of a dealer, salesperson, auction owner, manufacturer, or 47526
distributor, to a person who purchases the motor vehicle for use 47527
as a consumer. 47528

(P) "Motor vehicle auction owner" means any person who is 47529
engaged wholly or in part in the business of auctioning motor 47530
vehicles, but does not mean a construction equipment auctioneer or 47531
a construction equipment auction licensee. 47532

(Q) "Manufacturer" means a person who manufactures, 47533
assembles, or imports motor vehicles, including motor homes, but 47534
does not mean a person who only assembles or installs a body, 47535

special equipment unit, finishing trim, or accessories on a motor 47536
vehicle chassis supplied by a manufacturer or distributor. 47537

(R) "Tent-type fold-out camping trailer" means any vehicle 47538
intended to be used, when stationary, as a temporary shelter with 47539
living and sleeping facilities, and that is subject to the 47540
following properties and limitations: 47541

(1) A minimum of twenty-five per cent of the fold-out portion 47542
of the top and sidewalls combined must be constructed of canvas, 47543
vinyl, or other fabric, and form an integral part of the shelter. 47544

(2) When folded, the unit must not exceed: 47545

(a) Fifteen feet in length, exclusive of bumper and tongue; 47546

(b) Sixty inches in height from the point of contact with the 47547
ground; 47548

(c) Eight feet in width; 47549

(d) One ton gross weight at time of sale. 47550

(S) "Distributor" means any person authorized by a motor 47551
vehicle manufacturer to distribute new motor vehicles to licensed 47552
new motor vehicle dealers, but does not mean a person who only 47553
assembles or installs a body, special equipment unit, finishing 47554
trim, or accessories on a motor vehicle chassis supplied by a 47555
manufacturer or distributor. 47556

(T) "Flea market" means a market place, other than a dealer's 47557
location licensed under this chapter, where a space or location is 47558
provided for a fee or compensation to a seller to exhibit and 47559
offer for sale or trade, motor vehicles to the general public. 47560

(U) "Franchise" means any written agreement, contract, or 47561
understanding between any motor vehicle manufacturer or 47562
remanufacturer engaged in commerce and any motor vehicle dealer 47563
that purports to fix the legal rights and liabilities of the 47564
parties to such agreement, contract, or understanding. 47565

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(Z) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(AA) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing in the trade as is defined in section 1301.201 of the Revised Code, including, but not limited to, the duty to act in a fair and equitable manner so as to guarantee freedom from coercion, intimidation, or threats of coercion or intimidation; provided however, that recommendation, endorsement, exposition, persuasion, urging, or argument shall not be considered to constitute a lack of good faith.

(BB) "Coerce" means to compel or attempt to compel by failing to act in good faith or by threat of economic harm, breach of contract, or other adverse consequences. Coerce does not mean to argue, urge, recommend, or persuade.

(CC) "Relevant market area" means any area within a radius of

ten miles from the site of a potential new dealership, except that 47597
for manufactured home or recreational vehicle dealerships the 47598
radius shall be twenty-five miles. The ten-mile radius shall be 47599
measured from the dealer's established place of business that is 47600
used exclusively for the purpose of selling, displaying, offering 47601
for sale, or dealing in motor vehicles. 47602

(DD) "Wholesale" or "at wholesale" means the act or attempted 47603
act of selling, bartering, exchanging, or otherwise disposing of a 47604
motor vehicle to a transferee for the purpose of resale and not 47605
for ultimate consumption by that transferee. 47606

(EE) "Motor vehicle wholesaler" means any person licensed as 47607
a dealer under the laws of another state and engaged in the 47608
business of selling, displaying, or offering for sale used motor 47609
vehicles, at wholesale, but does not mean any motor vehicle dealer 47610
as defined in this section. 47611

(FF)(1) "Remanufacturer" means a person who assembles or 47612
installs passenger seating, walls, a roof elevation, or a body 47613
extension on a conversion van with the motor vehicle chassis 47614
supplied by a manufacturer or distributor, a person who modifies a 47615
truck chassis supplied by a manufacturer or distributor for use as 47616
a public safety or public service vehicle, a person who modifies a 47617
motor vehicle chassis supplied by a manufacturer or distributor 47618
for use as a limousine or hearse, or a person who modifies an 47619
incomplete motor vehicle cab and chassis supplied by a new motor 47620
vehicle dealer or distributor for use as a tow truck, but does not 47621
mean either of the following: 47622

(a) A person who assembles or installs passenger seating, a 47623
roof elevation, or a body extension on a recreational vehicle as 47624
defined in division (Q) and referred to in division (B) of section 47625
4501.01 of the Revised Code; 47626

(b) A person who assembles or installs special equipment or 47627

accessories for ~~handicapped persons~~ a person with a disability 47628
that limits or impairs the ability to walk, as defined in section 47629
4503.44 of the Revised Code, upon a motor vehicle chassis supplied 47630
by a manufacturer or distributor. 47631

(2) For the purposes of division (FF)(1) of this section, 47632
"public safety vehicle or public service vehicle" means a fire 47633
truck, ambulance, school bus, street sweeper, garbage packing 47634
truck, or cement mixer, or a mobile self-contained facility 47635
vehicle. 47636

(3) For the purposes of division (FF)(1) of this section, 47637
"limousine" means a motor vehicle, designed only for the purpose 47638
of carrying nine or fewer passengers, that a person modifies by 47639
cutting the original chassis, lengthening the wheelbase by forty 47640
inches or more, and reinforcing the chassis in such a way that all 47641
modifications comply with all applicable federal motor vehicle 47642
safety standards. No person shall qualify as or be deemed to be a 47643
remanufacturer who produces limousines unless the person has a 47644
written agreement with the manufacturer of the chassis the person 47645
utilizes to produce the limousines to complete properly the 47646
remanufacture of the chassis into limousines. 47647

(4) For the purposes of division (FF)(1) of this section, 47648
"hearse" means a motor vehicle, designed only for the purpose of 47649
transporting a single casket, that is equipped with a compartment 47650
designed specifically to carry a single casket that a person 47651
modifies by cutting the original chassis, lengthening the 47652
wheelbase by ten inches or more, and reinforcing the chassis in 47653
such a way that all modifications comply with all applicable 47654
federal motor vehicle safety standards. No person shall qualify as 47655
or be deemed to be a remanufacturer who produces hearses unless 47656
the person has a written agreement with the manufacturer of the 47657
chassis the person utilizes to produce the hearses to complete 47658
properly the remanufacture of the chassis into hearses. 47659

(5) For the purposes of division (FF)(1) of this section, 47660
"mobile self-contained facility vehicle" means a mobile classroom 47661
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 47662
testing laboratory, and mobile display vehicle, each of which is 47663
designed for purposes other than for passenger transportation and 47664
other than the transportation or displacement of cargo, freight, 47665
materials, or merchandise. A vehicle is remanufactured into a 47666
mobile self-contained facility vehicle in part by the addition of 47667
insulation to the body shell, and installation of all of the 47668
following: a generator, electrical wiring, plumbing, holding 47669
tanks, doors, windows, cabinets, shelving, and heating, 47670
ventilating, and air conditioning systems. 47671

(6) For the purposes of division (FF)(1) of this section, 47672
"tow truck" means both of the following: 47673

(a) An incomplete cab and chassis that are purchased by a 47674
remanufacturer from a new motor vehicle dealer or distributor of 47675
the cab and chassis and on which the remanufacturer then installs 47676
in a permanent manner a wrecker body it purchases from a 47677
manufacturer or distributor of wrecker bodies, installs an 47678
emergency flashing light pylon and emergency lights upon the mast 47679
of the wrecker body or rooftop, and installs such other related 47680
accessories and equipment, including push bumpers, front grille 47681
guards with pads and other custom-ordered items such as painting, 47682
special lettering, and safety striping so as to create a complete 47683
motor vehicle capable of lifting and towing another motor vehicle. 47684

(b) An incomplete cab and chassis that are purchased by a 47685
remanufacturer from a new motor vehicle dealer or distributor of 47686
the cab and chassis and on which the remanufacturer then installs 47687
in a permanent manner a car carrier body it purchases from a 47688
manufacturer or distributor of car carrier bodies, installs an 47689
emergency flashing light pylon and emergency lights upon the 47690
rooftop, and installs such other related accessories and 47691

equipment, including push bumpers, front grille guards with pads 47692
and other custom-ordered items such as painting, special 47693
lettering, and safety striping. 47694

As used in division (FF)(6)(b) of this section, "car carrier 47695
body" means a mechanical or hydraulic apparatus capable of lifting 47696
and holding a motor vehicle on a flat level surface so that one or 47697
more motor vehicles can be transported, once the car carrier is 47698
permanently installed upon an incomplete cab and chassis. 47699

(GG) "Operating as a new motor vehicle dealership" means 47700
engaging in activities such as displaying, offering for sale, and 47701
selling new motor vehicles at retail, operating a service facility 47702
to perform repairs and maintenance on motor vehicles, offering for 47703
sale and selling motor vehicle parts at retail, and conducting all 47704
other acts that are usual and customary to the operation of a new 47705
motor vehicle dealership. For the purposes of this chapter only, 47706
possession of either a valid new motor vehicle dealer franchise 47707
agreement or a new motor vehicle dealers license, or both of these 47708
items, is not evidence that a person is operating as a new motor 47709
vehicle dealership. 47710

(HH) "Outdoor power equipment" means garden and small utility 47711
tractors, walk-behind and riding mowers, chainsaws, and tillers. 47712

(II) "Remote service facility" means premises that are 47713
separate from a licensed new motor vehicle dealer's sales facility 47714
by not more than one mile and that are used by the dealer to 47715
perform repairs, warranty work, recall work, and maintenance on 47716
motor vehicles pursuant to a franchise agreement entered into with 47717
a manufacturer of motor vehicles. A remote service facility shall 47718
be deemed to be part of the franchise agreement and is subject to 47719
all the rights, duties, obligations, and requirements of Chapter 47720
4517. of the Revised Code that relate to the performance of motor 47721
vehicle repairs, warranty work, recall work, and maintenance work 47722
by new motor vehicle dealers. 47723

(JJ) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code.	47724 47725
(KK) "Construction equipment auctioneer" means a person who holds both a valid auction firm license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter.	47726 47727 47728 47729
(LL) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm trucks, and other similar vehicles obtained primarily from the construction, mining, transportation or farming industries.	47730 47731 47732 47733 47734 47735
(MM) "Local market conditions" includes, but is not limited to:	47736 47737
(1) Demographics in the franchisee's area;	47738
(2) Geographical and market characteristics in the franchisee's area;	47739 47740
(3) Local economic circumstances;	47741
(4) The proximity of other motor vehicle dealers of the same line-make;	47742 47743
(5) The proximity of motor vehicle manufacturing facilities;	47744
(6) The buying patterns of motor vehicle purchasers;	47745
(7) Customer drive time and drive distance.	47746
<u>(NN) "Established place of business" means a permanent, enclosed building or structure that meets all of the following requirements:</u>	47747 47748 47749
<u>(1) It is either owned, leased, or rented.</u>	47750
<u>(2) It meets local zoning or municipal requirements.</u>	47751
<u>(3) It is regularly occupied by at least one person.</u>	47752

(4) It is easily accessible to the public. 47753

(5) The records and files necessary to conduct the business 47754
are generally kept and maintained at the location. 47755

"Established place of business" does not mean a residence, 47756
tent, temporary stand, storage shed, lot, or any temporary 47757
quarters. 47758

Sec. 4517.05. (A) Each person applying for a used motor 47759
vehicle dealer's license shall ~~annually~~ biennially, before the 47760
first day of April, make out and deliver to the registrar of motor 47761
vehicles, upon a blank to be furnished by the registrar for that 47762
purpose, a separate application for license for each county in 47763
which such business is to be conducted. The application shall be 47764
in the form prescribed by the registrar, shall be signed and sworn 47765
to by the applicant, and, in addition to such other information as 47766
is required by the registrar, shall include the information 47767
specified in divisions (A) to (H) of section 4517.04 of the 47768
Revised Code. The application shall be accompanied by a 47769
photograph, as prescribed by the registrar, of each place of 47770
business operated, or to be operated, by the applicant. An 47771
application for a used motor vehicle dealer's license by any 47772
person who is subject to division (B)(1) of this section shall be 47773
accompanied by documentation, as prescribed by the motor vehicle 47774
dealers board, showing that within the immediately preceding six 47775
months, an owner, officer, partner, or director of the business 47776
entity applying for the used motor vehicle dealer's license has 47777
successfully completed a used motor vehicle dealer training 47778
course. 47779

(B)(1) Except as provided in divisions (B)(2) and (3) of this 47780
section, an owner, officer, partner, or director of a business 47781
entity applying for a used motor vehicle dealer license ninety 47782
days or more after ~~the effective date of this amendment~~ September 47783

4, 2012, shall, within six months immediately preceding the date 47784
of applying for the license, successfully complete a used motor 47785
vehicle dealer training course that complies with the rules of the 47786
motor vehicle dealers board adopted under division (C) of this 47787
section. 47788

(2) No person applying for a used motor vehicle dealer's 47789
license shall be required to have an owner, officer, partner, or 47790
director of the business entity complete a used motor vehicle 47791
dealer training course if any owner, officer, partner, or director 47792
of the business entity held a used or new motor vehicle dealer's 47793
license within the two-year period immediately preceding the date 47794
of application and the previously held license was not revoked or 47795
suspended. 47796

(3) No person applying for a used motor vehicle dealer's 47797
license shall be required to have an owner, officer, partner, or 47798
director of the related business entity complete a used motor 47799
vehicle dealer training course if the person holds a salvage motor 47800
vehicle auction license pursuant to Chapter 4738. of the Revised 47801
Code or a motor vehicle auction owner license pursuant to Chapter 47802
4517. of the Revised Code. 47803

(C)(1) In accordance with Chapter 119. of the Revised Code, 47804
the motor vehicle dealers board shall adopt rules governing used 47805
motor vehicle dealer training courses. The rules shall do all of 47806
the following: 47807

(a) Require a course provider to be an institution of higher 47808
education, as defined in section 3345.12 of the Revised Code, or a 47809
relevant professional or trade association that has been in 47810
existence for more than five years and has a majority of members 47811
who are motor vehicle dealers licensed in this state; 47812

(b) Establish any additional qualifications for course 47813
providers; 47814

(c) Establish the course curriculum, which shall include 47815
information on applicable federal and state law, including 47816
consumer protection laws, and shall require at least six hours but 47817
not more than twenty-four hours of instruction; 47818

(d) Prescribe the form for the certificate of completion, 47819
which shall require the course provider to attest that the person 47820
named on the certificate successfully completed at least six hours 47821
of used motor vehicle dealer training; 47822

(e) Establish any other reasonable requirements the board 47823
considers necessary. 47824

(2) The board shall maintain information received from any 47825
course provider concerning course location, content, length, and 47826
cost and shall provide the information to any person upon request. 47827

(3) The registrar shall not issue a used motor vehicle dealer 47828
license to any person subject to division (B)(1) of this section 47829
unless an owner, officer, partner, or director of a business 47830
entity applying for the used motor vehicle dealer license has 47831
successfully completed a used motor vehicle dealer training course 47832
that complies with the requirements of this division. 47833

(D)(1) Any person offering used motor vehicle dealer training 47834
courses shall do all of the following: 47835

(a) Conform the course to rules of the motor vehicle dealers 47836
board; 47837

(b) Establish reasonable fees for courses offered; 47838

(c) Issue, on a form prescribed by the board, a certificate 47839
of completion to each person who successfully completes a course 47840
of instruction; 47841

(d) Notify the board of the course location, content, length, 47842
and cost. 47843

(2) A course provider may use information and material from 47844

the bureau of motor vehicles and the attorney general. 47845

(E) Nothing in this section shall affect or apply to new 47846
motor vehicle dealer licensing. 47847

Sec. 4517.06. Each person applying for a motor vehicle 47848
leasing dealer's license shall ~~annually~~ biennially, before the 47849
first day of April, make out and deliver to the registrar of motor 47850
vehicles, upon a blank to be furnished by the registrar for that 47851
purpose, a separate application for license for each county in 47852
which the business of leasing motor vehicles, as described in 47853
division (M) of section 4517.01 of the Revised Code, is to be 47854
conducted. The application shall be in the form prescribed by the 47855
registrar, shall be signed and sworn to ~~be~~ by the applicant, and, 47856
in addition to such other information as is required by the 47857
registrar, shall include the information specified in divisions 47858
(A) to (H) of section 4517.04 of the Revised Code. The application 47859
shall be accompanied by a photograph, as prescribed by the 47860
registrar, of each place of business operated, or to be operated, 47861
by the applicant. 47862

Sec. 4517.07. Each person applying for a motor vehicle 47863
auction owner's license shall ~~annually~~ biennially, before the 47864
first day of April, make out and deliver to the registrar of motor 47865
vehicles, upon a blank to be furnished by the registrar for that 47866
purpose, a separate application for license for each county in 47867
which such business is to be conducted. The application shall be 47868
in the form prescribed by the registrar, shall be signed and sworn 47869
to by the applicant, and, in addition to such other information as 47870
is required by the registrar, shall include the information 47871
specified in divisions (A) to (H) of section 4517.04 of the 47872
Revised Code. The application shall be accompanied by a 47873
photograph, as prescribed by the registrar, of each place of 47874
business operated, or to be operated, by the applicant. 47875

The business records, relating to the auctioning of motor vehicles, of a licensed motor vehicle auction owner shall be open for reasonable inspection by the registrar or ~~his~~ the registrar's authorized agent.

Sec. 4517.08. Each person applying for a distributor's license shall ~~annually~~ biennially, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each place of business maintained. The application shall be in the form prescribed by the registrar, shall be signed and sworn to by the applicant, and, in addition to such other information as is required by the registrar, shall include:

(A) Name of applicant and location of principal place of distribution;

(B) The county or counties in which business is to be conducted;

(C) A statement showing the makes of motor vehicles to be distributed;

(D) The information specified in divisions (B), (C), (E), (F), (G), and (H) of section 4517.04 of the Revised Code.

At the time of application, the applicant shall furnish to the registrar a true copy of ~~his~~ the applicant's appointment as a distributor by a motor vehicle manufacturer. The appointment shall be signed and sworn to by the applicant. The application shall also be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant.

Sec. 4517.10. ~~At~~ Except as provided by section 4517.101 of the Revised Code, at the time the registrar of motor vehicles

grants the application of any person for a license as motor 47906
vehicle dealer, motor vehicle leasing dealer, distributor, motor 47907
vehicle auction owner, or motor vehicle salesperson, the registrar 47908
shall issue to the person a license. The registrar shall prescribe 47909
different forms for the licenses of motor vehicle dealers, motor 47910
vehicle leasing dealers, distributors, motor vehicle auction 47911
owners, and motor vehicle salespersons, and all licenses shall 47912
include the name and post-office address of the person licensed. 47913

The fee for a motor vehicle dealer's license and a motor 47914
vehicle leasing dealer's license shall be fifty dollars. In 47915
addition to the license fee, the registrar shall collect from each 47916
applicant for an initial motor vehicle dealer's license and motor 47917
vehicle leasing dealer's license a separate fee in an amount equal 47918
to the last assessment required by section 4505.181 of the Revised 47919
Code for all motor vehicle dealers and motor vehicle leasing 47920
dealers. The registrar shall deposit the separate fee into the 47921
state treasury to the credit of the title defect recision fund 47922
created in section 1345.52 of the Revised Code. The fee for a 47923
salesperson's license shall be ten dollars. The fee for a motor 47924
vehicle auction owner's license shall be one hundred dollars for 47925
each location. The fee for a distributor's license shall be one 47926
hundred dollars for each distributorship. In all cases, the fee 47927
shall accompany the application for license. 47928

The registrar may require each applicant for a license issued 47929
under this chapter to pay an additional fee, which shall be used 47930
by the registrar to pay the costs of obtaining a record of any 47931
arrests and convictions of the applicant from the Ohio bureau of 47932
identification and investigation. The amount of the fee shall be 47933
equal to that paid by the registrar to obtain such record. 47934

If a motor vehicle dealer or a motor vehicle leasing dealer 47935
has more than one place of business in the county, the dealer 47936
shall make application, in such form as the registrar prescribes, 47937

for a certified copy of the license issued to the dealer for each 47938
place of business operated. In the event of the loss, mutilation, 47939
or destruction of a license issued under sections 4517.01 to 47940
4517.65 of the Revised Code, any licensee may make application to 47941
the registrar, in such form as the registrar prescribes, for a 47942
duplicate copy thereof. The fee for a certified or duplicate copy 47943
of a motor vehicle dealer's, motor vehicle leasing dealer's, 47944
distributor's, or auction owner's license, is two dollars, and the 47945
fee for a duplicate copy of a salesperson's license is one dollar. 47946
All fees for such copies shall accompany the applications. 47947

Beginning on September 16, 2004, all motor vehicle dealers' 47948
licenses, motor vehicle leasing dealers' licenses, distributors' 47949
licenses, auction owners' licenses, and all salespersons' licenses 47950
issued or renewed shall expire biennially on a day within the 47951
two-year cycle that is prescribed by the registrar, unless sooner 47952
suspended or revoked. Before the first day after the day 47953
prescribed by the registrar in the year that the license expires, 47954
each licensed motor vehicle dealer, motor vehicle leasing dealer, 47955
distributor, and auction owner and each licensed salesperson, in 47956
the year in which the license will expire, shall file an 47957
application, in such form as the registrar prescribes, for the 47958
renewal of such license. The fee for renewing a motor vehicle 47959
dealer's license and a motor vehicle leasing dealer's license 47960
shall be fifty dollars. The fee for renewing a salesperson's 47961
license shall be ten dollars. The fee for renewing a motor vehicle 47962
auction owner's license shall be one hundred dollars for each 47963
location. The fee for renewing a distributor's license shall be 47964
one hundred dollars for each distributorship. In all cases the 47965
license renewal fee shall accompany the renewal application. 47966

Any salesperson's license shall be suspended upon the 47967
termination, suspension, or revocation of the license of the motor 47968
vehicle dealer for whom the salesperson is acting, or upon the 47969

salesperson leaving the service of the motor vehicle dealer; 47970
provided that upon the termination, suspension, or revocation of 47971
the license of the motor vehicle dealer for whom the salesperson 47972
is acting, or upon the salesperson leaving the service of a 47973
licensed motor vehicle dealer, the licensed salesperson, upon 47974
entering the service of any other licensed motor vehicle dealer, 47975
shall make application to the registrar, in such form as the 47976
registrar prescribes, to have the salesperson's license 47977
reinstated, transferred, and registered as a salesperson for the 47978
other dealer. If the information contained in the application is 47979
satisfactory to the registrar, the registrar shall have the 47980
salesperson's license reinstated, transferred, and registered as a 47981
salesperson for the other dealer. The fee for the reinstatement 47982
and transfer of license shall be two dollars. No license issued to 47983
a motor vehicle dealer, motor vehicle leasing dealer, auction 47984
owner, or salesperson, under sections 4517.01 to 4517.65 of the 47985
Revised Code shall be transferable to any other person. 47986

Each motor vehicle dealer, motor vehicle leasing dealer, 47987
distributor, and auction owner shall keep the dealer's or auction 47988
owner's license or a certified copy thereof posted in a 47989
conspicuous place in each place of business. A dealer shall keep a 47990
current list of the dealer's licensed salespersons, showing the 47991
names, addresses, and serial numbers of their licenses and shall 47992
make the list available upon request. Each salesperson shall keep 47993
the salesperson's license or a certified copy thereof at the 47994
salesperson's place of business and shall provide such license or 47995
copy upon demand to any inspector of the bureau of motor vehicles, 47996
state highway patrol trooper, police officer, or person with whom 47997
the salesperson seeks to transact business as a motor vehicle 47998
salesperson. 47999

The notice of refusal to grant a license shall disclose the 48000
reason for refusal. 48001

Sec. 4517.101. (A) When a person is first issued a used motor vehicle dealer license under this chapter, the registrar of motor vehicles shall issue a provisional license for a period of one hundred eighty days from the date of issuance. Not later than one hundred eighty days after the date of issuance of the provisional license, the registrar, or an agent of the registrar, shall inspect or cause to be inspected the place of business of the person who is the holder of the provisional license.

(B) If the person conducting the inspection determines that the provisional license holder has complied with all the requirements with which holders of used motor vehicle dealer licenses under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar that the provisional license holder is in compliance, and the registrar shall issue to the provisional license holder a used motor vehicle dealer license without provisional status. A license without provisional status remains valid until its expiration date unless it is suspended or revoked in accordance with this chapter.

(C) If the person conducting the inspection determines that the provisional license holder has not complied with all the requirements with which holders of used motor vehicle dealer licenses issued under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar of the noncompliance. In accordance with Chapter 119. of the Revised Code, the registrar shall send the provisional license holder written notice informing the holder that the holder's license is revoked and that the holder may appeal the revocation to the motor vehicle dealers board. Immediately upon revoking the provisional license of the license holder, the registrar shall enter a final order together with the registrar's findings and certify the same

to the motor vehicle dealers board. 48034

(D) Notwithstanding any other provision of this section, at 48035
the discretion of the registrar, a person that currently holds a 48036
valid new motor vehicle dealer license may be exempt from the 48037
issuance of a provisional used motor vehicle dealer license. 48038

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor 48039
vehicle leasing dealer, or distributor shall notify the registrar 48040
of motor vehicles concerning any change in status as a dealer, 48041
motor vehicle leasing dealer, or distributor during the period for 48042
which the dealer, or distributor is licensed, if the change of 48043
status concerns any of the following: 48044

(1) Personnel of owners, partners, officers, or directors; 48045

(2) Location of office or principal place of business; 48046

(3) Contact information where the motor vehicle dealer, motor 48047
vehicle leasing dealer, or distributor can be reached, including a 48048
valid telephone number and electronic mail address; 48049

(4) In the case of a motor vehicle dealer, any contract or 48050
agreement with any manufacturer or distributor; and in the case of 48051
a distributor, any contract or agreement with any manufacturer. 48052

(B) The notification required by division (A) of this section 48053
shall be made by filing with the registrar, within fifteen days 48054
after the change of status, a supplemental statement in a form 48055
prescribed by the registrar showing in what respect the status has 48056
been changed. If the change involves a change in any contract or 48057
agreement between any manufacturer or distributor, and dealer, or 48058
any manufacturer and distributor, the supplemental statement shall 48059
be accompanied by such copies of contracts, statements, and 48060
certificates as would have been required by sections 4517.01 to 48061
4517.45 of the Revised Code if the change had occurred prior to 48062
the licensee's application for license. 48063

The motor vehicle dealers board may adopt a rule exempting 48064
from the notification requirement of division (A)(1) of this 48065
section any dealer if stock in the dealer or its parent company is 48066
publicly traded and if there are public records with state or 48067
federal agencies that provide the information required by division 48068
(A)(1) of this section. 48069

(C) Whoever violates this section is guilty of a misdemeanor 48070
of the fourth degree. 48071

Sec. 4701.13. The accountancy board shall publish ~~annually~~ 48072
and maintain a printed publicly available and searchable 48073
electronic register. The ~~printed~~ register shall contain ~~in~~ 48074
~~separate lists~~ the names ~~and business addresses,~~ license numbers, 48075
license types, license status, and disciplinary history for any 48076
actions taken under section 4701.16 of the Revised Code of all 48077
certified public accountants and public accountants holding ~~Ohio~~ 48078
permits licenses issued under this chapter as of the date of 48079
~~preparation of~~ the register is accessed. 48080

Sec. 4703.01. The governor shall appoint an architects board, 48081
which shall be composed of five individuals, four of whom shall be 48082
architects who have been in active practice in the state for not 48083
less than ~~ten~~ five years previous to their appointment, and one of 48084
whom shall be a member of the general public and who is not an 48085
architect. 48086

At the expiration of the term of office of each of the 48087
members the governor shall, with the advice and consent of the 48088
senate appoint a successor. Terms of office shall be for five 48089
years, commencing on the third day of October and ending on the 48090
second day of October. Each member shall hold office from the date 48091
of appointment until the end of the term for which appointed. The 48092
governor may, upon bona fide complaint and for good cause shown, 48093

after ten days' notice to the member against whom charges may be 48094
filed, and after opportunity for hearing, remove any member of 48095
said board for inefficiency, neglect of duty, or malfeasance in 48096
office. Any member appointed to fill a vacancy occurring prior to 48097
the expiration of the term for which the member's predecessor was 48098
appointed shall hold office for the remainder of such term. Any 48099
member shall continue in office subsequent to the expiration date 48100
of the member's term until the member's successor takes office, or 48101
until a period of sixty days has elapsed, whichever occurs first. 48102

The members of said board shall, before entering upon the 48103
discharge of their duties, subscribe to and file with the 48104
secretary of state the constitutional oath of office. 48105

Sec. 4703.15. (A) The architects board may by three 48106
concurring votes deny renewal of, revoke, or suspend any 48107
certificate of qualification to practice architecture, issued or 48108
renewed under sections 4703.10, 4703.13, and 4703.14 of the 48109
Revised Code, or any certificate of authorization, issued or 48110
renewed under sections 4703.13 and 4703.18 of the Revised Code, if 48111
proof satisfactory to the board is presented in any of the 48112
following cases: 48113

(1) In case it is shown that the certificate was obtained by 48114
fraud; 48115

(2) In case the holder of the certificate has been found 48116
guilty by the board or by a court of justice of any fraud or 48117
deceit in the holder's professional practice, or has been 48118
convicted of a felony by a court of justice; 48119

(3) In case the holder has been found guilty by the board of 48120
gross negligence, incompetency, or misconduct in the performance 48121
of the holder's services as an architect or in the practice of 48122
architecture; 48123

(4) In case the holder of the certificate has been found 48124
guilty by the board of signing plans for the construction of a 48125
building as a "registered architect" where the holder is not the 48126
actual architect of such building and where the holder is without 48127
prior written consent of the architect originating the design or 48128
other documents used in the plans; 48129

(5) In case the holder of the certificate has been found 48130
guilty by the board of aiding and abetting another person or 48131
persons not properly registered as required by sections 4703.01 to 48132
4703.19 of the Revised Code, in the performance of activities that 48133
in any manner or extent constitute the practice of architecture. 48134

(B) In addition to disciplinary action the board may take 48135
against a certificate holder under division (A) of this section or 48136
section 4703.151 of the Revised Code, the board may impose a fine 48137
against a certificate holder who obtained a certificate by fraud 48138
or who is found guilty of any act specified in divisions (A)(2) to 48139
(A)(5) of this section or who violates any rule governing the 48140
standards of service, conduct, and practice adopted pursuant to 48141
section 4703.02 of the Revised Code. The fine imposed shall be not 48142
more than one thousand dollars for each offense but shall not 48143
exceed five thousand dollars regardless of the number of offenses 48144
the certificate holder has committed between the time the fine is 48145
imposed and the time any previous fine was imposed. 48146

(C) If a person fails to request a hearing within thirty days 48147
after the date the board, in accordance with ~~section~~ sections 48148
119.05 and 119.07 of the Revised Code, notifies the person of the 48149
board's intent to act against the person under division (A) of 48150
this section, the board by a majority vote of a quorum of the 48151
board members may take the action against a person without holding 48152
an adjudication hearing. 48153

Sec. 4703.44. The administrative procedures of the Ohio 48154

landscape architects board shall be governed by Chapter 119. of 48155
the Revised Code, and the board's authorized representatives may 48156
administer oaths, take depositions, and issue subpoenas to compel 48157
the attendance of witnesses and the production of books, papers, 48158
records, memoranda, or other information necessary to the carrying 48159
out of sections 4703.30 to 4703.52 of the Revised Code. 48160

If a person fails to request a hearing within thirty days 48161
after the date the board, in accordance with ~~section~~ sections 48162
119.05 and 119.07 of the Revised Code, notifies the person of the 48163
board's intent to act against the person under section 4703.41 of 48164
the Revised Code, the board, by a majority vote of a quorum of the 48165
board members, may take the action against a person without 48166
holding an adjudication hearing. 48167

Sec. 4713.64. (A) The state cosmetology and barber board may 48168
take disciplinary action under this chapter for any of the 48169
following: 48170

(1) Failure to comply with the safety, sanitation, and 48171
licensing requirements of this chapter or rules adopted under it; 48172

(2) Continued practice by an individual knowingly having an 48173
infectious or contagious disease; 48174

(3) Habitual drunkenness or addiction to any habit-forming 48175
drug; 48176

(4) Willful false and fraudulent or deceptive advertising; 48177

(5) Falsification of any record or application required to be 48178
filed with the board; 48179

(6) Failure to pay a fine or abide by a suspension order 48180
issued by the board; 48181

(7) Failure to cooperate with an investigation or inspection; 48182

(8) Failure to respond to a subpoena; 48183

(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	48184 48185
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	48186 48187 48188
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	48189 48190
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;	48191 48192
(2) Impose a fine;	48193
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	48194 48195
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	48196 48197 48198
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	48199 48200 48201 48202 48203 48204 48205
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be	48206 48207 48208 48209 48210 48211 48212 48213

scheduled for adjudication under Chapter 119. of the Revised Code. 48214

(D) The amount and content of corrective action courses and 48215
other relevant criteria shall be established by the board in rules 48216
adopted under section 4713.08 of the Revised Code. 48217

(E)(1) The board may impose a separate fine for each offense 48218
listed in division (A) of this section. The amount of the first 48219
fine issued for a violation as the result of an inspection shall 48220
be not more than two hundred fifty dollars if the violator has not 48221
previously been fined for that offense. Any fines issued for 48222
additional violations during such an inspection shall not be more 48223
than one hundred dollars for each additional violation. The fine 48224
shall be not more than five hundred dollars if the violator has 48225
been fined for the same offense once before. Any fines issued for 48226
additional violations during a second inspection shall not be more 48227
than two hundred dollars for each additional violation. The fine 48228
shall be not more than one thousand dollars if the violator has 48229
been fined for the same offense two or more times before. Any 48230
fines issued for additional violations during a third inspection 48231
shall not be more than three hundred dollars for each additional 48232
violation. 48233

(2) The board shall issue an order notifying a violator of a 48234
fine imposed under division (E)(1) of this section. The notice 48235
shall specify the date by which the fine is to be paid. The date 48236
shall be less than forty-five days after the board issues the 48237
order. 48238

(3) At the request of a violator who is temporarily unable to 48239
pay a fine, or upon its own motion, the board may extend the time 48240
period within which the violator shall pay the fine up to ninety 48241
days after the date the board issues the order. 48242

(4) If a violator fails to pay a fine by the date specified 48243
in the board's order and does not request an extension within ten 48244

days after the date the board issues the order, or if the violator 48245
fails to pay the fine within the extended time period as described 48246
in division (E)(3) of this section, the board shall add to the 48247
fine an additional penalty equal to ten per cent of the fine. 48248

(5) If a violator fails to pay a fine within ninety days 48249
after the board issues the order, the board shall add to the fine 48250
interest at a rate specified by the board in rules adopted under 48251
section 4713.08 of the Revised Code. 48252

(6) If the fine, including any interest or additional 48253
penalty, remains unpaid on the ninety-first day after the board 48254
issues an order under division (E)(2) of this section, the amount 48255
of the fine and any interest or additional penalty shall be 48256
certified to the attorney general for collection in the form and 48257
manner prescribed by the attorney general. The attorney general 48258
may assess the collection cost to the amount certified in such a 48259
manner and amount as prescribed by the attorney general. 48260

(F) In the case of an offense of failure to comply with 48261
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 48262
Code, the board shall impose a fine of five hundred dollars if the 48263
violator has not previously been fined for that offense. If the 48264
violator has previously been fined for the offense, the board may 48265
impose a fine in accordance with this division or take another 48266
action in accordance with division (B) of this section. 48267

(G) The board shall notify a licensee or registrant who is in 48268
violation of division (A) of this section and the owner of the 48269
salon in which the conditions constituting the violation were 48270
found. The individual receiving the notice of violation and the 48271
owner of the salon may request a hearing pursuant to section 48272
119.07 of the Revised Code. If the individual or owner fails to 48273
request a hearing or enter into a consent agreement thirty days 48274
after the date the board, in accordance with ~~section~~ sections 48275
119.05 and 119.07 of the Revised Code and division (J) of this 48276

section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

~~(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the delivery person obtain a signature to verify that the notice has been delivered. The board also may send the notices by electronic~~

mail, provided that the electronic mail delivery system certifies 48309
that a notice has been received. 48310

Sec. 4715.036. (A) As used in this section: 48311

(1) "Personal identifying information" has the same meaning 48312
as in section 2913.49 of the Revised Code. 48313

(2) "Confidential law enforcement investigatory record" has 48314
the same meaning as in section 149.43 of the Revised Code, except 48315
that it excludes information provided by an information source or 48316
witness to whom confidentiality has been reasonably promised, 48317
which information would reasonably tend to disclose the source's 48318
or witness's identity. 48319

(B) If the state dental board notifies an applicant, license 48320
holder, or other individual of an opportunity for a hearing 48321
pursuant to ~~section~~ sections 119.05 and 119.07 of the Revised 48322
Code, the board shall state in the notice that the individual is 48323
entitled to receive at least sixty days before the hearing, on the 48324
individual's request and as described in division (C) of this 48325
section, one copy of each item the board procures or creates in 48326
the course of its investigation on the individual. Such items may 48327
include, but are not limited to, the one or more complaints filed 48328
with the board; correspondence, reports, and statements; 48329
deposition transcripts; and patient dental records. 48330

(C) On receipt of a request for copies of investigative items 48331
from an individual who is notified under division (B) of this 48332
section of an opportunity for a hearing, the board shall provide 48333
the copies to the individual in accordance with, and subject to, 48334
all of the following: 48335

(1) The board shall provide the copies in a timely manner. 48336

(2) The board may charge a fee for providing the copies, but 48337
the amount of the fee shall be set at a reasonable cost to the 48338

individual. 48339

(3) Before providing the copies, the board shall determine 48340
whether the investigative items contain any personal identifying 48341
information regarding a complainant. If the board determines that 48342
the investigative items contain such personal identifying 48343
information, or any other information that would reveal the 48344
complainant's identity, the board shall redact the information 48345
from the copies it provides to the individual. 48346

(4) The board shall not provide either of the following: 48347

(a) Any information that is subject to the attorney-client 48348
privilege or work product doctrine, or that would reveal the 48349
investigatory processes or methods of investigation used by the 48350
board; 48351

(b) Any information that would constitute a confidential law 48352
enforcement investigatory record. 48353

(D) If a request for copies of investigative items is made 48354
pursuant to this section, the board in its scheduling of a hearing 48355
for the individual shall, notwithstanding section 119.07 of the 48356
Revised Code, schedule the hearing for a date that is at least 48357
sixty-one days after the board provides the individual with the 48358
copies of the items. 48359

(E)(1) After the board notifies an individual of an 48360
opportunity for a hearing, the individual may ask the board to 48361
issue either or both of the following: 48362

(a) A subpoena to compel the attendance and testimony of any 48363
witness at the hearing; 48364

(b) A subpoena for the production of books, records, papers, 48365
or other tangible items. 48366

(2) On receipt of an individual's request under division 48367
(E)(1) of this section, the board shall issue the subpoena. 48368

In the case of a subpoena for the production of books, 48369
records, papers, or other tangible items, the person or government 48370
entity subject to the subpoena shall comply with the subpoena at 48371
least thirty days prior to the date the individual's hearing is 48372
scheduled to be held. 48373

Sec. 4715.30. (A) Except as provided in division (K) of this 48374
section, an applicant for or holder of a certificate or license 48375
issued under this chapter is subject to disciplinary action by the 48376
state dental board for any of the following reasons: 48377

(1) Employing or cooperating in fraud or material deception 48378
in applying for or obtaining a license or certificate; 48379

(2) Obtaining or attempting to obtain money or anything of 48380
value by intentional misrepresentation or material deception in 48381
the course of practice; 48382

(3) Advertising services in a false or misleading manner or 48383
violating the board's rules governing time, place, and manner of 48384
advertising; 48385

(4) Commission of an act that constitutes a felony in this 48386
state, regardless of the jurisdiction in which the act was 48387
committed; 48388

(5) Commission of an act in the course of practice that 48389
constitutes a misdemeanor in this state, regardless of the 48390
jurisdiction in which the act was committed; 48391

(6) Conviction of, a plea of guilty to, a judicial finding of 48392
guilt of, a judicial finding of guilt resulting from a plea of no 48393
contest to, or a judicial finding of eligibility for intervention 48394
in lieu of conviction for, any felony or of a misdemeanor 48395
committed in the course of practice; 48396

(7) Engaging in lewd or immoral conduct in connection with 48397
the provision of dental services; 48398

(8) Selling, prescribing, giving away, or administering drugs 48399
for other than legal and legitimate therapeutic purposes, or 48400
conviction of, a plea of guilty to, a judicial finding of guilt 48401
of, a judicial finding of guilt resulting from a plea of no 48402
contest to, or a judicial finding of eligibility for intervention 48403
in lieu of conviction for, a violation of any federal or state law 48404
regulating the possession, distribution, or use of any drug; 48405

(9) Providing or allowing dental hygienists, expanded 48406
function dental auxiliaries, or other practitioners of auxiliary 48407
dental occupations working under the certificate or license 48408
holder's supervision, or a dentist holding a temporary limited 48409
continuing education license under division (C) of section 4715.16 48410
of the Revised Code working under the certificate or license 48411
holder's direct supervision, to provide dental care that departs 48412
from or fails to conform to accepted standards for the profession, 48413
whether or not injury to a patient results; 48414

(10) Inability to practice under accepted standards of the 48415
profession because of physical or mental disability, dependence on 48416
alcohol or other drugs, or excessive use of alcohol or other 48417
drugs; 48418

(11) Violation of any provision of this chapter or any rule 48419
adopted thereunder; 48420

(12) Failure to use universal blood and body fluid 48421
precautions established by rules adopted under section 4715.03 of 48422
the Revised Code; 48423

(13) Except as provided in division (H) of this section, 48424
either of the following: 48425

(a) Waiving the payment of all or any part of a deductible or 48426
copayment that a patient, pursuant to a health insurance or health 48427
care policy, contract, or plan that covers dental services, would 48428
otherwise be required to pay if the waiver is used as an 48429

enticement to a patient or group of patients to receive health 48430
care services from that certificate or license holder; 48431

(b) Advertising that the certificate or license holder will 48432
waive the payment of all or any part of a deductible or copayment 48433
that a patient, pursuant to a health insurance or health care 48434
policy, contract, or plan that covers dental services, would 48435
otherwise be required to pay. 48436

(14) Failure to comply with section 4715.302 or 4729.79 of 48437
the Revised Code, unless the state board of pharmacy no longer 48438
maintains a drug database pursuant to section 4729.75 of the 48439
Revised Code; 48440

(15) Any of the following actions taken by an agency 48441
responsible for authorizing, certifying, or regulating an 48442
individual to practice a health care occupation or provide health 48443
care services in this state or another jurisdiction, for any 48444
reason other than the nonpayment of fees: the limitation, 48445
revocation, or suspension of an individual's license to practice; 48446
acceptance of an individual's license surrender; denial of a 48447
license; refusal to renew or reinstate a license; imposition of 48448
probation; or issuance of an order of censure or other reprimand; 48449

(16) Failure to cooperate in an investigation conducted by 48450
the board under division (D) of section 4715.03 of the Revised 48451
Code, including failure to comply with a subpoena or order issued 48452
by the board or failure to answer truthfully a question presented 48453
by the board at a deposition or in written interrogatories, except 48454
that failure to cooperate with an investigation shall not 48455
constitute grounds for discipline under this section if a court of 48456
competent jurisdiction has issued an order that either quashes a 48457
subpoena or permits the individual to withhold the testimony or 48458
evidence in issue; 48459

(17) Failure to comply with the requirements in section 48460

3719.061 of the Revised Code before issuing for a minor a 48461
prescription for an opioid analgesic, as defined in section 48462
3719.01 of the Revised Code; 48463

(18) Failure to comply with the requirements of sections 48464
4715.71 and 4715.72 of the Revised Code regarding the operation of 48465
a mobile dental facility. 48466

(B) A manager, proprietor, operator, or conductor of a dental 48467
facility shall be subject to disciplinary action if any dentist, 48468
dental hygienist, expanded function dental auxiliary, or qualified 48469
personnel providing services in the facility is found to have 48470
committed a violation listed in division (A) of this section and 48471
the manager, proprietor, operator, or conductor knew of the 48472
violation and permitted it to occur on a recurring basis. 48473

(C) Subject to Chapter 119. of the Revised Code, the board 48474
may take one or more of the following disciplinary actions if one 48475
or more of the grounds for discipline listed in divisions (A) and 48476
(B) of this section exist: 48477

(1) Censure the license or certificate holder; 48478

(2) Place the license or certificate on probationary status 48479
for such period of time the board determines necessary and require 48480
the holder to: 48481

(a) Report regularly to the board upon the matters which are 48482
the basis of probation; 48483

(b) Limit practice to those areas specified by the board; 48484

(c) Continue or renew professional education until a 48485
satisfactory degree of knowledge or clinical competency has been 48486
attained in specified areas. 48487

(3) Suspend the certificate or license; 48488

(4) Revoke the certificate or license. 48489

Where the board places a holder of a license or certificate 48490

on probationary status pursuant to division (C)(2) of this 48491
section, the board may subsequently suspend or revoke the license 48492
or certificate if it determines that the holder has not met the 48493
requirements of the probation or continues to engage in activities 48494
that constitute grounds for discipline pursuant to division (A) or 48495
(B) of this section. 48496

Any order suspending a license or certificate shall state the 48497
conditions under which the license or certificate will be 48498
restored, which may include a conditional restoration during which 48499
time the holder is in a probationary status pursuant to division 48500
(C)(2) of this section. The board shall restore the license or 48501
certificate unconditionally when such conditions are met. 48502

(D) If the physical or mental condition of an applicant or a 48503
license or certificate holder is at issue in a disciplinary 48504
proceeding, the board may order the license or certificate holder 48505
to submit to reasonable examinations by an individual designated 48506
or approved by the board and at the board's expense. The physical 48507
examination may be conducted by any individual authorized by the 48508
Revised Code to do so, including a physician assistant, a clinical 48509
nurse specialist, a certified nurse practitioner, or a certified 48510
nurse-midwife. Any written documentation of the physical 48511
examination shall be completed by the individual who conducted the 48512
examination. 48513

Failure to comply with an order for an examination shall be 48514
grounds for refusal of a license or certificate or summary 48515
suspension of a license or certificate under division (E) of this 48516
section. 48517

(E) If a license or certificate holder has failed to comply 48518
with an order under division (D) of this section, the board may 48519
apply to the court of common pleas of the county in which the 48520
holder resides for an order temporarily suspending the holder's 48521
license or certificate, without a prior hearing being afforded by 48522

the board, until the board conducts an adjudication hearing 48523
pursuant to Chapter 119. of the Revised Code. If the court 48524
temporarily suspends a holder's license or certificate, the board 48525
shall give written notice of the suspension personally or by 48526
certified mail to the license or certificate holder. Such notice 48527
shall inform the license or certificate holder of the right to a 48528
hearing pursuant to Chapter 119. of the Revised Code. 48529

(F) Any holder of a certificate or license issued under this 48530
chapter who has pleaded guilty to, has been convicted of, or has 48531
had a judicial finding of eligibility for intervention in lieu of 48532
conviction entered against the holder in this state for aggravated 48533
murder, murder, voluntary manslaughter, felonious assault, 48534
kidnapping, rape, sexual battery, gross sexual imposition, 48535
aggravated arson, aggravated robbery, or aggravated burglary, or 48536
who has pleaded guilty to, has been convicted of, or has had a 48537
judicial finding of eligibility for treatment or intervention in 48538
lieu of conviction entered against the holder in another 48539
jurisdiction for any substantially equivalent criminal offense, is 48540
automatically suspended from practice under this chapter in this 48541
state and any certificate or license issued to the holder under 48542
this chapter is automatically suspended, as of the date of the 48543
guilty plea, conviction, or judicial finding, whether the 48544
proceedings are brought in this state or another jurisdiction. 48545
Continued practice by an individual after the suspension of the 48546
individual's certificate or license under this division shall be 48547
considered practicing without a certificate or license. The board 48548
shall notify the suspended individual of the suspension of the 48549
individual's certificate or license under this division ~~by~~ 48550
~~certified mail or in person~~ in accordance with ~~section~~ sections 48551
119.05 and 119.07 of the Revised Code. If an individual whose 48552
certificate or license is suspended under this division fails to 48553
make a timely request for an adjudicatory hearing, the board shall 48554
enter a final order revoking the individual's certificate or 48555

license. 48556

(G) If the supervisory investigative panel determines both of 48557
the following, the panel may recommend that the board suspend an 48558
individual's certificate or license without a prior hearing: 48559

(1) That there is clear and convincing evidence that an 48560
individual has violated division (A) of this section; 48561

(2) That the individual's continued practice presents a 48562
danger of immediate and serious harm to the public. 48563

Written allegations shall be prepared for consideration by 48564
the board. The board, upon review of those allegations and by an 48565
affirmative vote of not fewer than four dentist members of the 48566
board and seven of its members in total, excluding any member on 48567
the supervisory investigative panel, may suspend a certificate or 48568
license without a prior hearing. A telephone conference call may 48569
be utilized for reviewing the allegations and taking the vote on 48570
the summary suspension. 48571

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 48572
~~certified mail or in person~~ in accordance with ~~section~~ sections 48573
119.05 and 119.07 of the Revised Code. The order shall not be 48574
subject to suspension by the court during pendency or any appeal 48575
filed under section 119.12 of the Revised Code. If the individual 48576
subject to the summary suspension requests an adjudicatory hearing 48577
by the board, notwithstanding the time within which a hearing must 48578
be held under section 119.07 of the Revised Code, the date set for 48579
the hearing shall be within fifteen days, but not earlier than 48580
seven days, after the individual requests the hearing, unless 48581
otherwise agreed to by both the board and the individual. 48582

Any summary suspension imposed under this division shall 48583
remain in effect, unless reversed on appeal, until a final 48584
adjudicative order issued by the board pursuant to this section 48585
and Chapter 119. of the Revised Code becomes effective. The board 48586

shall issue its final adjudicative order within seventy-five days 48587
after completion of its hearing. A failure to issue the order 48588
within seventy-five days shall result in dissolution of the 48589
summary suspension order but shall not invalidate any subsequent, 48590
final adjudicative order. 48591

(H) Sanctions shall not be imposed under division (A)(13) of 48592
this section against any certificate or license holder who waives 48593
deductibles and copayments as follows: 48594

(1) In compliance with the health benefit plan that expressly 48595
allows such a practice. Waiver of the deductibles or copayments 48596
shall be made only with the full knowledge and consent of the plan 48597
purchaser, payer, and third-party administrator. Documentation of 48598
the consent shall be made available to the board upon request. 48599

(2) For professional services rendered to any other person 48600
who holds a certificate or license issued pursuant to this chapter 48601
to the extent allowed by this chapter and the rules of the board. 48602

(I) In no event shall the board consider or raise during a 48603
hearing required by Chapter 119. of the Revised Code the 48604
circumstances of, or the fact that the board has received, one or 48605
more complaints about a person unless the one or more complaints 48606
are the subject of the hearing or resulted in the board taking an 48607
action authorized by this section against the person on a prior 48608
occasion. 48609

(J) The board may share any information it receives pursuant 48610
to an investigation under division (D) of section 4715.03 of the 48611
Revised Code, including patient records and patient record 48612
information, with law enforcement agencies, other licensing 48613
boards, and other governmental agencies that are prosecuting, 48614
adjudicating, or investigating alleged violations of statutes or 48615
administrative rules. An agency or board that receives the 48616
information shall comply with the same requirements regarding 48617

confidentiality as those with which the state dental board must 48618
comply, notwithstanding any conflicting provision of the Revised 48619
Code or procedure of the agency or board that applies when it is 48620
dealing with other information in its possession. In a judicial 48621
proceeding, the information may be admitted into evidence only in 48622
accordance with the Rules of Evidence, but the court shall require 48623
that appropriate measures are taken to ensure that confidentiality 48624
is maintained with respect to any part of the information that 48625
contains names or other identifying information about patients or 48626
complainants whose confidentiality was protected by the state 48627
dental board when the information was in the board's possession. 48628
Measures to ensure confidentiality that may be taken by the court 48629
include sealing its records or deleting specific information from 48630
its records. 48631

(K) The board shall not refuse to issue a license or 48632
certificate to an applicant for either of the following reasons 48633
unless the refusal is in accordance with section 9.79 of the 48634
Revised Code: 48635

(1) A conviction or plea of guilty to an offense; 48636

(2) A judicial finding of eligibility for treatment or 48637
intervention in lieu of a conviction. 48638

Sec. 4717.14. (A) The board of embalmers and funeral 48639
directors may, except as provided in division (G) of this section, 48640
refuse to grant or renew, or may suspend or revoke, any license or 48641
permit issued under this chapter or may require the holder of a 48642
license or permit to take corrective action courses for any of the 48643
following reasons: 48644

(1) The holder of a license or permit obtained the license or 48645
permit by fraud or misrepresentation either in the application or 48646
in passing the examination. 48647

(2) The licensee or permit holder has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.

(3) The applicant, licensee, or permit holder has recklessly violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; or any provisions of sections 4717.31 to 4717.38 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

(4) The licensee or permit holder has committed immoral or unprofessional conduct.

(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision.

(6) The applicant, licensee, or permit holder has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs.

(7) The applicant, licensee, or permit holder has refused to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body or cremated remains.

(8) The licensee or permit holder loaned the licensee's own license or the permit holder's own permit, or the applicant, licensee, or permit holder borrowed or used the license or permit of another person, or knowingly aided or abetted the granting of

an improper license or permit. 48679

(9) The applicant, licensee, or permit holder misled the 48680
public by using false or deceptive advertising. As used in this 48681
division, "false and deceptive advertising" includes, but is not 48682
limited to, any of the following: 48683

(a) Using the names of persons who are not licensed to 48684
practice funeral directing in a way that leads the public to 48685
believe that such persons are engaging in funeral directing; 48686

(b) Using any name for the funeral home other than the name 48687
under which the funeral home is licensed; 48688

(c) Using in the funeral home's name the surname of an 48689
individual who is not directly, actively, or presently associated 48690
with the funeral home, unless such surname has been previously and 48691
continuously used by the funeral home. 48692

(B)(1) The board of embalmers and funeral directors shall 48693
refuse to grant or renew, or shall suspend or revoke a license or 48694
permit only in accordance with Chapter 119. of the Revised Code. 48695

(2) The board shall send to the crematory review board 48696
written notice that it proposes to refuse to issue or renew, or 48697
proposes to suspend or revoke, a license to operate a crematory 48698
facility. If, after the conclusion of the adjudicatory hearing on 48699
the matter conducted under division (F) of section 4717.03 of the 48700
Revised Code, the board of embalmers and funeral directors finds 48701
that any of the circumstances described in divisions (A)(1) to (9) 48702
of this section apply to the person named in its proposed action, 48703
the board may issue a final order under division (F) of section 48704
4717.03 of the Revised Code refusing to issue or renew, or 48705
suspending or revoking, the person's license to operate a 48706
crematory facility. 48707

(C) If the board of embalmers and funeral directors 48708
determines that there is clear and convincing evidence that any of 48709

the circumstances described in divisions (A)(1) to (9) of this 48710
section apply to the holder of a license or permit issued under 48711
this chapter and that the licensee's or permit holder's continued 48712
practice presents a danger of immediate and serious harm to the 48713
public, the board may suspend the licensee's license or permit 48714
holder's permit without a prior adjudicatory hearing. The 48715
executive director of the board shall prepare written allegations 48716
for consideration by the board. 48717

The board, after reviewing the written allegations, may 48718
suspend a license or permit without a prior hearing. 48719

Notwithstanding section 121.22 of the Revised Code, the board 48720
may suspend a license or permit under this division by utilizing a 48721
telephone conference call to review the allegations and to take a 48722
vote. 48723

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 48724
~~a delivery system or in person~~ in accordance with ~~section~~ sections 48725
119.05 and 119.07 of the Revised Code. Such an order is not 48726
subject to suspension by the court during the pendency of any 48727
appeal filed under section 119.12 of the Revised Code. If the 48728
licensee or permit holder requests an adjudicatory hearing by the 48729
board, notwithstanding the time within which a hearing must be 48730
held under section 119.07 of the Revised Code, the date set for 48731
the hearing shall be within fifteen days, but not earlier than 48732
seven days, after the licensee or permit holder has requested a 48733
hearing, unless the board and the licensee or permit holder agree 48734
to a different time for holding the hearing. 48735

Upon issuing a written order of suspension to the holder of a 48736
license to operate a crematory facility, the board of embalmers 48737
and funeral directors shall send written notice of the issuance of 48738
the order to the crematory review board. The crematory review 48739
board shall hold an adjudicatory hearing on the order under 48740
division (F) of section 4717.03 of the Revised Code within fifteen 48741

days, but not earlier than seven days, after the issuance of the 48742
order, unless the crematory review board and the licensee agree to 48743
a different time for holding the adjudicatory hearing. 48744

Any summary suspension imposed under this division shall 48745
remain in effect, unless reversed on appeal, until a final 48746
adjudicatory order issued by the board of embalmers and funeral 48747
directors pursuant to this division and Chapter 119. of the 48748
Revised Code, or division (F) of section 4717.03 of the Revised 48749
Code, as applicable, becomes effective. The board of embalmers and 48750
funeral directors shall issue its final adjudicatory order within 48751
sixty days after the completion of its hearing or, in the case of 48752
the summary suspension of a license to operate a crematory 48753
facility, within sixty days after completion of the adjudicatory 48754
hearing by the crematory review board. A failure to issue the 48755
order within that time results in the dissolution of the summary 48756
suspension order, but does not invalidate any subsequent final 48757
adjudicatory order. 48758

(D) If the board of embalmers and funeral directors suspends 48759
or revokes a funeral director's license or a license to operate a 48760
funeral home for any reason identified in division (A) of this 48761
section, the board may file a complaint with the court of common 48762
pleas in the county where the violation occurred requesting 48763
appointment of a receiver and the sequestration of the assets of 48764
the funeral home that held the suspended or revoked license or the 48765
licensed funeral home that employs the funeral director that held 48766
the suspended or revoked license. If the court of common pleas is 48767
satisfied with the application for a receivership, the court may 48768
appoint a receiver. 48769

The board or a receiver may employ and procure whatever 48770
assistance or advice is necessary in the receivership or 48771
liquidation and distribution of the assets of the funeral home, 48772
and, for that purpose, may retain officers or employees of the 48773

funeral home as needed. All expenses of the receivership or 48774
liquidation shall be paid from the assets of the funeral home and 48775
shall be a lien on those assets, and that lien shall be a priority 48776
to any other lien. 48777

(E) Any holder of a license or permit issued under this 48778
chapter who has pleaded guilty to, has been found by a judge or 48779
jury to be guilty of, or has had a judicial finding of eligibility 48780
for treatment in lieu of conviction entered against the individual 48781
in this state for aggravated murder, murder, voluntary 48782
manslaughter, felonious assault, kidnapping, rape, sexual battery, 48783
gross sexual imposition, aggravated arson, aggravated robbery, or 48784
aggravated burglary, or who has pleaded guilty to, has been found 48785
by a judge or jury to be guilty of, or has had a judicial finding 48786
of eligibility for treatment in lieu of conviction entered against 48787
the individual in another jurisdiction for any substantially 48788
equivalent criminal offense, is hereby suspended from practice 48789
under this chapter by operation of law, and any license or permit 48790
issued to the individual under this chapter is hereby suspended by 48791
operation of law as of the date of the guilty plea, verdict or 48792
finding of guilt, or judicial finding of eligibility for treatment 48793
in lieu of conviction, regardless of whether the proceedings are 48794
brought in this state or another jurisdiction. The board shall 48795
notify the suspended individual of the suspension of the 48796
individual's license or permit by the operation of ~~this division~~ 48797
~~by a delivery system or in person~~ law in accordance with ~~section~~ 48798
sections 119.05 and 119.07 of the Revised Code. If an individual 48799
whose license or permit is suspended under this division fails to 48800
make a timely request for an adjudicatory hearing, the board shall 48801
enter a final order revoking the license. 48802

(F) No person whose license or permit has been suspended or 48803
revoked under or by the operation of this section shall knowingly 48804
practice embalming, funeral directing, or cremation, or operate a 48805

funeral home, embalming facility, or crematory facility until the board has reinstated the person's license or permit.

(G) The board shall not refuse to issue a license or permit to an applicant because of a conviction of or plea of guilty to a criminal offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4723.281. (A) As used in this section, with regard to offenses committed in Ohio, "aggravated murder," "murder," "voluntary manslaughter," "felonious assault," "kidnapping," "rape," "sexual battery," "gross sexual imposition," "aggravated arson," "aggravated robbery," and "aggravated burglary" mean such offenses as defined in Title XXIX of the Revised Code; with regard to offenses committed in other jurisdictions, the terms mean offenses comparable to offenses defined in Title XXIX of the Revised Code.

(B) When there is clear and convincing evidence that continued practice by an individual licensed under this chapter presents a danger of immediate and serious harm to the public, as determined on consideration of the evidence by the president and the executive director of the board of nursing, the president and director shall impose on the individual a summary suspension without a hearing. An individual serving as president or executive director in the absence of the president or executive director may take any action that this section requires or authorizes the president or executive director to take.

Immediately following the decision to impose a summary suspension, the board shall ~~issue~~ serve a written order of suspension ~~and cause it to be delivered by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section

119.12 of the Revised Code. If the individual subject to the 48837
suspension requests an adjudication, notwithstanding the time 48838
within which a hearing must be held under section 119.07 of the 48839
Revised Code, the date set for the adjudication shall be within 48840
fifteen days but not earlier than seven days after the individual 48841
makes the request, unless another date is agreed to by both the 48842
individual and the board. The summary suspension shall remain in 48843
effect, unless reversed by the board, until a final adjudication 48844
order issued by the board pursuant to this section and Chapter 48845
119. of the Revised Code becomes effective. 48846

The board shall issue its final adjudication order within 48847
ninety days after completion of the adjudication. If the board 48848
does not issue a final order within the ninety-day period, the 48849
summary suspension shall be void, but any final adjudication order 48850
issued subsequent to the ninety-day period shall not be affected. 48851

(C) The license or certificate issued to an individual under 48852
this chapter is automatically suspended on that individual's 48853
conviction of, plea of guilty to, or judicial finding with regard 48854
to any of the following: aggravated murder, murder, voluntary 48855
manslaughter, felonious assault, kidnapping, rape, sexual battery, 48856
gross sexual imposition, aggravated arson, aggravated robbery, or 48857
aggravated burglary. The suspension shall remain in effect from 48858
the date of the conviction, plea, or finding until an adjudication 48859
is held under Chapter 119. of the Revised Code. If the board has 48860
knowledge that an automatic suspension has occurred, it shall 48861
notify the individual subject to the suspension. If the individual 48862
is notified and either fails to request an adjudication within the 48863
time periods established by Chapter 119. of the Revised Code or 48864
fails to participate in the adjudication, the board shall enter a 48865
final order permanently revoking the person's license or 48866
certificate. 48867

Sec. 4725.24. If the secretary of the state vision 48868
professionals board and the board's supervising member of 48869
investigations determine that there is clear and convincing 48870
evidence that an optometrist has violated division (B) of section 48871
4725.19 of the Revised Code and that the optometrist's continued 48872
practice presents a danger of immediate and serious harm to the 48873
public, they may recommend that the board suspend without a prior 48874
hearing the optometrist's certificate of licensure and any other 48875
certificates held by the optometrist. Written allegations shall be 48876
prepared for consideration by the full board. 48877

The board, upon review of those allegations and by an 48878
affirmative vote of three members other than the secretary and 48879
supervising member may order the suspension without a prior 48880
hearing. A telephone conference call may be utilized for reviewing 48881
the allegations and taking the vote on the summary suspension. 48882

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 48883
~~certified mail or in person~~ in accordance with ~~section~~ sections 48884
119.05 and 119.07 of the Revised Code. The order shall not be 48885
subject to suspension by the court during pendency of any appeal 48886
filed under section 119.12 of the Revised Code. If the individual 48887
subject to the summary suspension requests an adjudicatory hearing 48888
by the board, notwithstanding the time within which a hearing must 48889
be held under section 119.07 of the Revised Code, the date set for 48890
the hearing shall be within fifteen days, but not earlier than 48891
seven days, after the individual requests the hearing, unless 48892
otherwise agreed to by both the board and the individual. 48893

Any summary suspension imposed under this division shall 48894
remain in effect, unless reversed on appeal, until a final 48895
adjudicative order issued by the board pursuant to section 4725.19 48896
of the Revised Code and Chapter 119. of the Revised Code becomes 48897
effective. The board shall issue its final adjudicative order 48898

within sixty days after completion of its hearing. A failure to 48899
issue the order within sixty days shall result in dissolution of 48900
the summary suspension order but shall not invalidate any 48901
subsequent, final adjudicative order. 48902

Sec. 4730.25. (A) The state medical board, by an affirmative 48903
vote of not fewer than six members, may revoke or may refuse to 48904
grant a license to practice as a physician assistant to a person 48905
found by the board to have committed fraud, misrepresentation, or 48906
deception in applying for or securing the license. 48907

(B) Except as provided in division (N) of this section, the 48908
board, by an affirmative vote of not fewer than six members, 48909
shall, to the extent permitted by law, limit, revoke, or suspend 48910
an individual's license to practice as a physician assistant or 48911
prescriber number, refuse to issue a license to an applicant, 48912
refuse to renew a license, refuse to reinstate a license, or 48913
reprimand or place on probation the holder of a license for any of 48914
the following reasons: 48915

(1) Failure to practice in accordance with the supervising 48916
physician's supervision agreement with the physician assistant, 48917
including, if applicable, the policies of the health care facility 48918
in which the supervising physician and physician assistant are 48919
practicing; 48920

(2) Failure to comply with the requirements of this chapter, 48921
Chapter 4731. of the Revised Code, or any rules adopted by the 48922
board; 48923

(3) Violating or attempting to violate, directly or 48924
indirectly, or assisting in or abetting the violation of, or 48925
conspiring to violate, any provision of this chapter, Chapter 48926
4731. of the Revised Code, or the rules adopted by the board; 48927

(4) Inability to practice according to acceptable and 48928

prevailing standards of care by reason of mental illness or 48929
physical illness, including physical deterioration that adversely 48930
affects cognitive, motor, or perceptive skills; 48931

(5) Impairment of ability to practice according to acceptable 48932
and prevailing standards of care because of habitual or excessive 48933
use or abuse of drugs, alcohol, or other substances that impair 48934
ability to practice; 48935

(6) Administering drugs for purposes other than those 48936
authorized under this chapter; 48937

(7) Willfully betraying a professional confidence; 48938

(8) Making a false, fraudulent, deceptive, or misleading 48939
statement in soliciting or advertising for employment as a 48940
physician assistant; in connection with any solicitation or 48941
advertisement for patients; in relation to the practice of 48942
medicine as it pertains to physician assistants; or in securing or 48943
attempting to secure a license to practice as a physician 48944
assistant. 48945

As used in this division, "false, fraudulent, deceptive, or 48946
misleading statement" means a statement that includes a 48947
misrepresentation of fact, is likely to mislead or deceive because 48948
of a failure to disclose material facts, is intended or is likely 48949
to create false or unjustified expectations of favorable results, 48950
or includes representations or implications that in reasonable 48951
probability will cause an ordinarily prudent person to 48952
misunderstand or be deceived. 48953

(9) Representing, with the purpose of obtaining compensation 48954
or other advantage personally or for any other person, that an 48955
incurable disease or injury, or other incurable condition, can be 48956
permanently cured; 48957

(10) The obtaining of, or attempting to obtain, money or 48958
anything of value by fraudulent misrepresentations in the course 48959

of practice;	48960
(11) A plea of guilty to, a judicial finding of guilt of, or	48961
a judicial finding of eligibility for intervention in lieu of	48962
conviction for, a felony;	48963
(12) Commission of an act that constitutes a felony in this	48964
state, regardless of the jurisdiction in which the act was	48965
committed;	48966
(13) A plea of guilty to, a judicial finding of guilt of, or	48967
a judicial finding of eligibility for intervention in lieu of	48968
conviction for, a misdemeanor committed in the course of practice;	48969
(14) A plea of guilty to, a judicial finding of guilt of, or	48970
a judicial finding of eligibility for intervention in lieu of	48971
conviction for, a misdemeanor involving moral turpitude;	48972
(15) Commission of an act in the course of practice that	48973
constitutes a misdemeanor in this state, regardless of the	48974
jurisdiction in which the act was committed;	48975
(16) Commission of an act involving moral turpitude that	48976
constitutes a misdemeanor in this state, regardless of the	48977
jurisdiction in which the act was committed;	48978
(17) A plea of guilty to, a judicial finding of guilt of, or	48979
a judicial finding of eligibility for intervention in lieu of	48980
conviction for violating any state or federal law regulating the	48981
possession, distribution, or use of any drug, including	48982
trafficking in drugs;	48983
(18) Any of the following actions taken by the state agency	48984
responsible for regulating the practice of physician assistants in	48985
another state, for any reason other than the nonpayment of fees:	48986
the limitation, revocation, or suspension of an individual's	48987
license to practice; acceptance of an individual's license	48988
surrender; denial of a license; refusal to renew or reinstate a	48989

license; imposition of probation; or issuance of an order of 48990
censure or other reprimand; 48991

(19) A departure from, or failure to conform to, minimal 48992
standards of care of similar physician assistants under the same 48993
or similar circumstances, regardless of whether actual injury to a 48994
patient is established; 48995

(20) Violation of the conditions placed by the board on a 48996
license to practice as a physician assistant; 48997

(21) Failure to use universal blood and body fluid 48998
precautions established by rules adopted under section 4731.051 of 48999
the Revised Code; 49000

(22) Failure to cooperate in an investigation conducted by 49001
the board under section 4730.26 of the Revised Code, including 49002
failure to comply with a subpoena or order issued by the board or 49003
failure to answer truthfully a question presented by the board at 49004
a deposition or in written interrogatories, except that failure to 49005
cooperate with an investigation shall not constitute grounds for 49006
discipline under this section if a court of competent jurisdiction 49007
has issued an order that either quashes a subpoena or permits the 49008
individual to withhold the testimony or evidence in issue; 49009

(23) Assisting suicide, as defined in section 3795.01 of the 49010
Revised Code; 49011

(24) Prescribing any drug or device to perform or induce an 49012
abortion, or otherwise performing or inducing an abortion; 49013

(25) Failure to comply with section 4730.53 of the Revised 49014
Code, unless the board no longer maintains a drug database 49015
pursuant to section 4729.75 of the Revised Code; 49016

(26) Failure to comply with the requirements in section 49017
3719.061 of the Revised Code before issuing for a minor a 49018
prescription for an opioid analgesic, as defined in section 49019

3719.01 of the Revised Code; 49020

(27) Having certification by the national commission on 49021
certification of physician assistants or a successor organization 49022
expire, lapse, or be suspended or revoked; 49023

(28) The revocation, suspension, restriction, reduction, or 49024
termination of clinical privileges by the United States department 49025
of defense or department of veterans affairs or the termination or 49026
suspension of a certificate of registration to prescribe drugs by 49027
the drug enforcement administration of the United States 49028
department of justice; 49029

(29) Failure to comply with terms of a consult agreement 49030
entered into with a pharmacist pursuant to section 4729.39 of the 49031
Revised Code. 49032

(C) Disciplinary actions taken by the board under divisions 49033
(A) and (B) of this section shall be taken pursuant to an 49034
adjudication under Chapter 119. of the Revised Code, except that 49035
in lieu of an adjudication, the board may enter into a consent 49036
agreement with a physician assistant or applicant to resolve an 49037
allegation of a violation of this chapter or any rule adopted 49038
under it. A consent agreement, when ratified by an affirmative 49039
vote of not fewer than six members of the board, shall constitute 49040
the findings and order of the board with respect to the matter 49041
addressed in the agreement. If the board refuses to ratify a 49042
consent agreement, the admissions and findings contained in the 49043
consent agreement shall be of no force or effect. 49044

(D) For purposes of divisions (B)(12), (15), and (16) of this 49045
section, the commission of the act may be established by a finding 49046
by the board, pursuant to an adjudication under Chapter 119. of 49047
the Revised Code, that the applicant or license holder committed 49048
the act in question. The board shall have no jurisdiction under 49049
these divisions in cases where the trial court renders a final 49050

judgment in the license holder's favor and that judgment is based 49051
upon an adjudication on the merits. The board shall have 49052
jurisdiction under these divisions in cases where the trial court 49053
issues an order of dismissal upon technical or procedural grounds. 49054

(E) The sealing or expungement of conviction records by any 49055
court shall have no effect upon a prior board order entered under 49056
the provisions of this section or upon the board's jurisdiction to 49057
take action under the provisions of this section if, based upon a 49058
plea of guilty, a judicial finding of guilt, or a judicial finding 49059
of eligibility for intervention in lieu of conviction, the board 49060
issued a notice of opportunity for a hearing prior to the court's 49061
order to seal or expunge the records. The board shall not be 49062
required to seal, destroy, redact, or otherwise modify its records 49063
to reflect the court's sealing or expungement of conviction 49064
records. 49065

(F) For purposes of this division, any individual who holds a 49066
license issued under this chapter, or applies for a license issued 49067
under this chapter, shall be deemed to have given consent to 49068
submit to a mental or physical examination when directed to do so 49069
in writing by the board and to have waived all objections to the 49070
admissibility of testimony or examination reports that constitute 49071
a privileged communication. 49072

(1) In enforcing division (B)(4) of this section, the board, 49073
upon a showing of a possible violation, may compel any individual 49074
who holds a license issued under this chapter or who has applied 49075
for a license pursuant to this chapter to submit to a mental 49076
examination, physical examination, including an HIV test, or both 49077
a mental and physical examination. The expense of the examination 49078
is the responsibility of the individual compelled to be examined. 49079
Failure to submit to a mental or physical examination or consent 49080
to an HIV test ordered by the board constitutes an admission of 49081
the allegations against the individual unless the failure is due 49082

to circumstances beyond the individual's control, and a default 49083
and final order may be entered without the taking of testimony or 49084
presentation of evidence. If the board finds a physician assistant 49085
unable to practice because of the reasons set forth in division 49086
(B)(4) of this section, the board shall require the physician 49087
assistant to submit to care, counseling, or treatment by 49088
physicians approved or designated by the board, as a condition for 49089
an initial, continued, reinstated, or renewed license. An 49090
individual affected under this division shall be afforded an 49091
opportunity to demonstrate to the board the ability to resume 49092
practicing in compliance with acceptable and prevailing standards 49093
of care. 49094

(2) For purposes of division (B)(5) of this section, if the 49095
board has reason to believe that any individual who holds a 49096
license issued under this chapter or any applicant for a license 49097
suffers such impairment, the board may compel the individual to 49098
submit to a mental or physical examination, or both. The expense 49099
of the examination is the responsibility of the individual 49100
compelled to be examined. Any mental or physical examination 49101
required under this division shall be undertaken by a treatment 49102
provider or physician qualified to conduct such examination and 49103
chosen by the board. 49104

Failure to submit to a mental or physical examination ordered 49105
by the board constitutes an admission of the allegations against 49106
the individual unless the failure is due to circumstances beyond 49107
the individual's control, and a default and final order may be 49108
entered without the taking of testimony or presentation of 49109
evidence. If the board determines that the individual's ability to 49110
practice is impaired, the board shall suspend the individual's 49111
license or deny the individual's application and shall require the 49112
individual, as a condition for initial, continued, reinstated, or 49113
renewed licensure, to submit to treatment. 49114

Before being eligible to apply for reinstatement of a license 49115
suspended under this division, the physician assistant shall 49116
demonstrate to the board the ability to resume practice or 49117
prescribing in compliance with acceptable and prevailing standards 49118
of care. The demonstration shall include the following: 49119

(a) Certification from a treatment provider approved under 49120
section 4731.25 of the Revised Code that the individual has 49121
successfully completed any required inpatient treatment; 49122

(b) Evidence of continuing full compliance with an aftercare 49123
contract or consent agreement; 49124

(c) Two written reports indicating that the individual's 49125
ability to practice has been assessed and that the individual has 49126
been found capable of practicing according to acceptable and 49127
prevailing standards of care. The reports shall be made by 49128
individuals or providers approved by the board for making such 49129
assessments and shall describe the basis for their determination. 49130

The board may reinstate a license suspended under this 49131
division after such demonstration and after the individual has 49132
entered into a written consent agreement. 49133

When the impaired physician assistant resumes practice or 49134
prescribing, the board shall require continued monitoring of the 49135
physician assistant. The monitoring shall include compliance with 49136
the written consent agreement entered into before reinstatement or 49137
with conditions imposed by board order after a hearing, and, upon 49138
termination of the consent agreement, submission to the board for 49139
at least two years of annual written progress reports made under 49140
penalty of falsification stating whether the physician assistant 49141
has maintained sobriety. 49142

(G) If the secretary and supervising member determine that 49143
there is clear and convincing evidence that a physician assistant 49144
has violated division (B) of this section and that the 49145

individual's continued practice or prescribing presents a danger 49146
of immediate and serious harm to the public, they may recommend 49147
that the board suspend the individual's license without a prior 49148
hearing. Written allegations shall be prepared for consideration 49149
by the board. 49150

The board, upon review of those allegations and by an 49151
affirmative vote of not fewer than six of its members, excluding 49152
the secretary and supervising member, may suspend a license 49153
without a prior hearing. A telephone conference call may be 49154
utilized for reviewing the allegations and taking the vote on the 49155
summary suspension. 49156

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 49157
~~certified mail or in person~~ in accordance with ~~section~~ sections 49158
119.05 and 119.07 of the Revised Code. The order shall not be 49159
subject to suspension by the court during pendency of any appeal 49160
filed under section 119.12 of the Revised Code. If the physician 49161
assistant requests an adjudicatory hearing by the board, 49162
notwithstanding the time within which a hearing must be held under 49163
section 119.07 of the Revised Code, the date set for the hearing 49164
shall be within fifteen days, but not earlier than seven days, 49165
after the physician assistant requests the hearing, unless 49166
otherwise agreed to by both the board and the license holder. 49167

A summary suspension imposed under this division shall remain 49168
in effect, unless reversed on appeal, until a final adjudicative 49169
order issued by the board pursuant to this section and Chapter 49170
119. of the Revised Code becomes effective. The board shall issue 49171
its final adjudicative order within sixty days after completion of 49172
its hearing. Failure to issue the order within sixty days shall 49173
result in dissolution of the summary suspension order, but shall 49174
not invalidate any subsequent, final adjudicative order. 49175

(H) If the board takes action under division (B)(11), (13), 49176
or (14) of this section, and the judicial finding of guilt, guilty 49177

plea, or judicial finding of eligibility for intervention in lieu 49178
of conviction is overturned on appeal, upon exhaustion of the 49179
criminal appeal, a petition for reconsideration of the order may 49180
be filed with the board along with appropriate court documents. 49181
Upon receipt of a petition and supporting court documents, the 49182
board shall reinstate the individual's license. The board may then 49183
hold an adjudication under Chapter 119. of the Revised Code to 49184
determine whether the individual committed the act in question. 49185
Notice of opportunity for hearing shall be given in accordance 49186
with Chapter 119. of the Revised Code. If the board finds, 49187
pursuant to an adjudication held under this division, that the 49188
individual committed the act, or if no hearing is requested, it 49189
may order any of the sanctions identified under division (B) of 49190
this section. 49191

(I) The license to practice issued to a physician assistant 49192
and the physician assistant's practice in this state are 49193
automatically suspended as of the date the physician assistant 49194
pleads guilty to, is found by a judge or jury to be guilty of, or 49195
is subject to a judicial finding of eligibility for intervention 49196
in lieu of conviction in this state or treatment or intervention 49197
in lieu of conviction in another state for any of the following 49198
criminal offenses in this state or a substantially equivalent 49199
criminal offense in another jurisdiction: aggravated murder, 49200
murder, voluntary manslaughter, felonious assault, kidnapping, 49201
rape, sexual battery, gross sexual imposition, aggravated arson, 49202
aggravated robbery, or aggravated burglary. Continued practice 49203
after the suspension shall be considered practicing without a 49204
license. 49205

The board shall notify the individual subject to the 49206
suspension ~~by certified mail or in person~~ in accordance with 49207
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 49208
individual whose license is suspended under this division fails to 49209

make a timely request for an adjudication under Chapter 119. of 49210
the Revised Code, the board shall enter a final order permanently 49211
revoking the individual's license to practice. 49212

(J) In any instance in which the board is required by Chapter 49213
119. of the Revised Code to give notice of opportunity for hearing 49214
and the individual subject to the notice does not timely request a 49215
hearing in accordance with section 119.07 of the Revised Code, the 49216
board is not required to hold a hearing, but may adopt, by an 49217
affirmative vote of not fewer than six of its members, a final 49218
order that contains the board's findings. In that final order, the 49219
board may order any of the sanctions identified under division (A) 49220
or (B) of this section. 49221

(K) Any action taken by the board under division (B) of this 49222
section resulting in a suspension shall be accompanied by a 49223
written statement of the conditions under which the physician 49224
assistant's license may be reinstated. The board shall adopt rules 49225
in accordance with Chapter 119. of the Revised Code governing 49226
conditions to be imposed for reinstatement. Reinstatement of a 49227
license suspended pursuant to division (B) of this section 49228
requires an affirmative vote of not fewer than six members of the 49229
board. 49230

(L) When the board refuses to grant or issue to an applicant 49231
a license to practice as a physician assistant, revokes an 49232
individual's license, refuses to renew an individual's license, or 49233
refuses to reinstate an individual's license, the board may 49234
specify that its action is permanent. An individual subject to a 49235
permanent action taken by the board is forever thereafter 49236
ineligible to hold the license and the board shall not accept an 49237
application for reinstatement of the license or for issuance of a 49238
new license. 49239

(M) Notwithstanding any other provision of the Revised Code, 49240
all of the following apply: 49241

(1) The surrender of a license issued under this chapter is 49242
not effective unless or until accepted by the board. Reinstatement 49243
of a license surrendered to the board requires an affirmative vote 49244
of not fewer than six members of the board. 49245

(2) An application made under this chapter for a license may 49246
not be withdrawn without approval of the board. 49247

(3) Failure by an individual to renew a license in accordance 49248
with section 4730.14 of the Revised Code shall not remove or limit 49249
the board's jurisdiction to take disciplinary action under this 49250
section against the individual. 49251

(N) The board shall not refuse to issue a license to an 49252
applicant because of a conviction, plea of guilty, judicial 49253
finding of guilt, judicial finding of eligibility for intervention 49254
in lieu of conviction, or the commission of an act that 49255
constitutes a criminal offense, unless the refusal is in 49256
accordance with section 9.79 of the Revised Code. 49257

Sec. 4731.22. (A) The state medical board, by an affirmative 49258
vote of not fewer than six of its members, may limit, revoke, or 49259
suspend a license or certificate to practice or certificate to 49260
recommend, refuse to grant a license or certificate, refuse to 49261
renew a license or certificate, refuse to reinstate a license or 49262
certificate, or reprimand or place on probation the holder of a 49263
license or certificate if the individual applying for or holding 49264
the license or certificate is found by the board to have committed 49265
fraud during the administration of the examination for a license 49266
or certificate to practice or to have committed fraud, 49267
misrepresentation, or deception in applying for, renewing, or 49268
securing any license or certificate to practice or certificate to 49269
recommend issued by the board. 49270

(B) Except as provided in division (P) of this section, the 49271
board, by an affirmative vote of not fewer than six members, 49272

shall, to the extent permitted by law, limit, revoke, or suspend a 49273
license or certificate to practice or certificate to recommend, 49274
refuse to issue a license or certificate, refuse to renew a 49275
license or certificate, refuse to reinstate a license or 49276
certificate, or reprimand or place on probation the holder of a 49277
license or certificate for one or more of the following reasons: 49278

(1) Permitting one's name or one's license or certificate to 49279
practice to be used by a person, group, or corporation when the 49280
individual concerned is not actually directing the treatment 49281
given; 49282

(2) Failure to maintain minimal standards applicable to the 49283
selection or administration of drugs, or failure to employ 49284
acceptable scientific methods in the selection of drugs or other 49285
modalities for treatment of disease; 49286

(3) Except as provided in section 4731.97 of the Revised 49287
Code, selling, giving away, personally furnishing, prescribing, or 49288
administering drugs for other than legal and legitimate 49289
therapeutic purposes or a plea of guilty to, a judicial finding of 49290
guilt of, or a judicial finding of eligibility for intervention in 49291
lieu of conviction of, a violation of any federal or state law 49292
regulating the possession, distribution, or use of any drug; 49293

(4) Willfully betraying a professional confidence. 49294

For purposes of this division, "willfully betraying a 49295
professional confidence" does not include providing any 49296
information, documents, or reports under sections 307.621 to 49297
307.629 of the Revised Code to a child fatality review board; does 49298
not include providing any information, documents, or reports under 49299
sections 307.631 to 307.6410 of the Revised Code to a drug 49300
overdose fatality review committee, a suicide fatality review 49301
committee, or hybrid drug overdose fatality and suicide fatality 49302
review committee; does not include providing any information, 49303

documents, or reports under sections 307.651 to 307.659 of the Revised Code to a domestic violence fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 49336
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- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 49340
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- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 49344
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- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 49347
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- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 49350
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 49353
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- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 49356
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 49359
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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 49362
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- (15) Violation of the conditions of limitation placed by the 49365

board upon a license or certificate to practice; 49366

(16) Failure to pay license renewal fees specified in this 49367
chapter; 49368

(17) Except as authorized in section 4731.31 of the Revised 49369
Code, engaging in the division of fees for referral of patients, 49370
or the receiving of a thing of value in return for a specific 49371
referral of a patient to utilize a particular service or business; 49372

(18) Subject to section 4731.226 of the Revised Code, 49373
violation of any provision of a code of ethics of the American 49374
medical association, the American osteopathic association, the 49375
American podiatric medical association, or any other national 49376
professional organizations that the board specifies by rule. The 49377
state medical board shall obtain and keep on file current copies 49378
of the codes of ethics of the various national professional 49379
organizations. The individual whose license or certificate is 49380
being suspended or revoked shall not be found to have violated any 49381
provision of a code of ethics of an organization not appropriate 49382
to the individual's profession. 49383

For purposes of this division, a "provision of a code of 49384
ethics of a national professional organization" does not include 49385
any provision that would preclude the making of a report by a 49386
physician of an employee's use of a drug of abuse, or of a 49387
condition of an employee other than one involving the use of a 49388
drug of abuse, to the employer of the employee as described in 49389
division (B) of section 2305.33 of the Revised Code. Nothing in 49390
this division affects the immunity from civil liability conferred 49391
by that section upon a physician who makes either type of report 49392
in accordance with division (B) of that section. As used in this 49393
division, "employee," "employer," and "physician" have the same 49394
meanings as in section 2305.33 of the Revised Code. 49395

(19) Inability to practice according to acceptable and 49396

prevailing standards of care by reason of mental illness or 49397
physical illness, including, but not limited to, physical 49398
deterioration that adversely affects cognitive, motor, or 49399
perceptive skills. 49400

In enforcing this division, the board, upon a showing of a 49401
possible violation, may compel any individual authorized to 49402
practice by this chapter or who has submitted an application 49403
pursuant to this chapter to submit to a mental examination, 49404
physical examination, including an HIV test, or both a mental and 49405
a physical examination. The expense of the examination is the 49406
responsibility of the individual compelled to be examined. Failure 49407
to submit to a mental or physical examination or consent to an HIV 49408
test ordered by the board constitutes an admission of the 49409
allegations against the individual unless the failure is due to 49410
circumstances beyond the individual's control, and a default and 49411
final order may be entered without the taking of testimony or 49412
presentation of evidence. If the board finds an individual unable 49413
to practice because of the reasons set forth in this division, the 49414
board shall require the individual to submit to care, counseling, 49415
or treatment by physicians approved or designated by the board, as 49416
a condition for initial, continued, reinstated, or renewed 49417
authority to practice. An individual affected under this division 49418
shall be afforded an opportunity to demonstrate to the board the 49419
ability to resume practice in compliance with acceptable and 49420
prevailing standards under the provisions of the individual's 49421
license or certificate. For the purpose of this division, any 49422
individual who applies for or receives a license or certificate to 49423
practice under this chapter accepts the privilege of practicing in 49424
this state and, by so doing, shall be deemed to have given consent 49425
to submit to a mental or physical examination when directed to do 49426
so in writing by the board, and to have waived all objections to 49427
the admissibility of testimony or examination reports that 49428
constitute a privileged communication. 49429

(20) Except as provided in division (F)(1)(b) of section 49430
4731.282 of the Revised Code or when civil penalties are imposed 49431
under section 4731.225 of the Revised Code, and subject to section 49432
4731.226 of the Revised Code, violating or attempting to violate, 49433
directly or indirectly, or assisting in or abetting the violation 49434
of, or conspiring to violate, any provisions of this chapter or 49435
any rule promulgated by the board. 49436

This division does not apply to a violation or attempted 49437
violation of, assisting in or abetting the violation of, or a 49438
conspiracy to violate, any provision of this chapter or any rule 49439
adopted by the board that would preclude the making of a report by 49440
a physician of an employee's use of a drug of abuse, or of a 49441
condition of an employee other than one involving the use of a 49442
drug of abuse, to the employer of the employee as described in 49443
division (B) of section 2305.33 of the Revised Code. Nothing in 49444
this division affects the immunity from civil liability conferred 49445
by that section upon a physician who makes either type of report 49446
in accordance with division (B) of that section. As used in this 49447
division, "employee," "employer," and "physician" have the same 49448
meanings as in section 2305.33 of the Revised Code. 49449

(21) The violation of section 3701.79 of the Revised Code or 49450
of any abortion rule adopted by the director of health pursuant to 49451
section 3701.341 of the Revised Code; 49452

(22) Any of the following actions taken by an agency 49453
responsible for authorizing, certifying, or regulating an 49454
individual to practice a health care occupation or provide health 49455
care services in this state or another jurisdiction, for any 49456
reason other than the nonpayment of fees: the limitation, 49457
revocation, or suspension of an individual's license to practice; 49458
acceptance of an individual's license surrender; denial of a 49459
license; refusal to renew or reinstate a license; imposition of 49460
probation; or issuance of an order of censure or other reprimand; 49461

(23) The violation of section 2919.12 of the Revised Code or 49462
the performance or inducement of an abortion upon a pregnant woman 49463
with actual knowledge that the conditions specified in division 49464
(B) of section 2317.56 of the Revised Code have not been satisfied 49465
or with a heedless indifference as to whether those conditions 49466
have been satisfied, unless an affirmative defense as specified in 49467
division (H)(2) of that section would apply in a civil action 49468
authorized by division (H)(1) of that section; 49469

(24) The revocation, suspension, restriction, reduction, or 49470
termination of clinical privileges by the United States department 49471
of defense or department of veterans affairs or the termination or 49472
suspension of a certificate of registration to prescribe drugs by 49473
the drug enforcement administration of the United States 49474
department of justice; 49475

(25) Termination or suspension from participation in the 49476
medicare or medicaid programs by the department of health and 49477
human services or other responsible agency; 49478

(26) Impairment of ability to practice according to 49479
acceptable and prevailing standards of care because of habitual or 49480
excessive use or abuse of drugs, alcohol, or other substances that 49481
impair ability to practice. 49482

For the purposes of this division, any individual authorized 49483
to practice by this chapter accepts the privilege of practicing in 49484
this state subject to supervision by the board. By filing an 49485
application for or holding a license or certificate to practice 49486
under this chapter, an individual shall be deemed to have given 49487
consent to submit to a mental or physical examination when ordered 49488
to do so by the board in writing, and to have waived all 49489
objections to the admissibility of testimony or examination 49490
reports that constitute privileged communications. 49491

If it has reason to believe that any individual authorized to 49492

practice by this chapter or any applicant for licensure or 49493
certification to practice suffers such impairment, the board may 49494
compel the individual to submit to a mental or physical 49495
examination, or both. The expense of the examination is the 49496
responsibility of the individual compelled to be examined. Any 49497
mental or physical examination required under this division shall 49498
be undertaken by a treatment provider or physician who is 49499
qualified to conduct the examination and who is chosen by the 49500
board. 49501

Failure to submit to a mental or physical examination ordered 49502
by the board constitutes an admission of the allegations against 49503
the individual unless the failure is due to circumstances beyond 49504
the individual's control, and a default and final order may be 49505
entered without the taking of testimony or presentation of 49506
evidence. If the board determines that the individual's ability to 49507
practice is impaired, the board shall suspend the individual's 49508
license or certificate or deny the individual's application and 49509
shall require the individual, as a condition for initial, 49510
continued, reinstated, or renewed licensure or certification to 49511
practice, to submit to treatment. 49512

Before being eligible to apply for reinstatement of a license 49513
or certificate suspended under this division, the impaired 49514
practitioner shall demonstrate to the board the ability to resume 49515
practice in compliance with acceptable and prevailing standards of 49516
care under the provisions of the practitioner's license or 49517
certificate. The demonstration shall include, but shall not be 49518
limited to, the following: 49519

(a) Certification from a treatment provider approved under 49520
section 4731.25 of the Revised Code that the individual has 49521
successfully completed any required inpatient treatment; 49522

(b) Evidence of continuing full compliance with an aftercare 49523
contract or consent agreement; 49524

(c) Two written reports indicating that the individual's 49525
ability to practice has been assessed and that the individual has 49526
been found capable of practicing according to acceptable and 49527
prevailing standards of care. The reports shall be made by 49528
individuals or providers approved by the board for making the 49529
assessments and shall describe the basis for their determination. 49530

The board may reinstate a license or certificate suspended 49531
under this division after that demonstration and after the 49532
individual has entered into a written consent agreement. 49533

When the impaired practitioner resumes practice, the board 49534
shall require continued monitoring of the individual. The 49535
monitoring shall include, but not be limited to, compliance with 49536
the written consent agreement entered into before reinstatement or 49537
with conditions imposed by board order after a hearing, and, upon 49538
termination of the consent agreement, submission to the board for 49539
at least two years of annual written progress reports made under 49540
penalty of perjury stating whether the individual has maintained 49541
sobriety. 49542

(27) A second or subsequent violation of section 4731.66 or 49543
4731.69 of the Revised Code; 49544

(28) Except as provided in division (N) of this section: 49545

(a) Waiving the payment of all or any part of a deductible or 49546
copayment that a patient, pursuant to a health insurance or health 49547
care policy, contract, or plan that covers the individual's 49548
services, otherwise would be required to pay if the waiver is used 49549
as an enticement to a patient or group of patients to receive 49550
health care services from that individual; 49551

(b) Advertising that the individual will waive the payment of 49552
all or any part of a deductible or copayment that a patient, 49553
pursuant to a health insurance or health care policy, contract, or 49554
plan that covers the individual's services, otherwise would be 49555

required to pay. 49556

(29) Failure to use universal blood and body fluid 49557
precautions established by rules adopted under section 4731.051 of 49558
the Revised Code; 49559

(30) Failure to provide notice to, and receive acknowledgment 49560
of the notice from, a patient when required by section 4731.143 of 49561
the Revised Code prior to providing nonemergency professional 49562
services, or failure to maintain that notice in the patient's 49563
medical record; 49564

(31) Failure of a physician supervising a physician assistant 49565
to maintain supervision in accordance with the requirements of 49566
Chapter 4730. of the Revised Code and the rules adopted under that 49567
chapter; 49568

(32) Failure of a physician or podiatrist to enter into a 49569
standard care arrangement with a clinical nurse specialist, 49570
certified nurse-midwife, or certified nurse practitioner with whom 49571
the physician or podiatrist is in collaboration pursuant to 49572
section 4731.27 of the Revised Code or failure to fulfill the 49573
responsibilities of collaboration after entering into a standard 49574
care arrangement; 49575

(33) Failure to comply with the terms of a consult agreement 49576
entered into with a pharmacist pursuant to section 4729.39 of the 49577
Revised Code; 49578

(34) Failure to cooperate in an investigation conducted by 49579
the board under division (F) of this section, including failure to 49580
comply with a subpoena or order issued by the board or failure to 49581
answer truthfully a question presented by the board in an 49582
investigative interview, an investigative office conference, at a 49583
deposition, or in written interrogatories, except that failure to 49584
cooperate with an investigation shall not constitute grounds for 49585
discipline under this section if a court of competent jurisdiction 49586

has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	49587 49588
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	49589 49590 49591
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	49592 49593 49594
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	49595 49596
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	49597 49598
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	49599 49600 49601
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	49602 49603 49604
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	49605 49606 49607 49608
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	49609 49610 49611 49612
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	49613 49614 49615 49616

(44) Failure to comply with the requirements of section	49617
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	49618
submit to the department of health in accordance with a court	49619
order a complete report as described in section 2919.171 or	49620
2919.202 of the Revised Code;	49621
(45) Practicing at a facility that is subject to licensure as	49622
a category III terminal distributor of dangerous drugs with a pain	49623
management clinic classification unless the person operating the	49624
facility has obtained and maintains the license with the	49625
classification;	49626
(46) Owning a facility that is subject to licensure as a	49627
category III terminal distributor of dangerous drugs with a pain	49628
management clinic classification unless the facility is licensed	49629
with the classification;	49630
(47) Failure to comply with any of the requirements regarding	49631
making or maintaining medical records or documents described in	49632
division (A) of section 2919.192, division (C) of section	49633
2919.193, division (B) of section 2919.195, or division (A) of	49634
section 2919.196 of the Revised Code;	49635
(48) Failure to comply with the requirements in section	49636
3719.061 of the Revised Code before issuing for a minor a	49637
prescription for an opioid analgesic, as defined in section	49638
3719.01 of the Revised Code;	49639
(49) Failure to comply with the requirements of section	49640
4731.30 of the Revised Code or rules adopted under section	49641
4731.301 of the Revised Code when recommending treatment with	49642
medical marijuana;	49643
(50) Practicing at a facility, clinic, or other location that	49644
is subject to licensure as a category III terminal distributor of	49645
dangerous drugs with an office-based opioid treatment	49646
classification unless the person operating that place has obtained	49647

and maintains the license with the classification; 49648

(51) Owning a facility, clinic, or other location that is 49649
subject to licensure as a category III terminal distributor of 49650
dangerous drugs with an office-based opioid treatment 49651
classification unless that place is licensed with the 49652
classification; 49653

(52) A pattern of continuous or repeated violations of 49654
division (E)(2) or (3) of section 3963.02 of the Revised Code; 49655

(53) Failure to fulfill the responsibilities of a 49656
collaboration agreement entered into with an athletic trainer as 49657
described in section 4755.621 of the Revised Code; 49658

(54) Failure to take the steps specified in section 4731.911 49659
of the Revised Code following an abortion or attempted abortion in 49660
an ambulatory surgical facility or other location that is not a 49661
hospital when a child is born alive. 49662

(C) Disciplinary actions taken by the board under divisions 49663
(A) and (B) of this section shall be taken pursuant to an 49664
adjudication under Chapter 119. of the Revised Code, except that 49665
in lieu of an adjudication, the board may enter into a consent 49666
agreement with an individual to resolve an allegation of a 49667
violation of this chapter or any rule adopted under it. A consent 49668
agreement, when ratified by an affirmative vote of not fewer than 49669
six members of the board, shall constitute the findings and order 49670
of the board with respect to the matter addressed in the 49671
agreement. If the board refuses to ratify a consent agreement, the 49672
admissions and findings contained in the consent agreement shall 49673
be of no force or effect. 49674

A telephone conference call may be utilized for ratification 49675
of a consent agreement that revokes or suspends an individual's 49676
license or certificate to practice or certificate to recommend. 49677
The telephone conference call shall be considered a special 49678

meeting under division (F) of section 121.22 of the Revised Code. 49679

If the board takes disciplinary action against an individual 49680
under division (B) of this section for a second or subsequent plea 49681
of guilty to, or judicial finding of guilt of, a violation of 49682
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 49683
action shall consist of a suspension of the individual's license 49684
or certificate to practice for a period of at least one year or, 49685
if determined appropriate by the board, a more serious sanction 49686
involving the individual's license or certificate to practice. Any 49687
consent agreement entered into under this division with an 49688
individual that pertains to a second or subsequent plea of guilty 49689
to, or judicial finding of guilt of, a violation of that section 49690
shall provide for a suspension of the individual's license or 49691
certificate to practice for a period of at least one year or, if 49692
determined appropriate by the board, a more serious sanction 49693
involving the individual's license or certificate to practice. 49694

(D) For purposes of divisions (B)(10), (12), and (14) of this 49695
section, the commission of the act may be established by a finding 49696
by the board, pursuant to an adjudication under Chapter 119. of 49697
the Revised Code, that the individual committed the act. The board 49698
does not have jurisdiction under those divisions if the trial 49699
court renders a final judgment in the individual's favor and that 49700
judgment is based upon an adjudication on the merits. The board 49701
has jurisdiction under those divisions if the trial court issues 49702
an order of dismissal upon technical or procedural grounds. 49703

(E) The sealing or expungement of conviction records by any 49704
court shall have no effect upon a prior board order entered under 49705
this section or upon the board's jurisdiction to take action under 49706
this section if, based upon a plea of guilty, a judicial finding 49707
of guilt, or a judicial finding of eligibility for intervention in 49708
lieu of conviction, the board issued a notice of opportunity for a 49709
hearing prior to the court's order to seal or expunge the records. 49710

The board shall not be required to seal, expunge, destroy, redact, 49711
or otherwise modify its records to reflect the court's sealing of 49712
conviction records. 49713

(F)(1) The board shall investigate evidence that appears to 49714
show that a person has violated any provision of this chapter or 49715
any rule adopted under it. Any person may report to the board in a 49716
signed writing any information that the person may have that 49717
appears to show a violation of any provision of this chapter or 49718
any rule adopted under it. In the absence of bad faith, any person 49719
who reports information of that nature or who testifies before the 49720
board in any adjudication conducted under Chapter 119. of the 49721
Revised Code shall not be liable in damages in a civil action as a 49722
result of the report or testimony. Each complaint or allegation of 49723
a violation received by the board shall be assigned a case number 49724
and shall be recorded by the board. 49725

(2) Investigations of alleged violations of this chapter or 49726
any rule adopted under it shall be supervised by the supervising 49727
member elected by the board in accordance with section 4731.02 of 49728
the Revised Code and by the secretary as provided in section 49729
4731.39 of the Revised Code. The president may designate another 49730
member of the board to supervise the investigation in place of the 49731
supervising member. No member of the board who supervises the 49732
investigation of a case shall participate in further adjudication 49733
of the case. 49734

(3) In investigating a possible violation of this chapter or 49735
any rule adopted under this chapter, or in conducting an 49736
inspection under division (E) of section 4731.054 of the Revised 49737
Code, the board may question witnesses, conduct interviews, 49738
administer oaths, order the taking of depositions, inspect and 49739
copy any books, accounts, papers, records, or documents, issue 49740
subpoenas, and compel the attendance of witnesses and production 49741
of books, accounts, papers, records, documents, and testimony, 49742

except that a subpoena for patient record information shall not be 49743
issued without consultation with the attorney general's office and 49744
approval of the secretary and supervising member of the board. 49745

(a) Before issuance of a subpoena for patient record 49746
information, the secretary and supervising member shall determine 49747
whether there is probable cause to believe that the complaint 49748
filed alleges a violation of this chapter or any rule adopted 49749
under it and that the records sought are relevant to the alleged 49750
violation and material to the investigation. The subpoena may 49751
apply only to records that cover a reasonable period of time 49752
surrounding the alleged violation. 49753

(b) On failure to comply with any subpoena issued by the 49754
board and after reasonable notice to the person being subpoenaed, 49755
the board may move for an order compelling the production of 49756
persons or records pursuant to the Rules of Civil Procedure. 49757

(c) A subpoena issued by the board may be served by a 49758
sheriff, the sheriff's deputy, or a board employee or agent 49759
designated by the board. Service of a subpoena issued by the board 49760
may be made by delivering a copy of the subpoena to the person 49761
named therein, reading it to the person, or leaving it at the 49762
person's usual place of residence, usual place of business, or 49763
address on file with the board. When serving a subpoena to an 49764
applicant for or the holder of a license or certificate issued 49765
under this chapter, service of the subpoena may be made by 49766
certified mail, return receipt requested, and the subpoena shall 49767
be deemed served on the date delivery is made or the date the 49768
person refuses to accept delivery. If the person being served 49769
refuses to accept the subpoena or is not located, service may be 49770
made to an attorney who notifies the board that the attorney is 49771
representing the person. 49772

(d) A sheriff's deputy who serves a subpoena shall receive 49773
the same fees as a sheriff. Each witness who appears before the 49774

board in obedience to a subpoena shall receive the fees and 49775
mileage provided for under section 119.094 of the Revised Code. 49776

(4) All hearings, investigations, and inspections of the 49777
board shall be considered civil actions for the purposes of 49778
section 2305.252 of the Revised Code. 49779

(5) A report required to be submitted to the board under this 49780
chapter, a complaint, or information received by the board 49781
pursuant to an investigation or pursuant to an inspection under 49782
division (E) of section 4731.054 of the Revised Code is 49783
confidential and not subject to discovery in any civil action. 49784

The board shall conduct all investigations or inspections and 49785
proceedings in a manner that protects the confidentiality of 49786
patients and persons who file complaints with the board. The board 49787
shall not make public the names or any other identifying 49788
information about patients or complainants unless proper consent 49789
is given or, in the case of a patient, a waiver of the patient 49790
privilege exists under division (B) of section 2317.02 of the 49791
Revised Code, except that consent or a waiver of that nature is 49792
not required if the board possesses reliable and substantial 49793
evidence that no bona fide physician-patient relationship exists. 49794

The board may share any information it receives pursuant to 49795
an investigation or inspection, including patient records and 49796
patient record information, with law enforcement agencies, other 49797
licensing boards, and other governmental agencies that are 49798
prosecuting, adjudicating, or investigating alleged violations of 49799
statutes or administrative rules. An agency or board that receives 49800
the information shall comply with the same requirements regarding 49801
confidentiality as those with which the state medical board must 49802
comply, notwithstanding any conflicting provision of the Revised 49803
Code or procedure of the agency or board that applies when it is 49804
dealing with other information in its possession. In a judicial 49805
proceeding, the information may be admitted into evidence only in 49806

accordance with the Rules of Evidence, but the court shall require 49807
that appropriate measures are taken to ensure that confidentiality 49808
is maintained with respect to any part of the information that 49809
contains names or other identifying information about patients or 49810
complainants whose confidentiality was protected by the state 49811
medical board when the information was in the board's possession. 49812
Measures to ensure confidentiality that may be taken by the court 49813
include sealing its records or deleting specific information from 49814
its records. 49815

(6) On a quarterly basis, the board shall prepare a report 49816
that documents the disposition of all cases during the preceding 49817
three months. The report shall contain the following information 49818
for each case with which the board has completed its activities: 49819

(a) The case number assigned to the complaint or alleged 49820
violation; 49821

(b) The type of license or certificate to practice, if any, 49822
held by the individual against whom the complaint is directed; 49823

(c) A description of the allegations contained in the 49824
complaint; 49825

(d) The disposition of the case. 49826

The report shall state how many cases are still pending and 49827
shall be prepared in a manner that protects the identity of each 49828
person involved in each case. The report shall be a public record 49829
under section 149.43 of the Revised Code. 49830

(G) If the secretary and supervising member determine both of 49831
the following, they may recommend that the board suspend an 49832
individual's license or certificate to practice or certificate to 49833
recommend without a prior hearing: 49834

(1) That there is clear and convincing evidence that an 49835
individual has violated division (B) of this section; 49836

(2) That the individual's continued practice presents a 49837
danger of immediate and serious harm to the public. 49838

Written allegations shall be prepared for consideration by 49839
the board. The board, upon review of those allegations and by an 49840
affirmative vote of not fewer than six of its members, excluding 49841
the secretary and supervising member, may suspend a license or 49842
certificate without a prior hearing. A telephone conference call 49843
may be utilized for reviewing the allegations and taking the vote 49844
on the summary suspension. 49845

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 49846
~~certified mail or in person~~ in accordance with ~~section~~ sections 49847
119.05 and 119.07 of the Revised Code. The order shall not be 49848
subject to suspension by the court during pendency of any appeal 49849
filed under section 119.12 of the Revised Code. If the individual 49850
subject to the summary suspension requests an adjudicatory hearing 49851
by the board, notwithstanding the time within which a hearing must 49852
be held under section 119.07 of the Revised Code, the date set for 49853
the hearing shall be within fifteen days, but not earlier than 49854
seven days, after the individual requests the hearing, unless 49855
otherwise agreed to by both the board and the individual. 49856

Any summary suspension imposed under this division shall 49857
remain in effect, unless reversed on appeal, until a final 49858
adjudicative order issued by the board pursuant to this section 49859
and Chapter 119. of the Revised Code becomes effective. The board 49860
shall issue its final adjudicative order within seventy-five days 49861
after completion of its hearing. A failure to issue the order 49862
within seventy-five days shall result in dissolution of the 49863
summary suspension order but shall not invalidate any subsequent, 49864
final adjudicative order. 49865

(H) If the board takes action under division (B)(9), (11), or 49866
(13) of this section and the judicial finding of guilt, guilty 49867
plea, or judicial finding of eligibility for intervention in lieu 49868

of conviction is overturned on appeal, upon exhaustion of the 49869
criminal appeal, a petition for reconsideration of the order may 49870
be filed with the board along with appropriate court documents. 49871
Upon receipt of a petition of that nature and supporting court 49872
documents, the board shall reinstate the individual's license or 49873
certificate to practice. The board may then hold an adjudication 49874
under Chapter 119. of the Revised Code to determine whether the 49875
individual committed the act in question. Notice of an opportunity 49876
for a hearing shall be given in accordance with Chapter 119. of 49877
the Revised Code. If the board finds, pursuant to an adjudication 49878
held under this division, that the individual committed the act or 49879
if no hearing is requested, the board may order any of the 49880
sanctions identified under division (B) of this section. 49881

(I) The license or certificate to practice issued to an 49882
individual under this chapter and the individual's practice in 49883
this state are automatically suspended as of the date of the 49884
individual's second or subsequent plea of guilty to, or judicial 49885
finding of guilt of, a violation of section 2919.123 or 2919.124 49886
of the Revised Code. In addition, the license or certificate to 49887
practice or certificate to recommend issued to an individual under 49888
this chapter and the individual's practice in this state are 49889
automatically suspended as of the date the individual pleads 49890
guilty to, is found by a judge or jury to be guilty of, or is 49891
subject to a judicial finding of eligibility for intervention in 49892
lieu of conviction in this state or treatment or intervention in 49893
lieu of conviction in another jurisdiction for any of the 49894
following criminal offenses in this state or a substantially 49895
equivalent criminal offense in another jurisdiction: aggravated 49896
murder, murder, voluntary manslaughter, felonious assault, 49897
kidnapping, rape, sexual battery, gross sexual imposition, 49898
aggravated arson, aggravated robbery, or aggravated burglary. 49899
Continued practice after suspension shall be considered practicing 49900
without a license or certificate. 49901

The board shall notify the individual subject to the suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If an individual whose license or certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be

imposed for reinstatement. Reinstatement of a license or 49934
certificate suspended pursuant to division (B) of this section 49935
requires an affirmative vote of not fewer than six members of the 49936
board. 49937

(L) When the board refuses to grant or issue a license or 49938
certificate to practice to an applicant, revokes an individual's 49939
license or certificate to practice, refuses to renew an 49940
individual's license or certificate to practice, or refuses to 49941
reinstate an individual's license or certificate to practice, the 49942
board may specify that its action is permanent. An individual 49943
subject to a permanent action taken by the board is forever 49944
thereafter ineligible to hold a license or certificate to practice 49945
and the board shall not accept an application for reinstatement of 49946
the license or certificate or for issuance of a new license or 49947
certificate. 49948

(M) Notwithstanding any other provision of the Revised Code, 49949
all of the following apply: 49950

(1) The surrender of a license or certificate issued under 49951
this chapter shall not be effective unless or until accepted by 49952
the board. A telephone conference call may be utilized for 49953
acceptance of the surrender of an individual's license or 49954
certificate to practice. The telephone conference call shall be 49955
considered a special meeting under division (F) of section 121.22 49956
of the Revised Code. Reinstatement of a license or certificate 49957
surrendered to the board requires an affirmative vote of not fewer 49958
than six members of the board. 49959

(2) An application for a license or certificate made under 49960
the provisions of this chapter may not be withdrawn without 49961
approval of the board. 49962

(3) Failure by an individual to renew a license or 49963
certificate to practice in accordance with this chapter or a 49964

certificate to recommend in accordance with rules adopted under 49965
section 4731.301 of the Revised Code shall not remove or limit the 49966
board's jurisdiction to take any disciplinary action under this 49967
section against the individual. 49968

(4) At the request of the board, a license or certificate 49969
holder shall immediately surrender to the board a license or 49970
certificate that the board has suspended, revoked, or permanently 49971
revoked. 49972

(N) Sanctions shall not be imposed under division (B)(28) of 49973
this section against any person who waives deductibles and 49974
copayments as follows: 49975

(1) In compliance with the health benefit plan that expressly 49976
allows such a practice. Waiver of the deductibles or copayments 49977
shall be made only with the full knowledge and consent of the plan 49978
purchaser, payer, and third-party administrator. Documentation of 49979
the consent shall be made available to the board upon request. 49980

(2) For professional services rendered to any other person 49981
authorized to practice pursuant to this chapter, to the extent 49982
allowed by this chapter and rules adopted by the board. 49983

(O) Under the board's investigative duties described in this 49984
section and subject to division (F) of this section, the board 49985
shall develop and implement a quality intervention program 49986
designed to improve through remedial education the clinical and 49987
communication skills of individuals authorized under this chapter 49988
to practice medicine and surgery, osteopathic medicine and 49989
surgery, and podiatric medicine and surgery. In developing and 49990
implementing the quality intervention program, the board may do 49991
all of the following: 49992

(1) Offer in appropriate cases as determined by the board an 49993
educational and assessment program pursuant to an investigation 49994
the board conducts under this section; 49995

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;	49996 49997
(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.	49998 49999 50000 50001 50002
(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;	50003 50004 50005 50006
(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.	50007 50008 50009
An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.	50010 50011 50012
(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.	50013 50014 50015 50016 50017 50018
Sec. 4731.481. No physician shall do either of the following:	50019 50020
(A) Furnish a person with a prescription in order to enable the person to be issued a <u>standard</u> removable windshield placard, temporary removable windshield placard, <u>permanent removable</u> <u>windshield placard</u> , or license plates under section 4503.44 of the Revised Code, knowing that the person does not meet any of the	50021 50022 50023 50024 50025

criteria contained in division (A)(1) of that section;	50026
(B) Furnish a person with a prescription described in	50027
division (A) of this section and knowingly misstate on the	50028
prescription the length of time the physician expects the person	50029
to have the disability that limits or impairs the person's ability	50030
to walk in order to enable the person to retain a placard issued	50031
under section 4503.44 of the Revised Code for a period of time	50032
longer than that which would be estimated by a similar	50033
practitioner under the same or similar circumstances.	50034
Sec. 4732.17. (A) Subject to division (F) of this section and	50035
except as provided in division (G) of this section, the state	50036
board of psychology may take any of the actions specified in	50037
division (C) of this section against an applicant for or a person	50038
who holds a license issued under this chapter on any of the	50039
following grounds as applicable:	50040
(1) Conviction, including a plea of guilty or no contest, of	50041
a felony, or of any offense involving moral turpitude, in a court	50042
of this or any other state or in a federal court;	50043
(2) A judicial finding of eligibility for intervention in	50044
lieu of conviction for a felony or any offense involving moral	50045
turpitude in a court of this or any other state or in a federal	50046
court;	50047
(3) Using fraud or deceit in the procurement of the license	50048
to practice psychology, independent school psychology, or school	50049
psychology or knowingly assisting another in the procurement of	50050
such a license through fraud or deceit;	50051
(4) Accepting commissions or rebates or other forms of	50052
remuneration for referring persons to other professionals;	50053
(5) Willful, unauthorized communication of information	50054
received in professional confidence;	50055

- (6) Being negligent in the practice of psychology, 50056
independent school psychology, or school psychology; 50057
- (7) Inability to practice according to acceptable and 50058
prevailing standards of care by reason of a mental, emotional, 50059
physiological, or pharmacological condition or substance abuse; 50060
- (8) Subject to section 4732.28 of the Revised Code, violating 50061
any rule of professional conduct promulgated by the board; 50062
- (9) Practicing in an area of psychology for which the person 50063
is clearly untrained or incompetent; 50064
- (10) An adjudication by a court, as provided in section 50065
5122.301 of the Revised Code, that the person is incompetent for 50066
the purpose of holding the license. Such person may have the 50067
person's license issued or restored only upon determination by a 50068
court that the person is competent for the purpose of holding the 50069
license and upon the decision by the board that such license be 50070
issued or restored. The board may require an examination prior to 50071
such issuance or restoration. 50072
- (11) Waiving the payment of all or any part of a deductible 50073
or copayment that a patient, pursuant to a health insurance or 50074
health care policy, contract, or plan that covers psychological 50075
services, would otherwise be required to pay if the waiver is used 50076
as an enticement to a patient or group of patients to receive 50077
health care services from that provider; 50078
- (12) Advertising that the person will waive the payment of 50079
all or any part of a deductible or copayment that a patient, 50080
pursuant to a health insurance or health care policy, contract, or 50081
plan that covers psychological services, would otherwise be 50082
required to pay; 50083
- (13) Any of the following actions taken by the agency 50084
responsible for authorizing or certifying the person to practice 50085
or regulating the person's practice of a health care occupation or 50086

provision of health care services in this state or another	50087
jurisdiction, as evidenced by a certified copy of that agency's	50088
records and findings for any reason other than the nonpayment of	50089
fees:	50090
(a) Limitation, revocation, or suspension of the person's	50091
license to practice;	50092
(b) Acceptance of the person's license surrender;	50093
(c) Denial of a license to the person;	50094
(d) Refuse to renew or reinstate the person's license;	50095
(e) Imposition of probation on the person;	50096
(f) Issuance of an order of censure or other reprimand	50097
against the person;	50098
(g) Other negative action or finding against the person about	50099
which information is available to the public.	50100
(14) Offering or rendering psychological services after a	50101
license issued under this chapter has expired due to a failure to	50102
timely register under section 4732.14 of the Revised Code or	50103
complete continuing education requirements;	50104
(15) Offering or rendering psychological services after a	50105
license issued under this chapter has been placed in retired	50106
status pursuant to section 4732.142 of the Revised Code;	50107
(16) Unless the person is an independent school psychologist	50108
or school psychologist licensed under this chapter:	50109
(a) Offering or rendering independent school psychological or	50110
school psychological services after a license issued under this	50111
chapter has expired due to a failure to timely register under	50112
section 4732.14 of the Revised Code or complete continuing	50113
education requirements;	50114
(b) Offering or rendering independent school psychological or	50115

school psychological services after a license issued under this 50116
chapter has been placed in retired status pursuant to section 50117
4732.142 of the Revised Code. 50118

(17) Violating any adjudication order or consent agreement 50119
adopted by the board; 50120

(18) Failure to submit to mental, cognitive, substance abuse, 50121
or medical evaluations, or a combination of these evaluations, 50122
ordered by the board under division (E) of this section. 50123

(B) Notwithstanding divisions (A)(11) and (12) of this 50124
section, sanctions shall not be imposed against any license holder 50125
who waives deductibles and copayments: 50126

(1) In compliance with the health benefit plan that expressly 50127
allows such a practice. Waiver of the deductibles or copays shall 50128
be made only with the full knowledge and consent of the plan 50129
purchaser, payer, and third-party administrator. Such consent 50130
shall be made available to the board upon request. 50131

(2) For professional services rendered to any other person 50132
licensed pursuant to this chapter to the extent allowed by this 50133
chapter and the rules of the board. 50134

(C) For any of the reasons specified in division (A) of this 50135
section, the board may do one or more of the following: 50136

(1) Refuse to issue a license to an applicant; 50137

(2) Issue a reprimand to a license holder; 50138

(3) Suspend the license of a license holder; 50139

(4) Revoke the license of a license holder; 50140

(5) Limit or restrict the areas of practice of an applicant 50141
or a license holder; 50142

(6) Require mental, substance abuse, or physical evaluations, 50143
or any combination of these evaluations, of an applicant or a 50144

license holder; 50145

(7) Require remedial education and training of an applicant 50146
or a license holder. 50147

(D) When it revokes the license of a license holder under 50148
division (C)(4) of this section, the board may specify that the 50149
revocation is permanent. An individual subject to permanent 50150
revocation is forever thereafter ineligible to hold a license, and 50151
the board shall not accept an application for reinstatement of the 50152
license or issuance of a new license. 50153

(E) When the board issues a notice of opportunity for a 50154
hearing on the basis of division (A)(7) of this section, the 50155
supervising member of the board, with cause and upon consultation 50156
with the board's executive director and the board's legal counsel, 50157
may compel the applicant or license holder to submit to mental, 50158
cognitive, substance abuse, or medical evaluations, or a 50159
combination of these evaluations, by a person or persons selected 50160
by the board. Notice shall be given to the applicant or license 50161
holder in writing signed by the supervising member, the executive 50162
director, and the board's legal counsel. The applicant or license 50163
holder is deemed to have given consent to submit to these 50164
evaluations and to have waived all objections to the admissibility 50165
of testimony or evaluation reports that constitute a privileged 50166
communication. The expense of the evaluation or evaluations shall 50167
be the responsibility of the applicant or license holder who is 50168
evaluated. 50169

(F) Before the board may take action under this section, 50170
written charges shall be filed with the board by the secretary and 50171
a hearing shall be had thereon in accordance with Chapter 119. of 50172
the Revised Code, except as follows: 50173

(1) On receipt of a complaint that any of the grounds listed 50174
in division (A) of this section exist, the state board of 50175

psychology may suspend a license issued under this chapter prior 50176
to holding a hearing in accordance with Chapter 119. of the 50177
Revised Code if it determines, based on the complaint, that there 50178
is an immediate threat to the public. A telephone conference call 50179
may be used to conduct an emergency meeting for review of the 50180
matter by a quorum of the board, taking the vote, and 50181
memorializing the action in the minutes of the meeting. 50182

After suspending a license pursuant to division (F)(1) of 50183
this section, the board shall notify the license holder of the 50184
suspension in accordance with ~~section~~ sections 119.05 and 119.07 50185
of the Revised Code. If the individual whose license is suspended 50186
fails to make a timely request for an adjudication under Chapter 50187
119. of the Revised Code, the board shall enter a final order 50188
permanently revoking the license. 50189

(2) The board shall adopt rules establishing a case 50190
management schedule for pre-hearing procedures by the hearing 50191
examiner or presiding board member. The schedule shall include 50192
applicable deadlines related to the hearing process, including all 50193
of the following: 50194

(a) The date of the hearing; 50195

(b) The date for the disclosure of witnesses and exhibits; 50196

(c) The date for the disclosure of the identity of expert 50197
witnesses and the exchange of written reports; 50198

(d) The deadline for submitting a request for the issuance of 50199
a subpoena for the hearing as provided under Chapter 119. of the 50200
Revised Code and division (F)(4) of this section. 50201

(3) Either party to the hearing may submit a written request 50202
to the other party for a list of witnesses and copies of documents 50203
intended to be introduced at the hearing. The request shall be in 50204
writing and shall be served not less than thirty-seven days prior 50205
to the hearing, unless the hearing officer or presiding board 50206

member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension. Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents.

(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised Code, either party may ask the board to issue a subpoena for the production of other tangible items.

The person subject to a subpoena for the production of books, records, papers, or other tangible items shall respond to the subpoena at least twenty days prior to the date of the hearing. If a person fails to respond to a subpoena issued by the board, after providing reasonable notice to the person, the board, the hearing officer, or both may proceed with enforcement of the subpoena pursuant to section 119.09 of the Revised Code.

(G) The board shall not refuse to issue a license to an applicant because of a conviction or plea of guilty or no contest to an offense or a judicial finding of eligibility for intervention in lieu of conviction, unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4734.161. No chiropractor shall do either of the following:

(A) Furnish a person with a prescription in order to enable the person to be issued a standard removable windshield placard, temporary removable windshield placard, permanent removable windshield placard, or license plates under section 4503.44 of the

Revised Code, knowing that the person does not meet any of the 50238
criteria contained in division (A)(1) of that section; 50239

(B) Furnish a person with a prescription described in 50240
division (A) of this section and knowingly misstate on the 50241
prescription the length of time the chiropractor expects the 50242
person to have the disability that limits or impairs the person's 50243
ability to walk in order to enable the person to retain a placard 50244
issued under section 4503.44 of the Revised Code for a period of 50245
time longer than that which would be estimated by a similar 50246
practitioner under the same or similar circumstances. 50247

Sec. 4734.36. A chiropractor who in this state pleads guilty 50248
to or is convicted of aggravated murder, murder, voluntary 50249
manslaughter, felonious assault, kidnapping, rape, sexual battery, 50250
gross sexual imposition, aggravated arson, aggravated robbery, or 50251
aggravated burglary, or who in another jurisdiction pleads guilty 50252
to or is convicted of any substantially equivalent criminal 50253
offense, is automatically suspended from practice in this state 50254
and the license issued under this chapter to practice chiropractic 50255
is automatically suspended as of the date of the guilty plea or 50256
conviction. If applicable, the chiropractor's certificate issued 50257
under this chapter to practice acupuncture is automatically 50258
suspended at the same time. Continued practice after suspension 50259
under this section shall be considered practicing chiropractic 50260
without a license and, if applicable, acupuncture without a 50261
certificate. On receiving notice or otherwise becoming aware of 50262
the conviction, the state chiropractic board shall notify the 50263
individual of the suspension under this section ~~by certified mail~~ 50264
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 50265
of the Revised Code. If an individual whose license and, if 50266
applicable, certificate to practice acupuncture is suspended under 50267
this section fails to make a timely request for an adjudication, 50268
the board shall enter a final order revoking the individual's 50269

license and, if applicable, certificate to practice acupuncture. 50270

Sec. 4734.37. If the state chiropractic board determines that 50271
there is clear and convincing evidence that a person who has been 50272
granted a license to practice chiropractic and, if applicable, 50273
certificate to practice acupuncture under this chapter has 50274
committed an act that subjects the person's license and, if 50275
applicable, certificate to board action under section 4734.31 of 50276
the Revised Code and that the person's continued practice presents 50277
a danger of immediate and serious harm to the public, the board 50278
may suspend the license and, if applicable, certificate without a 50279
prior hearing. A telephone conference call may be utilized for 50280
reviewing the matter and taking the vote. 50281

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 50282
~~certified mail or in person~~ in accordance with ~~section~~ sections 50283
119.05 and 119.07 of the Revised Code. The order is not subject to 50284
suspension by the court during pendency of any appeal filed under 50285
section 119.12 of the Revised Code. If the person subject to the 50286
suspension requests an adjudication by the board, notwithstanding 50287
the time within which a hearing must be held under section 119.07 50288
of the Revised Code, the date set for the adjudication shall be 50289
within twenty days, but not earlier than seven days, after the 50290
request, unless otherwise agreed to by both the board and the 50291
person subject to the suspension. 50292

Any summary suspension imposed under this section shall 50293
remain in effect, unless reversed on appeal, until a final 50294
adjudicative order issued by the board pursuant to section 4734.31 50295
and Chapter 119. of the Revised Code becomes effective. The board 50296
shall issue its final adjudicative order within sixty days after 50297
completion of its adjudication. A failure to issue the order 50298
within sixty days shall result in dissolution of the summary 50299
suspension order but shall not invalidate any subsequent, final 50300

adjudicative order. 50301

Sec. 4735.03. There is hereby created the Ohio real estate 50302
commission, consisting of five members who shall be appointed by 50303
the governor, with the advice and consent of the senate. Four 50304
members shall have been engaged in the real estate business as 50305
licensed real estate brokers in the state for a period of ten 50306
years immediately preceding the appointment. One member shall 50307
represent the public. Terms of office shall be for five years, 50308
commencing on the first day of July and ending on the thirtieth 50309
day of June. Each member shall hold office from the date of 50310
appointment until the end of the term for which appointed. No more 50311
than three members shall be members of any one political party and 50312
no member of the commission concurrently may be a member of the 50313
commission and the real estate appraiser board created pursuant to 50314
section 4763.02 of the Revised Code. Each member, before entering 50315
upon the duties of office, shall subscribe to and file with the 50316
secretary of state the constitutional oath of office. All 50317
vacancies which occur shall be filled in the manner prescribed for 50318
the regular appointments to the commission. Any member appointed 50319
to fill a vacancy occurring prior to the expiration of the term 50320
for which the member's predecessor was appointed shall hold office 50321
for the remainder of such term. Any member shall continue in 50322
office subsequent to the expiration date of the member's term 50323
until the member's successor takes office, or until a period of 50324
sixty days has elapsed, whichever occurs first. No member shall 50325
hold office for more than two consecutive full terms. Annually, 50326
upon the qualification of the member appointed in such year, the 50327
commission shall organize by selecting from its members a 50328
president and vice-president, and shall do all things necessary 50329
and proper to carry out and enforce this chapter. A majority of 50330
the members of the commission shall constitute a quorum, but a 50331
lesser number may adjourn from time to time. Each member of the 50332

commission shall receive an amount fixed pursuant to section 50333
124.14 of the Revised Code for each day employed in the discharge 50334
of official duties, and the member's actual and necessary expenses 50335
incurred in the discharge of those duties. 50336

The commission or the superintendent of real estate may 50337
investigate complaints concerning the violation of section 4735.02 50338
or 4735.25 of the Revised Code and may subpoena witnesses in 50339
connection with such investigations as provided in section 4735.04 50340
of the Revised Code. The commission or the superintendent may make 50341
application to the appropriate court for an order enjoining the 50342
violation of section 4735.02 or 4735.25 of the Revised Code, and 50343
upon a showing by the commission or the superintendent that any 50344
person, firm, partnership, association, limited liability company, 50345
limited liability partnership, or corporation has violated or is 50346
about to violate section 4735.02 or 4735.25 of the Revised Code, 50347
an injunction, restraining order, or such other order as may be 50348
appropriate shall be granted by such court. 50349

The commission shall: 50350

(A) Adopt canons of ethics for the real estate industry; 50351

(B) Upon appeal by any party affected, or may upon its own 50352
motion, review any order or application determination of the 50353
superintendent, and may reverse, vacate, or modify any order of 50354
the superintendent; 50355

(C) Administer ~~the real estate education and research fund~~ 50356
and hear appeals from orders of the superintendent regarding 50357
claims ~~against that fund or~~ against the real estate recovery fund; 50358

(D) Direct the superintendent on the content, scheduling, 50359
instruction, and offerings of real estate courses for salesperson 50360
and broker educational requirements; 50361

(E) Disseminate to licensees and the public, information 50362
relative to commission activities and decisions; 50363

(F) Notify licensees of changes in state and federal civil rights laws pertaining to discrimination in the purchase or sale of real estate and relevant case law, and inform licensees that they are subject to disciplinary action if they do not comply with the changes;

(G) Publish and furnish to public libraries and to brokers booklets on housing and remedies available to dissatisfied clients under this chapter and Chapter 4112. of the Revised Code;

(H) Provide training to commission members and employees of the division of real estate and professional licensing on issues relative to the real estate industry, which may include but not be limited to investigative techniques, real estate law, and real estate practices and procedures.

Sec. 4735.05. (A) The Ohio real estate commission is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of the commission, or the director may designate any employee of the department as superintendent of real estate and professional licensing to act as executive officer of the commission.

The commission and the real estate appraiser board created pursuant to section 4763.02 of the Revised Code shall each submit to the director a list of three persons whom the commission and the board consider qualified to be superintendent within sixty days after the office of superintendent becomes vacant. The director shall appoint a superintendent from the lists submitted by the commission and the board, and the superintendent shall serve at the pleasure of the director.

(B) The superintendent, except as otherwise provided, shall do all of the following in regard to this chapter:

(1) Administer this chapter;

(2) Issue all orders necessary to implement this chapter;	50394
(3) Investigate complaints concerning the violation of this chapter or the conduct of any licensee;	50395 50396
(4) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators or auditors have the right to review and audit the business records of licensees and continuing education course providers during normal business hours.	50397 50398 50399 50400 50401 50402 50403
(5) Appoint a hearing examiner for any proceeding involving disciplinary action under section 3123.47, 4735.052, or 4735.18 of the Revised Code;	50404 50405 50406
(6) Administer the real estate recovery fund.	50407
(C) The superintendent may do all of the following:	50408
(1) In connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 4735.04 of the Revised Code;	50409 50410 50411
(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate any provision of this chapter, the court shall grant an injunction, restraining order, or other appropriate order.	50412 50413 50414 50415 50416
(3) Recommend the appointment of an ancillary trustee who is qualified as determined by the superintendent in any of the following instances:	50417 50418 50419
(a) Upon the death of a licensed broker, if there is no other licensed broker within the brokerage, upon application by any interested party, subject to the approval by the appropriate probate court, to conclude the business transactions of the	50420 50421 50422 50423

deceased broker; 50424

(b) Upon the revocation of a licensed broker, if there is no 50425
other licensed broker within the brokerage, to conclude the 50426
business transactions of the revoked broker; 50427

(c) Upon the incapacitation, suspension, or incarceration of 50428
a licensed broker, if there is no other licensed broker within the 50429
brokerage, to continue the business transactions of the brokerage 50430
for a period of time not to exceed the period of incapacitation, 50431
suspension, or incarceration. 50432

(4) In conjunction with the enforcement of this chapter, when 50433
the superintendent of real estate has reasonable cause to believe 50434
that an applicant or licensee has committed a criminal offense, 50435
the superintendent of real estate may request the superintendent 50436
of the bureau of criminal identification and investigation to 50437
conduct a criminal records check of the applicant or licensee. The 50438
superintendent of the bureau of criminal identification and 50439
investigation shall obtain information from the federal bureau of 50440
investigation as part of the criminal records check of the 50441
applicant or licensee. The superintendent of real estate may 50442
assess the applicant or licensee a fee equal to the fee assessed 50443
for the criminal records check. 50444

(5) In conjunction with the enforcement of this chapter, 50445
issue advisory letters in lieu of initiating disciplinary action 50446
under section 4735.051 or 4735.052 of the Revised Code or issuing 50447
a citation under section 4735.16 or 4735.181 of the Revised Code. 50448

(D) All information that is obtained by investigators and 50449
auditors performing investigations or conducting inspections, 50450
audits, and other inquiries pursuant to division (B)(4) of this 50451
section, from licensees, complainants, or other persons, and all 50452
reports, documents, and other work products that arise from that 50453
information and that are prepared by the investigators, auditors, 50454

or other personnel of the department, shall be held in confidence 50455
by the superintendent, the investigators and auditors, and other 50456
personnel of the department. ~~Notwithstanding division (D) of~~ 50457
~~section 2317.023 of the Revised Code, all~~ All information obtained 50458
by investigators or auditors from an informal mediation meeting 50459
held pursuant to section 4735.051 of the Revised Code, including 50460
but not limited to the agreement to mediate and the accommodation 50461
agreement, shall be held in confidence by the superintendent, 50462
investigators, auditors, and other personnel of the department. 50463

(E) This section does not require or prevent the division of 50464
real estate and professional licensing from releasing information 50465
relating to licensees to the ~~superintendent of financial~~ 50466
~~institutions for purposes relating to the administration of~~ 50467
~~Chapter 1322. of the Revised Code, division of financial~~ 50468
institutions, division of securities, and the division of 50469
industrial compliance for purposes relating to the administration 50470
of the Revised Code chapters enforced by those divisions; to the 50471
superintendent of insurance for purposes relating to the 50472
administration of Chapter 3953. of the Revised Code~~;~~i to the 50473
attorney general~~;~~i or to ~~local~~ law enforcement agencies and ~~local~~ 50474
prosecutors. Information released by the division pursuant to this 50475
section remains confidential. 50476

Sec. 4735.052. (A) Upon receipt of a written complaint or 50477
upon the superintendent's own motion, the superintendent may 50478
investigate any person that has allegedly violated section 50479
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 50480
superintendent shall not initiate an investigation, pursuant to 50481
this section, of any person who held a suspended or inactive 50482
license under this chapter on the date of the alleged violation. 50483

(B) If, after investigation, the superintendent determines 50484
there exists reasonable evidence of a violation of section 50485

4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 50486
business days after that determination, the superintendent shall 50487
send the party who is the subject of the investigation, a written 50488
notice, by regular mail, that includes all of the following 50489
information: 50490

(1) A description of the activity in which the party 50491
allegedly is engaging or has engaged that is a violation of 50492
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 50493

(2) The applicable law allegedly violated; 50494

(3) A statement informing the party that a hearing concerning 50495
the alleged violation will be held, upon the party's request, 50496
before a hearing examiner pursuant to Chapter 119. of the Revised 50497
Code. 50498

(C)(1) If a hearing is requested, the hearing examiner shall 50499
hear the testimony of all parties present at the hearing and 50500
consider any written testimony submitted pursuant to this section, 50501
and determine if there has been a violation of section 4735.02, 50502
4735.023, or 4735.25 of the Revised Code. 50503

(2) After the conclusion of formal hearings, the hearing 50504
examiner shall file a report of findings of fact and conclusions 50505
of law with the superintendent, the commission, the complainant, 50506
and the parties. Within twenty days of receipt of such copy of the 50507
written report of findings of fact and conclusions of law, the 50508
parties and the division may file with the commission written 50509
objections to the report, which shall be considered by the 50510
commission before approving, modifying, or disapproving the 50511
report. 50512

(3) The commission shall review the hearing examiner's report 50513
at the next regularly scheduled commission meeting held at least 50514
twenty business days after receipt of the hearing examiner's 50515
report. The commission shall hear the testimony of the complainant 50516

or the parties upon request. 50517

(4) The commission shall decide whether to impose 50518
disciplinary sanctions upon a party for a violation of section 50519
4735.02 or 4735.023 of the Revised Code. If the commission finds 50520
that a violation has occurred, the commission may assess a civil 50521
penalty, in an amount it determines, not to exceed one thousand 50522
dollars per violation. Each day a violation occurs or continues is 50523
a separate violation. The commission shall determine the terms of 50524
payment. The commission shall maintain a record of the proceedings 50525
of the hearing and issue a written opinion to all parties, citing 50526
its findings and grounds for any action taken. 50527

(D) Civil penalties collected under this section shall be 50528
deposited in the real estate operating fund, which is created in 50529
the state treasury under section 4735.211 of the Revised Code. 50530

(E) If a party fails to pay a civil penalty assessed pursuant 50531
to this section within the time prescribed by the commission, the 50532
superintendent shall forward to the attorney general the name of 50533
the party, any other identifying information, and the amount of 50534
the civil penalty, for the purpose of collecting that civil 50535
penalty. In addition to the civil penalty assessed pursuant to 50536
this section, the party also shall pay any fee assessed by the 50537
attorney general for collection of the civil penalty. 50538

(F) The superintendent may reserve the right to bring a civil 50539
action against a party that fails to pay a civil penalty for 50540
breach of contract in a court of competent jurisdiction. 50541

Sec. 4735.06. (A) Application for a license as a real estate 50542
broker shall be made to the superintendent of real estate on forms 50543
furnished by the superintendent and filed with the superintendent 50544
and shall be signed by the applicant or its members or officers. 50545
Each application shall state the name of the person applying and 50546
the location of the place of business for which the license is 50547

desired, and give such other information as the superintendent 50548
requires in the form of application prescribed by the 50549
superintendent. 50550

(B)(1) If the applicant is a partnership, limited liability 50551
company, limited liability partnership, or association, the names 50552
of all the members also shall be stated, and, if the applicant is 50553
a corporation, the names of its president and of each of its 50554
officers also shall be stated. 50555

The superintendent has the right to reject the application of 50556
any partnership, association, limited liability company, limited 50557
liability partnership, or corporation if the name proposed to be 50558
used by such partnership, association, limited liability company, 50559
limited liability partnership, or corporation is likely to mislead 50560
the public or if the name is not such as to distinguish it from 50561
the name of any existing partnership, association, limited 50562
liability company, limited liability partnership, or corporation 50563
licensed under this chapter, unless there is filed with the 50564
application the written consent of such existing partnership, 50565
association, limited liability company, limited liability 50566
partnership, or corporation, executed by a duly authorized 50567
representative of it, permitting the use of the name of such 50568
existing partnership, association, limited liability company, 50569
limited liability partnership, or corporation. 50570

(2) The superintendent shall approve the use of a trade name 50571
by a brokerage, if the name meets both of the following criteria: 50572

(a) The proposed name is not the same as or is clearly 50573
distinguishable from a name registered with the division of real 50574
estate and professional licensing by another existing brokerage. 50575
If the superintendent determines that the proposed name is not 50576
clearly distinguishable from any other existing brokerage, the 50577
superintendent may approve the use of the trade name if there is 50578

filed with the superintendent the written consent of the existing 50579
brokerage with the same or similar name. 50580

(b) The name is not misleading or likely to mislead the 50581
public. 50582

(3) The superintendent may approve the use of more than one 50583
trade name for a brokerage. 50584

(4) When a brokerage has received the approval of the 50585
superintendent to conduct business under one or more trade names,
those trade names shall be the only identifying names used by the 50586
brokerage in all advertising. 50587
50588

(C) A fee of one hundred thirty-five dollars shall accompany 50589
the application for a real estate broker's license. The initial 50590
licensing period commences at the time the license is issued and 50591
ends on the applicant's first birthday thereafter. However, if the 50592
applicant was an inactive or active salesperson immediately 50593
preceding application for a broker's license, then the initial 50594
licensing period shall commence at the time the broker's license 50595
is issued and ends on the date the licensee's continuing education 50596
is due as set when the applicant was a salesperson. The 50597
application fee shall be nonrefundable. A fee of one hundred 50598
thirty-five dollars shall be charged by the superintendent for 50599
each successive application made by an applicant. In the case of 50600
issuance of a three-year license, upon passing the examination, or 50601
upon waiver of the examination requirement, if the superintendent 50602
determines it is necessary, the applicant shall submit an 50603
additional fee determined by the superintendent based upon the 50604
number of years remaining in a real estate salesperson's licensing 50605
period. 50606

~~(D) One dollar of each application fee for a real estate 50607
broker's license shall be credited to the real estate education 50608
and research fund, which is hereby created in the state treasury. 50609~~

The Ohio real estate commission may use the division of real estate operating fund created under section 4735.211 of the Revised Code in discharging the duties prescribed in divisions (E), (F), (G), and (H) of section 4735.03 of the Revised Code and ~~shall~~ may use it in the advancement of education and research in real estate at any institution of higher education in the state, or in contracting with any such institution or a trade organization for a particular research or educational project in the field of real estate, or in advancing loans, not exceeding two thousand dollars, to applicants for salesperson licenses, to defray the costs of satisfying the educational requirements of division (F) of section 4735.09 of the Revised Code. Such loans shall be made according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and they shall be repaid to the fund within three years of the time they are made. No more than twenty-five thousand dollars shall be lent from the fund in any one fiscal year.

The governor may appoint a representative from the executive branch to be a member ex officio of the commission for the purpose of advising on research requests or educational projects. The commission shall report to the general assembly on the third Tuesday after the third Monday in January of each year setting forth the total amount contained in the fund and the amount of each research grant that it has authorized and the amount of each research grant requested. A copy of all research reports shall be submitted to the state library of Ohio and the library of the legislative service commission.

(E) If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate broker's examination, pursuant to division (A) of section 4735.07 of the Revised Code, the superintendent may require an applicant to pay the testing

service's examination fee directly to the testing service. If the 50642
superintendent requires the payment of the examination fee 50643
directly to the testing service, each applicant shall submit to 50644
the superintendent a processing fee in an amount determined by the 50645
Ohio real estate commission pursuant to division (A)(2) of section 50646
4735.10 of the Revised Code. 50647

Sec. 4735.07. (A) The superintendent of real estate, with the 50648
consent of the Ohio real estate commission, may enter into 50649
agreements with recognized national testing services to administer 50650
the real estate broker's examination under the superintendent's 50651
supervision and control, consistent with the requirements of this 50652
chapter as to the contents of such examination. 50653

(B) No applicant for a real estate broker's license shall 50654
take the broker's examination who has not established to the 50655
satisfaction of the superintendent that the applicant: 50656

(1) Is honest and truthful; 50657

(2)(a) Has not been convicted of a disqualifying offense as 50658
determined in accordance with section 9.79 of the Revised Code; 50659

(b) Has not been finally adjudged by a court to have violated 50660
any municipal, state, or federal civil rights laws relevant to the 50661
protection of purchasers or sellers of real estate or, if the 50662
applicant has been so adjudged, at least two years have passed 50663
since the court decision and the superintendent has disregarded 50664
the adjudication because the applicant has proven, by a 50665
preponderance of the evidence, that the applicant's activities and 50666
employment record since the adjudication show that the applicant 50667
is honest and truthful, and there is no basis in fact for 50668
believing that the applicant will again violate the laws involved. 50669

(3) Has not, during any period in which the applicant was 50670
licensed under this chapter, violated any provision of, or any 50671

rule adopted pursuant to, this chapter, or, if the applicant has 50672
violated any such provision or rule, has established to the 50673
satisfaction of the superintendent that the applicant will not 50674
again violate such provision or rule; 50675

(4) Is at least eighteen years of age; 50676

(5) Has been a licensed real estate broker or salesperson for 50677
at least ~~two years; during at least~~ two of the five years 50678
preceding the person's application, ~~has worked as a licensed real~~ 50679
~~estate broker or salesperson for an average of at least thirty~~ 50680
~~hours per week;~~ and has completed one of the following: 50681

(a) At least twenty real estate transactions, in which 50682
property was sold for another by the applicant while acting in the 50683
capacity of a real estate broker or salesperson; 50684

(b) Such equivalent experience as is defined by rules adopted 50685
by the commission. 50686

(6)(a) If licensed as a real estate salesperson prior to 50687
August 1, 2001, successfully has completed at an institution of 50688
higher education all of the following credit-eligible courses by 50689
either classroom instruction or distance education: 50690

(i) Thirty hours of instruction in real estate practice; 50691

(ii) Thirty hours of instruction that includes the subjects 50692
of Ohio real estate law, municipal, state, and federal civil 50693
rights law, new case law on housing discrimination, desegregation 50694
issues, and methods of eliminating the effects of prior 50695
discrimination. If feasible, the instruction in Ohio real estate 50696
law shall be taught by a member of the faculty of an accredited 50697
law school. If feasible, the instruction in municipal, state, and 50698
federal civil rights law, new case law on housing discrimination, 50699
desegregation issues, and methods of eliminating the effects of 50700
prior discrimination shall be taught by a staff member of the Ohio 50701
civil rights commission who is knowledgeable with respect to those 50702

subjects. The requirements of this division do not apply to an 50703
applicant who is admitted to practice before the supreme court. 50704

(iii) Thirty hours of instruction in real estate appraisal; 50705

(iv) Thirty hours of instruction in real estate finance; 50706

(v) Three quarter hours, or its equivalent in semester hours, 50707
in financial management; 50708

(vi) Three quarter hours, or its equivalent in semester 50709
hours, in human resource or personnel management; 50710

(vii) Three quarter hours, or its equivalent in semester 50711
hours, in applied business economics; 50712

(viii) Three quarter hours, or its equivalent in semester 50713
hours, in business law. 50714

(b) If licensed as a real estate salesperson on or after 50715
August 1, 2001, successfully has completed at an institution of 50716
higher education all of the following credit-eligible courses by 50717
either classroom instruction or distance education: 50718

(i) Forty hours of instruction in real estate practice; 50719

(ii) Forty hours of instruction that includes the subjects of 50720
Ohio real estate law, municipal, state, and federal civil rights 50721
law, new case law on housing discrimination, desegregation issues, 50722
and methods of eliminating the effects of prior discrimination. If 50723
feasible, the instruction in Ohio real estate law shall be taught 50724
by a member of the faculty of an accredited law school. If 50725
feasible, the instruction in municipal, state, and federal civil 50726
rights law, new case law on housing discrimination, desegregation 50727
issues, and methods of eliminating the effects of prior 50728
discrimination shall be taught by a staff member of the Ohio civil 50729
rights commission who is knowledgeable with respect to those 50730
subjects. The requirements of this division do not apply to an 50731
applicant who is admitted to practice before the supreme court. 50732

(iii) Twenty hours of instruction in real estate appraisal; 50733

(iv) Twenty hours of instruction in real estate finance; 50734

(v) The training in the amount of hours specified under 50735
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 50736

(c) Division (B)(6)(a) or (b) of this section does not apply 50737
to any applicant who holds a valid real estate salesperson's 50738
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 50739
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 50740
do not apply to any applicant who holds a valid real estate 50741
salesperson's license issued prior to January 3, 1984. 50742

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 50743
section do not apply to any new applicant who holds a valid Ohio 50744
real estate appraiser license or certificate issued prior to the 50745
date of application for a real estate broker's license. 50746

(e) Successful completion of the instruction required by 50747
division (B)(6)(a) or (b) of this section shall be determined by 50748
the law in effect on the date the instruction was completed. 50749

(7) If licensed as a real estate salesperson on or after 50750
January 3, 1984, satisfactorily has completed a minimum of two 50751
years of post-secondary education, or its equivalent in semester 50752
or quarter hours, at an institution of higher education, and has 50753
fulfilled the requirements of division (B)(6)(a) or (b) of this 50754
section. The requirements of division (B)(6)(a) or (b) of this 50755
section may be included in the two years of post-secondary 50756
education, or its equivalent in semester or quarter hours, that is 50757
required by this division. The post-secondary education 50758
requirement may be satisfied by completing the credit-eligible 50759
courses using either classroom instruction or distance education. 50760
Successful completion of any course required by this section shall 50761
be determined by the law in effect on the date the course was 50762
completed. 50763

(C) Each applicant for a broker's license shall be examined 50764
in the principles of real estate practice, Ohio real estate law, 50765
and financing and appraisal, and as to the duties of real estate 50766
brokers and real estate salespersons, the applicant's knowledge of 50767
real estate transactions and instruments relating to them, and the 50768
canons of business ethics pertaining to them. The commission from 50769
time to time shall promulgate such canons and cause them to be 50770
published in printed form. 50771

(D) Examinations shall be administered with reasonable 50772
accommodations in accordance with the requirements of the 50773
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 50774
U.S.C. 12101. The contents of an examination shall be consistent 50775
with the requirements of division (B)(6) of this section and with 50776
the other specific requirements of this section. An applicant who 50777
has completed the requirements of division (B)(6) of this section 50778
at the time of application shall be examined no later than twelve 50779
months after the applicant is notified of admission to the 50780
examination. 50781

(E) The superintendent may waive one or more of the 50782
requirements of this section in the case of an application from a 50783
nonresident real estate broker pursuant to a reciprocity agreement 50784
with the licensing authority of the state from which the 50785
nonresident applicant holds a valid real estate broker license. 50786

(F) There shall be no limit placed on the number of times an 50787
applicant may retake the examination. 50788

(G)(1) Not earlier than the date of issue of a real estate 50789
broker's license to a licensee, but not later than twelve months 50790
after the date of issue of a real estate broker's license to a 50791
licensee, the licensee shall submit proof satisfactory to the 50792
superintendent, on forms made available by the superintendent, of 50793
the completion of ten hours of instruction that shall be completed 50794
in schools, seminars, and educational institutions that are 50795

approved by the commission. Approval of the curriculum and 50796
providers shall be granted according to rules adopted pursuant to 50797
section 4735.10 of the Revised Code and may be taken through 50798
classroom instruction or distance education. 50799

If the required proof of completion is not submitted to the 50800
superintendent within twelve months of the date a license is 50801
issued under this section, the license of the real estate broker 50802
is suspended automatically without the taking of any action by the 50803
superintendent. The broker's license shall not be reactivated by 50804
the superintendent until it is established, to the satisfaction of 50805
the superintendent, that the requirements of this division have 50806
been met and that the licensee is in compliance with this chapter. 50807
A licensee's license is revoked automatically without the taking 50808
of any action by the superintendent if the licensee fails to 50809
submit proof of completion of the education requirements specified 50810
under division (G)(1) of this section within twelve months of the 50811
date the license is suspended. 50812

(2) If the license of a real estate broker is suspended 50813
pursuant to division (G)(1) of this section, the license of a real 50814
estate salesperson associated with that broker correspondingly is 50815
suspended pursuant to division (H) of section 4735.20 of the 50816
Revised Code. However, the suspended license of the associated 50817
real estate salesperson shall be reactivated and no fee shall be 50818
charged or collected for that reactivation if all of the following 50819
occur: 50820

(a) That broker subsequently submits satisfactory proof to 50821
the superintendent that the broker has complied with the 50822
requirements of division (G)(1) of this section and requests that 50823
the broker's license as a real estate broker be reactivated; 50824

(b) The superintendent then reactivates the broker's license 50825
as a real estate broker; 50826

(c) The associated real estate salesperson intends to 50827
continue to be associated with that broker and otherwise is in 50828
compliance with this chapter. 50829

Sec. 4735.09. (A) Application for a license as a real estate 50830
salesperson shall be made to the superintendent of real estate on 50831
forms furnished by the superintendent and signed by the applicant. 50832
The application shall be in the form prescribed by the 50833
superintendent and shall contain such information as is required 50834
by this chapter and the rules of the Ohio real estate commission. 50835
The application shall be accompanied by the recommendation of the 50836
real estate broker with whom the applicant is associated or with 50837
whom the applicant intends to be associated, certifying that the 50838
applicant is honest and truthful, and has not been finally 50839
adjudged by a court to have violated any municipal, state, or 50840
federal civil rights laws relevant to the protection of purchasers 50841
or sellers of real estate, which conviction or adjudication the 50842
applicant has not disclosed to the superintendent, and 50843
recommending that the applicant be admitted to the real estate 50844
salesperson examination. 50845

(B) A fee of eighty-one dollars shall accompany the 50846
application, which fee includes the fee for the initial year of 50847
the licensing period, if a license is issued. The initial year of 50848
the licensing period commences at the time the license is issued 50849
and ends on the applicant's first birthday thereafter. The 50850
application fee shall be nonrefundable. A fee of eighty-one 50851
dollars shall be charged by the superintendent for each successive 50852
application made by the applicant. ~~One dollar of each application~~ 50853
~~fee shall be credited to the real estate education and research~~ 50854
~~fund.~~ 50855

(C) There shall be no limit placed on the number of times an 50856
applicant may retake the examination. 50857

(D) The superintendent, with the consent of the commission, 50858
may enter into an agreement with a recognized national testing 50859
service to administer the real estate salesperson's examination 50860
under the superintendent's supervision and control, consistent 50861
with the requirements of this chapter as to the contents of the 50862
examination. 50863

If the superintendent, with the consent of the commission, 50864
enters into an agreement with a national testing service to 50865
administer the real estate salesperson's examination, the 50866
superintendent may require an applicant to pay the testing 50867
service's examination fee directly to the testing service. If the 50868
superintendent requires the payment of the examination fee 50869
directly to the testing service, each applicant shall submit to 50870
the superintendent a processing fee in an amount determined by the 50871
Ohio real estate commission pursuant to division (A)(1) of section 50872
4735.10 of the Revised Code. 50873

(E) The superintendent shall issue a real estate 50874
salesperson's license when satisfied that the applicant has 50875
received a passing score on each portion of the salesperson's 50876
examination as determined by rule by the real estate commission, 50877
except that the superintendent may waive one or more of the 50878
requirements of this section in the case of an applicant who is a 50879
licensed real estate salesperson in another state pursuant to a 50880
reciprocity agreement with the licensing authority of the state 50881
from which the applicant holds a valid real estate salesperson's 50882
license. 50883

(F) No applicant for a salesperson's license shall take the 50884
salesperson's examination who has not established to the 50885
satisfaction of the superintendent that the applicant: 50886

(1) Is honest and truthful; 50887

(2)(a) Has not been convicted of a disqualifying offense as 50888

determined in accordance with section 9.79 of the Revised Code; 50889

(b) Has not been finally adjudged by a court to have violated 50890
any municipal, state, or federal civil rights laws relevant to the 50891
protection of purchasers or sellers of real estate or, if the 50892
applicant has been so adjudged, at least two years have passed 50893
since the court decision and the superintendent has disregarded 50894
the adjudication because the applicant has proven, by a 50895
preponderance of the evidence, that the applicant is honest and 50896
truthful, and there is no basis in fact for believing that the 50897
applicant again will violate the laws involved. 50898

(3) Has not, during any period in which the applicant was 50899
licensed under this chapter, violated any provision of, or any 50900
rule adopted pursuant to this chapter, or, if the applicant has 50901
violated such provision or rule, has established to the 50902
satisfaction of the superintendent that the applicant will not 50903
again violate such provision or rule; 50904

(4) Is at least eighteen years of age; 50905

(5) If born after the year 1950, has a high school diploma or 50906
a certificate of high school equivalence issued by the department 50907
of education; 50908

(6) Has successfully completed at an institution of higher 50909
education all of the following credit-eligible courses by either 50910
classroom instruction or distance education: 50911

(a) Forty hours of instruction in real estate practice; 50912

(b) Forty hours of instruction that includes the subjects of 50913
Ohio real estate law, municipal, state, and federal civil rights 50914
law, new case law on housing discrimination, desegregation issues, 50915
and methods of eliminating the effects of prior discrimination. If 50916
feasible, the instruction in Ohio real estate law shall be taught 50917
by a member of the faculty of an accredited law school. If 50918
feasible, the instruction in municipal, state, and federal civil 50919

rights law, new case law on housing discrimination, desegregation 50920
issues, and methods of eliminating the effects of prior 50921
discrimination shall be taught by a staff member of the Ohio civil 50922
rights commission who is knowledgeable with respect to those 50923
subjects. The requirements of this division do not apply to an 50924
applicant who is admitted to practice before the supreme court. 50925

(c) Twenty hours of instruction in real estate appraisal; 50926

(d) Twenty hours of instruction in real estate finance. 50927

(G)(1) Successful completion of the instruction required by 50928
division (F)(6) of this section shall be determined by the law in 50929
effect on the date the instruction was completed. 50930

(2) Division (F)(6)(c) of this section does not apply to any 50931
new applicant who holds a valid Ohio real estate appraiser license 50932
or certificate issued prior to the date of application for a real 50933
estate salesperson's license. 50934

(H) Only for noncredit course offerings, an institution of 50935
higher education shall obtain approval from the appropriate state 50936
authorizing entity prior to offering a real estate course that is 50937
designed and marketed as satisfying the salesperson license 50938
education requirements of division (F)(6) of this section. The 50939
state authorizing entity may consult with the superintendent in 50940
reviewing the course for compliance with this section. 50941

(I) Any person who has not been licensed as a real estate 50942
salesperson or broker within a four-year period immediately 50943
preceding the person's current application for the salesperson's 50944
examination shall have successfully completed the prelicensure 50945
instruction required by division (F)(6) of this section within a 50946
ten-year period immediately preceding the person's current 50947
application for the salesperson's examination. 50948

(J) Not earlier than the date of issue of a real estate 50949
salesperson's license to a licensee, but not later than twelve 50950

months after the date of issue of a real estate salesperson 50951
license to a licensee, the licensee shall submit proof 50952
satisfactory to the superintendent, on forms made available by the 50953
superintendent, of the completion of twenty hours of instruction 50954
that shall be completed in schools, seminars, and educational 50955
institutions approved by the commission. The instruction shall 50956
include, but is not limited to, current practices relating to 50957
commercial real estate, property management, short sales, and land 50958
contracts; contract law; federal and state programs; economic 50959
conditions; and fiduciary responsibility. Approval of the 50960
curriculum and providers shall be granted according to rules 50961
adopted pursuant to section 4735.10 of the Revised Code and may be 50962
taken through classroom instruction or distance education. 50963

If proof of completion of the required instruction is not 50964
submitted within twelve months of the date a license is issued 50965
under this section, the licensee's license is suspended 50966
automatically without the taking of any action by the 50967
superintendent. The superintendent immediately shall notify the 50968
broker with whom such salesperson is associated of the suspension 50969
of the salesperson's license. A salesperson whose license has been 50970
suspended under this division shall have twelve months after the 50971
date of the suspension of the salesperson's license to submit 50972
proof of successful completion of the instruction required under 50973
this division. No such license shall be reactivated by the 50974
superintendent until it is established, to the satisfaction of the 50975
superintendent, that the requirements of this division have been 50976
met and that the licensee is in compliance with this chapter. A 50977
licensee's license is revoked automatically without the taking of 50978
any action by the superintendent when the licensee fails to submit 50979
the required proof of completion of the education requirements 50980
under division (I) of this section within twelve months of the 50981
date the license is suspended. 50982

(K) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12189. The contents of an examination shall be consistent with the classroom instructional requirements of division (F)(6) of this section. An applicant who has completed the classroom instructional requirements of division (F)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of the applicant's admission to the examination.

Sec. 4735.12. (A) The real estate recovery fund is hereby created in the state treasury, to be administered by the superintendent of real estate. Amounts collected by the superintendent as prescribed in this section and interest earned on the assets of the fund shall be credited by the treasurer of state to the fund. The amount of money in the fund shall be ascertained by the superintendent as of the first day of July of each year.

The commission, in accordance with rules adopted under division (A)(2)(g) of section 4735.10 of the Revised Code, shall impose a special assessment not to exceed ten dollars per year for each year of a licensing period on each licensee filing a notice of renewal under section 4735.14 of the Revised Code if the amount available in the fund is less than two hundred fifty thousand dollars on the first day of July preceding that filing. The commission shall not impose a special assessment if the amount available in the fund exceeds two hundred fifty thousand dollars on the first day of July preceding that filing.

(B)(1) Any person who obtains a final judgment in any court of competent jurisdiction against any broker or salesperson licensed under this chapter, on the grounds of conduct that is in

violation of this chapter or the rules adopted under it, and that 51014
is associated with an act or transaction that only a licensed real 51015
estate broker or licensed real estate salesperson is authorized to 51016
perform as specified in division (A) or (C) of section 4735.01 of 51017
the Revised Code, may file a verified application, as described in 51018
division (B)(3) of this section, in the court of common pleas of 51019
Franklin county for an order directing payment out of the real 51020
estate recovery fund of the portion of the judgment that remains 51021
unpaid and that represents the actual and direct loss sustained by 51022
the applicant. 51023

(2) Punitive damages, attorney's fees, and interest on a 51024
judgment are not recoverable from the fund. In the discretion of 51025
the superintendent of real estate, court costs may be recovered 51026
from the fund, and, if the superintendent authorizes the recovery 51027
of court costs, the order of the court of common pleas then may 51028
direct their payment from the fund. 51029

(3) The application shall specify the nature of the act or 51030
transaction upon which the underlying judgment was based, the 51031
activities of the applicant in pursuit of remedies available under 51032
law for the collection of judgments, and the actual and direct 51033
losses, attorney's fees, and the court costs sustained or incurred 51034
by the applicant. The applicant shall attach to the application a 51035
copy of each pleading and order in the underlying court action. 51036

(4) The court shall order the superintendent to make such 51037
payments out of the fund when the person seeking the order has 51038
shown all of the following: 51039

(a) The person has obtained a judgment, as provided in this 51040
division; 51041

(b) All appeals from the judgment have been exhausted and the 51042
person has given notice to the superintendent, as required by 51043
division (C) of this section; 51044

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse; 51045
51046

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund; 51047
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(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 51051
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 51054
51055

(a) Actions arising from property management accounts maintained in the name of the property owner; 51056
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(b) A bonding company when it is not a principal in a real estate transaction; 51058
51059

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 51060
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 51064
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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed 51066
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salesperson is permitted to perform. The superintendent may move 51075
the court at any time to dismiss the application when it appears 51076
there are no triable issues and the application is without merit. 51077
The motion may be supported by affidavit of any person having 51078
knowledge of the facts and may be made on the basis that the 51079
application, including the judgment referred to in it, does not 51080
form the basis for a meritorious recovery claim; provided, that 51081
the superintendent shall give written notice to the applicant at 51082
least ten days before such motion. The superintendent may, subject 51083
to court approval, compromise a claim based upon the application 51084
of an aggrieved party. The superintendent shall not be bound by 51085
any prior compromise or stipulation of the judgment debtor. 51086

(D) Notwithstanding any other provision of this section, the 51087
liability of the fund shall not exceed forty thousand dollars for 51088
any one licensee. If a licensee's license is reactivated as 51089
provided in division (E) of this section, the liability of the 51090
fund for the licensee under this section shall again be forty 51091
thousand dollars, but only for transactions that occur subsequent 51092
to the time of reactivation. 51093

If the forty-thousand-dollar liability of the fund is 51094
insufficient to pay in full the valid claims of all aggrieved 51095
persons by whom claims have been filed against any one licensee, 51096
the forty thousand dollars shall be distributed among them in the 51097
ratio that their respective claims bear to the aggregate of valid 51098
claims or in such other manner as the court finds equitable. 51099
Distribution of moneys shall be among the persons entitled to 51100
share in it, without regard to the order of priority in which 51101
their respective judgments may have been obtained or their claims 51102
have been filed. Upon petition of the superintendent, the court 51103
may require all claimants and prospective claimants against one 51104
licensee to be joined in one action, to the end that the 51105
respective rights of all such claimants to the fund may be 51106

equitably adjudicated and settled. 51107

(E) If the superintendent pays from the fund any amount in 51108
settlement of a claim or toward satisfaction of a judgment against 51109
a licensed broker or salesperson, the license of the broker or 51110
salesperson shall be automatically suspended upon the date of 51111
payment from the fund. The superintendent shall not reactivate the 51112
suspended license of that broker or salesperson until the broker 51113
or salesperson has repaid in full, plus interest per annum at the 51114
rate specified in division (A) of section 1343.03 of the Revised 51115
Code, the amount paid from the fund on the broker's or 51116
salesperson's account. A discharge in bankruptcy does not relieve 51117
a person from the suspension and requirements for reactivation 51118
provided in this section unless the underlying judgment has been 51119
included in the discharge and has not been reaffirmed by the 51120
debtor. 51121

(F) If, at any time, the money deposited in the fund is 51122
insufficient to satisfy any duly authorized claim or portion of a 51123
claim, the superintendent shall, when sufficient money has been 51124
deposited in the fund, satisfy such unpaid claims or portions, in 51125
the order that such claims or portions were originally filed, plus 51126
accumulated interest per annum at the rate specified in division 51127
(A) of section 1343.03 of the Revised Code. 51128

(G) When, upon the order of the court, the superintendent has 51129
paid from the fund any sum to the judgment creditor, the 51130
superintendent shall be subrogated to all of the rights of the 51131
judgment creditor to the extent of the amount so paid, and the 51132
judgment creditor shall assign all the judgment creditor's right, 51133
title, and interest in the judgment to the superintendent to the 51134
extent of the amount so paid. Any amount and interest so recovered 51135
by the superintendent on the judgment shall be deposited in the 51136
fund. 51137

(H) Nothing contained in this section shall limit the 51138

authority of the superintendent to take disciplinary action 51139
against any licensee under other provisions of this chapter; nor 51140
shall the repayment in full of all obligations to the fund by any 51141
licensee nullify or modify the effect of any other disciplinary 51142
proceeding brought pursuant to this chapter. 51143

(I) The superintendent ~~shall~~ may collect from the fund a 51144
service fee in an amount equivalent to the interest rate specified 51145
in division (A) of section 1343.03 of the Revised Code multiplied 51146
by the annual interest earned on the assets of the fund, to defray 51147
the expenses incurred in the administration of the fund. 51148

Sec. 4735.13. (A) Every real estate broker licensed under 51149
this chapter shall have and maintain a definite place of business 51150
in this state. A post office box address is not a definite place 51151
of business for purposes of this section. The license of a real 51152
estate broker shall be prominently displayed in the office or 51153
place of business of the broker, and no license shall authorize 51154
the licensee to do business except from the location specified in 51155
it. If the broker maintains more than one place of business within 51156
the state, the broker shall apply for and procure a duplicate 51157
license for each branch office maintained by the broker. Each 51158
branch office shall be in the charge of a licensed broker or 51159
salesperson. The branch office license shall be prominently 51160
displayed at the branch office location. 51161

(B) The license of each real estate salesperson shall be 51162
mailed to and remain in the possession of the licensed broker with 51163
whom the salesperson is or is to be associated until the licensee 51164
places the license on inactive or resigned status or until the 51165
salesperson leaves the brokerage or is terminated. The broker 51166
shall keep each salesperson's license in a way that it can, and 51167
shall on request, be made immediately available for public 51168
inspection at the office or place of business of the broker. 51169

Except as provided in divisions (G) and (H) of this section, 51170
immediately upon the salesperson's leaving the association or 51171
termination of the association of a real estate salesperson with 51172
the broker, the broker shall return the salesperson's license to 51173
the superintendent of real estate. 51174

The failure of a broker to return the license of a real 51175
estate salesperson or broker who leaves or who is terminated, via 51176
certified mail return receipt requested, within three business 51177
days of the receipt of a written request from the superintendent 51178
for the return of the license, is prima-facie evidence of 51179
misconduct under division (A)(6) of section 4735.18 of the Revised 51180
Code. 51181

(C) A licensee shall notify the superintendent in writing 51182
within fifteen days of any of the following occurrences: 51183

(1) The licensee is convicted of a felony. 51184

(2) The licensee is convicted of a crime involving moral 51185
turpitude. 51186

(3) The licensee is found to have violated any federal, 51187
state, or municipal civil rights law pertaining to discrimination 51188
in housing. 51189

(4) The licensee is found to have engaged in a discriminatory 51190
practice pertaining to housing accommodations described in 51191
division (H) of section 4112.02 of the Revised Code. 51192

(5) The licensee is the subject of an order by the department 51193
of commerce, the department of insurance, or the department of 51194
agriculture revoking or permanently surrendering any professional 51195
license, certificate, or registration. 51196

(6) The licensee is the subject of an order by any government 51197
agency concerning real estate, financial matters, or the 51198
performance of fiduciary duties with respect to any license, 51199

certificate, or registration. 51200

If a licensee fails to notify the superintendent within the 51201
required time, the superintendent immediately may suspend the 51202
license of the licensee. 51203

Any court that convicts a licensee of a violation of any 51204
municipal civil rights law pertaining to housing discrimination 51205
also shall notify the Ohio civil rights commission within fifteen 51206
days of the conviction. 51207

(D) In case of any change of business location, a broker 51208
shall give notice to the superintendent, on a form prescribed by 51209
the superintendent, within thirty days after the change of 51210
location, whereupon the superintendent shall issue new licenses 51211
for the unexpired period without charge. If a broker changes a 51212
business location without giving the required notice and without 51213
receiving new licenses that action is prima-facie evidence of 51214
misconduct under division (A)(6) of section 4735.18 of the Revised 51215
Code. 51216

(E) If a real estate broker desires to associate with another 51217
real estate broker in the capacity of a real estate salesperson, 51218
the broker shall apply to the superintendent to deposit the 51219
broker's real estate broker's license with the superintendent and 51220
for the issuance of a real estate salesperson's license. The 51221
application shall be made on a form prescribed by the 51222
superintendent and shall be accompanied by the recommendation of 51223
the real estate broker with whom the applicant intends to become 51224
associated and a fee of thirty-four dollars for the real estate 51225
salesperson's license. ~~One dollar of the fee shall be credited to~~ 51226
~~the real estate education and research fund.~~ If the superintendent 51227
is satisfied that the applicant is honest and truthful, has not 51228
been convicted of a disqualifying offense as determined in 51229
accordance with section 9.79 of the Revised Code, and has not been 51230
finally adjudged by a court to have violated any municipal, state, 51231

or federal civil rights laws relevant to the protection of 51232
purchasers or sellers of real estate, and that the association of 51233
the real estate broker and the applicant will be in the public 51234
interest, the superintendent shall grant the application and issue 51235
a real estate salesperson's license to the applicant. Any license 51236
so deposited with the superintendent shall be subject to this 51237
chapter. A broker who intends to deposit the broker's license with 51238
the superintendent, as provided in this section, shall give 51239
written notice of this fact in a format prescribed by the 51240
superintendent to all salespersons associated with the broker when 51241
applying to place the broker's license on deposit. 51242

(F) If a real estate broker desires to become a member or 51243
officer of a partnership, association, limited liability company, 51244
limited liability partnership, or corporation that is or intends 51245
to become a licensed real estate broker, the broker shall notify 51246
the superintendent of the broker's intentions. The notice of 51247
intention shall be on a form prescribed by the superintendent and 51248
shall be accompanied by a fee of thirty-four dollars. ~~One dollar~~ 51249
~~of the fee shall be credited to the real estate education and~~ 51250
~~research fund.~~ 51251

A licensed real estate broker who is a member or officer of a 51252
partnership, association, limited liability company, limited 51253
liability partnership, or corporation shall only act as a real 51254
estate broker for such partnership, association, limited liability 51255
company, limited liability partnership, or corporation. 51256

(G)(1) If a real estate broker or salesperson enters the 51257
armed forces, the broker or salesperson may place the broker's or 51258
salesperson's license on deposit with the Ohio real estate 51259
commission. The licensee shall not be required to renew the 51260
license until the renewal date that follows the date of discharge 51261
from the armed forces. Any license deposited with the commission 51262
shall be subject to this chapter. 51263

Any licensee whose license is on deposit under this division 51264
and who fails to meet the continuing education requirements of 51265
section 4735.141 of the Revised Code because the licensee is in 51266
the armed forces shall satisfy the commission that the licensee 51267
has complied with the continuing education requirements within 51268
twelve months of the licensee's first birthday after discharge or 51269
within the amount of time equal to the total number of months the 51270
licensee spent on active duty, whichever is greater. The licensee 51271
shall submit proper documentation of active duty service and the 51272
length of that active duty service to the superintendent. The 51273
extension shall not exceed the total number of months that the 51274
licensee served in active duty. The superintendent shall notify 51275
the licensee of the licensee's obligations under section 4735.141 51276
of the Revised Code at the time the licensee applies for 51277
reactivation of the licensee's license. 51278

(2) If a licensee is a spouse of a member of the armed forces 51279
and the spouse's service resulted in the licensee's absence from 51280
this state, both of the following apply: 51281

(a) The licensee shall not be required to renew the license 51282
until the renewal date that follows the date of the spouse's 51283
discharge from the armed forces. 51284

(b) If the licensee fails to meet the continuing education 51285
requirements of section 4735.141 of the Revised Code, the licensee 51286
shall satisfy the commission that the licensee has complied with 51287
the continuing education requirements within twelve months after 51288
the licensee's first birthday after the spouse's discharge or 51289
within the amount of time equal to the total number of months the 51290
licensee's spouse spent on active duty, whichever is greater. The 51291
licensee shall submit proper documentation of the spouse's active 51292
duty service and the length of that active duty service. This 51293
extension shall not exceed the total number of months that the 51294
licensee's spouse served in active duty. 51295

(3) In the case of a licensee as described in division (G)(2) 51296
of this section, who holds the license through a reciprocity 51297
agreement with another state, the spouse's service shall have 51298
resulted in the licensee's absence from the licensee's state of 51299
residence for the provisions of that division to apply. 51300

(4) As used in this division, "armed forces" means the armed 51301
forces of the United States or reserve component of the armed 51302
forces of the United States including the Ohio national guard or 51303
the national guard of any other state. 51304

(H) If a licensed real estate salesperson submits an 51305
application to the superintendent to leave the association of one 51306
broker to associate with a different broker, the broker possessing 51307
the licensee's license need not return the salesperson's license 51308
to the superintendent. The superintendent may process the 51309
application regardless of whether the licensee's license is 51310
returned to the superintendent. 51311

Sec. 4735.143. (A) Each person applying for a license 51312
pursuant to section 4735.07 or 4735.09 of the Revised Code shall 51313
submit one complete set of fingerprint impressions directly to the 51314
superintendent of the bureau of criminal identification and 51315
investigation for the purpose of conducting a criminal records 51316
check. The applicant shall provide the fingerprint impressions 51317
using a method the superintendent of the bureau of criminal 51318
identification and investigation prescribes and fill out the form 51319
the superintendent prescribes pursuant to division (C) of section 51320
109.572 of the Revised Code. Upon receiving an application under 51321
this section, the superintendent of real estate and professional 51322
licensing shall request the superintendent of the bureau of 51323
criminal identification and investigation, or a vendor approved by 51324
the bureau, to conduct a criminal records check based on the 51325
applicant's fingerprint impressions in accordance with division 51326

(A)(16) of section 109.572 of the Revised Code. Notwithstanding 51327
division ~~(K)~~(L) of section 121.08 of the Revised Code, the 51328
superintendent of real estate and professional licensing shall 51329
request that criminal record information based on the applicant's 51330
fingerprints be obtained from the federal bureau of investigation 51331
as part of the criminal records check. Any fee required under 51332
division (C)(3) of section 109.572 of the Revised Code shall be 51333
paid by the applicant. 51334

(B) An applicant who disclosed on the application that the 51335
applicant has been convicted of any criminal offense shall only be 51336
permitted to take the examination after the results of the 51337
criminal records check have been received by the superintendent 51338
and the superintendent has made a determination to disregard the 51339
conviction because the applicant has proven to the superintendent, 51340
by a preponderance of the evidence, that the applicant's 51341
activities and employment record since the conviction show that 51342
the applicant is honest, truthful, and of good reputation, and 51343
there is no basis in fact for believing that the applicant again 51344
will violate the laws involved. 51345

(C) Persons who have indicated on the application that they 51346
have not been convicted of any criminal offense, shall, if all 51347
other requirements for licensure have been satisfied, be permitted 51348
to take the real estate examination for which the applicant has 51349
applied prior to the superintendent's receipt of the results of 51350
the criminal records check. If the applicant receives a passing 51351
score on the examination and meets the other requirements for the 51352
license, the superintendent shall issue a provisional license 51353
pending the results of the criminal records check. During this 51354
provisional status, the licensee may perform acts that require a 51355
real estate license. If the results of the criminal records check 51356
subsequently confirm that the licensee has no convictions, the 51357
provisional status shall be removed. If it is determined that the 51358

licensee has been convicted of any criminal offense, the 51359
superintendent may immediately suspend the license of the 51360
licensee. 51361

(D) Any entity offering the prelicensure education required 51362
to obtain a real estate license in this state shall, prior to a 51363
student's enrollment in a class, notify the student of both of the 51364
following: 51365

(1) That a conviction of a criminal offense may disqualify an 51366
individual from obtaining a real estate license; 51367

(2) The student's rights under section 9.78 of the Revised 51368
Code to request a determination as to whether such a conviction 51369
will disqualify the student. 51370

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 51371
transfer of a license shall be as follows: 51372

(1) Reactivation or transfer of a broker's license into or 51373
out of a partnership, association, limited liability company, 51374
limited liability partnership, or corporation or from one 51375
partnership, association, limited liability company, limited 51376
liability partnership, or corporation to another partnership, 51377
association, limited liability company, limited liability 51378
partnership, or corporation, thirty-four dollars. An application 51379
for such transfer shall be made to the superintendent of real 51380
estate on forms provided by the superintendent. 51381

(2) Reactivation or transfer of a license by a real estate 51382
salesperson, thirty-four dollars. 51383

(B) Except as may otherwise be specified pursuant to division 51384
(F) of this section or any rules adopted by the Ohio real estate 51385
commission pursuant to division (A)(2)(b) of section 4735.10 of 51386
the Revised Code, the nonrefundable fees are as follows for each 51387
licensing period: 51388

(1) Branch office license, twenty dollars;	51389
(2) Renewal of a three-year real estate broker's license, two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, limited liability company, limited liability partnership, or corporation that is a real estate broker. If the real estate broker has not less than eleven nor more than twenty real estate salespersons associated with the broker, an additional fee of sixty-four dollars shall be assessed to the brokerage. For every additional ten real estate salespersons or fraction of that number, the brokerage assessment fee shall be increased in the amount of thirty-seven dollars.	51390 51391 51392 51393 51394 51395 51396 51397 51398 51399 51400 51401 51402
(3) Renewal of a three-year real estate salesperson's license, one hundred eighty-two dollars;	51403 51404
(4) Renewal of a real estate broker's or salesperson's license filed within twelve months after the licensee's renewal date, an additional late filing penalty of fifty per cent of the required three-year fee;	51405 51406 51407 51408
(5) Foreign real estate dealer's license and each renewal of the license, thirty dollars per salesperson employed by the dealer, but not less than two hundred three dollars;	51409 51410 51411
(6) Foreign real estate salesperson's license and each renewal of the license, sixty-eight dollars.	51412 51413
(C) All fees collected under this section shall be paid to the treasurer of state. One dollar of each such fee shall be credited to the real estate education and research fund, except that for fees that are assessed only once every three years, one dollar and fifty cents of each triennial fee shall be credited to the real estate education and research fund.	51414 51415 51416 51417 51418 51419

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised Code, the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. Subject to division (E) of this section and section 4735.32 of the Revised Code, the Ohio real estate commission shall impose disciplinary sanctions upon any licensee who, whether or not acting in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found to have been convicted of a felony or a crime of moral turpitude, and may impose disciplinary sanctions upon any licensee who, in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found guilty of:

(1) Knowingly making any misrepresentation;

(2) Making any false promises with intent to influence, persuade, or induce;

(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;

(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;

(5) Failure within a reasonable time to account for or to

remit any money coming into the licensee's possession which 51450
belongs to others; 51451

(6) Dishonest or illegal dealing, gross negligence, 51452
incompetency, or misconduct; 51453

(7)(a) By final adjudication by a court, a violation of any 51454
municipal or federal civil rights law relevant to the protection 51455
of purchasers or sellers of real estate or, by final adjudication 51456
by a court, any unlawful discriminatory practice pertaining to the 51457
purchase or sale of real estate prohibited by Chapter 4112. of the 51458
Revised Code, provided that such violation arose out of a 51459
situation wherein parties were engaged in bona fide efforts to 51460
purchase, sell, or lease real estate, in the licensee's practice 51461
as a licensed real estate broker or salesperson; 51462

(b) A second or subsequent violation of any unlawful 51463
discriminatory practice pertaining to the purchase or sale of real 51464
estate prohibited by Chapter 4112. of the Revised Code or any 51465
second or subsequent violation of municipal or federal civil 51466
rights laws relevant to purchasing or selling real estate whether 51467
or not there has been a final adjudication by a court, provided 51468
that such violation arose out of a situation wherein parties were 51469
engaged in bona fide efforts to purchase, sell, or lease real 51470
estate. For any second offense under this division, the commission 51471
shall suspend for a minimum of two months or revoke the license of 51472
the broker or salesperson. For any subsequent offense, the 51473
commission shall revoke the license of the broker or salesperson. 51474

(8) Procuring a license under this chapter, for the licensee 51475
or any salesperson by fraud, misrepresentation, or deceit; 51476

(9) Having violated or failed to comply with any provision of 51477
sections 4735.51 to 4735.74 of the Revised Code or having 51478
willfully disregarded or violated any other provisions of this 51479
chapter; 51480

(10) As a real estate broker, having demanded, without 51481
reasonable cause, other than from a broker licensed under this 51482
chapter, a commission to which the licensee is not entitled, or, 51483
as a real estate salesperson, having demanded, without reasonable 51484
cause, a commission to which the licensee is not entitled; 51485

(11) Except as permitted under section 4735.20 of the Revised 51486
Code, having paid commissions or fees to, or divided commissions 51487
or fees with, anyone not licensed as a real estate broker or 51488
salesperson under this chapter or anyone not operating as an 51489
out-of-state commercial real estate broker or salesperson under 51490
section 4735.022 of the Revised Code; 51491

(12) Having falsely represented membership in any real estate 51492
professional association of which the licensee is not a member; 51493

(13) Having accepted, given, or charged any undisclosed 51494
commission, rebate, or direct profit on expenditures made for a 51495
principal; 51496

(14) Having offered anything of value other than the 51497
consideration recited in the sales contract as an inducement to a 51498
person to enter into a contract for the purchase or sale of real 51499
estate or having offered real estate or the improvements on real 51500
estate as a prize in a lottery or scheme of chance; 51501

(15) Having acted in the dual capacity of real estate broker 51502
and undisclosed principal, or real estate salesperson and 51503
undisclosed principal, in any transaction; 51504

(16) Having guaranteed, authorized, or permitted any person 51505
to guarantee future profits which may result from the resale of 51506
real property; 51507

(17) Having advertised or placed a sign on any property 51508
offering it for sale or for rent without the consent of the owner 51509
or the owner's authorized agent; 51510

(18) Having induced any party to a contract of sale or lease 51511
to break such contract for the purpose of substituting in lieu of 51512
it a new contract with another principal; 51513

(19) Having negotiated the sale, exchange, or lease of any 51514
real property directly with a seller, purchaser, lessor, or tenant 51515
knowing that such seller, purchaser, lessor, or tenant is 51516
represented by another broker under a written exclusive agency 51517
agreement, exclusive right to sell or lease listing agreement, or 51518
exclusive purchaser agency agreement with respect to such property 51519
except as provided for in section 4735.75 of the Revised Code; 51520

(20) Having offered real property for sale or for lease 51521
without the knowledge and consent of the owner or the owner's 51522
authorized agent, or on any terms other than those authorized by 51523
the owner or the owner's authorized agent; 51524

(21) Having published advertising, whether printed, radio, 51525
display, or of any other nature, which was misleading or 51526
inaccurate in any material particular, or in any way having 51527
misrepresented any properties, terms, values, policies, or 51528
services of the business conducted; 51529

(22) Having knowingly withheld from or inserted in any 51530
statement of account or invoice any statement that made it 51531
inaccurate in any material particular; 51532

(23) Having published or circulated unjustified or 51533
unwarranted threats of legal proceedings which tended to or had 51534
the effect of harassing competitors or intimidating their 51535
customers; 51536

(24) Having failed to keep complete and accurate records of 51537
all transactions for a period of three years from the date of the 51538
transaction, such records to include copies of listing forms, 51539
earnest money receipts, offers to purchase and acceptances of 51540
them, records of receipts and disbursements of all funds received 51541

by the licensee as broker and incident to the licensee's 51542
transactions as such, and records required pursuant to divisions 51543
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 51544
other instruments or papers related to the performance of any of 51545
the acts set forth in the definition of a real estate broker; 51546

(25) Failure of a real estate broker or salesperson to 51547
furnish all parties involved in a real estate transaction true 51548
copies of all listings and other agreements to which they are a 51549
party, at the time each party signs them; 51550

(26) Failure to maintain at all times a special or trust bank 51551
account in a depository of a state or federally chartered 51552
institution located in this state. The account shall be 51553
noninterest-bearing, separate and distinct from any personal or 51554
other account of the broker, and, except as provided in division 51555
(A)(27) of this section, shall be used for the deposit and 51556
maintenance of all escrow funds, security deposits, and other 51557
moneys received by the broker in a fiduciary capacity. The name, 51558
account number, if any, and location of the depository wherein 51559
such special or trust account is maintained shall be submitted in 51560
writing to the superintendent. Checks drawn on such special or 51561
trust bank accounts are deemed to meet the conditions imposed by 51562
section 1349.21 of the Revised Code. Funds deposited in the trust 51563
or special account in connection with a purchase agreement shall 51564
be maintained in accordance with section 4735.24 of the Revised 51565
Code. 51566

(27) Failure to maintain at all times a special or trust bank 51567
account in a depository of a state or federally chartered 51568
institution in this state, to be used exclusively for the deposit 51569
and maintenance of all rents, security deposits, escrow funds, and 51570
other moneys received by the broker in a fiduciary capacity in the 51571
course of managing real property. This account shall be separate 51572
and distinct from any other account maintained by the broker. The 51573

name, account number, and location of the depository shall be 51574
submitted in writing to the superintendent. This account may earn 51575
interest, which shall be paid to the property owners on a pro rata 51576
basis. 51577

Division (A)(27) of this section does not apply to brokers 51578
who are not engaged in the management of real property on behalf 51579
of real property owners. 51580

(28) Having failed to put definite expiration dates in all 51581
written agency agreements to which the broker is a party; 51582

(29) Having an unsatisfied final judgment or lien in any 51583
court of record against the licensee arising out of the licensee's 51584
conduct as a licensed broker or salesperson; 51585

(30) Failing to render promptly upon demand a full and 51586
complete statement of the expenditures by the broker or 51587
salesperson of funds advanced by or on behalf of a party to a real 51588
estate transaction to the broker or salesperson for the purpose of 51589
performing duties as a licensee under this chapter in conjunction 51590
with the real estate transaction; 51591

(31) Failure within a reasonable time, after the receipt of 51592
the commission by the broker, to render an accounting to and pay a 51593
real estate salesperson the salesperson's earned share of it; 51594

(32) Performing any service for another constituting the 51595
practice of law, as determined by any court of law; 51596

(33) Having been adjudicated incompetent ~~for the purpose of~~ 51597
~~holding the license~~ by a court, as provided in section 5122.301 of 51598
the Revised Code. A license revoked or suspended under this 51599
division shall be reactivated upon proof to the commission of the 51600
removal of the disability. 51601

(34) Having authorized or permitted a person to act as an 51602
agent in the capacity of a real estate broker, or a real estate 51603

salesperson, who was not then licensed as a real estate broker or 51604
real estate salesperson under this chapter or who was not then 51605
operating as an out-of-state commercial real estate broker or 51606
salesperson under section 4735.022 of the Revised Code; 51607

(35) Having knowingly inserted or participated in inserting 51608
any materially inaccurate term in a document, including naming a 51609
false consideration; 51610

(36) Having failed to inform the licensee's client of the 51611
existence of an offer or counteroffer or having failed to present 51612
an offer or counteroffer in a timely manner, unless otherwise 51613
instructed by the client, provided the instruction of the client 51614
does not conflict with any state or federal law; 51615

(37) Having failed to comply with section 4735.24 of the 51616
Revised Code; 51617

(38) Having acted as a broker without authority, impeded the 51618
ability of a principal broker to perform any of the duties 51619
described in section 4735.081 of the Revised Code, or impeded the 51620
ability a management level licensee to perform the licensee's 51621
duties. 51622

(B) Whenever the commission, pursuant to section 4735.051 of 51623
the Revised Code, imposes disciplinary sanctions for any violation 51624
of this section, the commission also may impose such sanctions 51625
upon the broker with whom the salesperson is affiliated if the 51626
commission finds that the broker had knowledge of the 51627
salesperson's actions that violated this section. 51628

(C) The commission shall, pursuant to section 4735.051 of the 51629
Revised Code, impose disciplinary sanctions upon any foreign real 51630
estate dealer or salesperson who, in that capacity or in handling 51631
the dealer's or salesperson's own property, is found guilty of any 51632
of the acts or omissions specified or comprehended in division (A) 51633
of this section insofar as the acts or omissions pertain to 51634

foreign real estate. If the commission imposes such sanctions upon 51635
a foreign real estate salesperson for a violation of this section, 51636
the commission also may suspend or revoke the license of the 51637
foreign real estate dealer with whom the salesperson is affiliated 51638
if the commission finds that the dealer had knowledge of the 51639
salesperson's actions that violated this section. 51640

(D) The commission may suspend, in whole or in part, the 51641
imposition of the penalty of suspension of a license under this 51642
section. 51643

(E) A person licensed under this chapter who represents a 51644
party to a transaction or a proposed transaction involving the 51645
sale, purchase, exchange, lease, or management of real property 51646
that is or will be used in the cultivation, processing, 51647
dispensing, or testing of medical marijuana under Chapter 3796. of 51648
the Revised Code, or who receives, holds, or disburses funds from 51649
a real estate brokerage trust account in connection with such a 51650
transaction, shall not be subject to disciplinary sanctions under 51651
this chapter solely because the licensed person engaged in 51652
activities permitted under this chapter and related to activities 51653
under Chapter 3796. of the Revised Code. 51654

Sec. 4735.211. All fines imposed under section 4735.051 of 51655
the Revised Code, and all fees and charges collected under 51656
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 51657
4735.28, and 4735.29 of the Revised Code, except such fees as are 51658
paid to the ~~real estate education and research fund and real~~ 51659
estate recovery fund as provided in this chapter, shall be paid 51660
into the state treasury to the credit of the division of real 51661
estate operating fund, which is hereby created. ~~All operating~~ 51662
Operating expenses of the division of real estate shall be paid 51663
from the division of real estate operating fund. 51664

The division of real estate operating fund shall be assessed 51665

a proportionate share of the administrative costs of the 51666
department of commerce in accordance with procedures prescribed by 51667
the director of commerce. Such assessments shall be paid from the 51668
division of real estate operating fund to the division of 51669
administration fund. 51670

~~If funds in the division of real estate operating fund are 51671
determined by the director of commerce to be in excess of those 51672
necessary to fund all the expenses of the division in any 51673
biennium, the director may pay the excess funds to the real estate 51674
education and research fund. 51675~~

Sec. 4737.04. (A) As used in this section and sections 51676
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, and 4737.99 of 51677
the Revised Code: 51678

(1) "Scrap metal dealer" means ~~the owner or operator of a~~ 51679
business that purchases or receives scrap metal for the purpose of 51680
sorting, grading, and shipping metals to third parties for direct 51681
or indirect melting into new products. 51682

(2) "Special purchase article" means all of the following: 51683

(a) Beer kegs; 51684

(b) Cable, wire, electrical components, and other equipment 51685
used in providing cable service or any utility service, including, 51686
but not limited to, copper or aluminum coverings, housings, or 51687
enclosures related thereto; 51688

(c) Grave markers, sculptures, plaques, and vases made out of 51689
metal, the appearance of which suggests that the articles have 51690
been obtained from a cemetery; 51691

(d) Guard rails for bridges, highways, and roads; highway and 51692
street signs; street light poles and fixtures; worker access hole 51693
covers, water meter covers, and other similar types of utility 51694
access covers; traffic directional and control signs and light 51695

signals, metal marked with the name of a political subdivision of the state, and other metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state; 51696
51697
51698
51699

(e) Historical, commemorative, and memorial markers and plaques made out of metal; 51700
51701

(f) Four-wheel metal carts, commonly referred to as "grocery carts," that are generally used by individuals to collect and transport consumer goods while shopping; 51702
51703
51704

(g) Four-wheel metal carts, commonly referred to as "metal bossies," that are used to transport or merchandise food products that are stored in crates, shells, or trays; 51705
51706
51707

(h) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire; 51708
51709

(i) Metal trays, merchandise containers, or similar transport containers used by a product producer, distributor, retailer, or an agent of a product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, baked goods, eggs, or bottled beverage products; 51710
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(j) "Burnt wire," which is any coated metal wire that has been smelted, burned, or melted thereby removing the manufacturer's or owner's identifying marks. 51716
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(3) "Bulk merchandise container" has the same meaning as in section 4737.012 of the Revised Code. 51719
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(4) "Bulk merchandise container dealer" means a dealer who is subject to section 4737.012 of the Revised Code. 51721
51722

(5) "Common recycled matter" means bottles and other containers made out of steel, tin, or aluminum and other consumer goods that are metal that are recycled by individual consumers and 51723
51724
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not in the bulk or quantity that could be supplied or recycled by 51726
large business establishments. "Common recycled matter" does not 51727
include a metal tray used by a product producer, distributor, 51728
retailer, or agent of a product producer, distributor, or retailer 51729
as a means for the bulk transportation, storage, or carrying of 51730
retail containers of milk, baked goods, eggs, or bottled beverage 51731
products. 51732

(6) "Consumer goods" has the same meaning as in section 51733
1309.102 of the Revised Code. 51734

(7) "Recyclable materials" means the metal materials 51735
described in division (C)(5) of this section, on the condition 51736
that those metal materials are not special purchase articles. 51737

(8) "Motor vehicle" has the same meaning as in section 51738
4501.01 of the Revised Code. 51739

(B)(1) No person shall engage in the business of scrap metal 51740
dealing or act as a bulk merchandise container dealer without 51741
first registering with the director of public safety in accordance 51742
with section 4737.045 of the Revised Code. 51743

(2) No person shall receive, purchase, or sell a special 51744
purchase article or a bulk merchandise container except as in 51745
accordance with sections 4737.012 and 4737.04 to 4737.045 of the 51746
Revised Code. 51747

(C) Every scrap metal dealer shall maintain a record book or 51748
electronic file, in which the dealer shall keep an accurate and 51749
complete record of all articles purchased or received by the 51750
dealer in the course of the dealer's daily business. On and after 51751
September 11, 2008, every entry in the record book or electronic 51752
file shall be numbered consecutively and, on or after September 51753
28, 2012, shall be maintained for inspection in numerical order. 51754
Until the registry developed by the director pursuant to section 51755
4737.045 of the Revised Code is operational, a dealer shall 51756

maintain the record for each article purchased or received for a 51757
minimum period of one year after the date the dealer purchased or 51758
received the article, except that the dealer shall maintain the 51759
photograph required under division (I) of this section only for a 51760
period of sixty days after the dealer purchased or received the 51761
article. Beginning on the date the registry is operational, a 51762
dealer shall maintain the record for each article purchased or 51763
received only for a period of sixty days after the date the dealer 51764
purchased or received the article. The director shall adopt rules 51765
for the format and maintenance of the records required under this 51766
division. 51767

The records shall contain all of the following: 51768

(1) The name and residence of the person from whom the 51769
articles were purchased or received, a copy of that person's 51770
personal identification card, and a photograph of the person taken 51771
pursuant to division (I) of this section; 51772

(2) The date and time the scrap metal dealer purchased or 51773
received the articles and the weight of the articles as determined 51774
by a licensed commercial scale; 51775

(3) If the seller or provider of the articles arrives at the 51776
dealer's place of business in a motor vehicle, the license plate 51777
number of that motor vehicle along with the state that issued the 51778
license plate; 51779

(4) For metal articles that are not recyclable materials, a 51780
full and accurate description of each article purchased or 51781
received by the dealer that includes identifying letters or marks 51782
written, inscribed, or otherwise included on the article and the 51783
name and maker of the article if known; 51784

(5) For recyclable materials that are not special purchase 51785
articles, the following category codes to identify the recyclable 51786
materials that the dealer receives: 51787

(a) "Number one copper," which includes clean copper pipe,	51788
clean copper wire, or other number one copper that does not have	51789
solder, paint, or coating;	51790
(b) "Number two copper," which includes unclean copper pipe,	51791
unclean copper wire, or other number two copper;	51792
(c) "Sheet copper," which includes copper roofing, copper	51793
gutters, copper downspouts, and other sheet copper;	51794
(d) "Insulated copper wire";	51795
(e) "Aluminum or copper radiators," which includes aluminum	51796
radiators, aluminum copper radiators, and copper radiators;	51797
(f) "Red brass," which includes red brass valves and other	51798
red brass;	51799
(g) "Yellow brass," which includes yellow brass fixtures,	51800
yellow brass valve and fitting, ornamental brass, and other yellow	51801
brass;	51802
(h) "Aluminum sheet";	51803
(i) "Aluminum extrusions," which includes aluminum bleachers,	51804
aluminum benches, aluminum frames, aluminum pipe, and other	51805
aluminum extrusions;	51806
(j) "Cast aluminum," which includes aluminum grills,	51807
lawnmower decks made of aluminum, aluminum motor vehicle parts and	51808
rims, and other cast aluminum;	51809
(k) "Clean aluminum wire";	51810
(l) "Unclean aluminum wire";	51811
(m) "Aluminum exteriors," which includes aluminum siding,	51812
aluminum gutters and downspouts, aluminum shutters, aluminum trim,	51813
and other aluminum exterior items;	51814
(n) "Contaminated aluminum";	51815
(o) "Stainless steel," which includes, sinks, appliance	51816

housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	51817 51818
(p) "Large appliances," which includes consumer and other appliances;	51819 51820
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	51821 51822 51823
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	51824 51825 51826
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	51827 51828
(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;	51829 51830 51831
(u) "Catalytic converters";	51832
(v) "Lead";	51833
(w) "Electric motors";	51834
(x) "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.	51835 51836 51837
(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A)(2) of this section.	51838 51839 51840
(D) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire, other than purchases and sales under sections 4973.13 to 4973.16 of the Revised Code, shall be held by a scrap metal dealer for a period of thirty days after being purchased or acquired.	51841 51842 51843 51844 51845

(E)(1) The records required under division (C) of this section or under section 4737.012 of the Revised Code shall be open for inspection by the representative of any law enforcement agency, railroad police officers, and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer or bulk merchandise container dealer shall do both of the following:

(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or to the director or director's representative, upon request;

(b) Prepare a daily electronic report, the content and format of which shall be established in rules adopted by the director, listing all retail transactions that occurred during the preceding day and containing the information described in division (C) of this section or division (A) of section 4737.012 of the Revised Code, as applicable. The dealer shall electronically transfer, by twelve noon eastern standard time, the report for inclusion in the registry created pursuant to division (E) of section 4737.045 of the Revised Code.

(2) A law enforcement agency may inspect any photographic records collected and maintained by a scrap metal dealer of either yard operations or individual transactions. Records submitted to any law enforcement agency pursuant to this section are not public records for purposes of section 149.43 of the Revised Code.

(3) Records submitted to any law enforcement agency, railroad police officer, or the director or the director's designated representative as required by section 4737.012 of the Revised Code and sections 4737.04 to 4737.045 of the Revised Code shall not be public records for the purposes of section 149.43 of the Revised Code.

(4) Notwithstanding division (E)(3) of this section, the

names and addresses of scrap metal dealers and bulk merchandise
container dealers shall be made available to the public by the
director upon request.

(5) A person who claims to own a stolen article that may be
identified in those records, or an agent of that person, who
provides proof of having filed a stolen property report with the
appropriate law enforcement agency, may request those records. The
law enforcement agency shall provide those records upon a request
made by such a person or that person's agent, but the law
enforcement agency shall redact information that reveals the name
of the seller of any article and the price the dealer paid for any
article the dealer purchased or the estimated value of any article
the dealer received. The law enforcement agency shall determine
which records to provide, based upon the time period that the
alleged theft is reported to have taken place. A law enforcement
agency may charge or collect a fee for providing records as
required by this section.

(F)(1) No scrap metal dealer shall purchase or receive any
metal articles, and no bulk merchandise container dealer shall
purchase or receive any bulk merchandise containers, from a person
who refuses to show the dealer the person's personal
identification card, or who refuses to allow the dealer to take a
photograph of the person as required under division (I) of this
section or of the person or container as required under division
(B) of section 4737.012 of the Revised Code.

(2) The law enforcement agency that serves the jurisdiction
in which a scrap metal dealer or a bulk merchandise container
dealer is located shall provide to the scrap metal dealer or bulk
merchandise container dealer a searchable, electronic list
prepared in accordance with rules adopted by the director, as that
agency determines appropriate, of the names and descriptions of
persons known to be thieves or receivers of stolen property. The

law enforcement agency may request the appropriate clerk of courts 51909
to provide the list. No scrap metal dealer or bulk merchandise 51910
container dealer shall purchase or receive articles from any 51911
person who is either identified on the list the dealer receives 51912
from the law enforcement agency, or who appears on the lists made 51913
available by the director pursuant to division (E) of section 51914
4737.045 of the Revised Code. The law enforcement agency also 51915
shall provide the list to the department of public safety, in an 51916
electronic format in accordance with rules adopted by the 51917
director, for inclusion in the registry created in section 51918
4737.045 of the Revised Code. 51919

(3) No scrap metal dealer or bulk merchandise container 51920
dealer shall purchase or receive any special purchase articles or 51921
bulk merchandise containers from any person who is under eighteen 51922
years of age. 51923

(4) No scrap metal dealer shall purchase or receive any 51924
special purchase article without complying with division (C) and 51925
(I) of this section and division (B), (C), or (D) of section 51926
4737.041 of the Revised Code. 51927

(5) No scrap metal dealer shall purchase or receive more than 51928
one catalytic converter per day from the same person except from a 51929
motor vehicle dealer as defined in section 4517.01 of the Revised 51930
Code. 51931

(6) No scrap metal dealer shall purchase or receive a beer 51932
keg that is marked with a company name or logo except from a 51933
manufacturer of beer as described in section 4303.02 of the 51934
Revised Code or an agent authorized by the manufacturer to dispose 51935
of damaged kegs. 51936

(7) No scrap metal dealer shall treat a transaction as exempt 51937
from section 4737.04 or 4737.041 of the Revised Code unless the 51938
seller provides evidence of satisfying division (D)(3) of section 51939

4737.043 of the Revised Code. 51940

(G) Every scrap metal dealer and bulk merchandise container 51941
dealer shall post a notice in a conspicuous place on the dealer's 51942
premises notifying persons who may wish to transact business with 51943
the dealer of the penalties applicable to any person who does any 51944
of the following: 51945

(1) Provides a false personal identification card to the 51946
dealer; 51947

(2) With purpose to defraud, provides any other false 51948
information to the dealer in connection with the dealer's duty to 51949
maintain the records required under division (C) of this section 51950
or under section 4737.012 of the Revised Code; 51951

(3) Violates section 2913.02 of the Revised Code. 51952

(H)(1) Except as otherwise provided in division (F)(2) of 51953
this section, a clerk of courts or an employee of a clerk of 51954
courts; a chief of police, marshal, or other chief law enforcement 51955
officer; a sheriff, constable, or chief of police of a township 51956
police department or police district police force; a deputy, 51957
officer, or employee of the law enforcement agency served by the 51958
marshal or the municipal or township chief, the office of the 51959
sheriff, or the constable; and an employee of the department of 51960
public safety is immune from liability in a civil action, 51961
including an action for defamation, libel, or slander, to recover 51962
damages for injury, death, or loss to persons or property or 51963
reputation allegedly caused by an act or omission in connection 51964
with compiling and providing the list required by division (F)(2) 51965
of this section. 51966

(2) The immunity described in division (H)(1) of this section 51967
does not apply to a person described in that division if, in 51968
relation to the act or omission in question, any of the following 51969
applies: 51970

(a) The act or omission was manifestly outside the scope of the person's employment or official responsibilities. 51971
51972

(b) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner. 51973
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(c) Liability for the act or omission is expressly imposed by a section of the Revised Code. 51975
51976

(I) Every scrap metal dealer shall take a photograph, in accordance with rules adopted by the director, of each person who sells or otherwise gives the dealer an article for which the dealer must make record under division (C) of this section. 51977
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The dealer shall take the required photograph at the time the dealer purchases or receives the article and shall keep the photograph as part of the record in accordance with division (C) of this section. 51981
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(J)(1) An individual listed as a known thief or receiver of stolen property on a list prepared pursuant to division (F)(2) of this section may request that the individual's name be removed from the list by filing an application with the law enforcement agency responsible for preparing the list. 51985
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(2) A law enforcement agency receiving an application in accordance with division (J)(1) of this section shall remove the applicant's name from the list of known thieves and receivers of stolen property if the individual has not been convicted of or pleaded guilty to either a misdemeanor that is a theft offense, as defined in section 2913.01 of the Revised Code, within three years immediately prior to the date of the application or a felony that is a theft offense within six years immediately prior to the date of the application. 51990
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(K)(1) The department of public safety may investigate any alleged violation of sections 4737.01 to 4737.045 of the Revised Code or rules adopted by the director of public safety in 51999
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accordance with those sections. During such an investigation, 52002
employees and designated representatives of the department may 52003
appear at the place of business of a registered scrap metal dealer 52004
or bulk merchandise container dealer during normal business hours 52005
and inspect articles, observe business transactions, and record 52006
the number and state of issuance of license plates affixed to any 52007
motor vehicle used to transport articles to the premises. 52008

(2) The department may investigate any allegation of an 52009
unregistered person acting as a scrap metal dealer or bulk 52010
merchandise container dealer. Employees and designated 52011
representatives of the department shall request the assistance of 52012
a law enforcement agency before appearing at the suspected place 52013
of business of an unregistered person. 52014

(L)(1) If the director of public safety determines that an 52015
unregistered person was, is, or will be acting as a scrap metal 52016
dealer or bulk merchandise container dealer, the director may 52017
issue a show cause order directing that person to demonstrate why 52018
the person's activities are not subject to the registration 52019
requirement prescribed by this section. The director shall issue 52020
notice and hold a hearing on the order in accordance with Chapter 52021
119. of the Revised Code. Following the hearing, if the director 52022
determines that the person's activities are subject to the 52023
registration requirement, the director may issue an order 52024
directing the person to cease and desist such activities. The 52025
cease-and-desist order shall identify the unregistered person and 52026
describe the activities that the unregistered person is required 52027
to discontinue. 52028

(2) A person adversely affected by a cease-and-desist order 52029
issued under division (L)(1) of this section may appeal the order 52030
to the court of common pleas in accordance with section 119.12 of 52031
the Revised Code. 52032

(3) If the director has reasonable cause to believe that a 52033

person violated any provision of sections 4737.01 to 4737.045 of 52034
the Revised Code or any rule adopted by the director in accordance 52035
with those sections, including by violating a cease-and-desist 52036
order issued under division (L)(1) of this section, the director 52037
may request the attorney general, the prosecuting attorney of the 52038
county in which the alleged violation occurred, or the director of 52039
law of the city in which the alleged violation occurred to 52040
commence and prosecute any appropriate action or proceeding. A 52041
court of competent jurisdiction may grant an injunction or such 52042
other relief as the facts warrant. 52043

(4) In any proceeding or action brought under division (L) of 52044
this section, the burden of proving an exemption from the 52045
registration requirement prescribed by division (B) of this 52046
section is on the person claiming the benefit of the exemption. 52047

Sec. 4738.071. (A) When a person is first issued a license 52048
under this chapter, the registrar of motor vehicles shall issue a 52049
provisional license shall have provisional status for a period of 52050
one hundred eighty days from the date of issuance. Not later than 52051
one hundred eighty days after the date of issuance of a the 52052
provisional license, the registrar of motor vehicles, or an agent 52053
of the registrar, shall inspect or cause to be inspected the place 52054
of business of any the person who is the holder of the provisional 52055
license. If 52056

(B) If the person conducting the inspection determines that 52057
the provisional license holder has complied with all the 52058
requirements with which holders of licenses issued under this 52059
chapter are required to comply, he the person shall notify the 52060
license holder of that fact. The notification initially may be 52061
verbal, but shall be followed by a written notice. The person 52062
conducting the inspection also shall notify the registrar of that 52063
fact, and the registrar shall send issue to the provisional 52064

license holder ~~written notice informing him that his~~ a license ~~no~~ 52065
~~longer has~~ without provisional status ~~and shall remain~~. A license 52066
without provisional status remains valid until its expiration date 52067
unless it is suspended or revoked in accordance with this chapter. 52068

(C) If the person conducting the inspection determines that 52069
the provisional license holder has not complied with all the 52070
requirements with which holders of licenses issued under this 52071
chapter are required to comply, ~~he~~ the person shall notify the 52072
provisional license holder of that fact. The notification 52073
~~initially~~ may be verbal, but shall be followed by a written 52074
notice. The person conducting the inspection ~~also~~ shall notify the 52075
registrar of ~~that fact, and~~ the noncompliance. In accordance with 52076
Chapter 119. of the Revised Code, the registrar shall send the 52077
provisional license holder written notice informing ~~him~~ the 52078
license holder that ~~his~~ the holder's license is revoked and that 52079
~~he~~ the holder may appeal the revocation to the motor vehicle 52080
salvage dealer's licensing board. Immediately upon revoking the 52081
provisional license of the license holder, the registrar shall 52082
enter a final order together with ~~his~~ the registrar's findings and 52083
certify the same to the motor vehicle salvage dealer's licensing 52084
board. 52085

Sec. 4738.08. (A) Any person licensed under this chapter 52086
shall notify the registrar of motor vehicles concerning any change 52087
in the status of ~~his~~ the person's business during the period for 52088
which ~~he~~ the person is licensed, if the change of status concerns 52089
the following: 52090

~~(A)~~(1) Personnel of owners, partners, officers, or directors; 52091

~~(B)~~(2) Location of office or principal place of business; 52092

(3) Contact information where the person can be reached, 52093
including a valid telephone number and electronic mail address. 52094

(B) Notification shall be made by filing with the registrar, 52095
within fifteen days after the change of status, a supplemental 52096
statement in a form prescribed by the registrar showing in what 52097
respects the status has been changed. 52098

Sec. 4740.16. (A) An investigator appointed by the director 52099
of commerce, on behalf of the appropriate specialty section of the 52100
Ohio construction industry licensing board may investigate any 52101
person who allegedly has violated section 4740.13 of the Revised 52102
Code. If, after an investigation pursuant to section 4740.05 of 52103
the Revised Code, the appropriate specialty section determines 52104
that reasonable evidence exists that a person has violated section 52105
4740.13 of the Revised Code, the appropriate specialty section 52106
shall ~~send~~ serve a written notice to that person in the same 52107
manner as prescribed in ~~section~~ sections 119.05 and 119.07 of the 52108
Revised Code for licensees. 52109

(B) The appropriate specialty section shall hold a hearing 52110
regarding the alleged violation in the same manner prescribed for 52111
an adjudication hearing under section 119.09 of the Revised Code. 52112
If the appropriate specialty section, after the hearing, 52113
determines a violation has occurred, the appropriate specialty 52114
section, upon an affirmative vote of a majority of its members, 52115
may impose a fine on the person, not exceeding one thousand 52116
dollars per violation per day and may file a complaint against the 52117
person with the appropriate local prosecutor for criminal 52118
prosecution. The appropriate specialty section's determination is 52119
an order that the person may appeal in accordance with section 52120
119.12 of the Revised Code. 52121

(C) If the appropriate specialty section assesses a person a 52122
civil penalty for a violation of section 4740.13 of the Revised 52123
Code and the person fails to pay that civil penalty within the 52124
time period prescribed by the appropriate specialty section, the 52125

appropriate specialty section shall forward to the attorney 52126
general the name of the person and the amount of the civil penalty 52127
for the purpose of collecting that civil penalty. In addition to 52128
the civil penalty assessed pursuant to this section, the person 52129
also shall pay any fee assessed by the attorney general for 52130
collection of the civil penalty. 52131

(D) If a person fails to request a hearing within thirty days 52132
after the date the appropriate specialty section, in accordance 52133
with section 119.07 of the Revised Code, notifies the person of 52134
the section's intent to act against the person under division (A) 52135
of this section, the section, by majority vote of a quorum of the 52136
section members, may take the action against a person without 52137
holding an adjudication hearing. 52138

Sec. 4741.22. (A) The state veterinary medical licensing 52139
board may, except as provided in division (B) of this section, 52140
refuse to issue or renew a license, limited license, registration, 52141
or temporary permit to or of any applicant who, and may issue a 52142
reprimand to, suspend or revoke the license, limited license, 52143
registration, or the temporary permit of, or impose a civil 52144
penalty pursuant to this section upon any person holding a 52145
license, limited license, or temporary permit to practice 52146
veterinary medicine or any person registered as a registered 52147
veterinary technician who: 52148

(1) In the conduct of the person's practice does not conform 52149
to the rules of the board or the standards of the profession 52150
governing proper, humane, sanitary, and hygienic methods to be 52151
used in the care and treatment of animals; 52152

(2) Uses fraud, misrepresentation, or deception in any 52153
application or examination for licensure, or any other 52154
documentation created in the course of practicing veterinary 52155
medicine; 52156

- (3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine; 52157
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- (4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients; 52161
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- (5) Obtains a fee on the assurance that an incurable disease can be cured; 52163
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- (6) Advertises in a manner that violates section 4741.21 of the Revised Code; 52165
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- (7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed; 52167
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- (8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed; 52170
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- (9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs; 52173
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- (10) Is convicted of any violation of section 959.13 of the Revised Code; 52179
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- (11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine; 52181
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- (12) Fails to report promptly to the proper official any known reportable disease; 52183
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- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule; 52185
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(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	52187 52188 52189 52190
(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;	52191 52192 52193
(16) Is guilty of gross incompetence or gross negligence;	52194
(17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;	52195 52196 52197 52198 52199 52200
(18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;	52201 52202
(19) Represents self as a specialist unless certified as a specialist by the board;	52203 52204
(20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;	52205 52206 52207 52208 52209
(21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery;	52210 52211 52212 52213
(22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient;	52214 52215 52216

(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code; 52217
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(24) Violates any order of the board or fails to comply with a subpoena of the board; 52221
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(25) Fails to maintain medical records as required by rule of the board; 52223
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(26) Engages in cruelty to animals; 52225

(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship. 52226
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(B) The board shall not refuse to issue a license, limited license, registration, or temporary permit to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 52230
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(C) Except as provided in division ~~(D)~~(F) of this section, before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code. 52234
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(D)(1) Except as otherwise provided in division (D)(2) of this section, if the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the 52241
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holder of the license, permit, or registration of not less than 52248
one hundred dollars or more than one thousand dollars. 52249

(2) Except as provided in division (D) of this section, the 52250
board shall impose a civil penalty for a violation of division 52251
(B)(1) of section 959.07 or division (C) of section 959.09 of the 52252
Revised Code by a licensed veterinarian as follows: 52253

(a) One hundred dollars for a second violation of division 52254
(B)(1) of section 959.07 of the Revised Code or a first violation 52255
of division (C) of section 959.09 of the Revised Code; 52256

(b) Five hundred dollars for any subsequent violation of 52257
division (B)(1) of section 959.07 or division (C) of section 52258
959.09 of the Revised Code. 52259

(3) In addition to the civil penalty and any other penalties 52260
imposed pursuant to this chapter, the board may assess any holder 52261
of a license, permit, or registration the costs of the hearing 52262
conducted under this section if the board determines that the 52263
holder has violated any provision for which the board may impose a 52264
civil penalty under this section. 52265

(E) For a first violation of division (B)(1) of section 52266
959.07 of the Revised Code by a licensed veterinarian, the board 52267
shall issue a confidential written warning to the licensed 52268
veterinarian and shall not take any other disciplinary action 52269
under this section. The board shall include in the warning an 52270
explanation of the violation and the reporting requirement 52271
specified under section 959.07 of the Revised Code. 52272

(F) The executive director may recommend that the board 52273
suspend an individual's certificate of license without a prior 52274
hearing if the executive director determines both of the 52275
following: 52276

(1) There is clear and convincing evidence that division 52277
(A)(3), (9), (14), (22), or (26) of this section applies to the 52278

individual. 52279

(2) The individual's continued practice presents a danger of 52280
immediate and serious harm to the public. 52281

The executive director shall prepare written allegations for 52282
consideration by the board. The board, upon review of those 52283
allegations and by an affirmative vote of not fewer than four of 52284
its members, may suspend the certificate without a prior hearing. 52285
A telephone conference call may be utilized for reviewing the 52286
allegations and taking the vote on the suspension. 52287

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 52288
~~certified mail or in person~~ in accordance with ~~section~~ sections 52289
119.05 and 119.07 of the Revised Code. If the individual subject 52290
to the suspension requests an adjudicatory hearing by the board, 52291
notwithstanding the time within which a hearing must be held under 52292
section 119.07 of the Revised Code, the date set for the hearing 52293
shall be not later than fifteen days, but not earlier than seven 52294
days after the individual requests the hearing unless otherwise 52295
agreed to by both the board and the individual. 52296

A suspension imposed under this division shall remain in 52297
effect, unless reversed on appeal, until a final adjudicative 52298
order issued by the board under this section and Chapter 119. of 52299
the Revised Code becomes effective. The board shall issue its 52300
final adjudicative order not later than ninety days after 52301
completion of its hearing. Failure to issue the order within 52302
ninety days results in dissolution of the suspension order, but 52303
does not invalidate any subsequent, final adjudicative order. 52304

~~(F)~~(G) A license or registration issued to an individual 52305
under this chapter is automatically suspended upon that 52306
individual's conviction of or plea of guilty to or upon a judicial 52307
finding with regard to any of the following: aggravated murder, 52308
murder, voluntary manslaughter, felonious assault, kidnapping, 52309

rape, sexual battery, gross sexual imposition, aggravated arson, 52310
aggravated robbery, or aggravated burglary. The suspension shall 52311
remain in effect from the date of the conviction, plea, or finding 52312
until an adjudication is held under Chapter 119. of the Revised 52313
Code. If the board has knowledge that an automatic suspension has 52314
occurred, it shall notify the individual subject to the 52315
suspension. If the individual is notified and either fails to 52316
request an adjudication within the time periods established by 52317
Chapter 119. of the Revised Code or fails to participate in the 52318
adjudication, the board shall enter a final order permanently 52319
revoking the individual's license or registration. 52320

Sec. 4751.02. (A) There is hereby established in the 52321
department of aging a board of executives of long-term services 52322
and supports, which board shall be composed of the following 52323
eleven members: 52324

(1) Four members who are nursing home administrators, owners 52325
of nursing homes, or officers of corporations owning nursing 52326
homes, and who shall have an understanding of person-centered 52327
care, and experience with a range of long-term services and 52328
supports settings; 52329

(2)(a) Three members who work in long-term services and 52330
supports settings that are not nursing homes, and who shall have 52331
an understanding of person-centered care, and experience with a 52332
range of long-term services and supports settings; 52333

(b) At least one of the members described in division 52334
(A)(2)(a) of this section shall be a home health administrator, 52335
hospice administrator, an owner of a home health agency or hospice 52336
care program, or an officer of a home health agency or hospice 52337
care program. 52338

(3) One member who is a member of the academic community; 52339

(4) One member who is a consumer of services ~~offered, or who~~ 52340
represents a consumer of services, in a long-term services and 52341
supports setting; 52342

(5) One nonvoting member who is a representative of the 52343
department of health, designated by the director of health, who is 52344
involved in the nursing home survey and certification process, who 52345
shall serve in an advisory capacity only; 52346

(6) One nonvoting member who is a representative of the 52347
office of the state long-term care ombudsman, designated by the 52348
state long-term care ombudsman, who shall serve in an advisory 52349
capacity only. 52350

All members of the board shall be citizens of the United 52351
States and residents of this state. No member of the board who is 52352
appointed under divisions (A)(3) to (6) of this section may have 52353
or acquire any direct financial interest in a nursing home or 52354
long-term services and supports settings. 52355

(B) The term of office for each appointed member of the board 52356
shall be for three years, commencing on the twenty-eighth day of 52357
May and ending on the twenty-seventh day of May. Each member shall 52358
serve from the date of appointment until the end of the term for 52359
which appointed. No member shall serve more than two consecutive 52360
full terms. 52361

(C) Appointments to the board shall be made by the governor. 52362
Any member appointed to fill a vacancy occurring prior to the 52363
expiration of the term for which the member's predecessor was 52364
appointed shall hold office for the remainder of such term. Any 52365
appointed member shall continue in office subsequent to the 52366
expiration date of the member's term until the member's successor 52367
takes office, or until a period of sixty days has elapsed, 52368
whichever occurs first. 52369

(D) The governor may remove any member of the board for 52370

misconduct, incapacity, incompetence, or neglect of duty after the 52371
member so charged has been served with a written statement of 52372
charges and has been given an opportunity to be heard. 52373

(E) Each member of the board, except the member designated by 52374
the director of health and the member designated by the ombudsman, 52375
shall be paid in accordance with section 124.15 of the Revised 52376
Code and each member shall be reimbursed for the member's actual 52377
and necessary expenses incurred in the discharge of such duties. 52378

(F) The board shall elect annually from its membership a 52379
chairperson and a vice-chairperson. 52380

(G) The board shall hold and conduct meetings quarterly and 52381
at such other times as its business requires. A majority of the 52382
voting members of the board shall constitute a quorum. The 52383
affirmative vote of a majority of the voting members of the board 52384
is necessary for the board to act. 52385

(H) The board shall appoint a secretary who has no financial 52386
interest in a long-term services and supports setting, and may 52387
employ and prescribe the powers and duties of such employees and 52388
consultants as are necessary to carry out this chapter and the 52389
rules adopted under it. 52390

Sec. 4751.30. (A) Any person may submit to the board of 52391
executives of long-term services and supports a complaint that the 52392
person reasonably believes that another person has violated, or 52393
failed to comply with a requirement of, this chapter or a rule 52394
adopted under section 4751.04 of the Revised Code. All of the 52395
following apply to complaints submitted to the board under this 52396
section: 52397

(1) They are Complaints and all information and documentation 52398
related to an investigation conducted by the board pursuant to a 52399
complaint, are confidential and not subject to discovery in any 52400

civil action, except that the confidential information may be used 52401
by the board in any hearing it conducts pursuant to Chapter 119. 52402
of the Revised Code. 52403

(2) ~~They~~ Complaints are not public records for purposes of 52404
section 149.43 of the Revised Code. 52405

(3) ~~They~~ Complaints are not subject to inspection or copying 52406
under section 1347.08 of the Revised Code. 52407

(B) Except as provided in division (D) of section 4751.31 of 52408
the Revised Code, the board shall protect the confidentiality of 52409
each person who submits a complaint to the board under this 52410
section. Any entity that receives confidential information shall 52411
maintain the confidentiality of the information in the same manner 52412
as the board, notwithstanding any conflicting provision of the 52413
Revised Code or procedure of the entity. 52414

(C) Information that is confidential under this section may 52415
be admitted in a judicial proceeding only in accordance with the 52416
Rules of Evidence of the court. The court shall require that 52417
appropriate measures are taken to ensure that confidentiality is 52418
maintained with respect to any part of the information that 52419
contains names or other identifying information about patients or 52420
a person who submitted a complaint to the board under this 52421
section. The court shall take measures to ensure confidentiality, 52422
which may include sealing records or redacting or deleting 52423
specific information from records. 52424

Sec. 4755.11. (A) In accordance with Chapter 119. of the 52425
Revised Code, the occupational therapy section of the Ohio 52426
occupational therapy, physical therapy, and athletic trainers 52427
board may suspend, revoke, or, except as provided in division (B) 52428
of this section, refuse to issue or renew an occupational 52429
therapist license or occupational therapy assistant license, or 52430
may reprimand, fine, place a license holder on probation, or 52431

require the license holder to take corrective action courses, for	52432
any of the following:	52433
(1) Conviction of an offense involving moral turpitude or a	52434
felony, regardless of the state or country in which the conviction	52435
occurred;	52436
(2) Violation of any provision of sections 4755.04 to 4755.13	52437
of the Revised Code;	52438
(3) Violation of any lawful order or rule of the occupational	52439
therapy section;	52440
(4) Obtaining or attempting to obtain a license issued by the	52441
occupational therapy section by fraud or deception, including the	52442
making of a false, fraudulent, deceptive, or misleading statement	52443
in relation to these activities;	52444
(5) Negligence, unprofessional conduct, or gross misconduct	52445
in the practice of the profession of occupational therapy;	52446
(6) Accepting commissions or rebates or other forms of	52447
remuneration for referring persons to other professionals;	52448
(7) Communicating, without authorization, information	52449
received in professional confidence;	52450
(8) Using controlled substances, habit forming drugs, or	52451
alcohol to an extent that it impairs the ability to perform the	52452
work of an occupational therapist or occupational therapy	52453
assistant;	52454
(9) Practicing in an area of occupational therapy for which	52455
the individual is untrained or incompetent;	52456
(10) Failing the licensing or Ohio jurisprudence examination;	52457
(11) Aiding, abetting, directing, or supervising the	52458
unlicensed practice of occupational therapy;	52459
(12) Denial, revocation, suspension, or restriction of	52460

authority to practice a health care occupation, including 52461
occupational therapy, for any reason other than a failure to 52462
renew, in Ohio or another state or jurisdiction; 52463

(13) Except as provided in division (C) of this section: 52464

(a) Waiving the payment of all or any part of a deductible or 52465
copayment that a patient, pursuant to a health insurance or health 52466
care policy, contract, or plan that covers occupational therapy, 52467
would otherwise be required to pay if the waiver is used as an 52468
enticement to a patient or group of patients to receive health 52469
care services from that provider; 52470

(b) Advertising that the individual will waive the payment of 52471
all or any part of a deductible or copayment that a patient, 52472
pursuant to a health insurance or health care policy, contract, or 52473
plan that covers occupational therapy, would otherwise be required 52474
to pay. 52475

(14) Working or representing oneself as an occupational 52476
therapist or occupational therapy assistant without a current and 52477
valid license issued by the occupational therapy section; 52478

(15) Engaging in a deceptive trade practice, as defined in 52479
section 4165.02 of the Revised Code; 52480

(16) Violation of the standards of ethical conduct in the 52481
practice of occupational therapy as identified by the occupational 52482
therapy section; 52483

(17) A departure from, or the failure to conform to, minimal 52484
standards of care required of licensees, whether or not actual 52485
injury to a patient is established; 52486

(18) An adjudication by a court that the applicant or 52487
licensee is incompetent for the purpose of holding a license and 52488
has not thereafter been restored to legal capacity for that 52489
purpose; 52490

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license to practice;

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code;

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code; 52521
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(b) Sexual contact, as defined in section 2907.01 of the Revised Code; 52523
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(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning. 52525
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(B) The occupational therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 52528
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(C) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows: 52532
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request. 52535
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section. 52540
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(D) Except as provided in division (E) of this section, the suspension or revocation of a license under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed. 52544
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When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date 52549
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of revocation. The occupational therapy section may accept or 52551
refuse an application for reinstatement and may require that the 52552
applicant pass an examination as a condition of reinstatement. 52553

When a license holder is placed on probation under this 52554
section, the occupational therapy section's probation order shall 52555
be accompanied by a statement of the conditions under which the 52556
individual may be removed from probation and restored to 52557
unrestricted practice. 52558

(E) On receipt of a complaint that a person who holds a 52559
license issued by the occupational therapy section has committed 52560
any of the prohibited actions listed in division (A) of this 52561
section, the section may immediately suspend the license prior to 52562
holding a hearing in accordance with Chapter 119. of the Revised 52563
Code if it determines, based on the complaint, that the licensee 52564
poses an immediate threat to the public. The section may review 52565
the allegations and vote on the suspension by telephone conference 52566
call. If the section votes to suspend a license under this 52567
division, the section shall ~~issue~~ serve a written order of summary 52568
suspension to the licensee in accordance with ~~section~~ sections 52569
119.05 and 119.07 of the Revised Code. If the individual whose 52570
license is suspended fails to make a timely request for an 52571
adjudication under Chapter 119. of the Revised Code, the section 52572
shall enter a final order permanently revoking the individual's 52573
license. Notwithstanding section 119.12 of the Revised Code, a 52574
court of common pleas shall not grant a suspension of the 52575
section's order of summary suspension pending the determination of 52576
an appeal filed under that section. Any order of summary 52577
suspension issued under this division shall remain in effect, 52578
unless reversed on appeal, until a final adjudication order issued 52579
by the section pursuant to division (A) of this section becomes 52580
effective. The section shall issue its final adjudication order 52581
regarding an order of summary suspension issued under this 52582

division not later than ninety days after completion of its 52583
hearing. Failure to issue the order within ninety days shall 52584
result in immediate dissolution of the suspension order, but shall 52585
not invalidate any subsequent, final adjudication order. 52586

(F) If any person other than a person who holds a license 52587
issued under section 4755.08 of the Revised Code has engaged in 52588
any practice that is prohibited under sections 4755.04 to 4755.13 52589
of the Revised Code or the rules of the occupational therapy 52590
section, the section may apply to the court of common pleas of the 52591
county in which the violation occurred, for an injunction or other 52592
appropriate order restraining this conduct, and the court shall 52593
issue this order. 52594

Sec. 4755.411. The physical therapy section of the Ohio 52595
occupational therapy, physical therapy, and athletic trainers 52596
board shall adopt rules in accordance with Chapter 119. of the 52597
Revised Code pertaining to the following: 52598

(A) Fees for the verification of a license and license 52599
reinstatement, and other fees established by the section; 52600

(B) Provisions for the section's government and control of 52601
its actions and business affairs; 52602

(C) Minimum curricula for physical therapy education programs 52603
that prepare graduates to be licensed in this state as physical 52604
therapists and physical therapist assistants; 52605

(D) Eligibility criteria to take the examinations required 52606
under sections 4755.43 and 4755.431 of the Revised Code; 52607

(E) The form and manner for filing applications for licensure 52608
with the section; 52609

(F) For purposes of section 4755.46 of the Revised Code, all 52610
of the following: 52611

(1) A schedule regarding when licenses to practice as a 52612

physical therapist and physical therapist assistant expire during 52613
a biennium; 52614

(2) An additional fee, not to exceed thirty-five dollars, 52615
that may be imposed if a licensee files a late application for 52616
renewal; 52617

(3) The conditions under which the license of a person who 52618
files a late application for renewal will be reinstated. 52619

(G) The issuance, renewal, suspension, and permanent 52620
revocation of a license and the conduct of hearings; 52621

(H) Appropriate ethical conduct in the practice of physical 52622
therapy; 52623

(I) Requirements, including continuing education 52624
requirements, for restoring licenses that are inactive or have 52625
lapsed through failure to renew; 52626

(J) Conditions that may be imposed for reinstatement of a 52627
license following suspension pursuant to section 4755.47 of the 52628
Revised Code; 52629

(K) For purposes of sections 4755.45 and 4755.451 of the 52630
Revised Code, both of the following: 52631

(1) Identification of the credentialing organizations from 52632
which the section will accept education equivalency evaluations 52633
for foreign physical therapist education and foreign physical 52634
therapist assistant education. The physical therapy section shall 52635
identify only those credentialing organizations that use a course 52636
evaluation tool or form approved by the physical therapy section. 52637

(2) Evidence, other than the evaluations described in 52638
division (K)(1) of this section, that the section will consider 52639
for purposes of evaluating whether an applicant's education is 52640
reasonably equivalent to the educational requirements that were in 52641
force for licensure in this state as a physical therapist or 52642

physical therapist assistant on the date of either of the 52643
following: 52644

(a) The applicant's initial licensure or registration in 52645
another state or country; 52646

(b) The applicant's completion of a physical therapist 52647
education program or physical therapist assistant education 52648
program if the country in which the education program was 52649
completed does not issue a physical therapist or physical 52650
therapist assistant license or registration. 52651

(L) Standards of conduct for physical therapists and physical 52652
therapist assistants, including requirements for supervision, 52653
delegation, and practicing with or without referral or 52654
prescription; 52655

(M) Appropriate display of a license; 52656

(N) Procedures for a licensee to follow in notifying the 52657
section within thirty days of a change in name or address, or 52658
both; 52659

(O) The amount and content of corrective action courses 52660
required by the board under section 4755.47 of the Revised Code. 52661

Sec. 4755.45. (A) The physical therapy section of the Ohio 52662
occupational therapy, physical therapy, and athletic trainers 52663
board shall issue to an applicant a license to practice as a 52664
physical therapist without requiring the applicant to have passed 52665
the national examination for physical therapists described in 52666
division (A) of section 4755.43 of the Revised Code within one 52667
year of filing an application described in section 4755.42 of the 52668
Revised Code if all of the following conditions are ~~true~~ met: 52669

(1) The applicant presents evidence satisfactory to the 52670
physical therapy section that the applicant received a score on 52671
the national physical therapy examination described in division 52672

(A) of section 4755.43 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination; 52673
52674
52675

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.43 of the Revised Code; 52676
52677
52678
52679

(3) The applicant ~~holds~~ either: 52680

(a) Holds a current and valid license or registration to practice physical therapy in another state or country; 52681
52682

(b) Completed a physical therapist education program in a country that does not issue a physical therapist license or registration. 52683
52684
52685

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following: 52686
52687
52688
52689

(a) The applicant's initial licensure or registration in the other state or country; 52690
52691

(b) The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration. 52692
52693
52694
52695

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code; 52696
52697

(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 52698
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(B) ~~For purposes of division (A)(4) of this section, if~~ If, after receiving the results of an education equivalency evaluation from a credentialing organization identified by the section 52700
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pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ meet ~~equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in another state or foreign country~~ the conditions of division (A)(4) of this section, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes that determination.

Sec. 4755.451. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license as a physical therapist assistant without requiring the applicant to have passed the national examination for physical therapist assistants described in division (A) of section 4755.431 of the Revised Code within one year of filing an application described in section 4755.421 of the Revised Code if all of the following conditions are ~~true~~ met:

(1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.431 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section

4755.431 of the Revised Code; 52734

(3) The applicant ~~holds~~ either: 52735

(a) Holds a current and valid license or registration to 52736
practice as a physical therapist assistant in another state or 52737
country; 52738

(b) Completed a physical therapist assistant education 52739
program in a country that does not issue a physical therapist 52740
assistant license or registration. 52741

(4) Subject to division (B) of this section, the applicant 52742
can demonstrate that the applicant's education is reasonably 52743
equivalent to the educational requirements that were in force for 52744
licensure in this state on the date of either of the following: 52745

(a) The applicant's initial licensure or registration in the 52746
other state or country; 52747

(b) The applicant's completion of a physical therapist 52748
assistant education program if the country in which the education 52749
program was completed does not issue a physical therapist 52750
assistant license or registration. 52751

(5) The applicant pays the fee described in division (B) of 52752
section 4755.421 of the Revised Code; 52753

(6) The applicant is not in violation of any section of this 52754
chapter or rule adopted under it. 52755

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 52756
after receiving the results of an education equivalency evaluation 52757
from a credentialing organization identified by the section 52758
pursuant to rules adopted under section 4755.411 of the Revised 52759
Code, the section determines that, regardless of the results of 52760
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 52761
~~equivalent to the educational requirements that were in force for~~ 52762
~~licensure in this state on the date of the applicant's initial~~ 52763

~~licensure or registration in another state or foreign country~~ meet 52764
the conditions of division (A)(4) of this section, the section 52765
shall send a written notice to the applicant stating that the 52766
section is denying the applicant's application and stating the 52767
specific reason why the section is denying the applicant's 52768
application. The section shall send the notice to the applicant 52769
through certified mail within thirty days after the section makes 52770
the determination. 52771

Sec. 4755.47. (A) In accordance with Chapter 119. of the 52772
Revised Code, the physical therapy section of the Ohio 52773
occupational therapy, physical therapy, and athletic trainers 52774
board may, except as provided in division (B) of this section, 52775
refuse to grant a license to an applicant for an initial or 52776
renewed license as a physical therapist or physical therapist 52777
assistant or, by an affirmative vote of not less than five 52778
members, may limit, suspend, or revoke the license of a physical 52779
therapist or physical therapist assistant or reprimand, fine, 52780
place a license holder on probation, or require the license holder 52781
to take corrective action courses, on any of the following 52782
grounds: 52783

(1) Habitual indulgence in the use of controlled substances, 52784
other habit-forming drugs, or alcohol to an extent that affects 52785
the individual's professional competency; 52786

(2) Conviction of a felony or a crime involving moral 52787
turpitude, regardless of the state or country in which the 52788
conviction occurred; 52789

(3) Obtaining or attempting to obtain a license issued by the 52790
physical therapy section by fraud or deception, including the 52791
making of a false, fraudulent, deceptive, or misleading statement; 52792

(4) An adjudication by a court, as provided in section 52793
5122.301 of the Revised Code, that the applicant or licensee is 52794

incompetent for the purpose of holding the license and has not
thereafter been restored to legal capacity for that purpose;

(5) Subject to section 4755.471 of the Revised Code,
violation of the code of ethics adopted by the physical therapy
section;

(6) Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of or
conspiring to violate sections 4755.40 to 4755.56 of the Revised
Code or any order issued or rule adopted under those sections;

(7) Failure of one or both of the examinations required under
section 4755.43 or 4755.431 of the Revised Code;

(8) Permitting the use of one's name or license by a person,
group, or corporation when the one permitting the use is not
directing the treatment given;

(9) Denial, revocation, suspension, or restriction of
authority to practice a health care occupation, including physical
therapy, for any reason other than a failure to renew, in Ohio or
another state or jurisdiction;

(10) Failure to maintain minimal standards of practice in the
administration or handling of drugs, as defined in section 4729.01
of the Revised Code, or failure to employ acceptable scientific
methods in the selection of drugs, as defined in section 4729.01
of the Revised Code, or other modalities for treatment;

(11) Willful betrayal of a professional confidence;

(12) Making a false, fraudulent, deceptive, or misleading
statement in the solicitation of or advertising for patients in
relation to the practice of physical therapy;

(13) A departure from, or the failure to conform to, minimal
standards of care required of licensees when under the same or
similar circumstances, whether or not actual injury to a patient

is established;	52825
(14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	52826 52827
(15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;	52828 52829
(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;	52830 52831
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	52832 52833 52834 52835
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	52836 52837 52838 52839
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	52840 52841 52842
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	52843 52844 52845 52846 52847 52848
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	52849 52850 52851 52852 52853
(22) Failure to complete continuing education requirements as	52854

prescribed in section 4755.51 or 4755.511 of the Revised Code or 52855
to satisfy any rules applicable to continuing education 52856
requirements that are adopted by the physical therapy section; 52857

(23) Conviction of a misdemeanor when the act that 52858
constitutes the misdemeanor occurs during the practice of physical 52859
therapy; 52860

(24)(a) Except as provided in division (A)(24)(b) of this 52861
section, failure to cooperate with an investigation conducted by 52862
the physical therapy section, including failure to comply with a 52863
subpoena or orders issued by the section or failure to answer 52864
truthfully a question presented by the section at a deposition or 52865
in written interrogatories. 52866

(b) Failure to cooperate with an investigation does not 52867
constitute grounds for discipline under this section if a court of 52868
competent jurisdiction issues an order that either quashes a 52869
subpoena or permits the individual to withhold the testimony or 52870
evidence at issue. 52871

(25) Regardless of whether it is consensual, engaging in any 52872
of the following with a patient other than the spouse of the 52873
physical therapist or physical therapist assistant: 52874

(a) Sexual conduct, as defined in section 2907.01 of the 52875
Revised Code; 52876

(b) Sexual contact, as defined in section 2907.01 of the 52877
Revised Code; 52878

(c) Verbal behavior that is sexually demeaning to the patient 52879
or may be reasonably interpreted by the patient as sexually 52880
demeaning. 52881

(26) Failure to notify the physical therapy section of a 52882
change in name, business address, or home address within thirty 52883
days after the date of change; 52884

(27) Except as provided in division (C) of this section:	52885
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	52886 52887 52888 52889 52890 52891
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay.	52892 52893 52894 52895 52896
(28) Violation of any section of this chapter or rule adopted under it.	52897 52898
(B) The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.	52899 52900 52901 52902
(C) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows:	52903 52904 52905
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section upon request.	52906 52907 52908 52909 52910 52911
(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section.	52912 52913 52914 52915

(D) When a license is revoked under this section, application 52916
for reinstatement may not be made sooner than one year after the 52917
date of revocation. The physical therapy section may accept or 52918
refuse an application for reinstatement and may require that the 52919
applicant pass an examination as a condition for reinstatement. 52920

When a license holder is placed on probation under this 52921
section, the physical therapy section's order for placement on 52922
probation shall be accompanied by a statement of the conditions 52923
under which the individual may be removed from probation and 52924
restored to unrestricted practice. 52925

(E) When an application for an initial or renewed license is 52926
refused under this section, the physical therapy section shall 52927
notify the applicant in writing of the section's decision to 52928
refuse issuance of a license and the reason for its decision. 52929

(F) On receipt of a complaint that a person licensed by the 52930
physical therapy section has committed any of the actions listed 52931
in division (A) of this section, the physical therapy section may 52932
immediately suspend the license of the physical therapist or 52933
physical therapist assistant prior to holding a hearing in 52934
accordance with Chapter 119. of the Revised Code if it determines, 52935
based on the complaint, that the person poses an immediate threat 52936
to the public. The physical therapy section may review the 52937
allegations and vote on the suspension by telephone conference 52938
call. If the physical therapy section votes to suspend a license 52939
under this division, the physical therapy section shall ~~issue~~ 52940
serve a written order of summary suspension to the person in 52941
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 52942
Code. If the person fails to make a timely request for an 52943
adjudication under Chapter 119. of the Revised Code, the physical 52944
therapy section shall enter a final order permanently revoking the 52945
person's license. Notwithstanding section 119.12 of the Revised 52946
Code, a court of common pleas shall not grant a suspension of the 52947

physical therapy section's order of summary suspension pending the 52948
determination of an appeal filed under that section. Any order of 52949
summary suspension issued under this division shall remain in 52950
effect, unless reversed on appeal, until a final adjudication 52951
order issued by the physical therapy section pursuant to division 52952
(A) of this section becomes effective. The physical therapy 52953
section shall issue its final adjudication order regarding an 52954
order of summary suspension issued under this division not later 52955
than ninety days after completion of its hearing. Failure to issue 52956
the order within ninety days shall result in immediate dissolution 52957
of the suspension order, but shall not invalidate any subsequent, 52958
final adjudication order. 52959

Sec. 4755.482. (A) Except as otherwise provided in divisions 52960
(B) and (C) of this section, a person shall not teach a physical 52961
therapy theory and procedures course in physical therapy education 52962
without obtaining a license as a physical therapist from the 52963
physical therapy section of the Ohio occupational therapy, 52964
physical therapy, and athletic trainers board. 52965

(B) A person who is registered or licensed as a physical 52966
therapist under the laws of another state shall not teach a 52967
physical therapy theory and procedures course in physical therapy 52968
education for more than one year without obtaining a license as a 52969
physical therapist from the physical therapy section. 52970

(C) A person who is registered or licensed as a physical 52971
therapist under the laws of a foreign country and is not 52972
registered or licensed as a physical therapist in any state who 52973
wishes to teach a physical therapy theory and procedures course in 52974
physical therapy education in this state, or an institution that 52975
wishes the person to teach such a course at the institution, may 52976
apply to the physical therapy section to request authorization for 52977
the person to teach such a course for a period of not more than 52978

one year. Any member of the physical therapy section may approve 52979
the person's or institution's application. No person described in 52980
this division shall teach such a course for longer than one year 52981
without obtaining a license from the physical therapy section. 52982

(D) The physical therapy section may investigate any person 52983
who allegedly has violated this section. The physical therapy 52984
section has the same powers to investigate an alleged violation of 52985
this section as those powers specified in section 4755.02 of the 52986
Revised Code. If, after investigation, the physical therapy 52987
section determines that reasonable evidence exists that a person 52988
has violated this section, within seven days after that 52989
determination, the physical therapy section shall ~~send~~ serve a 52990
written notice to that person in the same manner as prescribed in 52991
~~section~~ sections 119.05 and 119.07 of the Revised Code for 52992
licensees, except that the notice shall specify that a hearing 52993
will be held and specify the date, time, and place of the hearing. 52994

The physical therapy section shall hold a hearing regarding 52995
the alleged violation in the same manner prescribed for an 52996
adjudication hearing under section 119.09 of the Revised Code. If 52997
the physical therapy section, after the hearing, determines a 52998
violation has occurred, the physical therapy section may 52999
discipline the person in the same manner as the physical therapy 53000
section disciplines licensees under section 4755.47 of the Revised 53001
Code. The physical therapy section's determination is an order 53002
that the person may appeal in accordance with section 119.12 of 53003
the Revised Code. 53004

If a person who allegedly committed a violation of this 53005
section fails to appear for a hearing, the physical therapy 53006
section may request the court of common pleas of the county where 53007
the alleged violation occurred to compel the person to appear 53008
before the physical therapy section for a hearing. If the physical 53009
therapy section assesses a person a civil penalty for a violation 53010

of this section and the person fails to pay that civil penalty 53011
within the time period prescribed by the physical therapy section, 53012
the physical therapy section shall forward to the attorney general 53013
the name of the person and the amount of the civil penalty for the 53014
purpose of collecting that civil penalty. In addition to the civil 53015
penalty assessed pursuant to this section, the person also shall 53016
pay any fee assessed by the attorney general for collection of the 53017
civil penalty. 53018

Sec. 4755.64. (A) In accordance with Chapter 119. of the 53019
Revised Code, the athletic trainers section of the Ohio 53020
occupational therapy, physical therapy, and athletic trainers 53021
board may suspend, revoke, or, except as provided in division (B) 53022
of this section, refuse to issue or renew an athletic trainers 53023
license, or reprimand, fine, or place a licensee on probation, for 53024
any of the following: 53025

(1) Conviction of a felony or offense involving moral 53026
turpitude, regardless of the state or country in which the 53027
conviction occurred; 53028

(2) Violation of sections 4755.61 to 4755.65 of the Revised 53029
Code or any order issued or rule adopted thereunder; 53030

(3) Obtaining a license through fraud, false or misleading 53031
representation, or concealment of material facts; 53032

(4) Negligence or gross misconduct in the practice of 53033
athletic training; 53034

(5) Violating the standards of ethical conduct in the 53035
practice of athletic training as adopted by the athletic trainers 53036
section under section 4755.61 of the Revised Code; 53037

(6) Using any controlled substance or alcohol to the extent 53038
that the ability to practice athletic training at a level of 53039
competency is impaired; 53040

(7) Practicing in an area of athletic training for which the individual is untrained or incompetent, or practicing without the referral of a practitioner described in division (A) of section 4755.623 of the Revised Code;	53041 53042 53043 53044
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	53045 53046 53047
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	53048 53049 53050 53051
(10) Failing the licensing examination;	53052
(11) Aiding or abetting the unlicensed practice of athletic training;	53053 53054
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	53055 53056 53057 53058
(13) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the athletic trainer:	53059 53060 53061
(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;	53062 53063
(b) Sexual contact, as defined in section 2907.01 of the Revised Code;	53064 53065
(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning;	53066 53067 53068
(14) In the case of an athletic trainer who has entered into a collaboration agreement as described in section 4755.621 of the	53069 53070

Revised Code, failing to practice in accordance with the 53071
agreement. 53072

(B) The athletic trainers section shall not refuse to issue a 53073
license to an applicant because of a criminal conviction unless 53074
the refusal is in accordance with section 9.79 of the Revised 53075
Code. 53076

(C) If the athletic trainers section places a licensee on 53077
probation under division (A) of this section, the section's order 53078
for placement on probation shall be accompanied by a written 53079
statement of the conditions under which the person may be removed 53080
from probation and restored to unrestricted practice. 53081

(D) A licensee whose license has been revoked under division 53082
(A) of this section may apply to the athletic trainers section for 53083
reinstatement of the license one year following the date of 53084
revocation. The athletic trainers section may accept or deny the 53085
application for reinstatement and may require that the applicant 53086
pass an examination as a condition for reinstatement. 53087

(E) On receipt of a complaint that a person licensed by the 53088
athletic trainers section has committed any of the prohibited 53089
actions listed in division (A) of this section, the section may 53090
immediately suspend the license of a licensed athletic trainer 53091
prior to holding a hearing in accordance with Chapter 119. of the 53092
Revised Code if it determines, based on the complaint, that the 53093
licensee poses an immediate threat to the public. The section may 53094
review the allegations and vote on the suspension by telephone 53095
conference call. If the section votes to suspend a license under 53096
this division, the section shall ~~issue~~ serve a written order of 53097
summary suspension to the licensed athletic trainer in accordance 53098
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 53099
the individual whose license is suspended fails to make a timely 53100
request for an adjudication under Chapter 119. of the Revised 53101
Code, the section shall enter a final order permanently revoking 53102

the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Sec. 4757.03. (A) There is hereby created the counselor, social worker, and marriage and family therapist board, consisting of fifteen members. The governor shall appoint the members with the advice and consent of the senate.

(1) Four members shall be individuals licensed under this chapter as licensed professional clinical counselors or licensed professional counselors. At all times, the counselor membership shall include at least one individual who has received a doctoral degree in counseling from an accredited educational institution recognized by the board and holds a graduate level teaching position in a counselor education program.

(2) Four members shall be individuals licensed under this chapter as independent marriage and family therapists or marriage and family therapists. At all times, the marriage and family therapist membership shall include one educator who holds a teaching position in a master's degree marriage and family therapy program at an accredited educational institution recognized by the board.

(3) ~~Two~~ Four members shall be individuals licensed under this chapter as independent social workers. ~~Two members or social workers, provided that at least one member, at the time the member is appointed to the board, shall be individuals~~ licensed under this chapter as a social workers, at least one of whom must hold a bachelor's or master's degree in social work from an accredited educational institution recognized by the board ~~worker~~. At all times, ~~the social worker membership~~ at least one of the members appointed under this division shall include ~~one~~ an educator who holds a teaching position in a baccalaureate or master's degree social work program at an accredited educational institution recognized by the board.

(4) Three members shall be representatives of the general public who have not practiced professional counseling, marriage and family therapy, or social work and have not been involved in the delivery of professional counseling, marriage and family therapy, or social work services. At least one of the members representing the general public shall be at least sixty years of age. During their terms the public members shall not practice professional counseling, marriage and family therapy, or social work or be involved in the delivery of professional counseling, marriage and family therapy, or social work services.

(B) Both of the following apply to each member specified in divisions (A)(1), (2), and (3) of this section:

(1) During the five years preceding appointment to the board, the member shall have actively engaged in the practice of the member's profession. A member holding a teaching position shall have actively engaged in the practice of the member's profession by conducting research in the member's profession or by educating and training master's, doctoral, or postdoctoral students in the member's profession, as applicable.

(2) During the two years immediately preceding appointment,

the member shall have devoted the majority of their professional 53166
time to the activity described in division (B)(1) of this section 53167
while residing in this state. 53168

(C) At least three members, one from each of the board's 53169
professional standards committees, during the five years preceding 53170
appointment, shall have practiced at a public agency or at an 53171
organization that is certified or licensed by the department of 53172
developmental disabilities, the department of alcohol and drug 53173
addiction services, the department of job and family services, or 53174
the department of mental health. 53175

(D) Not more than eight members of the board may be members 53176
of the same political party ~~or sex~~. 53177

(E) At least one member of the board shall be of African, 53178
Native American, Hispanic, or Asian descent. 53179

(F) Terms of office shall be three years, each term ending on 53180
the same day of the same month of the year as did the term that it 53181
succeeds. As a result of the dates of initial appointment, the 53182
number of terms expiring each year are four, five, or six. 53183

(G) A member shall hold office from the date of appointment 53184
until the end of the term for which the member was appointed. A 53185
member appointed to fill a vacancy occurring prior to the 53186
expiration of the term for which the member's predecessor was 53187
appointed shall hold office for the remainder of that term. A 53188
member shall continue in office after the expiration date of the 53189
member's term until a successor takes office. Members may be 53190
reappointed, except that if a person has held office for two 53191
consecutive full terms, the person shall not be reappointed to the 53192
board sooner than one year after the expiration of the second full 53193
term as a member of the board. 53194

Sec. 4757.361. (A) As used in this section, with regard to 53195

offenses committed in Ohio, "aggravated murder," "murder," 53196
"voluntary manslaughter," "felonious assault," "kidnapping," 53197
"rape," "sexual battery," "gross sexual imposition," "aggravated 53198
arson," "aggravated robbery," and "aggravated burglary" mean such 53199
offenses as defined in Title XXIX of the Revised Code; with regard 53200
to offenses committed in other jurisdictions, the terms mean 53201
offenses comparable to offenses defined in Title XXIX of the 53202
Revised Code. 53203

(B) When there is clear and convincing evidence that 53204
continued practice by an individual licensed under this chapter 53205
presents a danger of immediate and serious harm to the public, as 53206
determined on consideration of the evidence by the professional 53207
standards committees of the counselor, social worker, and marriage 53208
and family therapist board, the appropriate committee shall impose 53209
on the individual a summary suspension without a hearing. 53210

Immediately following the decision to impose a summary 53211
suspension, the appropriate committee shall ~~issue~~ serve a written 53212
order of suspension ~~and cause it to be delivered by certified mail~~ 53213
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 53214
of the Revised Code. The order shall not be subject to suspension 53215
by the court during the pendency of any appeal filed under section 53216
119.12 of the Revised Code. If the individual subject to the 53217
suspension requests an adjudication, notwithstanding the time 53218
within which a hearing must be held under section 119.07 of the 53219
Revised Code, the date set for the adjudication shall be within 53220
fifteen days but not earlier than seven days after the individual 53221
makes the request, unless another date is agreed to by both the 53222
individual and the committee imposing the suspension. The summary 53223
suspension shall remain in effect, unless reversed by the 53224
committee, until a final adjudication order issued by the 53225
committee pursuant to this section and Chapter 119. of the Revised 53226
Code becomes effective. 53227

The committee shall issue its final adjudication order within 53228
ninety days after completion of the adjudication. If the committee 53229
does not issue a final order within the ninety-day period, the 53230
summary suspension shall be void, but any final adjudication order 53231
issued subsequent to the ninety-day period shall not be affected. 53232

(C) The license issued to an individual under this chapter is 53233
automatically suspended on that individual's conviction of, plea 53234
of guilty to, or judicial finding with regard to any of the 53235
following: aggravated murder, murder, voluntary manslaughter, 53236
felonious assault, kidnapping, rape, sexual battery, gross sexual 53237
imposition, aggravated arson, aggravated robbery, or aggravated 53238
burglary. The suspension shall remain in effect from the date of 53239
the conviction, plea, or finding until an adjudication is held 53240
under Chapter 119. of the Revised Code. If the appropriate 53241
committee has knowledge that an automatic suspension has occurred, 53242
it shall notify the individual subject to the suspension. If the 53243
individual is notified and either fails to request an adjudication 53244
within the time periods established by Chapter 119. of the Revised 53245
Code or fails to participate in the adjudication, the committee 53246
shall enter a final order permanently revoking the person's 53247
license or certificate. 53248

Sec. 4759.07. (A) The state medical board, by an affirmative 53249
vote of not fewer than six members, shall, except as provided in 53250
division (B) of this section, and to the extent permitted by law, 53251
limit, revoke, or suspend an individual's license or limited 53252
permit, refuse to issue a license or limited permit to an 53253
individual, refuse to renew a license or limited permit, refuse to 53254
reinstate a license or limited permit, or reprimand or place on 53255
probation the holder of a license or limited permit for one or 53256
more of the following reasons: 53257

(1) Except when civil penalties are imposed under section 53258

4759.071 of the Revised Code, violating or attempting to violate, 53259
directly or indirectly, or assisting in or abetting the violation 53260
of, or conspiring to violate, any provision of this chapter or the 53261
rules adopted by the board; 53262

(2) Making a false, fraudulent, deceptive, or misleading 53263
statement in the solicitation of or advertising for patients; in 53264
relation to the practice of dietetics; or in securing or 53265
attempting to secure any license or permit issued by the board 53266
under this chapter. 53267

As used in division (A)(2) of this section, "false, 53268
fraudulent, deceptive, or misleading statement" means a statement 53269
that includes a misrepresentation of fact, is likely to mislead or 53270
deceive because of a failure to disclose material facts, is 53271
intended or is likely to create false or unjustified expectations 53272
of favorable results, or includes representations or implications 53273
that in reasonable probability will cause an ordinarily prudent 53274
person to misunderstand or be deceived. 53275

(3) Committing fraud during the administration of the 53276
examination for a license to practice or committing fraud, 53277
misrepresentation, or deception in applying for, renewing, or 53278
securing any license or permit issued by the board; 53279

(4) A plea of guilty to, a judicial finding of guilt of, or a 53280
judicial finding of eligibility for intervention in lieu of 53281
conviction for, a felony; 53282

(5) Commission of an act that constitutes a felony in this 53283
state, regardless of the jurisdiction in which the act was 53284
committed; 53285

(6) A plea of guilty to, a judicial finding of guilt of, or a 53286
judicial finding of eligibility for intervention in lieu of 53287
conviction for, a misdemeanor committed in the course of practice; 53288

(7) Commission of an act in the course of practice that 53289

constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	53290 53291
(8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	53292 53293 53294
(9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	53295 53296 53297
(10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;	53298 53299
(11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;	53300 53301 53302 53303
(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	53304 53305 53306
(13) Violation of the conditions of limitation placed by the board on a license or permit;	53307 53308
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills;	53309 53310 53311 53312
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal	53313 53314 53315 53316 53317 53318 53319

to renew or reinstate a license; imposition of probation; or 53320
issuance of an order of censure or other reprimand; 53321

(16) The revocation, suspension, restriction, reduction, or 53322
termination of practice privileges by the United States department 53323
of defense or department of veterans affairs; 53324

(17) Termination or suspension from participation in the 53325
medicare or medicaid programs by the department of health and 53326
human services or other responsible agency for any act or acts 53327
that also would constitute a violation of division (A)(11), (12), 53328
or (14) of this section; 53329

(18) Impairment of ability to practice according to 53330
acceptable and prevailing standards of care because of habitual or 53331
excessive use or abuse of drugs, alcohol, or other substances that 53332
impair ability to practice; 53333

(19) Failure to cooperate in an investigation conducted by 53334
the board under division (B) of section 4759.05 of the Revised 53335
Code, including failure to comply with a subpoena or order issued 53336
by the board or failure to answer truthfully a question presented 53337
by the board in an investigative interview, an investigative 53338
office conference, at a deposition, or in written interrogatories, 53339
except that failure to cooperate with an investigation shall not 53340
constitute grounds for discipline under this section if a court of 53341
competent jurisdiction has issued an order that either quashes a 53342
subpoena or permits the individual to withhold the testimony or 53343
evidence in issue; 53344

(20) Representing with the purpose of obtaining compensation 53345
or other advantage as personal gain or for any other person, that 53346
an incurable disease or injury, or other incurable condition, can 53347
be permanently cured. 53348

(B) The board shall not refuse to issue a license or limited 53349
permit to an applicant because of a plea of guilty to, a judicial 53350

finding of guilt of, or a judicial finding of eligibility for 53351
intervention in lieu of conviction for an offense unless the 53352
refusal is in accordance with section 9.79 of the Revised Code. 53353

(C) Any action taken by the board under division (A) of this 53354
section resulting in a suspension from practice shall be 53355
accompanied by a written statement of the conditions under which 53356
the individual's license or permit may be reinstated. The board 53357
shall adopt rules governing conditions to be imposed for 53358
reinstatement. Reinstatement of a license or permit suspended 53359
pursuant to division (A) of this section requires an affirmative 53360
vote of not fewer than six members of the board. 53361

(D) When the board refuses to grant or issue a license or 53362
permit to an applicant, revokes an individual's license or permit, 53363
refuses to renew an individual's license or permit, or refuses to 53364
reinstate an individual's license or permit, the board may specify 53365
that its action is permanent. An individual subject to a permanent 53366
action taken by the board is forever thereafter ineligible to hold 53367
a license or permit and the board shall not accept an application 53368
for reinstatement of the license or permit or for issuance of a 53369
new license or permit. 53370

(E) Disciplinary actions taken by the board under division 53371
(A) of this section shall be taken pursuant to an adjudication 53372
under Chapter 119. of the Revised Code, except that in lieu of an 53373
adjudication, the board may enter into a consent agreement with an 53374
individual to resolve an allegation of a violation of this chapter 53375
or any rule adopted under it. A consent agreement, when ratified 53376
by an affirmative vote of not fewer than six members of the board, 53377
shall constitute the findings and order of the board with respect 53378
to the matter addressed in the agreement. If the board refuses to 53379
ratify a consent agreement, the admissions and findings contained 53380
in the consent agreement shall be of no force or effect. 53381

A telephone conference call may be utilized for ratification 53382

of a consent agreement that revokes or suspends an individual's 53383
license or permit. The telephone conference call shall be 53384
considered a special meeting under division (F) of section 121.22 53385
of the Revised Code. 53386

(F) In enforcing division (A)(14) of this section, the board, 53387
upon a showing of a possible violation, may compel any individual 53388
authorized to practice by this chapter or who has submitted an 53389
application pursuant to this chapter to submit to a mental 53390
examination, physical examination, including an HIV test, or both 53391
a mental and a physical examination. The expense of the 53392
examination is the responsibility of the individual compelled to 53393
be examined. Failure to submit to a mental or physical examination 53394
or consent to an HIV test ordered by the board constitutes an 53395
admission of the allegations against the individual unless the 53396
failure is due to circumstances beyond the individual's control, 53397
and a default and final order may be entered without the taking of 53398
testimony or presentation of evidence. If the board finds an 53399
individual unable to practice because of the reasons set forth in 53400
division (A)(14) of this section, the board shall require the 53401
individual to submit to care, counseling, or treatment by 53402
physicians approved or designated by the board, as a condition for 53403
initial, continued, reinstated, or renewed authority to practice. 53404
An individual affected under this division shall be afforded an 53405
opportunity to demonstrate to the board the ability to resume 53406
practice in compliance with acceptable and prevailing standards 53407
under the provisions of the individual's license or permit. For 53408
the purpose of division (A)(14) of this section, any individual 53409
who applies for or receives a license or permit under this chapter 53410
accepts the privilege of practicing in this state and, by so 53411
doing, shall be deemed to have given consent to submit to a mental 53412
or physical examination when directed to do so in writing by the 53413
board, and to have waived all objections to the admissibility of 53414
testimony or examination reports that constitute a privileged 53415

communication. 53416

(G) For the purposes of division (A)(18) of this section, any 53417
individual authorized to practice by this chapter accepts the 53418
privilege of practicing in this state subject to supervision by 53419
the board. By filing an application for or holding a license or 53420
permit under this chapter, an individual shall be deemed to have 53421
given consent to submit to a mental or physical examination when 53422
ordered to do so by the board in writing, and to have waived all 53423
objections to the admissibility of testimony or examination 53424
reports that constitute privileged communications. 53425

If it has reason to believe that any individual authorized to 53426
practice by this chapter or any applicant for a license or permit 53427
suffers such impairment, the board may compel the individual to 53428
submit to a mental or physical examination, or both. The expense 53429
of the examination is the responsibility of the individual 53430
compelled to be examined. Any mental or physical examination 53431
required under this division shall be undertaken by a treatment 53432
provider or physician who is qualified to conduct the examination 53433
and who is chosen by the board. 53434

Failure to submit to a mental or physical examination ordered 53435
by the board constitutes an admission of the allegations against 53436
the individual unless the failure is due to circumstances beyond 53437
the individual's control, and a default and final order may be 53438
entered without the taking of testimony or presentation of 53439
evidence. If the board determines that the individual's ability to 53440
practice is impaired, the board shall suspend the individual's 53441
license or permit or deny the individual's application and shall 53442
require the individual, as a condition for an initial, continued, 53443
reinstated, or renewed license or permit, to submit to treatment. 53444

Before being eligible to apply for reinstatement of a license 53445
or permit suspended under this division, the impaired practitioner 53446
shall demonstrate to the board the ability to resume practice in 53447

compliance with acceptable and prevailing standards of care under 53448
the provisions of the practitioner's license or permit. The 53449
demonstration shall include, but shall not be limited to, the 53450
following: 53451

(1) Certification from a treatment provider approved under 53452
section 4731.25 of the Revised Code that the individual has 53453
successfully completed any required inpatient treatment; 53454

(2) Evidence of continuing full compliance with an aftercare 53455
contract or consent agreement; 53456

(3) Two written reports indicating that the individual's 53457
ability to practice has been assessed and that the individual has 53458
been found capable of practicing according to acceptable and 53459
prevailing standards of care. The reports shall be made by 53460
individuals or providers approved by the board for making the 53461
assessments and shall describe the basis for their determination. 53462

The board may reinstate a license or permit suspended under 53463
this division after that demonstration and after the individual 53464
has entered into a written consent agreement. 53465

When the impaired practitioner resumes practice, the board 53466
shall require continued monitoring of the individual. The 53467
monitoring shall include, but not be limited to, compliance with 53468
the written consent agreement entered into before reinstatement or 53469
with conditions imposed by board order after a hearing, and, upon 53470
termination of the consent agreement, submission to the board for 53471
at least two years of annual written progress reports made under 53472
penalty of perjury stating whether the individual has maintained 53473
sobriety. 53474

(H) If the secretary and supervising member determine both of 53475
the following, they may recommend that the board suspend an 53476
individual's license or permit without a prior hearing: 53477

(1) That there is clear and convincing evidence that an 53478

individual has violated division (A) of this section; 53479

(2) That the individual's continued practice presents a 53480
danger of immediate and serious harm to the public. 53481

Written allegations shall be prepared for consideration by 53482
the board. The board, upon review of those allegations and by an 53483
affirmative vote of not fewer than six of its members, excluding 53484
the secretary and supervising member, may suspend a license or 53485
permit without a prior hearing. A telephone conference call may be 53486
utilized for reviewing the allegations and taking the vote on the 53487
summary suspension. 53488

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 53489
~~certified mail or in person~~ in accordance with ~~section~~ sections 53490
119.05 and 119.07 of the Revised Code. The order shall not be 53491
subject to suspension by the court during pendency of any appeal 53492
filed under section 119.12 of the Revised Code. If the individual 53493
subject to the summary suspension requests an adjudicatory hearing 53494
by the board, notwithstanding the time within which a hearing must 53495
be held under section 119.07 of the Revised Code, the date set for 53496
the hearing shall be within fifteen days, but not earlier than 53497
seven days, after the individual requests the hearing, unless 53498
otherwise agreed to by both the board and the individual. 53499

Any summary suspension imposed under this division shall 53500
remain in effect, unless reversed on appeal, until a final 53501
adjudicative order issued by the board pursuant to this section 53502
and Chapter 119. of the Revised Code becomes effective. The board 53503
shall issue its final adjudicative order within seventy-five days 53504
after completion of its hearing. A failure to issue the order 53505
within seventy-five days shall result in dissolution of the 53506
summary suspension order but shall not invalidate any subsequent, 53507
final adjudicative order. 53508

(I) If the board is required by Chapter 119. of the Revised 53509

Code to give notice of an opportunity for a hearing and if the 53510
individual subject to the notice does not timely request a hearing 53511
in accordance with section 119.07 of the Revised Code, the board 53512
is not required to hold a hearing, but may adopt, by an 53513
affirmative vote of not fewer than six of its members, a final 53514
order that contains the board's findings. In the final order, the 53515
board may order any of the sanctions identified under division (A) 53516
of this section. 53517

(J) For purposes of divisions (A)(5), (7), and (9) of this 53518
section, the commission of the act may be established by a finding 53519
by the board, pursuant to an adjudication under Chapter 119. of 53520
the Revised Code, that the individual committed the act. The board 53521
does not have jurisdiction under those divisions if the trial 53522
court renders a final judgment in the individual's favor and that 53523
judgment is based upon an adjudication on the merits. The board 53524
has jurisdiction under those divisions if the trial court issues 53525
an order of dismissal upon technical or procedural grounds. 53526

(K) The sealing of conviction records by any court shall have 53527
no effect upon a prior board order entered under this section or 53528
upon the board's jurisdiction to take action under this section 53529
if, based upon a plea of guilty, a judicial finding of guilt, or a 53530
judicial finding of eligibility for intervention in lieu of 53531
conviction, the board issued a notice of opportunity for a hearing 53532
prior to the court's order to seal the records. The board shall 53533
not be required to seal, destroy, redact, or otherwise modify its 53534
records to reflect the court's sealing of conviction records. 53535

(L) If the board takes action under division (A)(4), (6), or 53536
(8) of this section, and the judicial finding of guilt, guilty 53537
plea, or judicial finding of eligibility for intervention in lieu 53538
of conviction is overturned on appeal, upon exhaustion of the 53539
criminal appeal, a petition for reconsideration of the order may 53540
be filed with the board along with appropriate court documents. 53541

Upon receipt of a petition for reconsideration and supporting 53542
court documents, the board shall reinstate the individual's 53543
license or permit. The board may then hold an adjudication under 53544
Chapter 119. of the Revised Code to determine whether the 53545
individual committed the act in question. Notice of an opportunity 53546
for a hearing shall be given in accordance with Chapter 119. of 53547
the Revised Code. If the board finds, pursuant to an adjudication 53548
held under this division, that the individual committed the act or 53549
if no hearing is requested, the board may order any of the 53550
sanctions identified under division (A) of this section. 53551

(M) The license or permit issued to an individual under this 53552
chapter and the individual's practice in this state are 53553
automatically suspended as of the date the individual pleads 53554
guilty to, is found by a judge or jury to be guilty of, or is 53555
subject to a judicial finding of eligibility for intervention in 53556
lieu of conviction in this state or treatment or intervention in 53557
lieu of conviction in another jurisdiction for any of the 53558
following criminal offenses in this state or a substantially 53559
equivalent criminal offense in another jurisdiction: aggravated 53560
murder, murder, voluntary manslaughter, felonious assault, 53561
kidnapping, rape, sexual battery, gross sexual imposition, 53562
aggravated arson, aggravated robbery, or aggravated burglary. 53563
Continued practice after suspension shall be considered practicing 53564
without a license or permit. 53565

The board shall ~~notify~~ serve the individual subject to the 53566
suspension ~~by certified mail or in person~~ in accordance with 53567
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 53568
individual whose license or permit is automatically suspended 53569
under this division fails to make a timely request for an 53570
adjudication under Chapter 119. of the Revised Code, the board 53571
shall enter a final order permanently revoking the individual's 53572
license or permit. 53573

(N) Notwithstanding any other provision of the Revised Code, 53574
all of the following apply: 53575

(1) The surrender of a license or permit issued under this 53576
chapter shall not be effective unless or until accepted by the 53577
board. A telephone conference call may be utilized for acceptance 53578
of the surrender of an individual's license or permit. The 53579
telephone conference call shall be considered a special meeting 53580
under division (F) of section 121.22 of the Revised Code. 53581
Reinstatement of a license or permit surrendered to the board 53582
requires an affirmative vote of not fewer than six members of the 53583
board. 53584

(2) An application for a license or permit made under the 53585
provisions of this chapter may not be withdrawn without approval 53586
of the board. 53587

(3) Failure by an individual to renew a license or permit in 53588
accordance with this chapter shall not remove or limit the board's 53589
jurisdiction to take any disciplinary action under this section 53590
against the individual. 53591

(4) At the request of the board, a license or permit holder 53592
shall immediately surrender to the board a license or permit that 53593
the board has suspended, revoked, or permanently revoked. 53594

Sec. 4760.13. (A) The state medical board, by an affirmative 53595
vote of not fewer than six members, may revoke or may refuse to 53596
grant a license to practice as an anesthesiologist assistant to a 53597
person found by the board to have committed fraud, 53598
misrepresentation, or deception in applying for or securing the 53599
license. 53600

(B) The board, by an affirmative vote of not fewer than six 53601
members, shall, except as provided in division (C) of this 53602
section, and to the extent permitted by law, limit, revoke, or 53603

suspend an individual's license to practice as an anesthesiologist 53604
assistant, refuse to issue a license to an applicant, refuse to 53605
renew a license, refuse to reinstate a license, or reprimand or 53606
place on probation the holder of a license for any of the 53607
following reasons: 53608

(1) Permitting the holder's name or license to be used by 53609
another person; 53610

(2) Failure to comply with the requirements of this chapter, 53611
Chapter 4731. of the Revised Code, or any rules adopted by the 53612
board; 53613

(3) Violating or attempting to violate, directly or 53614
indirectly, or assisting in or abetting the violation of, or 53615
conspiring to violate, any provision of this chapter, Chapter 53616
4731. of the Revised Code, or the rules adopted by the board; 53617

(4) A departure from, or failure to conform to, minimal 53618
standards of care of similar practitioners under the same or 53619
similar circumstances whether or not actual injury to the patient 53620
is established; 53621

(5) Inability to practice according to acceptable and 53622
prevailing standards of care by reason of mental illness or 53623
physical illness, including physical deterioration that adversely 53624
affects cognitive, motor, or perceptive skills; 53625

(6) Impairment of ability to practice according to acceptable 53626
and prevailing standards of care because of habitual or excessive 53627
use or abuse of drugs, alcohol, or other substances that impair 53628
ability to practice; 53629

(7) Willfully betraying a professional confidence; 53630

(8) Making a false, fraudulent, deceptive, or misleading 53631
statement in securing or attempting to secure a license to 53632
practice as an anesthesiologist assistant. 53633

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or

a judicial finding of eligibility for intervention in lieu of 53664
conviction for violating any state or federal law regulating the 53665
possession, distribution, or use of any drug, including 53666
trafficking in drugs; 53667

(17) Any of the following actions taken by the state agency 53668
responsible for regulating the practice of anesthesiologist 53669
assistants in another jurisdiction, for any reason other than the 53670
nonpayment of fees: the limitation, revocation, or suspension of 53671
an individual's license to practice; acceptance of an individual's 53672
license surrender; denial of a license; refusal to renew or 53673
reinstate a license; imposition of probation; or issuance of an 53674
order of censure or other reprimand; 53675

(18) Violation of the conditions placed by the board on a 53676
license to practice; 53677

(19) Failure to use universal blood and body fluid 53678
precautions established by rules adopted under section 4731.051 of 53679
the Revised Code; 53680

(20) Failure to cooperate in an investigation conducted by 53681
the board under section 4760.14 of the Revised Code, including 53682
failure to comply with a subpoena or order issued by the board or 53683
failure to answer truthfully a question presented by the board at 53684
a deposition or in written interrogatories, except that failure to 53685
cooperate with an investigation shall not constitute grounds for 53686
discipline under this section if a court of competent jurisdiction 53687
has issued an order that either quashes a subpoena or permits the 53688
individual to withhold the testimony or evidence in issue; 53689

(21) Failure to comply with any code of ethics established by 53690
the national commission for the certification of anesthesiologist 53691
assistants; 53692

(22) Failure to notify the state medical board of the 53693
revocation or failure to maintain certification from the national 53694

commission for certification of anesthesiologist assistants. 53695

(C) The board shall not refuse to issue a certificate to an 53696
applicant because of a plea of guilty to, a judicial finding of 53697
guilt of, or a judicial finding of eligibility for intervention in 53698
lieu of conviction for an offense unless the refusal is in 53699
accordance with section 9.79 of the Revised Code. 53700

(D) Disciplinary actions taken by the board under divisions 53701
(A) and (B) of this section shall be taken pursuant to an 53702
adjudication under Chapter 119. of the Revised Code, except that 53703
in lieu of an adjudication, the board may enter into a consent 53704
agreement with an anesthesiologist assistant or applicant to 53705
resolve an allegation of a violation of this chapter or any rule 53706
adopted under it. A consent agreement, when ratified by an 53707
affirmative vote of not fewer than six members of the board, shall 53708
constitute the findings and order of the board with respect to the 53709
matter addressed in the agreement. If the board refuses to ratify 53710
a consent agreement, the admissions and findings contained in the 53711
consent agreement shall be of no force or effect. 53712

(E) For purposes of divisions (B)(11), (14), and (15) of this 53713
section, the commission of the act may be established by a finding 53714
by the board, pursuant to an adjudication under Chapter 119. of 53715
the Revised Code, that the applicant or license holder committed 53716
the act in question. The board shall have no jurisdiction under 53717
these divisions in cases where the trial court renders a final 53718
judgment in the license holder's favor and that judgment is based 53719
upon an adjudication on the merits. The board shall have 53720
jurisdiction under these divisions in cases where the trial court 53721
issues an order of dismissal on technical or procedural grounds. 53722

(F) The sealing of conviction records by any court shall have 53723
no effect on a prior board order entered under the provisions of 53724
this section or on the board's jurisdiction to take action under 53725
the provisions of this section if, based upon a plea of guilty, a 53726

judicial finding of guilt, or a judicial finding of eligibility 53727
for intervention in lieu of conviction, the board issued a notice 53728
of opportunity for a hearing prior to the court's order to seal 53729
the records. The board shall not be required to seal, destroy, 53730
redact, or otherwise modify its records to reflect the court's 53731
sealing of conviction records. 53732

(G) For purposes of this division, any individual who holds a 53733
license to practice issued under this chapter, or applies for a 53734
license to practice, shall be deemed to have given consent to 53735
submit to a mental or physical examination when directed to do so 53736
in writing by the board and to have waived all objections to the 53737
admissibility of testimony or examination reports that constitute 53738
a privileged communication. 53739

(1) In enforcing division (B)(5) of this section, the board, 53740
on a showing of a possible violation, may compel any individual 53741
who holds a license to practice issued under this chapter or who 53742
has applied for a license to practice pursuant to this chapter to 53743
submit to a mental or physical examination, or both. A physical 53744
examination may include an HIV test. The expense of the 53745
examination is the responsibility of the individual compelled to 53746
be examined. Failure to submit to a mental or physical examination 53747
or consent to an HIV test ordered by the board constitutes an 53748
admission of the allegations against the individual unless the 53749
failure is due to circumstances beyond the individual's control, 53750
and a default and final order may be entered without the taking of 53751
testimony or presentation of evidence. If the board finds an 53752
anesthesiologist assistant unable to practice because of the 53753
reasons set forth in division (B)(5) of this section, the board 53754
shall require the anesthesiologist assistant to submit to care, 53755
counseling, or treatment by physicians approved or designated by 53756
the board, as a condition for an initial, continued, reinstated, 53757
or renewed license to practice. An individual affected by this 53758

division shall be afforded an opportunity to demonstrate to the 53759
board the ability to resume practicing in compliance with 53760
acceptable and prevailing standards of care. 53761

(2) For purposes of division (B)(6) of this section, if the 53762
board has reason to believe that any individual who holds a 53763
license to practice issued under this chapter or any applicant for 53764
a license to practice suffers such impairment, the board may 53765
compel the individual to submit to a mental or physical 53766
examination, or both. The expense of the examination is the 53767
responsibility of the individual compelled to be examined. Any 53768
mental or physical examination required under this division shall 53769
be undertaken by a treatment provider or physician qualified to 53770
conduct such examination and chosen by the board. 53771

Failure to submit to a mental or physical examination ordered 53772
by the board constitutes an admission of the allegations against 53773
the individual unless the failure is due to circumstances beyond 53774
the individual's control, and a default and final order may be 53775
entered without the taking of testimony or presentation of 53776
evidence. If the board determines that the individual's ability to 53777
practice is impaired, the board shall suspend the individual's 53778
license or deny the individual's application and shall require the 53779
individual, as a condition for an initial, continued, reinstated, 53780
or renewed license to practice, to submit to treatment. 53781

Before being eligible to apply for reinstatement of a license 53782
suspended under this division, the anesthesiologist assistant 53783
shall demonstrate to the board the ability to resume practice in 53784
compliance with acceptable and prevailing standards of care. The 53785
demonstration shall include the following: 53786

(a) Certification from a treatment provider approved under 53787
section 4731.25 of the Revised Code that the individual has 53788
successfully completed any required inpatient treatment; 53789

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 53790
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(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 53792
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 53798
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When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the anesthesiologist assistant has maintained sobriety. 53801
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(H) If the secretary and supervising member determine that there is clear and convincing evidence that an anesthesiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board. 53811
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The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior 53818
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hearing. A telephone conference call may be utilized for reviewing 53821
the allegations and taking the vote on the summary suspension. 53822

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 53823
~~certified mail or in person~~ in accordance with ~~section~~ sections 53824
119.05 and 119.07 of the Revised Code. The order shall not be 53825
subject to suspension by the court during pendency of any appeal 53826
filed under section 119.12 of the Revised Code. If the 53827
anesthesiologist assistant requests an adjudicatory hearing by the 53828
board, notwithstanding the time within which a hearing must be 53829
held under section 119.07 of the Revised Code, the date set for 53830
the hearing shall be within fifteen days, but not earlier than 53831
seven days, after the anesthesiologist assistant requests the 53832
hearing, unless otherwise agreed to by both the board and the 53833
license holder. 53834

A summary suspension imposed under this division shall remain 53835
in effect, unless reversed on appeal, until a final adjudicative 53836
order issued by the board pursuant to this section and Chapter 53837
119. of the Revised Code becomes effective. The board shall issue 53838
its final adjudicative order within sixty days after completion of 53839
its hearing. Failure to issue the order within sixty days shall 53840
result in dissolution of the summary suspension order, but shall 53841
not invalidate any subsequent, final adjudicative order. 53842

(I) If the board takes action under division (B)(11), (13), 53843
or (14) of this section, and the judicial finding of guilt, guilty 53844
plea, or judicial finding of eligibility for intervention in lieu 53845
of conviction is overturned on appeal, on exhaustion of the 53846
criminal appeal, a petition for reconsideration of the order may 53847
be filed with the board along with appropriate court documents. On 53848
receipt of a petition and supporting court documents, the board 53849
shall reinstate the license to practice. The board may then hold 53850
an adjudication under Chapter 119. of the Revised Code to 53851
determine whether the individual committed the act in question. 53852

Notice of opportunity for hearing shall be given in accordance 53853
with Chapter 119. of the Revised Code. If the board finds, 53854
pursuant to an adjudication held under this division, that the 53855
individual committed the act, or if no hearing is requested, it 53856
may order any of the sanctions specified in division (B) of this 53857
section. 53858

(J) The license to practice of an anesthesiologist assistant 53859
and the assistant's practice in this state are automatically 53860
suspended as of the date the anesthesiologist assistant pleads 53861
guilty to, is found by a judge or jury to be guilty of, or is 53862
subject to a judicial finding of eligibility for intervention in 53863
lieu of conviction in this state or treatment of intervention in 53864
lieu of conviction in another jurisdiction for any of the 53865
following criminal offenses in this state or a substantially 53866
equivalent criminal offense in another jurisdiction: aggravated 53867
murder, murder, voluntary manslaughter, felonious assault, 53868
kidnapping, rape, sexual battery, gross sexual imposition, 53869
aggravated arson, aggravated robbery, or aggravated burglary. 53870
Continued practice after the suspension shall be considered 53871
practicing without a license. 53872

The board shall ~~notify~~ serve the individual subject to the 53873
suspension ~~by certified mail or in person~~ in accordance with 53874
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 53875
individual whose license is suspended under this division fails to 53876
make a timely request for an adjudication under Chapter 119. of 53877
the Revised Code, the board shall enter a final order permanently 53878
revoking the individual's license to practice. 53879

(K) In any instance in which the board is required by Chapter 53880
119. of the Revised Code to give notice of opportunity for hearing 53881
and the individual subject to the notice does not timely request a 53882
hearing in accordance with section 119.07 of the Revised Code, the 53883
board is not required to hold a hearing, but may adopt, by an 53884

affirmative vote of not fewer than six of its members, a final 53885
order that contains the board's findings. In the final order, the 53886
board may order any of the sanctions identified under division (A) 53887
or (B) of this section. 53888

(L) Any action taken by the board under division (B) of this 53889
section resulting in a suspension shall be accompanied by a 53890
written statement of the conditions under which the 53891
anesthesiologist assistant's license may be reinstated. The board 53892
shall adopt rules in accordance with Chapter 119. of the Revised 53893
Code governing conditions to be imposed for reinstatement. 53894
Reinstatement of a license suspended pursuant to division (B) of 53895
this section requires an affirmative vote of not fewer than six 53896
members of the board. 53897

(M) When the board refuses to grant or issue a license to 53898
practice as an anesthesiologist assistant to an applicant, revokes 53899
an individual's license, refuses to renew an individual's license, 53900
or refuses to reinstate an individual's license, the board may 53901
specify that its action is permanent. An individual subject to a 53902
permanent action taken by the board is forever thereafter 53903
ineligible to hold a license to practice as an anesthesiologist 53904
assistant and the board shall not accept an application for 53905
reinstatement of the license or for issuance of a new license. 53906

(N) Notwithstanding any other provision of the Revised Code, 53907
all of the following apply: 53908

(1) The surrender of a license to practice issued under this 53909
chapter is not effective unless or until accepted by the board. 53910
Reinstatement of a license surrendered to the board requires an 53911
affirmative vote of not fewer than six members of the board. 53912

(2) An application made under this chapter for a license to 53913
practice may not be withdrawn without approval of the board. 53914

(3) Failure by an individual to renew a license to practice 53915

in accordance with section 4760.06 of the Revised Code shall not 53916
remove or limit the board's jurisdiction to take disciplinary 53917
action under this section against the individual. 53918

Sec. 4761.09. (A) The state medical board, by an affirmative 53919
vote of not fewer than six members, shall, except as provided in 53920
division (B) of this section, and to the extent permitted by law, 53921
limit, revoke, or suspend an individual's license or limited 53922
permit, refuse to issue a license or limited permit to an 53923
individual, refuse to renew a license or limited permit, refuse to 53924
reinstate a license or limited permit, or reprimand or place on 53925
probation the holder of a license or limited permit for one or 53926
more of the following reasons: 53927

(1) A plea of guilty to, a judicial finding of guilt of, or a 53928
judicial finding of eligibility for intervention in lieu of 53929
conviction for, a felony; 53930

(2) Commission of an act that constitutes a felony in this 53931
state, regardless of the jurisdiction in which the act was 53932
committed; 53933

(3) A plea of guilty to, a judicial finding of guilt of, or a 53934
judicial finding of eligibility for intervention in lieu of 53935
conviction for, a misdemeanor committed in the course of practice; 53936

(4) Commission of an act in the course of practice that 53937
constitutes a misdemeanor in this state, regardless of the 53938
jurisdiction in which the act was committed; 53939

(5) A plea of guilty to, a judicial finding of guilt of, or a 53940
judicial finding of eligibility for intervention in lieu of 53941
conviction for, a misdemeanor involving moral turpitude; 53942

(6) Commission of an act involving moral turpitude that 53943
constitutes a misdemeanor in this state, regardless of the 53944
jurisdiction in which the act was committed; 53945

(7) Except when civil penalties are imposed under section 53946
4761.091 of the Revised Code, violating or attempting to violate, 53947
directly or indirectly, or assisting in or abetting the violation 53948
of, or conspiring to violate, any provision of this chapter or the 53949
rules adopted by the board; 53950

(8) Making a false, fraudulent, deceptive, or misleading 53951
statement in the solicitation of or advertising for patients; in 53952
relation to the practice of respiratory care; or in securing or 53953
attempting to secure any license or permit issued by the board 53954
under this chapter. 53955

As used in division (A)(8) of this section, "false, 53956
fraudulent, deceptive, or misleading statement" means a statement 53957
that includes a misrepresentation of fact, is likely to mislead or 53958
deceive because of a failure to disclose material facts, is 53959
intended or is likely to create false or unjustified expectations 53960
of favorable results, or includes representations or implications 53961
that in reasonable probability will cause an ordinarily prudent 53962
person to misunderstand or be deceived. 53963

(9) Committing fraud during the administration of the 53964
examination for a license to practice or committing fraud, 53965
misrepresentation, or deception in applying for, renewing, or 53966
securing any license or permit issued by the board; 53967

(10) A departure from, or failure to conform to, minimal 53968
standards of care of similar practitioners under the same or 53969
similar circumstances, whether or not actual injury to a patient 53970
is established; 53971

(11) Violating the standards of ethical conduct adopted by 53972
the board, in the practice of respiratory care; 53973

(12) The obtaining of, or attempting to obtain, money or 53974
anything of value by fraudulent misrepresentations in the course 53975
of practice; 53976

(13) Violation of the conditions of limitation placed by the board upon a license or permit;	53977 53978
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	53979 53980 53981 53982
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	53983 53984 53985 53986 53987 53988 53989 53990 53991
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	53992 53993 53994
(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A)(10), (12), or (14) of this section;	53995 53996 53997 53998 53999
(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	54000 54001 54002 54003
(19) Failure to cooperate in an investigation conducted by the board under division (E) of section 4761.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented	54004 54005 54006 54007

by the board in an investigative interview, an investigative 54008
office conference, at a deposition, or in written interrogatories, 54009
except that failure to cooperate with an investigation shall not 54010
constitute grounds for discipline under this section if a court of 54011
competent jurisdiction has issued an order that either quashes a 54012
subpoena or permits the individual to withhold the testimony or 54013
evidence in issue; 54014

(20) Practicing in an area of respiratory care for which the 54015
person is clearly untrained or incompetent or practicing in a 54016
manner that conflicts with section 4761.17 of the Revised Code; 54017

(21) Employing, directing, or supervising a person who is not 54018
authorized to practice respiratory care under this chapter in the 54019
performance of respiratory care procedures; 54020

(22) Misrepresenting educational attainments or authorized 54021
functions for the purpose of obtaining some benefit related to the 54022
practice of respiratory care; 54023

(23) Assisting suicide as defined in section 3795.01 of the 54024
Revised Code; 54025

(24) Representing, with the purpose of obtaining compensation 54026
or other advantage as personal gain or for any other person, that 54027
an incurable disease or injury, or other incurable condition, can 54028
be permanently cured. 54029

Disciplinary actions taken by the board under division (A) of 54030
this section shall be taken pursuant to an adjudication under 54031
Chapter 119. of the Revised Code, except that in lieu of an 54032
adjudication, the board may enter into a consent agreement with an 54033
individual to resolve an allegation of a violation of this chapter 54034
or any rule adopted under it. A consent agreement, when ratified 54035
by an affirmative vote of not fewer than six members of the board, 54036
shall constitute the findings and order of the board with respect 54037
to the matter addressed in the agreement. If the board refuses to 54038

ratify a consent agreement, the admissions and findings contained 54039
in the consent agreement shall be of no effect. 54040

A telephone conference call may be utilized for ratification 54041
of a consent agreement that revokes or suspends an individual's 54042
license or permit. The telephone conference call shall be 54043
considered a special meeting under division (F) of section 121.22 54044
of the Revised Code. 54045

(B) The board shall not refuse to issue a license or limited 54046
permit to an applicant because of a plea of guilty to, a judicial 54047
finding of guilt of, or a judicial finding of eligibility for 54048
intervention in lieu of conviction for an offense unless the 54049
refusal is in accordance with section 9.79 of the Revised Code. 54050

(C) Any action taken by the board under division (A) of this 54051
section resulting in a suspension from practice shall be 54052
accompanied by a written statement of the conditions under which 54053
the individual's license or permit may be reinstated. The board 54054
shall adopt rules governing conditions to be imposed for 54055
reinstatement. Reinstatement of a license or permit suspended 54056
pursuant to division (A) of this section requires an affirmative 54057
vote of not fewer than six members of the board. 54058

(D) When the board refuses to grant or issue a license or 54059
permit to an applicant, revokes an individual's license or permit, 54060
refuses to renew an individual's license or permit, or refuses to 54061
reinstatement an individual's license or permit, the board may specify 54062
that its action is permanent. An individual subject to a permanent 54063
action taken by the board is forever thereafter ineligible to hold 54064
a license or permit and the board shall not accept an application 54065
for reinstatement of the license or permit or for issuance of a 54066
new license or permit. 54067

(E) If the board is required by Chapter 119. of the Revised 54068
Code to give notice of an opportunity for a hearing and if the 54069

individual subject to the notice does not timely request a hearing 54070
in accordance with section 119.07 of the Revised Code, the board 54071
is not required to hold a hearing, but may adopt, by an 54072
affirmative vote of not fewer than six of its members, a final 54073
order that contains the board's findings. In the final order, the 54074
board may order any of the sanctions identified under division (A) 54075
of this section. 54076

(F) In enforcing division (A)(14) of this section, the board, 54077
upon a showing of a possible violation, may compel any individual 54078
authorized to practice by this chapter or who has submitted an 54079
application pursuant to this chapter to submit to a mental 54080
examination, physical examination, including an HIV test, or both 54081
a mental and a physical examination. The expense of the 54082
examination is the responsibility of the individual compelled to 54083
be examined. Failure to submit to a mental or physical examination 54084
or consent to an HIV test ordered by the board constitutes an 54085
admission of the allegations against the individual unless the 54086
failure is due to circumstances beyond the individual's control, 54087
and a default and final order may be entered without the taking of 54088
testimony or presentation of evidence. If the board finds an 54089
individual unable to practice because of the reasons set forth in 54090
division (A)(14) of this section, the board shall require the 54091
individual to submit to care, counseling, or treatment by 54092
physicians approved or designated by the board, as a condition for 54093
initial, continued, reinstated, or renewed authority to practice. 54094
An individual affected under this division shall be afforded an 54095
opportunity to demonstrate to the board the ability to resume 54096
practice in compliance with acceptable and prevailing standards 54097
under the provisions of the individual's license or permit. For 54098
the purpose of division (A)(14) of this section, any individual 54099
who applies for or receives a license or permit to practice under 54100
this chapter accepts the privilege of practicing in this state 54101
and, by so doing, shall be deemed to have given consent to submit 54102

to a mental or physical examination when directed to do so in 54103
writing by the board, and to have waived all objections to the 54104
admissibility of testimony or examination reports that constitute 54105
a privileged communication. 54106

(G) For the purposes of division (A)(18) of this section, any 54107
individual authorized to practice by this chapter accepts the 54108
privilege of practicing in this state subject to supervision by 54109
the board. By filing an application for or holding a license or 54110
permit under this chapter, an individual shall be deemed to have 54111
given consent to submit to a mental or physical examination when 54112
ordered to do so by the board in writing, and to have waived all 54113
objections to the admissibility of testimony or examination 54114
reports that constitute privileged communications. 54115

If it has reason to believe that any individual authorized to 54116
practice by this chapter or any applicant for a license or permit 54117
suffers such impairment, the board may compel the individual to 54118
submit to a mental or physical examination, or both. The expense 54119
of the examination is the responsibility of the individual 54120
compelled to be examined. Any mental or physical examination 54121
required under this division shall be undertaken by a treatment 54122
provider or physician who is qualified to conduct the examination 54123
and who is chosen by the board. 54124

Failure to submit to a mental or physical examination ordered 54125
by the board constitutes an admission of the allegations against 54126
the individual unless the failure is due to circumstances beyond 54127
the individual's control, and a default and final order may be 54128
entered without the taking of testimony or presentation of 54129
evidence. If the board determines that the individual's ability to 54130
practice is impaired, the board shall suspend the individual's 54131
license or permit or deny the individual's application and shall 54132
require the individual, as a condition for an initial, continued, 54133
reinstated, or renewed license or permit, to submit to treatment. 54134

Before being eligible to apply for reinstatement of a license 54135
or permit suspended under this division, the impaired practitioner 54136
shall demonstrate to the board the ability to resume practice in 54137
compliance with acceptable and prevailing standards of care under 54138
the provisions of the practitioner's license or permit. The 54139
demonstration shall include, but shall not be limited to, the 54140
following: 54141

(1) Certification from a treatment provider approved under 54142
section 4731.25 of the Revised Code that the individual has 54143
successfully completed any required inpatient treatment; 54144

(2) Evidence of continuing full compliance with an aftercare 54145
contract or consent agreement; 54146

(3) Two written reports indicating that the individual's 54147
ability to practice has been assessed and that the individual has 54148
been found capable of practicing according to acceptable and 54149
prevailing standards of care. The reports shall be made by 54150
individuals or providers approved by the board for making the 54151
assessments and shall describe the basis for their determination. 54152

The board may reinstate a license or permit suspended under 54153
this division after that demonstration and after the individual 54154
has entered into a written consent agreement. 54155

When the impaired practitioner resumes practice, the board 54156
shall require continued monitoring of the individual. The 54157
monitoring shall include, but not be limited to, compliance with 54158
the written consent agreement entered into before reinstatement or 54159
with conditions imposed by board order after a hearing, and, upon 54160
termination of the consent agreement, submission to the board for 54161
at least two years of annual written progress reports made under 54162
penalty of perjury stating whether the individual has maintained 54163
sobriety. 54164

(H) If the secretary and supervising member determine both of 54165

the following, they may recommend that the board suspend an 54166
individual's license or permit without a prior hearing: 54167

(1) That there is clear and convincing evidence that an 54168
individual has violated division (A) of this section; 54169

(2) That the individual's continued practice presents a 54170
danger of immediate and serious harm to the public. 54171

Written allegations shall be prepared for consideration by 54172
the board. The board, upon review of those allegations and by an 54173
affirmative vote of not fewer than six of its members, excluding 54174
the secretary and supervising member, may suspend a license or 54175
permit without a prior hearing. A telephone conference call may be 54176
utilized for reviewing the allegations and taking the vote on the 54177
summary suspension. 54178

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 54179
~~certified mail or in person~~ in accordance with ~~section~~ sections 54180
119.05 and 119.07 of the Revised Code. The order shall not be 54181
subject to suspension by the court during pendency of any appeal 54182
filed under section 119.12 of the Revised Code. If the individual 54183
subject to the summary suspension requests an adjudicatory hearing 54184
by the board, notwithstanding the time within which a hearing must 54185
be held under section 119.07 of the Revised Code, the date set for 54186
the hearing shall be within fifteen days, but not earlier than 54187
seven days, after the individual requests the hearing, unless 54188
otherwise agreed to by both the board and the individual. 54189

Any summary suspension imposed under this division shall 54190
remain in effect, unless reversed on appeal, until a final 54191
adjudicative order issued by the board pursuant to this section 54192
and Chapter 119. of the Revised Code becomes effective. The board 54193
shall issue its final adjudicative order within seventy-five days 54194
after completion of its hearing. A failure to issue the order 54195
within seventy-five days shall result in dissolution of the 54196

summary suspension order but shall not invalidate any subsequent, 54197
final adjudicative order. 54198

(I) For purposes of divisions (A)(2), (4), and (6) of this 54199
section, the commission of the act may be established by a finding 54200
by the board, pursuant to an adjudication under Chapter 119. of 54201
the Revised Code, that the individual committed the act. The board 54202
does not have jurisdiction under those divisions if the trial 54203
court renders a final judgment in the individual's favor and that 54204
judgment is based upon an adjudication on the merits. The board 54205
has jurisdiction under those divisions if the trial court issues 54206
an order of dismissal upon technical or procedural grounds. 54207

(J) The sealing of conviction records by any court shall have 54208
no effect upon a prior board order entered under this section or 54209
upon the board's jurisdiction to take action under this section 54210
if, based upon a plea of guilty, a judicial finding of guilt, or a 54211
judicial finding of eligibility for intervention in lieu of 54212
conviction, the board issued a notice of opportunity for a hearing 54213
prior to the court's order to seal the records. The board shall 54214
not be required to seal, destroy, redact, or otherwise modify its 54215
records to reflect the court's sealing of conviction records. 54216

(K) If the board takes action under division (A)(1), (3), or 54217
(5) of this section, and the judicial finding of guilt, guilty 54218
plea, or judicial finding of eligibility for intervention in lieu 54219
of conviction is overturned on appeal, upon exhaustion of the 54220
criminal appeal, a petition for reconsideration of the order may 54221
be filed with the board along with appropriate court documents. 54222
Upon receipt of a petition for reconsideration and supporting 54223
court documents, the board shall reinstate the individual's 54224
license or permit. The board may then hold an adjudication under 54225
Chapter 119. of the Revised Code to determine whether the 54226
individual committed the act in question. Notice of an opportunity 54227
for a hearing shall be given in accordance with Chapter 119. of 54228

the Revised Code. If the board finds, pursuant to an adjudication 54229
held under this division, that the individual committed the act or 54230
if no hearing is requested, the board may order any of the 54231
sanctions identified under division (A) of this section. 54232

(L) The license or permit issued to an individual under this 54233
chapter and the individual's practice in this state are 54234
automatically suspended as of the date the individual pleads 54235
guilty to, is found by a judge or jury to be guilty of, or is 54236
subject to a judicial finding of eligibility for intervention in 54237
lieu of conviction in this state or treatment or intervention in 54238
lieu of conviction in another jurisdiction for any of the 54239
following criminal offenses in this state or a substantially 54240
equivalent criminal offense in another jurisdiction: aggravated 54241
murder, murder, voluntary manslaughter, felonious assault, 54242
kidnapping, rape, sexual battery, gross sexual imposition, 54243
aggravated arson, aggravated robbery, or aggravated burglary. 54244
Continued practice after suspension shall be considered practicing 54245
without a license or permit. 54246

The board shall ~~notify~~ serve the individual subject to the 54247
suspension ~~by certified mail or in person~~ in accordance with 54248
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 54249
individual whose license or permit is automatically suspended 54250
under this division fails to make a timely request for an 54251
adjudication under Chapter 119. of the Revised Code, the board 54252
shall enter a final order permanently revoking the individual's 54253
license or permit. 54254

(M) Notwithstanding any other provision of the Revised Code, 54255
all of the following apply: 54256

(1) The surrender of a license or permit issued under this 54257
chapter shall not be effective unless or until accepted by the 54258
board. A telephone conference call may be utilized for acceptance 54259
of the surrender of an individual's license or permit. The 54260

telephone conference call shall be considered a special meeting 54261
under division (F) of section 121.22 of the Revised Code. 54262
Reinstatement of a license or permit surrendered to the board 54263
requires an affirmative vote of not fewer than six members of the 54264
board. 54265

(2) An application for a license or permit made under the 54266
provisions of this chapter may not be withdrawn without approval 54267
of the board. 54268

(3) Failure by an individual to renew a license or permit in 54269
accordance with this chapter shall not remove or limit the board's 54270
jurisdiction to take any disciplinary action under this section 54271
against the individual. 54272

(4) At the request of the board, a license or permit holder 54273
shall immediately surrender to the board a license or permit that 54274
the board has suspended, revoked, or permanently revoked. 54275

Sec. 4762.13. (A) The state medical board, by an affirmative 54276
vote of not fewer than six members, may revoke or may refuse to 54277
grant a license to practice as an oriental medicine practitioner 54278
or license to practice as an acupuncturist to a person found by 54279
the board to have committed fraud, misrepresentation, or deception 54280
in applying for or securing the license. 54281

(B) The board, by an affirmative vote of not fewer than six 54282
members, shall, except as provided in division (C) of this 54283
section, and to the extent permitted by law, limit, revoke, or 54284
suspend an individual's license to practice, refuse to issue a 54285
license to an applicant, refuse to renew a license, refuse to 54286
reinstate a license, or reprimand or place on probation the holder 54287
of a license for any of the following reasons: 54288

(1) Permitting the holder's name or license to be used by 54289
another person; 54290

(2) Failure to comply with the requirements of this chapter,	54291
Chapter 4731. of the Revised Code, or any rules adopted by the	54292
board;	54293
(3) Violating or attempting to violate, directly or	54294
indirectly, or assisting in or abetting the violation of, or	54295
conspiring to violate, any provision of this chapter, Chapter	54296
4731. of the Revised Code, or the rules adopted by the board;	54297
(4) A departure from, or failure to conform to, minimal	54298
standards of care of similar practitioners under the same or	54299
similar circumstances whether or not actual injury to the patient	54300
is established;	54301
(5) Inability to practice according to acceptable and	54302
prevailing standards of care by reason of mental illness or	54303
physical illness, including physical deterioration that adversely	54304
affects cognitive, motor, or perceptive skills;	54305
(6) Impairment of ability to practice according to acceptable	54306
and prevailing standards of care because of habitual or excessive	54307
use or abuse of drugs, alcohol, or other substances that impair	54308
ability to practice;	54309
(7) Willfully betraying a professional confidence;	54310
(8) Making a false, fraudulent, deceptive, or misleading	54311
statement in soliciting or advertising for patients or in securing	54312
or attempting to secure a license to practice as an oriental	54313
medicine practitioner or license to practice as an acupuncturist.	54314
As used in this division, "false, fraudulent, deceptive, or	54315
misleading statement" means a statement that includes a	54316
misrepresentation of fact, is likely to mislead or deceive because	54317
of a failure to disclose material facts, is intended or is likely	54318
to create false or unjustified expectations of favorable results,	54319
or includes representations or implications that in reasonable	54320
probability will cause an ordinarily prudent person to	54321

misunderstand or be deceived. 54322

(9) Representing, with the purpose of obtaining compensation 54323
or other advantage personally or for any other person, that an 54324
incurable disease or injury, or other incurable condition, can be 54325
permanently cured; 54326

(10) The obtaining of, or attempting to obtain, money or a 54327
thing of value by fraudulent misrepresentations in the course of 54328
practice; 54329

(11) A plea of guilty to, a judicial finding of guilt of, or 54330
a judicial finding of eligibility for intervention in lieu of 54331
conviction for, a felony; 54332

(12) Commission of an act that constitutes a felony in this 54333
state, regardless of the jurisdiction in which the act was 54334
committed; 54335

(13) A plea of guilty to, a judicial finding of guilt of, or 54336
a judicial finding of eligibility for intervention in lieu of 54337
conviction for, a misdemeanor committed in the course of practice; 54338

(14) A plea of guilty to, a judicial finding of guilt of, or 54339
a judicial finding of eligibility for intervention in lieu of 54340
conviction for, a misdemeanor involving moral turpitude; 54341

(15) Commission of an act in the course of practice that 54342
constitutes a misdemeanor in this state, regardless of the 54343
jurisdiction in which the act was committed; 54344

(16) Commission of an act involving moral turpitude that 54345
constitutes a misdemeanor in this state, regardless of the 54346
jurisdiction in which the act was committed; 54347

(17) A plea of guilty to, a judicial finding of guilt of, or 54348
a judicial finding of eligibility for intervention in lieu of 54349
conviction for violating any state or federal law regulating the 54350
possession, distribution, or use of any drug, including 54351

trafficking in drugs;	54352
(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	54353 54354 54355 54356 54357 54358 54359 54360
(19) Violation of the conditions placed by the board on a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist;	54361 54362 54363
(20) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	54364 54365 54366
(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	54367 54368 54369 54370 54371 54372 54373 54374 54375
(22) Failure to comply with the standards of the national certification commission for acupuncture and oriental medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public;	54376 54377 54378 54379
(23) Failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code;	54380 54381 54382

(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify the board that the appropriate designation has not been maintained.

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an oriental medicine practitioner or acupuncturist or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under

these divisions in cases where the trial court renders a final 54415
judgment in the license holder's favor and that judgment is based 54416
upon an adjudication on the merits. The board shall have 54417
jurisdiction under these divisions in cases where the trial court 54418
issues an order of dismissal upon technical or procedural grounds. 54419

(F) The sealing of conviction records by any court shall have 54420
no effect upon a prior board order entered under the provisions of 54421
this section or upon the board's jurisdiction to take action under 54422
the provisions of this section if, based upon a plea of guilty, a 54423
judicial finding of guilt, or a judicial finding of eligibility 54424
for intervention in lieu of conviction, the board issued a notice 54425
of opportunity for a hearing or entered into a consent agreement 54426
prior to the court's order to seal the records. The board shall 54427
not be required to seal, destroy, redact, or otherwise modify its 54428
records to reflect the court's sealing of conviction records. 54429

(G) For purposes of this division, any individual who holds a 54430
license to practice issued under this chapter, or applies for a 54431
license to practice, shall be deemed to have given consent to 54432
submit to a mental or physical examination when directed to do so 54433
in writing by the board and to have waived all objections to the 54434
admissibility of testimony or examination reports that constitute 54435
a privileged communication. 54436

(1) In enforcing division (B)(5) of this section, the board, 54437
upon a showing of a possible violation, may compel any individual 54438
who holds a license to practice issued under this chapter or who 54439
has applied for a license pursuant to this chapter to submit to a 54440
mental examination, physical examination, including an HIV test, 54441
or both a mental and physical examination. The expense of the 54442
examination is the responsibility of the individual compelled to 54443
be examined. Failure to submit to a mental or physical examination 54444
or consent to an HIV test ordered by the board constitutes an 54445
admission of the allegations against the individual unless the 54446

failure is due to circumstances beyond the individual's control, 54447
and a default and final order may be entered without the taking of 54448
testimony or presentation of evidence. If the board finds an 54449
oriental medicine practitioner or acupuncturist unable to practice 54450
because of the reasons set forth in division (B)(5) of this 54451
section, the board shall require the individual to submit to care, 54452
counseling, or treatment by physicians approved or designated by 54453
the board, as a condition for an initial, continued, reinstated, 54454
or renewed license to practice. An individual affected by this 54455
division shall be afforded an opportunity to demonstrate to the 54456
board the ability to resume practicing in compliance with 54457
acceptable and prevailing standards of care. 54458

(2) For purposes of division (B)(6) of this section, if the 54459
board has reason to believe that any individual who holds a 54460
license to practice issued under this chapter or any applicant for 54461
a license suffers such impairment, the board may compel the 54462
individual to submit to a mental or physical examination, or both. 54463
The expense of the examination is the responsibility of the 54464
individual compelled to be examined. Any mental or physical 54465
examination required under this division shall be undertaken by a 54466
treatment provider or physician qualified to conduct such 54467
examination and chosen by the board. 54468

Failure to submit to a mental or physical examination ordered 54469
by the board constitutes an admission of the allegations against 54470
the individual unless the failure is due to circumstances beyond 54471
the individual's control, and a default and final order may be 54472
entered without the taking of testimony or presentation of 54473
evidence. If the board determines that the individual's ability to 54474
practice is impaired, the board shall suspend the individual's 54475
license or deny the individual's application and shall require the 54476
individual, as a condition for an initial, continued, reinstated, 54477
or renewed license, to submit to treatment. 54478

Before being eligible to apply for reinstatement of a license 54479
suspended under this division, the oriental medicine practitioner 54480
or acupuncturist shall demonstrate to the board the ability to 54481
resume practice in compliance with acceptable and prevailing 54482
standards of care. The demonstration shall include the following: 54483

(a) Certification from a treatment provider approved under 54484
section 4731.25 of the Revised Code that the individual has 54485
successfully completed any required inpatient treatment; 54486

(b) Evidence of continuing full compliance with an aftercare 54487
contract or consent agreement; 54488

(c) Two written reports indicating that the individual's 54489
ability to practice has been assessed and that the individual has 54490
been found capable of practicing according to acceptable and 54491
prevailing standards of care. The reports shall be made by 54492
individuals or providers approved by the board for making such 54493
assessments and shall describe the basis for their determination. 54494

The board may reinstate a license suspended under this 54495
division after such demonstration and after the individual has 54496
entered into a written consent agreement. 54497

When the impaired individual resumes practice, the board 54498
shall require continued monitoring of the individual. The 54499
monitoring shall include monitoring of compliance with the written 54500
consent agreement entered into before reinstatement or with 54501
conditions imposed by board order after a hearing, and, upon 54502
termination of the consent agreement, submission to the board for 54503
at least two years of annual written progress reports made under 54504
penalty of falsification stating whether the individual has 54505
maintained sobriety. 54506

(H) If the secretary and supervising member determine both of 54507
the following, they may recommend that the board suspend an 54508
individual's license to practice without a prior hearing: 54509

(1) That there is clear and convincing evidence that an oriental medicine practitioner or acupuncturist has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the oriental medicine practitioner or acupuncturist requests an adjudicatory hearing by the board, notwithstanding the time within which a hearing must be held under section 119.07 of the Revised Code, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the hearing is requested, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(11), (13), 54541
or (14) of this section, and the judicial finding of guilt, guilty 54542
plea, or judicial finding of eligibility for intervention in lieu 54543
of conviction is overturned on appeal, upon exhaustion of the 54544
criminal appeal, a petition for reconsideration of the order may 54545
be filed with the board along with appropriate court documents. 54546
Upon receipt of a petition and supporting court documents, the 54547
board shall reinstate the license. The board may then hold an 54548
adjudication under Chapter 119. of the Revised Code to determine 54549
whether the individual committed the act in question. Notice of 54550
opportunity for hearing shall be given in accordance with Chapter 54551
119. of the Revised Code. If the board finds, pursuant to an 54552
adjudication held under this division, that the individual 54553
committed the act, or if no hearing is requested, it may order any 54554
of the sanctions specified in division (B) of this section. 54555

(J) The license to practice of an oriental medicine 54556
practitioner or acupuncturist and the practitioner's or 54557
acupuncturist's practice in this state are automatically suspended 54558
as of the date the practitioner or acupuncturist pleads guilty to, 54559
is found by a judge or jury to be guilty of, or is subject to a 54560
judicial finding of eligibility for intervention in lieu of 54561
conviction in this state or treatment or intervention in lieu of 54562
conviction in another jurisdiction for any of the following 54563
criminal offenses in this state or a substantially equivalent 54564
criminal offense in another jurisdiction: aggravated murder, 54565
murder, voluntary manslaughter, felonious assault, kidnapping, 54566
rape, sexual battery, gross sexual imposition, aggravated arson, 54567
aggravated robbery, or aggravated burglary. Continued practice 54568
after the suspension shall be considered practicing without a 54569
license. 54570

The board shall ~~notify~~ serve the individual subject to the 54571
suspension ~~by certified mail or in person~~ in accordance with 54572

~~section~~ sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code,

all of the following apply: 54605

(1) The surrender of a license to practice as an oriental 54606
medicine practitioner or license to practice as an acupuncturist 54607
issued under this chapter is not effective unless or until 54608
accepted by the board. Reinstatement of a license surrendered to 54609
the board requires an affirmative vote of not fewer than six 54610
members of the board. 54611

(2) An application made under this chapter for a license may 54612
not be withdrawn without approval of the board. 54613

(3) Failure by an individual to renew a license in accordance 54614
with section 4762.06 of the Revised Code shall not remove or limit 54615
the board's jurisdiction to take disciplinary action under this 54616
section against the individual. 54617

Sec. 4763.05. (A)(1)(a) A person shall make application for 54618
an initial state-certified general real estate appraiser 54619
certificate, an initial state-certified residential real estate 54620
appraiser certificate, an initial state-licensed residential real 54621
estate appraiser license, or an initial state-registered real 54622
estate appraiser assistant registration in writing to the 54623
superintendent of real estate on a form the superintendent 54624
prescribes. The application shall include the address of the 54625
applicant's principal place of business and all other addresses at 54626
which the applicant currently engages in the business of 54627
performing real estate appraisals and the address of the 54628
applicant's current residence. The superintendent shall retain the 54629
applicant's current residence address in a separate record which 54630
does not constitute a public record for purposes of section 149.43 54631
of the Revised Code. The application shall indicate whether the 54632
applicant seeks certification as a general real estate appraiser 54633
or as a residential real estate appraiser, licensure as a 54634
residential real estate appraiser, or registration as a real 54635

estate appraiser assistant and be accompanied by the prescribed 54636
examination and certification, registration, or licensure fees set 54637
forth in section 4763.09 of the Revised Code. The application also 54638
shall include a pledge, signed by the applicant, that the 54639
applicant will comply with the standards set forth in this 54640
chapter; and a statement that the applicant understands the types 54641
of misconduct for which disciplinary proceedings may be initiated 54642
against the applicant pursuant to this chapter. 54643

(b) Upon the filing of an application and payment of any 54644
examination and certification, registration, or licensure fees, 54645
the superintendent of real estate shall request the superintendent 54646
of the bureau of criminal identification and investigation, or a 54647
vendor approved by the bureau, to conduct a criminal records check 54648
based on the applicant's fingerprints in accordance with section 54649
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 54650
section 121.08 of the Revised Code, the superintendent of real 54651
estate shall request that criminal record information from the 54652
federal bureau of investigation be obtained as part of the 54653
criminal records check. Any fee required under division (C)(3) of 54654
section 109.572 of the Revised Code shall be paid by the 54655
applicant. 54656

(2) For purposes of providing funding for the real estate 54657
appraiser recovery fund established by section 4763.16 of the 54658
Revised Code, the real estate appraiser board shall levy an 54659
assessment against each person issued an initial certificate, 54660
registration, or license and against current licensees, 54661
registrants, and certificate holders, as required by board rule. 54662
The assessment is in addition to the application and examination 54663
fees for initial applicants required by division (A)(1) of this 54664
section and the renewal fees required for current certificate 54665
holders, registrants, and licensees. The superintendent of real 54666
estate shall deposit the assessment into the state treasury to the 54667

credit of the real estate appraiser recovery fund. The assessment 54668
for initial certificate holders, registrants, and licensees shall 54669
be paid prior to the issuance of a certificate, registration, or 54670
license, and for current certificate holders, registrants, and 54671
licensees, at the time of renewal. 54672

(B) An applicant for an initial general real estate appraiser 54673
certificate, residential real estate appraiser certificate, or 54674
residential real estate appraiser license shall possess experience 54675
in real estate appraisal as the board prescribes by rule. In 54676
addition to any other information required by the board, the 54677
applicant shall furnish, under oath, a detailed listing of the 54678
appraisal reports or file memoranda for each year for which 54679
experience is claimed and, upon request of the superintendent or 54680
the board, shall make available for examination a sample of the 54681
appraisal reports prepared by the applicant in the course of the 54682
applicant's practice. 54683

(C) An applicant for an initial certificate, registration, or 54684
license shall be at least eighteen years of age, honest, and 54685
truthful and shall present satisfactory evidence to the 54686
superintendent that the applicant has successfully completed any 54687
education requirements the board prescribes by rule. 54688

(D) An applicant for an initial general real estate appraiser 54689
or residential real estate appraiser certificate or residential 54690
real estate appraiser license shall take and successfully complete 54691
a written examination in order to qualify for the certificate or 54692
license. 54693

The board shall prescribe the examination requirements by 54694
rule. 54695

(E)(1) A person who has obtained a residential real estate 54696
appraiser license, a residential real estate appraiser 54697
certificate, or a general real estate appraiser certificate from 54698

another state may apply to obtain a license or certificate issued 54699
under this chapter provided the state that issued the license or 54700
certificate has requirements that meet or exceed the requirements 54701
found in this chapter. The board shall adopt rules relating to 54702
this division. The application for obtaining a license or 54703
certificate under this division may include any of the following: 54704

(a) A pledge, signed by the applicant, that the applicant 54705
will comply with the standards set forth in this chapter; 54706

(b) A statement that the applicant understands the types of 54707
misconduct for which disciplinary proceedings may be initiated 54708
against the applicant pursuant to this chapter; 54709

(c) A consent to service of process. 54710

(2)(a) The board shall recognize on a temporary basis a 54711
certification or license issued in another state and shall 54712
register on a temporary basis an appraiser who is certified or 54713
licensed in another state if all of the following apply: 54714

(i) The temporary registration is to perform an appraisal 54715
assignment that is part of a federally related transaction. 54716

(ii) The appraiser's business in this state is of a temporary 54717
nature. 54718

(iii) The appraiser registers with the board pursuant to this 54719
division. 54720

(b) An appraiser who is certified or licensed in another 54721
state shall register with the board for temporary practice before 54722
performing an appraisal assignment in this state in connection 54723
with a federally related transaction. 54724

(c) The board shall adopt rules relating to registration for 54725
the temporary recognition of certification and licensure of 54726
appraisers from another state. The registration for temporary 54727
recognition of certified or licensed appraisers from another state 54728

shall not authorize completion of more than one appraisal 54729
assignment in this state. The board shall not issue more than two 54730
registrations for temporary practice to any one applicant in any 54731
calendar year. The application for obtaining a registration under 54732
this division may include any of the following: 54733

(i) A pledge, signed by the applicant, that the applicant 54734
will comply with the standards set forth in this chapter; 54735

(ii) A statement that the applicant understands the types of 54736
misconduct for which disciplinary proceedings may be initiated 54737
against the applicant pursuant to this chapter; 54738

(iii) A consent to service of process. 54739

(3) The board may enter into reciprocal agreements with other 54740
states. The board shall prescribe reciprocal agreement 54741
requirements by rule. 54742

(F) The superintendent shall not issue a certificate, 54743
registration, or license to, or recognize on a temporary basis an 54744
appraiser from another state that is a corporation, partnership, 54745
or association. This prohibition shall not be construed to prevent 54746
a certificate holder or licensee from signing an appraisal report 54747
on behalf of a corporation, partnership, or association. 54748

(G) Every person licensed, registered, or certified under 54749
this chapter shall notify the superintendent, on a form provided 54750
by the superintendent, of a change in the address of the 54751
licensee's, registrant's, or certificate holder's principal place 54752
of business or residence within thirty days of the change. If a 54753
licensee's, registrant's, or certificate holder's license, 54754
registration, or certificate is revoked or not renewed, the 54755
licensee, registrant, or certificate holder immediately shall 54756
return the annual and any renewal certificate, registration, or 54757
license to the superintendent. 54758

(H)(1) The superintendent shall not issue a certificate, 54759

registration, or license to any person, or recognize on a 54760
temporary basis an appraiser from another state, who does not meet 54761
applicable minimum criteria for state certification, registration, 54762
or licensure prescribed by federal law or rule. 54763

(2) The superintendent shall not refuse to issue a general 54764
real estate appraiser certificate, residential real estate 54765
appraiser certificate, residential real estate appraiser license, 54766
or real estate appraiser assistant registration to any person 54767
because of a conviction of or plea of guilty to any criminal 54768
offense unless the refusal is in accordance with section 9.79 of 54769
the Revised Code. 54770

Sec. 4763.11. (A) Within ten business days after a person 54771
files a written complaint against a person certified, registered, 54772
or licensed under this chapter with the division of real estate, 54773
the superintendent of real estate shall acknowledge receipt of the 54774
complaint by sending notice to the certificate holder, registrant, 54775
or licensee that includes a copy of the complaint. The 54776
acknowledgement to the complainant and the notice to the 54777
certificate holder, registrant, or licensee may state that an 54778
informal mediation meeting will be held with the complainant, the 54779
certificate holder, registrant, or licensee, and an investigator 54780
from the investigation and audit section of the division, if the 54781
complainant and certificate holder, registrant, or licensee both 54782
file a request for such a meeting within twenty calendar days 54783
after the acknowledgment and notice are mailed. 54784

(B) If the complainant and certificate holder, registrant, or 54785
licensee both file with the division requests for an informal 54786
mediation meeting, the superintendent shall notify the complainant 54787
and certificate holder, registrant, or licensee of the date of the 54788
meeting, by regular mail. If the complainant and certificate 54789
holder, registrant, or licensee reach an accommodation at an 54790

informal mediation meeting, the investigator shall report the 54791
accommodation to the superintendent, the complainant, and the 54792
certificate holder, registrant, or licensee and the complaint file 54793
shall be closed upon the superintendent receiving satisfactory 54794
notice that the accommodation has been fulfilled. 54795

(C) If the complainant and certificate holder, registrant, or 54796
licensee fail to agree to an informal mediation meeting or fail to 54797
reach an accommodation agreement, or fail to fulfill an 54798
accommodation agreement, the superintendent shall assign the 54799
complaint to an investigator for an investigation into the conduct 54800
of the certificate holder, registrant, or licensee against whom 54801
the complaint is filed. 54802

(D) Upon the conclusion of the investigation, the 54803
investigator shall file a written report of the results of the 54804
investigation with the superintendent. The superintendent shall 54805
review the report and determine whether there exists reasonable 54806
and substantial evidence of a violation of division (G) of this 54807
section by the certificate holder, registrant, or licensee. 54808

(1) If the superintendent finds evidence exists showing a 54809
violation of division (G) of this section by a certificate holder, 54810
registrant, or licensee, the superintendent shall notify the 54811
complainant and certificate holder, registrant, or licensee of the 54812
determination. The certificate holder, registrant, or licensee may 54813
enter into a settlement agreement with the superintendent. The 54814
settlement agreement is subject to board approval, and the board 54815
shall prescribe requirements by rule for such settlement 54816
agreements. The certificate holder, registrant, or licensee may 54817
request a hearing pursuant to Chapter 119. of the Revised Code. If 54818
a formal hearing is conducted, the hearing examiner shall file a 54819
report that contains findings of fact and conclusions of law with 54820
the division hearing administrator. The division hearing 54821
administrator shall serve the hearing examiner report on the 54822

superintendent, the assistant attorney general representing the 54823
superintendent in the matter, the board, the complainant and the 54824
certificate holder, licensee, or registrant, and if applicable, 54825
counsel representing the complainant, certificate holder, 54826
licensee, or registrant. Service of the hearing examiner report on 54827
the complainant and on the certificate holder, licensee, or 54828
registrant shall comply with division (K) of this section. Service 54829
of the hearing examiner's report on the superintendent, the 54830
assistant attorney general representing the superintendent in the 54831
matter, and the board shall be by either regular mail or 54832
electronic means. Service of the hearing examiner report on 54833
counsel representing the complainant, certificate holder, 54834
licensee, or registrant shall be by regular mail. 54835

Within ten calendar days of receipt by the assistant attorney 54836
general representing the superintendent of the copy of the hearing 54837
examiner's report served by the division hearing administrator, 54838
the assistant attorney general may file with the board written 54839
objections to the hearing examiner's report, which shall be 54840
considered by the board before approving, modifying, or rejecting 54841
the hearing examiner's report. Within ten calendar days of receipt 54842
by the certificate holder, licensee, or registrant of the copy of 54843
the hearing examiner's report served by the division hearing 54844
administrator, the certificate holder, licensee, or registrant may 54845
file with the board written objections to the hearing examiner's 54846
report, which shall be considered by the board before approving, 54847
modifying, or rejecting the hearing examiner's report. Within ten 54848
calendar days of receipt by the superintendent of the copy of the 54849
hearing examiner's report served by the division hearing 54850
administrator, the superintendent may grant an extension of time 54851
to file written objections to the hearing examiner's report for 54852
good cause shown. 54853

(2) If the superintendent finds, following the conclusion of 54854

the investigation, that evidence does not exist showing a 54855
violation of division (G) of this section by the certificate 54856
holder, registrant, or licensee, the superintendent shall notify 54857
the complainant and certificate holder, registrant, or licensee of 54858
that determination and the basis for the determination. Within 54859
fifteen business days after the superintendent notifies the 54860
complainant and certificate holder, registrant, or licensee that 54861
such evidence does not exist, the complainant may file with the 54862
division a request that the real estate appraiser board review the 54863
determination. If the complainant files such request, the board 54864
shall review the determination at the next regularly scheduled 54865
meeting held at least fifteen business days after the request is 54866
filed but no longer than six months after the request is filed. 54867
The board may hear the testimony of the complainant, certificate 54868
holder, registrant, or licensee at the meeting upon the request of 54869
that party. If the board affirms the determination of the 54870
superintendent, the superintendent shall notify the complainant 54871
and the certificate holder, registrant, or licensee within five 54872
business days thereafter. If the board reverses the determination 54873
of the superintendent, the matter shall be returned to the 54874
superintendent for additional investigation or review. 54875

(E) The board shall review the hearing examiner's report and 54876
the evidence at the next regularly scheduled board meeting held at 54877
least fifteen business days after receipt of the examiner's 54878
report. The board may hear the testimony of the complainant, 54879
certificate holder, registrant, or licensee upon request. If the 54880
complainant is the Ohio civil rights commission, the board shall 54881
review the complaint. 54882

(F) If the board determines that a licensee, registrant, or 54883
certificate holder has violated this chapter for which 54884
disciplinary action may be taken under division (G) of this 54885
section, after review of the hearing examiner's report and the 54886

evidence as provided in division (E) of this section, or after 54887
review of a settlement agreement entered into pursuant to division 54888
(D)(1) of this section, the board shall order the disciplinary 54889
action the board considers appropriate, which may include, but is 54890
not limited to, any of the following: 54891

(1) Reprimand of the certificate holder, registrant, or 54892
licensee; 54893

(2) Imposition of a fine, not exceeding, two thousand five 54894
hundred dollars per violation; 54895

(3) Requirement of the completion of additional education 54896
courses. Any course work imposed pursuant to this section shall 54897
not count toward continuing education requirements or prelicense 54898
or precertification requirements set forth in section 4763.05 of 54899
the Revised Code. 54900

(4) Suspension of the certificate, registration, or license 54901
for a specific period of time; 54902

(5) Revocation or surrender of the certificate, registration, 54903
or license. 54904

The decision and order of the board is final, except that 54905
following the review of the hearing examiner report and the 54906
evidence as provided in division (E) of this section, the decision 54907
and order of the board is subject to review in the manner provided 54908
for in Chapter 119. of the Revised Code and appeal to any court of 54909
common pleas. If the board orders a disciplinary action as 54910
provided in division (F)(2) or (3) of this section, the 54911
superintendent may grant an extension of time to satisfy the 54912
board-ordered disciplinary action for good cause shown. 54913

(G) The board shall take any disciplinary action authorized 54914
by this section against a certificate holder, registrant, or 54915
licensee or an applicant who obtains a certificate, registration, 54916
or license pursuant to this chapter who is found to have committed 54917

any of the following acts, omissions, or violations: 54918

(1) As an applicant, procuring or attempting to procure a 54919
certificate, registration, or license pursuant to section 4763.05, 54920
4763.06, or 4763.07 of the Revised Code by knowingly making a 54921
false statement, submitting false information, refusing to provide 54922
complete information in response to a question in an application 54923
for certification, registration, or licensure, or by any means of 54924
fraud or misrepresentation; 54925

(2) Paying, or attempting to pay, anything of value, other 54926
than the fees or assessments required by this chapter, to any 54927
member or employee of the board for the purpose of procuring a 54928
certificate, registration, or license; 54929

(3) In a criminal proceeding, being convicted of or pleading 54930
guilty or no contest to a felony; a crime involving moral 54931
turpitude; or a crime involving theft, receiving stolen property, 54932
embezzlement, forgery, fraud, passing bad checks, money 54933
laundering, drug trafficking, or any criminal offense involving 54934
money or securities, including a violation of an existing or 54935
former law of this state, any other state, or the United States 54936
that is substantially equivalent to such an offense; 54937

(4) Dishonesty, fraud, or misrepresentation, with the intent 54938
to either benefit the certificate holder, registrant, or licensee 54939
or another person or injure another person; 54940

(5) Violation of any of the standards for the development, 54941
preparation, communication, or reporting of an appraisal report 54942
set forth in this chapter and rules of the board; 54943

(6) Failure or refusal to exercise reasonable diligence in 54944
developing, preparing, or communicating an appraisal report; 54945

(7) Negligence or incompetence in developing, preparing, 54946
communicating, or reporting an appraisal report; 54947

- (8) Violating this chapter or the rules adopted thereunder; 54948
- (9) Accepting an appraisal assignment where the employment is 54949
contingent upon the appraiser preparing or reporting a 54950
predetermined estimate, analysis, or opinion, or where the fee to 54951
be paid for the appraisal is contingent upon the opinion, 54952
conclusion, or valuation attained or upon the consequences 54953
resulting from the appraisal assignment; 54954
- (10) Violating the confidential nature of governmental 54955
records to which the certificate holder, registrant, or licensee 54956
gained access through employment or engagement as an appraiser by 54957
a governmental agency; 54958
- (11) Entry of final judgment against the certificate holder, 54959
registrant, or licensee on the grounds of fraud, deceit, 54960
misrepresentation, or gross negligence in performing any appraisal 54961
of real estate; 54962
- (12) Violating any federal or state civil rights law; 54963
- (13) Having published advertising, whether printed, radio, 54964
display, or of any other nature, which was misleading or 54965
inaccurate in any material particular, or in any way having 54966
misrepresented any appraisal or specialized service; 54967
- (14) Failing to provide copies of records to the 54968
superintendent or failing to maintain records as required by 54969
section 4763.14 of the Revised Code. Failure of a certificate 54970
holder, licensee, or registrant to comply with a subpoena issued 54971
under division (C)(1) of section 4763.03 of the Revised Code is 54972
prima-facie evidence of a violation of division (G)(14) of section 54973
4763.11 of the Revised Code. 54974
- (15) Failing to provide notice to the board as required in 54975
division (I) of this section; 54976
- (16) In the case of a certificate holder acting as a 54977

supervisory appraiser, refusing to sign an appraiser experience log required by rule for a person making application for an initial state-certified general real estate appraiser certificate, state-certified residential real estate appraiser certificate, or state-licensed residential real estate appraiser license, unless there is reasonable and substantial evidence that there is false information contained within the log;

(17) Being sanctioned or disciplined in another jurisdiction as a real estate appraiser;

(18) Failing to provide assistance, whenever possible, to the members and staff of the board or to the division of real estate in the enforcement of this chapter and the rules adopted under it.

(H) The board immediately shall notify the superintendent of real estate of any disciplinary action taken under this section against a certificate holder, registrant, or licensee who also is licensed under Chapter 4735. of the Revised Code, and also shall notify any other federal, state, or local agency and any other public or private association that the board determines is responsible for licensing or otherwise regulating the professional or business activity of the appraiser. Additionally, the board shall notify the complainant and any other party who may have suffered financial loss because of the certificate holder's, registrant's, or licensee's violations, that the complainant or other party may sue for recovery under section 4763.16 of the Revised Code. The notice provided under this division shall specify the conduct for which the certificate holder, registrant, or licensee was disciplined and the disciplinary action taken by the board and the result of that conduct.

(I) A certificate holder, registrant, or licensee shall notify the board within fifteen days of the agency's issuance of an order revoking or permanently surrendering any professional license, certificate, or registration by any public entity other

than the division of real estate. A certificate holder, 55010
registrant, or licensee who is convicted of or pleads guilty or no 55011
contest to a crime as described in division (G)(3) of this section 55012
shall notify the board of the conviction or plea within fifteen 55013
days of the conviction or plea. 55014

(J) If the board determines that a certificate holder, 55015
registrant, or licensee has violated this chapter for which 55016
disciplinary action may be taken under division (G) of this 55017
section as a result of an investigation conducted by the 55018
superintendent upon the superintendent's own motion or upon the 55019
request of the board, the superintendent shall notify the 55020
certificate holder, registrant, or licensee of the certificate 55021
holder's, registrant's, or licensee's right to a hearing pursuant 55022
to Chapter 119. of the Revised Code and, if applicable, to an 55023
appeal of a final determination of such administrative proceedings 55024
to any court of common pleas. 55025

(K) Notwithstanding ~~section~~ sections 119.05 and 119.07 of the 55026
Revised Code, acknowledgment of complaint notices issued under 55027
division (A) of this section and continuance notices associated 55028
with hearings conducted under this section may be sent by regular 55029
mail and a certificate of mailing shall be obtained for the 55030
notices. All other notices issued to a complainant and to a 55031
certificate holder, registrant, licensee, or other party pursuant 55032
to this section shall be mailed via certified mail, return receipt 55033
requested. When any notice is sent by certified mail, return 55034
receipt requested, and is returned because the notice was 55035
unclaimed, then that notice is deemed served if the superintendent 55036
subsequently sends the notice by regular mail and a certificate of 55037
mailing is obtained for the notice. If a notice, whether sent by 55038
certified mail, return receipt requested, or by regular mail with 55039
a certificate of mailing, is returned for failure of delivery, 55040
then the superintendent shall make personal delivery of the notice 55041

by an employee or agent of the department of commerce or shall 55042
cause a summary of the substantive provisions of the notice to be 55043
published once a week for three consecutive weeks in a newspaper 55044
of general circulation in the county where the last known address 55045
of the party is located. When notice is given by publication, a 55046
proof of publication affidavit, with the first publication of the 55047
notice set forth in the affidavit, shall be mailed by regular mail 55048
to the party at the party's last known address. The notice shall 55049
be deemed received as of the date of the last publication of the 55050
summary. An employee or agent of the department of commerce may 55051
make personal delivery of the notice upon the party at any time. 55052
Refusal of delivery by personal service or by mail is not failure 55053
of delivery and service is deemed to be complete. Failure of 55054
delivery occurs only when a mailed notice is returned by the 55055
postal authorities marked undeliverable, address or addressee 55056
unknown, or forwarding address unknown or expired. 55057

Sec. 4763.15. Except for moneys required to be transferred 55058
into the real estate appraiser recovery fund pursuant to section 55059
4763.16 of the Revised Code ~~or as required pursuant to this~~ 55060
~~section,~~ the superintendent of real estate may deposit all fees 55061
collected under this chapter into the state treasury to the credit 55062
of the real estate ~~appraiser~~ operating fund, ~~which is hereby~~ 55063
created under section 4735.211 of the Revised Code. All operating 55064
expenses of the real estate appraiser board and the superintendent 55065
of real estate relating to the administration and enforcement of 55066
this chapter and Chapter 4768. of the Revised Code shall be paid 55067
from ~~this~~ the real estate operating fund. ~~The fund shall be~~ 55068
~~assessed a proportionate share of the administrative cost of the~~ 55069
~~department of commerce in accordance with procedures prescribed by~~ 55070
~~the director of commerce, and the assessment shall be paid from~~ 55071
~~the operating fund to the division of administration fund.~~ 55072

~~If, in any biennium, the director of commerce determines that~~ 55073

~~moneys in the operating fund exceed those necessary to fund the 55074
activities of the board and of the superintendent of real estate 55075
that relate to this chapter and Chapter 4768. of the Revised Code, 55076
the director may pay the excess funds to the real estate appraiser 55077
recovery fund. 55078~~

Sec. 4763.16. (A) The real estate appraiser recovery fund is 55079
hereby created in the state treasury, to be administered by the 55080
superintendent of real estate. The treasurer of state shall credit 55081
to the fund amounts collected by the superintendent as prescribed 55082
in this section and interest earned on the assets of the fund. The 55083
superintendent shall ascertain the balance of the fund as of the 55084
first day of October of each year. If that balance is less than 55085
two hundred thousand dollars at any time, the director of budget 55086
and management, upon the request of the superintendent and 55087
approval of the controlling board, may transfer from the real 55088
estate ~~appraiser~~ operating fund created under section 4735.211 of 55089
the Revised Code to the real estate appraiser recovery fund a sum 55090
as will bring the real estate appraiser recovery fund to that 55091
amount. 55092

(B) When any person obtains a final judgment in any court of 55093
competent jurisdiction against a certificate holder, registrant, 55094
or licensee, based upon conduct that is in violation of this 55095
chapter or the rules adopted under it, which conduct occurred on 55096
or after the date of their certification, registration, or 55097
licensure, and that is associated with an act or transaction of a 55098
certificate holder, registrant, or licensee specified in this 55099
chapter, that person may file a verified complaint, as described 55100
in this division, in the Franklin county court of common pleas for 55101
an order directing payment out of the real estate appraiser 55102
recovery fund of the portion of the judgment that remains unpaid 55103
and that represents the actual and direct loss of the person for 55104
the act or transaction upon which the underlying judgment was 55105

based, and court costs, if awarded in the underlying judgment, 55106
provided that no person shall receive more than ten thousand 55107
dollars from the fund for any one judgment. A bonding or insurance 55108
company or any partnership, corporation, or association that uses 55109
any tool to develop a valuation of real property for purposes of a 55110
loan or that employs, retains, or engages as an independent 55111
contractor a person licensed, registered, or certified as a real 55112
estate appraiser in its usual or occasional operations may not 55113
seek an order directing, and is not eligible for, payment out of 55114
the fund. Punitive or exemplary damages are not recoverable from 55115
the fund. 55116

The complaint shall specify the nature of the act or 55117
transaction upon which the underlying judgment was based, the 55118
activities of the applicant in pursuit of remedies available under 55119
law for the collection of judgments, and the amount of the fee 55120
paid by the applicant to the certificate holder, registrant, or 55121
licensee. The applicant shall attach to the complaint a copy of 55122
each pleading and order in the underlying court action. 55123

The Franklin county court of common pleas shall order the 55124
superintendent to make payments out of the fund when the person 55125
seeking the order has shown all of the following: 55126

(1) The person has obtained a judgment, as provided in this 55127
division; 55128

(2) All appeals from the judgment have been exhausted and the 55129
person has given notice to the superintendent, as required by 55130
division (C) of this section; 55131

(3) The person is not a spouse of the certificate holder, 55132
registrant, or licensee, or the personal representative of the 55133
spouse; 55134

(4) The person has diligently pursued the person's remedies 55135
against all the certificate holders, registrants, licensees, and 55136

all other persons liable to the person in the transaction for 55137
which the person seeks recovery from the fund; 55138

(5) The person is making a complaint not more than one year 55139
after termination of all proceedings, including appeals, in 55140
connection with the judgment. 55141

(C) A person who applies to the Franklin county court of 55142
common pleas for an order directing payment out of the fund shall 55143
file notice of the complaint with the superintendent. The 55144
superintendent shall send notice to the affected certificate 55145
holder, registrant, or licensee, where possible. The 55146
superintendent may defend the action on behalf of the fund and 55147
shall have recourse to all appropriate means of defense and 55148
review, including examination of witnesses. The superintendent may 55149
move the court at any time to dismiss the complaint when it 55150
appears there are no triable issues and the complaint is without 55151
merit. The motion may be supported by affidavit of any person 55152
having knowledge of the facts and may be made on the basis that 55153
the complaint, including the judgment referred to in the 55154
complaint, does not form the basis for a meritorious recovery 55155
claim. The superintendent may, subject to court approval, 55156
compromise a claim based upon the complaint of an aggrieved party. 55157
The superintendent is not bound by any prior compromise or 55158
stipulation of the certificate holder, registrant, or licensee. 55159
Upon petition of the superintendent, the court may require all 55160
claimants and prospective claimants against one certificate 55161
holder, registrant, or licensee to be joined in one action, to the 55162
end that the respective rights of all such claimants to the fund 55163
may be equitably adjudicated and settled. 55164

(D) If the superintendent pays from the fund any amount in 55165
settlement of a claim or toward satisfaction of a judgment against 55166
a certificate holder, registrant, or licensee, the certificate, 55167
registration, or license of the certificate holder, registrant, or 55168

licensee automatically is suspended upon the date of payment from 55169
the fund. No certificate, registration, or license that has been 55170
suspended pursuant to this division shall be reinstated until the 55171
certificate holder, registrant, or licensee has repaid in full, 55172
plus interest per annum at the rate specified in division (A) of 55173
section 1343.03 of the Revised Code, the amount paid from the fund 55174
on the certificate holder's, registrant's, or licensee's account. 55175
A discharge in bankruptcy does not relieve a person from the 55176
suspension and requirements for reinstatement provided in this 55177
section. 55178

(E) If, at any time, the money deposited in the fund is 55179
insufficient to satisfy any duly authorized claim or portion of a 55180
claim, the superintendent shall, when sufficient money has been 55181
deposited in the fund, satisfy the unpaid claims or portions, in 55182
the order that the claims or portions were originally filed, plus 55183
accumulated interest per annum at the rate specified in division 55184
(A) of section 1343.03 of the Revised Code. 55185

(F) When, upon the order of the court, the superintendent has 55186
paid from the fund any sum to the judgment creditor, the 55187
superintendent is subrogated to all of the rights of the judgment 55188
creditor to the extent of the amount so paid, and the judgment 55189
creditor shall assign all of the judgment creditor's right, title, 55190
and interest in the judgment to the superintendent to the extent 55191
of the amount so paid. The superintendent shall deposit in the 55192
fund any amount and interest so recovered by the superintendent on 55193
the judgment. 55194

(G) Nothing contained in this section shall limit the 55195
authority of the real estate appraiser board to take disciplinary 55196
action against a certificate holder, registrant, or licensee under 55197
other provisions of this chapter. The repayment in full of all 55198
obligations to the fund by a certificate holder, registrant, or 55199
licensee does not nullify or modify the effect of any other 55200

disciplinary proceeding brought pursuant to this chapter, unless 55201
repayment is imposed as a condition in that proceeding. 55202

(H) The superintendent shall collect from the fund a service 55203
fee in an amount equivalent to the interest rate specified in 55204
division (A) of section 1343.03 of the Revised Code multiplied by 55205
the annual interest earned on the assets of the fund, to defray 55206
the expenses incurred in the administration of the fund. 55207

Sec. 4764.04. (A) There is hereby created the Ohio home 55208
inspector board consisting of seven members. The governor shall 55209
appoint five members who are licensed home inspectors. The 55210
president of the senate and the speaker of the house of 55211
representatives each shall appoint one member who represents the 55212
public and has no financial interest in the home inspection 55213
industry. Not more than four members of the board shall be members 55214
of the same political party. 55215

(B) The governor, president of the senate, and speaker of the 55216
house of representatives shall make the initial appointments to 55217
the board not later than ninety days after ~~the effective date of~~ 55218
~~this section~~ April 5, 2019. Of the initial appointments to the 55219
board, the governor shall appoint one member to a term ending one 55220
year after ~~the effective date of this section~~ April 5, 2019, two 55221
members to a term ending three years after that date, and two 55222
members to a term ending five years after that date. The president 55223
of the senate shall appoint one member to a term ending two years 55224
after that date, and the speaker of the house of representatives 55225
shall appoint one member to a term ending four years after that 55226
date. Thereafter, each term shall be for five years, ending on the 55227
same day of the same month as the term that it succeeds. Each 55228
member shall hold office from the date of appointment until the 55229
end of the term for which the member was appointed. Vacancies 55230
shall be filled in the manner provided for original appointments. 55231

A member appointed to fill a vacancy prior to the expiration of a 55232
term shall hold office for the remainder of that term. A member 55233
shall continue in office subsequent to the expiration of the term 55234
until the member's successor takes office. 55235

(C) Annually, at the first regularly scheduled board meeting 55236
following the first day of September, the board shall organize by 55237
selecting from among its members a chairperson and a vice 55238
chairperson by majority vote. The board shall meet at least once 55239
per calendar quarter to conduct its business. A majority of the 55240
members of the board constitutes a quorum to transact and vote on 55241
all business that comes before the board. 55242

(D) The members of the board shall not be compensated but 55243
shall be reimbursed for actual expenses reasonably incurred in the 55244
performance of their duties as members. 55245

(E) The person who, or office that, appointed a member may 55246
remove that member for misconduct, neglect of duty, incapacity, or 55247
malfeasance. 55248

(F) The Ohio home inspector board is a part of the department 55249
of commerce for administrative purposes. The director of commerce 55250
is ex officio the executive officer of the board, or the director 55251
may designate the superintendent of real estate and professional 55252
licensing to act as executive officer of the board. 55253

Sec. 4764.05. (A) The In addition to any other duties imposed 55254
on the Ohio home inspector board, the board shall adopt rules, in 55255
accordance with Chapter 119. of the Revised Code, in furtherance 55256
of this chapter, including, but not limited to, rules to do all of 55257
the following: 55258

(1) Establish standards to govern the issuance, renewal, 55259
suspension, and revocation of licenses, other sanctions that may 55260
be imposed for violations of this chapter, the conduct of hearings 55261

related to these actions, and the process of reactivating a license;	55262 55263
(2) Establish the amount of the following fees:	55264
(a) Establish the following fees in an amount that is sufficient to defray necessary expenses incurred in the administration of this chapter:	55265 55266 55267
(i) The fee for applying for and receiving a license issued under section 4764.07 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars;	55268 55269 55270 55271 55272
(ii) The fee for renewal of a license under section 4764.09 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars.	55273 55274 55275 55276
(b) The renewal late fee described in division (B)(2) of section 4764.09 of the Revised Code;	55277 55278
(c) The fee an institution or organization described in division (A)(7) of this section shall pay to receive approval to offer continuing education courses and programs;	55279 55280 55281
(d) The fee an institution or organization that is approved to offer continuing education courses and programs shall pay for each course or program that the institution or organization wishes to have the superintendent <u>of real estate and professional licensing</u> approve pursuant to the rules adopted by the board under division (A)(8) of this section;	55282 55283 55284 55285 55286 55287
(e) Any other fees as required by this chapter.	55288
(3) In accordance with division (C) of this section, specify methods and procedures the board shall use to approve a curriculum of education a person must successfully complete to obtain a	55289 55290 55291

license under this chapter; 55292

(4) In accordance with division (D) of this section, specify 55293
methods and procedures the board shall use to approve a curriculum 55294
of experience that a person may elect to complete the proof of 55295
experience requirement specified in division (D)(6) of section 55296
4764.07 of the Revised Code; 55297

(5) Establish the administrative reporting and review 55298
requirements for parallel inspections or equivalency for field 55299
experience to assure that an applicant for a license satisfies the 55300
requirements of division (D)(6) of section 4764.07 of the Revised 55301
Code, as applicable; 55302

(6) Establish a curriculum for continuing education that a 55303
licensed home inspector shall complete to satisfy the requirements 55304
for continuing education specified in section 4764.08 of the 55305
Revised Code and procedures to assure continuing education 55306
requirements are updated periodically to make those requirements 55307
consistent with home inspection industry practices; 55308

(7) Establish requirements an institution or organization 55309
shall satisfy to obtain approval to provide courses or programs 55310
that enable a licensed home inspector to satisfy the requirements 55311
for continuing education specified in section 4764.08 of the 55312
Revised Code and establish procedures that the superintendent of 55313
real estate and professional licensing shall use to approve an 55314
institution or organization that satisfies the requirements the 55315
board establishes; 55316

(8) Establish procedures and standards that the 55317
superintendent shall use to approve courses and programs, 55318
including online courses and programs, offered by an institution 55319
or organization that is approved by the superintendent to offer 55320
continuing education courses or programs pursuant to the rules 55321
adopted by the board under division (A)(7) of this section; 55322

- (9) Establish reporting requirements for a licensed home inspector to follow to demonstrate that the licensed home inspector successfully completed the continuing education requirements specified in section 4764.08 of the Revised Code; 55323
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- (10) Establish requirements for conducting home inspections, standards of practice for home inspectors, and conflict of interest prohibitions to the extent that those provisions do not conflict with divisions (A)(2) to (5) of section 4764.14 of the Revised Code; 55327
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- (11) Specify requirements for settlement agreements entered into between the superintendent and a licensed home inspector under division (C) of section 4764.13 of the Revised Code; 55332
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- (12) Establish procedures for providing licensees with notice and applications for renewal under section 4764.09 of the Revised Code; 55335
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- (13) Establish a set of standards of practice and canons of ethics for the home inspection industry; 55338
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- (14) Establish directions for the superintendent of real estate and professional licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license issued under this chapter; 55340
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- (15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions; 55345
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- (16) Authorize the board, as the board determines appropriate, to request the superintendent of real estate and professional licensing to initiate investigations for possible violations of this chapter or the rules adopted pursuant thereto; 55348
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- (17) Any other rules necessary in furtherance of this 55352

<u>chapter.</u>	55353
(B) The board shall do all of the following:	55354
(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	55355 55356 55357 55358
(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under section 4764.21 of the Revised Code;	55359 55360 55361
(3) Disseminate to licensees and the public information relative to board activities and decisions;	55362 55363
(4) <u>(3)</u> Notify licensees of changes in state and federal laws pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes.	55364 55365 55366 55367
(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements:	55368 55369 55370 55371
(1) The curriculum is offered by an accredited public or private institution of higher education or a professional organization that has been approved by the board to offer a curriculum.	55372 55373 55374 55375
(2) The curriculum includes a requirement that a person, to successfully complete the curriculum, complete at least eighty hours of classroom or online prelicensing instruction, including instruction about compliance with the requirements specified in this chapter, inspection safety, report writing, and any other administrative matters required by the board.	55376 55377 55378 55379 55380 55381
(3) The curriculum satisfies any other requirements the board	55382

established in rules it adopts. 55383

(D) The board shall determine the equivalency of field 55384
experience that a person may elect to complete to satisfy the 55385
proof of experience requirement specified in division (D)(6) of 55386
section 4764.07 of the Revised Code. The board shall approve only 55387
a curriculum of experience that includes a requirement that a 55388
person, to successfully complete the curriculum, must perform at 55389
least forty hours of work in the home inspection field that allows 55390
the person to obtain practical experience or training regarding 55391
home inspections. The board shall approve only a curriculum of 55392
experience that includes a requirement that a person, to 55393
successfully complete the curriculum, must complete a peer review 55394
session with a licensed home inspector approved by the board 55395
before applying for a license. The peer review session may be used 55396
as part of the required eighty hours of prelicensing education. 55397

Sec. 4764.06. (A) The superintendent of real estate and 55398
professional licensing shall do all of the following: 55399

(1) Administer this chapter; 55400

(2) Provide the Ohio home inspector board with meeting space, 55401
staff services, and other technical assistance required by the 55402
board to carry out the duties of the board under this chapter; 55403

(3) Provide each applicant for a home inspector license with 55404
a copy of the requirements for home inspections specified in rules 55405
adopted by the board pursuant to division (A)(10) of section 55406
4764.05 of the Revised Code, and make those requirements available 55407
to the public by posting them on the web site maintained by the 55408
department of commerce; 55409

(4) In accordance with division (B) of this section, issue a 55410
home inspector license to, or renew a home inspector license for, 55411
any person who satisfies the requirements specified in this 55412

chapter for such licensure or renewal, and make a list of those 55413
licensed home inspectors available to the public by posting the 55414
list on the web site maintained by the department of commerce; 55415

(5) Administer the home inspector recovery fund created under 55416
section 4764.21 of the Revised Code; 55417

(6) Establish procedures, in accordance with division ~~(K)~~(L) 55418
of section 121.08 of the Revised Code, to have fingerprint-based 55419
criminal records checks conducted by the bureau of criminal 55420
identification and investigation for all applicants for licensure; 55421

(7) In accordance with the procedures specified in rules 55422
adopted by the board in accordance with division (A)(7) of section 55423
4764.05 of the Revised Code, approve an institution or 55424
organization wishing to provide continuing education courses or 55425
programs if that institution or organization satisfies the 55426
requirements specified in rules adopted by the board in accordance 55427
with that division and pays the fee established in rules adopted 55428
by the board pursuant to division (A)(2)(c) of that section; 55429

(8) In accordance with the procedures specified in rules 55430
adopted by the board in accordance with division (A)(8) of section 55431
4764.05 of the Revised Code, approve a course or program that a 55432
licensed home inspector may complete to satisfy the continuing 55433
education requirements specified in section 4764.08 of the Revised 55434
Code if all of the following are satisfied: 55435

(a) The course or program is offered by an institution or 55436
organization approved by the superintendent pursuant to division 55437
(A)(7) of this section. 55438

(b) The course or program satisfies the standards established 55439
in rules adopted by the board pursuant to division (A)(8) of 55440
section 4764.05 of the Revised Code. 55441

(c) The institution or organization pays the fee established 55442
in rules adopted by the board pursuant to division (A)(2)(d) of 55443

section 4764.05 of the Revised Code. 55444

(9) Issue all orders necessary to implement this chapter; 55445

(10) In accordance with section 4764.12 of the Revised Code, 55446
investigate complaints concerning an alleged violation of this 55447
chapter or the conduct of any licensee and subpoena witnesses in 55448
connection with those investigations, as provided in that section. 55449
The subpoena may contain a direction that the witness produce and 55450
bring any documents, work files, inspection reports, records, or 55451
papers mentioned in the subpoena. 55452

(11) Establish and maintain an investigation and audit 55453
section to investigate complaints and conduct inspections, audits, 55454
and other inquiries as in the judgment of the superintendent are 55455
appropriate to enforce this chapter. The superintendent shall 55456
utilize the investigators and auditors employed pursuant to 55457
division (B)(4) of section 4735.05 of the Revised Code to assist 55458
in performing the duties specified in division (A)(10) of this 55459
section. 55460

(12) Specify the information that must be provided on an 55461
application for licensure under this chapter; 55462

(13) Establish procedures for processing, approving, and 55463
denying applications for licensure under this chapter; 55464

(14) Specify the format and content of all affidavits and 55465
other documents required for the administration of this chapter; 55466

(15) Appoint a hearing officer for any proceeding involving a 55467
determination under section 3123.47 of the Revised Code, 55468
disciplinary action arising under section 4764.02 or division 55469
(A)(6) of section 4764.14 of the Revised Code, or a proceeding 55470
under section 4764.16 of the Revised Code. 55471

(B) The superintendent shall not issue a license to a 55472
corporation, limited liability company, partnership, or 55473

association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities.

Sec. 4764.07. (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing:

(1) An application meeting the requirements of division (D) of this section on a form the superintendent provides;

(2) The fee established in rules adopted by the Ohio home inspector board pursuant to division (A)(2)(a) of section 4764.05 of the Revised Code.

(B) Each person applying for a license shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The person shall provide the fingerprints using a method the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. Upon receiving an application under this section, the superintendent of real estate and professional licensing shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(15) of section 109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent of real estate and professional licensing shall request that criminal record information based on the applicant's fingerprints be obtained from the federal bureau of

investigation as part of the criminal records check. Any fee 55505
required under division (C)(3) of section 109.572 of the Revised 55506
Code shall be paid by the applicant. 55507

(C) The superintendent shall issue a license to perform home 55508
inspections to applicants who satisfy the requirements set forth 55509
in this section, subject to section 4768.14 of the Revised Code. 55510

(D) Except as otherwise specified in division (E) of this 55511
section, the application shall include all of the following: 55512

(1) A pledge the applicant signs, agreeing to comply with the 55513
rules adopted by the board pursuant to division (A)(10) of section 55514
4764.05 of the Revised Code; 55515

(2) A statement that the applicant understands the grounds 55516
for any disciplinary action that may be initiated under this 55517
chapter; 55518

(3) Proof of holding a comprehensive general liability 55519
insurance policy or a commercial general liability insurance 55520
policy in accordance with division (A) of section 4764.11 of the 55521
Revised Code; 55522

(4) Proof of successfully passing, within two years before 55523
the date of the application, the national home inspector 55524
examination; 55525

(5) Proof of successfully completing a curriculum of 55526
education approved by the board in accordance with rules the board 55527
adopts pursuant to division (A)(3) of section 4764.05 of the 55528
Revised Code; 55529

(6) Proof that the applicant has experience in the field of 55530
home inspections through either of the following: 55531

(a) Successful completion of a curriculum of experience 55532
approved by the board in accordance with rules the board adopts 55533
pursuant to divisions (A)(4) and (D) of section 4764.05 of the 55534

Revised Code;	55535
(b) Successful completion of ten parallel inspections or equivalent experience as determined by the board pursuant to division (A)(5) of section 4764.05 of the Revised Code;	55536 55537 55538
(7) Proof that the applicant is at least eighteen years of age;	55539 55540
(8) Proof that the applicant has graduated from the twelfth grade, received a general educational development diploma, or satisfactorily completed a program that is the equivalent to graduating from the twelfth grade or receiving a general educational development diploma;	55541 55542 55543 55544 55545
(9) Any other information the board requires that the board determines is relevant to receiving a license to practice as a licensed home inspector.	55546 55547 55548
(E) The superintendent shall not require a person described in division (B) or (C) of section 4764.03 of the Revised Code who wishes to obtain a license to perform home inspections under this chapter to submit proof of education and experience as required under divisions (D)(5) and (6) of this section in the person's application in order for that person to receive a license. Such a person, however, shall satisfy all other requirements specified in divisions (A) and (D) of this section and provide proof of licensure in good standing described in division (B) or (C) of section 4764.03 of the Revised Code to receive a license.	55549 55550 55551 55552 55553 55554 55555 55556 55557 55558
(F) The act of submitting an application to the superintendent does not create, shall not be construed as creating, and is not intended to indicate licensure as a home inspector.	55559 55560 55561 55562
Sec. 4764.08. During each three-year period that a license is valid, a licensed home inspector shall successfully complete not	55563 55564

less than ~~fourteen~~ forty-two hours of continuing education 55565
instruction ~~annually~~ in courses or programs directly applicable to 55566
the standards of practice and requirements specified in rules 55567
adopted by the Ohio home inspector board pursuant to division 55568
(A)(10) of section 4764.05 of the Revised Code. 55569

The superintendent of real estate and professional licensing 55570
shall accept only those courses and programs the superintendent 55571
approves in accordance with division (A)(8) of section 4764.06 of 55572
the Revised Code prior to the date the licensed home inspector 55573
completes the course or program. The superintendent shall not 55574
include parallel inspections completed by a person for credit 55575
toward satisfying the continuing education requirements specified 55576
in this section. 55577

Sec. 4764.16. (A) Upon receipt of a written complaint or upon 55578
the motion of the superintendent of real estate and professional 55579
licensing, the superintendent may investigate any person who is 55580
not a licensed home inspector who has allegedly violated section 55581
4764.02 of the Revised Code. 55582

(B) The superintendent has the same powers to investigate an 55583
alleged violation of section 4764.02 of the Revised Code by a 55584
person who is not licensed as a home inspector as those powers are 55585
specified in section 4764.12 of the Revised Code. If, after an 55586
investigation pursuant to section 4764.12 of the Revised Code, the 55587
superintendent determines that reasonable evidence exists that an 55588
unlicensed person has violated section 4764.02 of the Revised 55589
Code, within seven days after that determination, the 55590
superintendent shall ~~send~~ serve a written notice ~~to that person by~~ 55591
~~regular mail~~ in accordance with sections 119.05 and 119.07 of the 55592
Revised Code and shall include in the notice the information 55593
specified in section 119.07 of the Revised Code for notices given 55594
to licensees, except that the notice shall specify that a hearing 55595

will be held and specify the date, time, and place of the hearing. 55596

(C) The Ohio home inspector board shall hold a hearing 55597
regarding the alleged violation in the same manner prescribed for 55598
an adjudication hearing under section 119.09 of the Revised Code. 55599
If the board, after the hearing, determines a violation has 55600
occurred, the board may impose a civil penalty on the person, not 55601
exceeding five hundred dollars per violation which is distinct 55602
from any criminal fine imposed pursuant to section 4764.99 of the 55603
Revised Code. Each day a violation occurs or continues is a 55604
separate violation. The superintendent may approve a payment plan 55605
if the unlicensed person requests such. The board shall maintain a 55606
transcript of the proceedings of the hearing and issue a written 55607
order to all parties, citing its findings and grounds for any 55608
action taken. The board's determination regarding a violation of 55609
section 4764.02 of the Revised Code is an order that the person 55610
may appeal in accordance with section 119.12 of the Revised Code. 55611

(D) If the unlicensed person who allegedly committed a 55612
violation of section 4764.02 of the Revised Code fails to appear 55613
for a hearing, the board may request the court of common pleas of 55614
the county where the alleged violation occurred to compel the 55615
person to appear before the board for a hearing. 55616

(E) If the board assesses an unlicensed person a civil 55617
penalty for a violation of section 4764.02 of the Revised Code and 55618
the person fails to pay that civil penalty within the time period 55619
prescribed by the board, the superintendent shall forward to the 55620
attorney general the name of the person and the amount of the 55621
civil penalty for the purpose of collecting that civil penalty. In 55622
addition to the civil penalty assessed pursuant to this section, 55623
the person also shall pay any fee assessed by the attorney general 55624
for collection of the civil penalty. 55625

If the board finds, or an unlicensed person admits to the 55626
board, a violation of section 4764.02 of the Revised Code, the 55627

superintendent shall not issue to the person a home inspector 55628
license without prior board approval. 55629

Sec. 4764.18. Except as provided in section 4764.21 of the 55630
Revised Code, the superintendent of real estate and professional 55631
licensing shall deposit all money collected under this chapter in 55632
the state treasury to the credit of the ~~home inspectors~~ real 55633
estate operating fund, ~~which is hereby created. Money credited to~~ 55634
~~the fund shall be used solely by the superintendent to pay costs~~ 55635
~~associated with the administration and enforcement of this~~ 55636
~~chapter.~~ 55637

Sec. 4764.21. (A) The home inspection recovery fund is hereby 55638
created in the state treasury, to be administered by the 55639
superintendent of real estate and professional licensing. Amounts 55640
collected by the superintendent as prescribed in this section and 55641
interest earned on the assets of the fund shall be ascertained by 55642
the superintendent as of the first day of July each year. 55643

The Ohio home inspector board, in accordance with rules 55644
adopted under division (A)(2) of section 4764.05 of the Revised 55645
Code, shall impose a special assessment not to exceed five dollars 55646
per year for each year of a licensing period on each person 55647
applying for a license under section 4764.07 of the Revised Code 55648
and on each licensee filing a notice of renewal under section 55649
4764.09 of the Revised Code if the amount available in the fund is 55650
less than ~~two hundred and fifty thousand~~ one million dollars on 55651
the first day of July preceding that filing. ~~The board may impose~~ 55652
~~a special assessment not to exceed three dollars per year for each~~ 55653
~~year of a licensing period if the amount available is greater than~~ 55654
~~five hundred thousand dollars, but less than one million dollars~~ 55655
~~on the first day of July preceding that filing.~~ The board shall 55656
not impose a special assessment if the amount available in the 55657
fund equals or exceeds one million dollars on the first day of 55658

July preceding that filing. 55659

(B)(1) Any person who obtains a final judgment in any court 55660
of competent jurisdiction against any home inspector licensed 55661
under this chapter, on the grounds of conduct that is in violation 55662
of this chapter or the rules adopted under it, and that is 55663
associated with an act or transaction that only a licensed home 55664
inspector is authorized to perform as specified in section 4764.02 55665
of the Revised Code, may file an application, as described in 55666
division (B)(3) of this section, in the court of common pleas of 55667
Franklin county for an order directing payment out of the home 55668
inspection recovery fund of the portion of the judgment that 55669
remains unpaid and that represents an actual and direct loss 55670
sustained by the applicant. 55671

(2) Punitive damages, attorney's fees, and interest on a 55672
judgment are not recoverable from the fund. The superintendent may 55673
allow court costs to be recovered from the fund, and, if the 55674
superintendent authorizes the recovery of court costs, the order 55675
of the court of common pleas then may direct their payment from 55676
the fund. 55677

(3) The applicant shall describe in the application the 55678
nature of the act or transaction on which the underlying judgment 55679
was based, the activities of the applicant in pursuit of remedies 55680
available under law for the collection of judgments, and the 55681
actual and direct losses, attorney's fees, and the court costs 55682
sustained or incurred by the applicant. The applicant shall attach 55683
to the application a copy of each pleading and order in the 55684
underlying court action. 55685

(4) The court shall order the superintendent to make payments 55686
out of the fund when the person seeking the order has shown all of 55687
the following: 55688

(a) The person has obtained a judgment, as provided in this 55689

division;	55690
(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;	55691 55692 55693
(c) The person is not a spouse of the judgment debtor, or the personal representative of the spouse;	55694 55695
(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;	55696 55697 55698 55699
(e) The person is applying not more than one year after termination of all proceedings, including appeals, in connection with the judgment.	55700 55701 55702
(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:	55703 55704
(a) Actions arising from home inspections conducted by an unlicensed individual;	55705 55706
(b) A bonding company when it is not a principal in the real estate transaction;	55707 55708
(c) A person in an action for the payment of a fee or other compensation for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4764.02 of the Revised Code;	55709 55710 55711 55712
(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.	55713 55714
(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of	55715 55716 55717 55718 55719

witnesses, verification of actual and direct losses, and 55720
challenges to the underlying judgment required in division 55721
(B)(4)(a) of this section to determine whether the underlying 55722
judgment is based on activity only a licensed home inspector is 55723
permitted to perform. The superintendent may move the court at any 55724
time to dismiss the application when it appears there are no 55725
triable issues and the application is without merit. The motion 55726
may be supported by affidavit of any person having knowledge of 55727
the facts and may be made on the basis that the application, 55728
including the judgment referred to in it, does not form the basis 55729
for a meritorious recovery claim; provided, that the 55730
superintendent shall give written notice to the applicant at least 55731
ten days before making the motion. The superintendent may, subject 55732
to court approval, compromise a claim based upon the application 55733
of an aggrieved party. The superintendent shall not be bound by 55734
any prior compromise or stipulation of the judgment debtor. 55735

(D) Notwithstanding any other provision of this section to 55736
the contrary, the liability of the fund shall not exceed forty 55737
thousand dollars for any one licensee. If a licensee's license is 55738
reactivated as provided in division (E) of this section, the 55739
liability of the fund for the licensee under this section shall 55740
again be forty thousand dollars, but only for transactions that 55741
occur subsequent to the time of reactivation. 55742

If the forty-thousand-dollar liability of the fund is 55743
insufficient to pay in full the valid claims of all aggrieved 55744
persons by whom claims have been filed against any one licensee, 55745
the forty thousand dollars shall be distributed among them in the 55746
ratio that their respective claims bear to the aggregate of valid 55747
claims or in any other manner as the court finds equitable. 55748
Distribution of moneys shall be among the persons entitled to 55749
share in it, without regard to the order of priority in which 55750
their respective judgments may have been obtained or their claims 55751

have been filed. Upon petition of the superintendent, the court 55752
may require all claimants and prospective claimants against one 55753
licensee to be joined in one action, to the end that the 55754
respective rights of all the claimants to the fund may be 55755
equitably adjudicated and settled. 55756

(E) If the superintendent pays from the fund any amount in 55757
settlement of a claim or toward satisfaction of a judgment against 55758
a licensed home inspector, the superintendent may suspend the home 55759
inspector's license. The superintendent shall not reactivate the 55760
suspended license of that home inspector until the home inspector 55761
has repaid in full, plus interest per annum at the rate specified 55762
in division (A) of section 1343.03 of the Revised Code, the amount 55763
paid from the fund on the home inspector's account. A discharge in 55764
bankruptcy does not relieve a person from the suspension and 55765
requirements for reactivation provided in this section unless the 55766
underlying judgment has been included in the discharge and has not 55767
been reaffirmed by the debtor. 55768

(F) If, at any time, the money deposited in the fund is 55769
insufficient to satisfy any duly authorized claim or portion of a 55770
claim, the superintendent shall, when sufficient money has been 55771
deposited in the fund, satisfy the unpaid claims or portions, in 55772
the order that the claims or portions were originally filed, plus 55773
accumulated interest per annum at the rate specified in division 55774
(A) of section 1343.03 of the Revised Code. 55775

(G) When, upon the order of the court, the superintendent has 55776
paid from the fund any sum to the judgment creditor, the 55777
superintendent shall be subrogated to all of the rights of the 55778
judgment creditor to the extent of the amount so paid, and the 55779
judgment creditor shall assign all the judgment creditor's right, 55780
title, and interest in the judgment to the superintendent to the 55781
extent of the amount so paid. Any amount and interest so recovered 55782
by the superintendent on the judgment shall be deposited in the 55783

fund. 55784

(H) Nothing contained in this section shall limit the 55785
authority of the superintendent to take disciplinary action 55786
against any licensee under other provisions of this chapter; nor 55787
shall the repayment in full of all obligations to the fund by any 55788
licensee nullify or modify the effect of any other disciplinary 55789
proceeding brought pursuant to this chapter. 55790

(I) The superintendent shall collect from the fund a service 55791
fee in an amount equivalent to the interest rate specified in 55792
division (A) of section 1343.03 of the Revised Code multiplied by 55793
the annual interest earned on the assets of the fund, to defray 55794
the expenses incurred in the administration of the fund. 55795

Sec. 4765.02. (A)(1) There is hereby created the state board 55796
of emergency medical, fire, and transportation services within the 55797
division of emergency medical services of the department of public 55798
safety. The board shall consist of the members specified in this 55799
section who are residents of this state. The governor, with the 55800
advice and consent of the senate, shall appoint all members of the 55801
board, except the employee of the department of public safety 55802
designated by the director of public safety under this section to 55803
be a member of the board. In making the appointments, the governor 55804
shall appoint only members with background or experience in 55805
emergency medical services or trauma care and shall attempt to 55806
include members representing urban and rural areas, various 55807
geographical regions of the state, and various schools of 55808
training. 55809

(2) One member of the board shall be a physician certified by 55810
the American board of emergency medicine or the American 55811
osteopathic board of emergency medicine who is active in the 55812
practice of emergency medicine and is actively involved with an 55813
emergency medical service organization. The governor shall appoint 55814

this member from among ~~three~~ persons nominated by the Ohio chapter 55815
of the American college of emergency physicians and ~~three~~ persons 55816
nominated by the Ohio osteopathic association. One member shall be 55817
a physician certified by the American board of surgery or the 55818
American osteopathic board of surgery who is active in the 55819
practice of trauma surgery and is actively involved with emergency 55820
medical services. The governor shall appoint this member from 55821
among ~~three~~ persons nominated by the Ohio chapter of the American 55822
college of surgeons and ~~three~~ persons nominated by the Ohio 55823
osteopathic association. One member shall be a physician certified 55824
by the American academy of pediatrics or American osteopathic 55825
board of pediatrics who is active in the practice of pediatric 55826
emergency medicine and actively involved with an emergency medical 55827
service organization. The governor shall appoint this member from 55828
among ~~three~~ persons nominated by the Ohio chapter of the American 55829
academy of pediatrics and ~~three~~ persons nominated by the Ohio 55830
osteopathic association. One member shall be the administrator of 55831
a hospital located in this state. The governor shall appoint this 55832
member from among ~~three~~ persons nominated by OHA: the association 55833
for hospitals and health systems, ~~three~~ persons nominated by the 55834
Ohio osteopathic association, and ~~three~~ persons nominated by the 55835
association of Ohio children's hospitals. One member shall be an 55836
adult or pediatric trauma program manager or trauma program 55837
director who is involved in the daily management of a verified 55838
trauma center. The governor shall appoint this member from among 55839
~~three~~ persons nominated by the Ohio nurses association, ~~three~~ 55840
persons nominated by the Ohio society of trauma nurse leaders, and 55841
~~three~~ persons nominated by the Ohio state council of the emergency 55842
nurses association. One member shall be the chief of a fire 55843
department that is also an emergency medical service organization 55844
in which more than fifty per cent of the persons who provide 55845
emergency medical services are full-time paid employees. The 55846
governor shall appoint this member from among ~~three~~ persons 55847

nominated by the Ohio fire chiefs' association. One member shall 55848
be the chief of a fire department that is also an emergency 55849
medical service organization in which more than fifty per cent of 55850
the persons who provide emergency medical services are volunteers. 55851
The governor shall appoint this member from among ~~three~~ persons 55852
nominated by the Ohio fire chiefs' association. One member shall 55853
be a person who is certified to teach under section 4765.23 of the 55854
Revised Code and holds a valid certificate to practice as an EMT, 55855
AEMT, or paramedic. ~~The governor shall appoint this member from~~ 55856
~~among three persons nominated by the Ohio emergency medical~~ 55857
~~technician instructors association and the Ohio~~ 55858
~~instructor/coordinators' society.~~ One member shall be an EMT, 55859
AEMT, or paramedic, and one member shall be a paramedic. The 55860
governor shall appoint these members from among ~~three~~ EMTs ~~or~~ 55861
AEMTs, ~~and three~~ paramedics nominated by the Ohio association of 55862
professional fire fighters and ~~three~~ EMTs, ~~three~~ AEMTs, and ~~three~~ 55863
paramedics nominated by the northern Ohio fire fighters. One 55864
member shall be an EMT, AEMT, or paramedic, and one member shall 55865
be a paramedic. The governor shall appoint these members from 55866
among ~~three~~ EMTs ~~or~~ AEMTs, ~~and three~~ paramedics nominated by the 55867
Ohio state firefighter's association. One member shall be a person 55868
whom the governor shall appoint from among an EMT, AEMT, or a 55869
paramedic nominated by the Ohio association of emergency medical 55870
services or the Ohio ambulance and medical transportation 55871
association. One member shall be an EMT, AEMT, or a paramedic, 55872
whom the governor shall appoint from among ~~three~~ persons nominated 55873
by the Ohio ambulance and medical transportation association. One 55874
member shall be a paramedic, whom the governor shall appoint from 55875
among ~~three~~ persons nominated by the Ohio ambulance and medical 55876
transportation association. One member shall be the owner or 55877
operator of a private emergency medical service organization whom 55878
the governor shall appoint from among ~~three~~ persons nominated by 55879
the Ohio ambulance and medical transportation association. One 55880

member shall be a member of a third-service emergency medical 55881
service agency or organization whom the governor shall appoint 55882
from among ~~three~~ persons nominated by the Ohio EMS chiefs 55883
association. One member shall be a provider of mobile intensive 55884
care unit transportation in this state whom the governor shall 55885
appoint from among ~~three~~ persons nominated by the Ohio association 55886
of critical care transport. One member shall be a provider of 55887
air-medical transportation in this state whom the governor shall 55888
appoint from among ~~three~~ persons nominated by the Ohio association 55889
of critical care transport. One member shall be the owner or 55890
operator of a nonemergency medical service organization in this 55891
state that provides ambulance services whom the governor shall 55892
appoint from among ~~three~~ persons nominated by the Ohio ambulance 55893
and medical transportation association. 55894

The governor may refuse to appoint any of the persons 55895
nominated by one or more organizations under division (A)(2) of 55896
this section, except the employee of the department of public 55897
safety designated by the director of public safety under this 55898
section to be a member of the board. In that event, the 55899
organization or organizations shall continue to nominate ~~the~~ 55900
~~required number of~~ persons until the governor appoints to the 55901
board one or more of the persons nominated by the organization or 55902
organizations. If any nominating organization ceases to exist or 55903
fails to make a nomination of a member within sixty days of a 55904
vacancy, the governor may appoint any person who meets the 55905
designated professional qualifications for that member. 55906

The director of public safety shall designate an employee of 55907
the department of public safety to serve as a member of the board 55908
at the director's pleasure. This member shall serve as a liaison 55909
between the department and the division of emergency medical 55910
services in cooperation with the executive director of the board. 55911

(B) Terms of office of all members appointed by the governor 55912

shall be for three years, each term ending on the same day of the 55913
same month as did the term it succeeds. Each member shall hold 55914
office from the date of appointment until the end of the term for 55915
which the member was appointed. A member shall continue in office 55916
subsequent to the expiration date of the member's term until the 55917
member's successor takes office, or until a period of ~~sixty days~~ 55918
three years has elapsed, whichever occurs first. 55919

Each vacancy shall be filled in the same manner as the 55920
original appointment. A member appointed to fill a vacancy 55921
occurring prior to the expiration of the term for which the 55922
member's predecessor was appointed shall hold office for the 55923
remainder of the unexpired term. 55924

The term of a member shall expire if the member ceases to 55925
meet any of the requirements to be appointed as that member. The 55926
governor may remove any member from office for neglect of duty, 55927
malfeasance, misfeasance, or nonfeasance, after an adjudication 55928
hearing held in accordance with Chapter 119. of the Revised Code. 55929

(C) The members of the board shall serve without compensation 55930
but shall be reimbursed for their actual and necessary expenses 55931
incurred in carrying out their duties as board members. 55932

(D) The board shall organize by annually selecting a chair 55933
and vice-chair from among its members. The board may adopt bylaws 55934
to regulate its affairs. A majority of all members of the board 55935
shall constitute a quorum. No action shall be taken without the 55936
concurrence of a majority of all members of the board. The board 55937
shall meet at least four times annually and at the call of the 55938
chair. The chair shall call a meeting on the request of the 55939
executive director or the medical director of the board or on the 55940
written request of five members. The board shall maintain written 55941
or electronic records of its meetings. 55942

(E) Upon twenty-four hours' notice from a member of the 55943

board, the member's employer shall release the member from the 55944
member's employment duties to attend meetings of the full board. 55945
Nothing in this division requires the employer of a member of the 55946
board to compensate the member for time the member is released 55947
from employment duties under this paragraph, but any civil 55948
immunity, workers' compensation, disability, or similar coverage 55949
that applies to a member of the board as a result of the member's 55950
employment shall continue to apply while the member is released 55951
from employment duties under this paragraph. 55952

Sec. 4765.04. (A) The firefighter and fire safety inspector 55953
training committee of the state board of emergency medical, fire, 55954
and transportation services is hereby created and shall consist of 55955
the members of the board who are chiefs of fire departments, and 55956
the members of the board who are emergency medical 55957
technicians-basic, emergency medical technicians-intermediate, and 55958
emergency medical technicians-paramedic appointed from among 55959
persons nominated by the Ohio association of professional fire 55960
fighters or the northern Ohio fire fighters and from among persons 55961
nominated by the Ohio state firefighter's association. Each member 55962
of the committee, except the chairperson, may designate a person 55963
with fire experience to serve in that member's place. The members 55964
of the committee or their designees shall select a chairperson 55965
from among the members or their designees. 55966

The committee may conduct investigations in the course of 55967
discharging its duties under this chapter. In the course of an 55968
investigation, the committee may issue subpoenas. If a person 55969
subpoenaed fails to comply with the subpoena, the committee may 55970
authorize its chairperson to apply to the court of common pleas in 55971
the county where the person to be subpoenaed resides for an order 55972
compelling compliance in the same manner as compliance with a 55973
subpoena issued by the court is compelled. 55974

(B) The trauma committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of the following members appointed by the director of public safety:

(1) A physician who is certified by the American board of surgery or American osteopathic board of surgery and actively practices general trauma surgery, appointed from among ~~three~~ persons nominated by the Ohio chapter of the American college of surgeons, ~~three~~ persons nominated by the Ohio state medical association, and ~~three~~ persons nominated by the Ohio osteopathic association;

(2) A physician who is certified by the American board of surgery or the American osteopathic board of surgery and actively practices orthopedic trauma surgery, appointed from among ~~three~~ persons nominated by the Ohio orthopedic society and ~~three~~ persons nominated by the Ohio osteopathic association;

(3) A physician who is certified by the American board of neurological surgeons or the American osteopathic board of surgery and actively practices neurosurgery on trauma victims, appointed from among ~~three~~ persons nominated by the Ohio state neurological society and ~~three~~ persons nominated by the Ohio osteopathic association;

(4) A physician who is certified by the American board of surgeons or American osteopathic board of surgeons and actively specializes in treating burn victims, appointed from among ~~three~~ persons nominated by the Ohio chapter of the American college of surgeons and ~~three~~ persons nominated by the Ohio osteopathic association;

(5) A dentist who is certified by the American board of oral and maxillofacial surgery and actively practices oral and maxillofacial surgery, appointed from among ~~three~~ persons

nominated by the Ohio dental association; 56006

(6) A physician who is certified by the American board of 56007
physical medicine and rehabilitation or American osteopathic board 56008
of physical medicine and rehabilitation and actively provides 56009
rehabilitative care to trauma victims, appointed from among ~~three~~ 56010
persons nominated by the Ohio society of physical medicine and 56011
rehabilitation and ~~three~~ persons nominated by the Ohio osteopathic 56012
association; 56013

(7) A physician who is certified by the American board of 56014
surgery or American osteopathic board of surgery with special 56015
qualifications in pediatric surgery and actively practices 56016
pediatric trauma surgery, appointed from among ~~three~~ persons 56017
nominated by the Ohio chapter of the American academy of 56018
pediatrics and ~~three~~ persons nominated by the Ohio osteopathic 56019
association; 56020

(8) A physician who is certified by the American board of 56021
emergency medicine or American osteopathic board of emergency 56022
medicine, actively practices emergency medicine, and is actively 56023
involved in emergency medical services, appointed from among ~~three~~ 56024
persons nominated by the Ohio chapter of the American college of 56025
emergency physicians and ~~three~~ persons nominated by the Ohio 56026
osteopathic association; 56027

(9) A physician who is certified by the American board of 56028
pediatrics, American osteopathic board of pediatrics, American 56029
board of emergency medicine, or American osteopathic board of 56030
emergency medicine, is sub-boarded in pediatric emergency 56031
medicine, actively practices pediatric emergency medicine, and is 56032
actively involved in emergency medical services, appointed from 56033
among ~~three~~ persons nominated by the Ohio chapter of the American 56034
academy of pediatrics, ~~three~~ persons nominated by the Ohio chapter 56035
of the American college of emergency physicians, and ~~three~~ persons 56036
nominated by the Ohio osteopathic association; 56037

(10) A physician who is certified by the American board of surgery, American osteopathic board of surgery, American board of emergency medicine, or American osteopathic board of emergency medicine and is the chief medical officer of an air medical organization, appointed from among ~~three~~ persons nominated by the Ohio association of air medical services; 56038
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(11) A coroner or medical examiner appointed from among ~~three~~ people persons nominated by the Ohio state coroners' association; 56044
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(12) A registered nurse who actively practices trauma nursing at an adult or pediatric trauma center, appointed from among ~~three~~ persons nominated by the Ohio association of trauma nurse coordinators; 56046
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(13) A registered nurse who actively practices emergency nursing and is actively involved in emergency medical services, appointed from among ~~three~~ persons nominated by the Ohio chapter of the emergency nurses' association; 56050
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(14) The chief trauma registrar of an adult or pediatric trauma center, appointed from among ~~three~~ persons nominated by the alliance of Ohio trauma registrars; 56054
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(15) The administrator of an adult or pediatric trauma center, appointed from among ~~three~~ persons nominated by the Ohio hospital association, ~~three~~ persons nominated by the Ohio osteopathic association, ~~three~~ persons nominated by the association of Ohio children's hospitals, and ~~three~~ persons nominated by the health forum of Ohio; 56057
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(16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among ~~three~~ persons nominated by the Ohio hospital association, ~~three~~ persons nominated by the Ohio osteopathic association, ~~three~~ persons nominated by the association of Ohio children's hospitals, and ~~three~~ persons 56063
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nominated by the health forum of Ohio; 56069

(17) The operator of an ambulance company that actively 56070
provides trauma care to emergency patients, appointed from among 56071
~~three~~ persons nominated by the Ohio ambulance association; 56072

(18) The chief of a fire department that actively provides 56073
trauma care to emergency patients, appointed from among ~~three~~ 56074
persons nominated by the Ohio fire chiefs' association; 56075

(19) An EMT or paramedic who is certified under this chapter 56076
and actively provides trauma care to emergency patients, appointed 56077
from among ~~three~~ persons nominated by the Ohio association of 56078
professional firefighters, ~~three~~ persons nominated by the northern 56079
Ohio fire fighters, ~~three~~ persons nominated by the Ohio state 56080
firefighters' association, and ~~three~~ persons nominated by the Ohio 56081
association of emergency medical services; 56082

(20) A person who actively advocates for trauma victims, 56083
appointed from ~~three~~ persons nominated by the Ohio brain injury 56084
association; 56085

(21) A physician or nurse who has substantial administrative 56086
responsibility for trauma care provided in or by an adult or 56087
pediatric trauma center, appointed from among ~~three~~ persons 56088
nominated by the Ohio hospital association, ~~three~~ persons 56089
nominated by the Ohio osteopathic association, ~~three~~ persons 56090
nominated by the association of Ohio children's hospitals, and 56091
~~three~~ persons nominated by the health forum of Ohio; 56092

(22) Three representatives of hospitals that are not trauma 56093
centers and actively provide emergency care to trauma patients, 56094
appointed from among ~~three~~ persons nominated by the Ohio hospital 56095
association, ~~three~~ persons nominated by the Ohio osteopathic 56096
association, ~~three~~ persons nominated by the association of Ohio 56097
children's hospitals, and ~~three~~ persons nominated by the health 56098
forum of Ohio. The representatives may be hospital administrators, 56099

physicians, nurses, or other clinical professionals. 56100

Members of the committee shall have substantial experience in 56101
the categories they represent, shall be residents of this state, 56102
and may be members of the state board of emergency medical, fire, 56103
and transportation services. In appointing members of the 56104
committee, the director shall attempt to include members 56105
representing urban and rural areas, various geographical areas of 56106
the state, and various schools of training. The director shall not 56107
appoint to the committee more than one member who is employed by 56108
or who primarily practices at the same hospital, ~~health system~~, or 56109
emergency medical service organization. 56110

The director may refuse to appoint any of the persons 56111
nominated by an organization or organizations under this division. 56112
In that event, the organization or organizations shall continue to 56113
nominate ~~the required number of~~ persons until the director 56114
appoints to the committee one or more of the persons nominated by 56115
the organization or organizations. If any nominating organization 56116
ceases to exist or fails to make a nomination of a member to the 56117
committee within sixty days of a vacancy, the director may appoint 56118
any person who meets the designated professional qualifications 56119
for that member. 56120

Initial appointments to the committee shall be made by the 56121
director not later than ninety days after November 3, 2000. 56122
Members of the committee shall serve at the pleasure of the 56123
director, except that any member of the committee who ceases to be 56124
qualified for the position to which the member was appointed shall 56125
cease to be a member of the committee. Vacancies on the committee 56126
shall be filled in the same manner as original appointments. 56127

The members of the committee shall serve without compensation 56128
but shall be reimbursed for actual and necessary expenses incurred 56129
in carrying out duties as members of the committee. 56130

The committee shall select a chairperson and vice-chairperson 56131
from among its members. A majority of all members of the committee 56132
shall constitute a quorum. No action shall be taken without the 56133
concurrence of a majority of all members of the committee. The 56134
committee shall meet at the call of the chair, upon written 56135
request of five members of the committee, and at the direction of 56136
the state board of emergency medical, fire, and transportation 56137
services. The committee shall not meet at times or locations that 56138
conflict with meetings of the board. The executive director and 56139
medical director of the state board of emergency medical, fire, 56140
and transportation services may participate in any meeting of the 56141
committee and shall do so at the request of the committee. 56142

The committee shall advise and assist the state board of 56143
emergency medical, fire, and transportation services in matters 56144
related to adult and pediatric trauma care and the establishment 56145
and operation of the state trauma registry. In matters relating to 56146
the state trauma registry, the board and the committee shall 56147
consult with trauma registrars from adult and pediatric trauma 56148
centers in the state. The committee may appoint a subcommittee to 56149
advise and assist with the trauma registry. The subcommittee may 56150
include persons with expertise relevant to the trauma registry who 56151
are not members of the board or committee. 56152

(C)(1) The medical transportation committee of the state 56153
board of emergency medical, fire, and transportation services is 56154
hereby created. The committee shall consist of members appointed 56155
by the board in accordance with rules adopted by the board. In 56156
appointing members of the committee, the board shall attempt to 56157
include members representing urban and rural areas and various 56158
geographical areas of the state, and shall ensure the members have 56159
substantial experience in the transportation of patients, 56160
including addressing the unique issues of mobile intensive care 56161
and air medical services. The members of the committee shall be 56162

residents of this state and may be members of the board. The 56163
members of the committee shall serve without compensation but 56164
shall be reimbursed for actual and necessary expenses incurred in 56165
carrying out duties as members of the committee. The committee 56166
shall select a chairperson and vice-chairperson from among its 56167
members. A majority of all members of the committee shall 56168
constitute a quorum. No action shall be taken without the 56169
concurrence of a majority of all members of the committee. The 56170
committee shall meet at the call of the chair and at the direction 56171
of the board. The committee shall not meet at times or locations 56172
that conflict with meetings of the board. The committee shall 56173
advise and assist the board in matters related to the licensing of 56174
nonemergency medical service, emergency medical service, and air 56175
medical service organizations in this state. 56176

(2) There is hereby created the critical care subcommittee of 56177
the medical transportation committee. The membership of the 56178
subcommittee and the conduct of the subcommittee's business shall 56179
conform to rules adopted by the board. The subcommittee shall 56180
advise and assist the committee and board in matters relating to 56181
mobile intensive care and air medical service organizations in 56182
this state. 56183

(D) The state board of emergency medical, fire, and 56184
transportation services may appoint other committees and 56185
subcommittees as it considers necessary. 56186

(E) The state board of emergency medical, fire, and 56187
transportation services, and any of its committees or 56188
subcommittees, may request assistance from any state agency. The 56189
board and its committees and subcommittees may permit persons who 56190
are not members of those bodies to participate in deliberations of 56191
those bodies, but no person who is not a member of the board shall 56192
vote on the board and no person who is not a member of a committee 56193
created under division (A), (B), or (C) of this section shall vote 56194

on that committee. 56195

(F) Sections 101.82 to 101.87 of the Revised Code do not 56196
apply to the committees established under divisions (A), (B), and 56197
(C) of this section. 56198

Sec. 4765.112. (A) The state board of emergency medical, 56199
fire, and transportation services, by an affirmative vote of the 56200
majority of its members, may suspend without a prior hearing a 56201
certificate to practice issued under this chapter if the board 56202
determines that there is clear and convincing evidence that 56203
continued practice by the certificate holder presents a danger of 56204
immediate and serious harm to the public and that the certificate 56205
holder has done any of the following: 56206

(1) Furnished false, fraudulent, or misleading information to 56207
the board; 56208

(2) Engaged in activities that exceed those permitted by the 56209
individual's certificate; 56210

(3) In a court of this or any other state or federal court 56211
been convicted of, pleaded guilty to, or been the subject of a 56212
judicial finding of guilt of, a judicial finding of guilt 56213
resulting from a plea of no contest to, or a judicial finding of 56214
eligibility for intervention in lieu of conviction for, a felony 56215
or for a misdemeanor committed in the course of practice or 56216
involving gross immorality or moral turpitude. 56217

(B) Immediately following the decision to impose a summary 56218
suspension, the board, in accordance with ~~section~~ sections 119.05 56219
and 119.07 of the Revised Code, shall ~~issue~~ serve a written order 56220
of suspension, ~~cause it to be delivered to~~ on the certificate 56221
holder, and notify the certificate holder of the opportunity for a 56222
hearing. If timely requested by the certificate holder, a hearing 56223
shall be conducted in accordance with section 4765.115 of the 56224

Revised Code. 56225

Sec. 4765.114. (A) A certificate to practice emergency 56226
medical services issued under this chapter is automatically 56227
suspended on the certificate holder's conviction of, plea of 56228
guilty to, or judicial finding of guilt of any of the following: 56229
aggravated murder, murder, voluntary manslaughter, felonious 56230
assault, kidnapping, rape, sexual battery, gross sexual 56231
imposition, aggravated arson, aggravated burglary, aggravated 56232
robbery, or a substantially equivalent offense committed in this 56233
or another jurisdiction. Continued practice after the suspension 56234
is practicing without a certificate. 56235

(B) If the state board of emergency medical, fire, and 56236
transportation services has knowledge that an automatic suspension 56237
has occurred, it shall ~~notify~~ serve, in accordance with ~~section~~ 56238
sections 119.05 and 119.07 of the Revised Code, the certificate 56239
holder of the suspension and of the opportunity for a hearing. If 56240
timely requested by the certificate holder, a hearing shall be 56241
conducted in accordance with section 4765.115 of the Revised Code. 56242

Sec. 4766.07. (A) Except as otherwise provided by rule of the 56243
state board of emergency medical, fire, and transportation 56244
services, each emergency medical service organization, 56245
nonemergency medical service organization, and air medical service 56246
organization subject to licensure under this chapter shall possess 56247
a valid permit for each ambulance, ambulette, rotorcraft air 56248
ambulance, fixed wing air ambulance, and nontransport vehicle it 56249
owns or leases that is or will be used by the licensee to perform 56250
the services permitted by the license. Each licensee and license 56251
applicant shall submit the appropriate fee and an application for 56252
a permit for each ambulance, ambulette, rotorcraft air ambulance, 56253
fixed wing air ambulance, and nontransport vehicle to the state 56254
board of emergency medical, fire, and transportation services on 56255

forms provided by the board. The application shall include 56256
documentation that the vehicle or aircraft meets the appropriate 56257
standards set by the board, that the vehicle or aircraft has been 56258
inspected pursuant to division (C) of this section, that the 56259
permit applicant maintains insurance as provided in section 56260
4766.06 of the Revised Code, and that the vehicle or aircraft and 56261
permit applicant meet any other requirements established under 56262
rules adopted by the board. 56263

The state board of emergency medical, fire, and 56264
transportation services may adopt rules in accordance with Chapter 56265
119. of the Revised Code to authorize the temporary use of a 56266
vehicle or aircraft for which a permit is not possessed under this 56267
section in back-up or disaster situations. 56268

(B)(1) ~~Within sixty days after receiving a completed~~ 56269
~~application for a permit, the~~ The board shall issue or deny the 56270
permit application. The board shall deny an application, in 56271
accordance with Chapter 119. of the Revised Code, if it determines 56272
that the permit applicant, vehicle, or aircraft does not meet the 56273
requirements of this chapter and the rules adopted under it that 56274
apply to permits for ambulances, ambulettes, rotorcraft air 56275
ambulances, fixed wing air ambulances, and nontransport vehicles. 56276
The board shall send notice of the denial of an application by 56277
certified mail to the permit applicant. The permit applicant may 56278
request a hearing within ten days after receipt of the notice. If 56279
the board receives a timely request, it shall hold a hearing in 56280
accordance with Chapter 119. of the Revised Code. 56281

(2) If the board issues the vehicle permit for an ambulance, 56282
ambulette, or nontransport vehicle, it also shall issue a decal, 56283
in a form prescribed by rule, to be displayed on the rear window 56284
of the vehicle. The board shall not issue a decal until all of the 56285
requirements for licensure and permit issuance have been met. 56286

(3) If the board issues the aircraft permit for a rotorcraft air ambulance or fixed wing air ambulance, it also shall issue a decal, in a form prescribed by rule, to be displayed on the left fuselage aircraft window in a manner that complies with all applicable federal aviation regulations. The board shall not issue a decal until all of the requirements for licensure and permit issuance have been met.

(C) In addition to any other requirements that the board establishes by rule, a licensee or license applicant applying for an initial vehicle or aircraft permit under division (A) of this section shall submit to the board the vehicle or aircraft for which the permit is sought. Thereafter, a licensee shall annually submit to the board each vehicle or aircraft for which a permit has been issued.

(1) The board shall conduct a physical inspection of an ambulance, ambulette, or nontransport vehicle to determine its roadworthiness and compliance with standard motor vehicle requirements.

(2) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with ~~the~~ one of the following:

(a) The federal requirements for ambulance construction that were in effect at the time the ambulance was manufactured, as specified by the general services administration in the various versions of its publication titled "federal specification for the star-of-life ambulance, KKK-A-1822-";

(b) A national standard for ambulance construction approved by the American national standards institute, "ANSI," in effect at the time the ambulance was manufactured.

(3) The board shall conduct a physical inspection of the equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with state requirements for ambulance construction. The board shall determine by rule requirements for the equipment, communication system, interior, and construction of an ambulance.

(4) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of a rotorcraft air ambulance or fixed wing air ambulance to determine the operational condition and safety of the equipment and the aircraft's interior.

(5) The board shall issue a certificate to the applicant for each vehicle or aircraft that passes the inspection and may assess a fee for each inspection, as established by the board.

(6) The board shall adopt rules regarding the implementation and coordination of inspections. The rules may permit the board to contract with a third party to conduct the inspections required of the board under this section.

Sec. 4766.11. (A) The state board of emergency medical, fire, and transportation services may investigate alleged violations of this chapter or the rules adopted under it and may investigate any complaints received regarding alleged violations.

In addition to any other remedies available and regardless of whether an adequate remedy at law exists, the board may apply to the court of common pleas in the county where a violation of any provision of this chapter or any rule adopted pursuant thereto is occurring for a temporary or permanent injunction restraining a person from continuing to commit that violation. On a showing that a person has committed a violation, the court shall grant the

injunction. 56349

In conducting an investigation under this section, the board 56350
may issue subpoenas compelling the attendance and testimony of 56351
witnesses and the production of books, records, and other 56352
documents pertaining to the investigation. If a person fails to 56353
obey a subpoena from the board, the board may apply to the court 56354
of common pleas in the county where the investigation is being 56355
conducted for an order compelling the person to comply with the 56356
subpoena. On application by the board, the court shall compel 56357
obedience by attachment proceedings for contempt, as in the case 56358
of disobedience of the requirements of a subpoena from the court 56359
or a refusal to testify therein. 56360

(B) The board may suspend a license issued under this chapter 56361
without a prior hearing if it determines that there is evidence 56362
that the license holder is subject to action under this section 56363
and that there is clear and convincing evidence that continued 56364
operation by the license holder presents a danger of immediate and 56365
serious harm to the public. The chairperson and executive director 56366
of the board shall make a preliminary determination and describe 56367
the evidence on which they made their determination to the board 56368
members. The board by resolution may designate another board 56369
member to act in place of the chairperson or another employee to 56370
act in place of the executive director in the event that the 56371
chairperson or executive director is unavailable or unable to act. 56372
Upon review of the allegations, the board, by the affirmative vote 56373
of a majority of its members, may suspend the license without a 56374
hearing. 56375

Immediately following the decision by the board to suspend a 56376
license under this division, the board shall ~~issue~~ serve a written 56377
order of suspension ~~and cause it to be delivered~~ in accordance 56378
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 56379
the license holder subject to the suspension requests an 56380

adjudication hearing by the board, notwithstanding the time within 56381
which a hearing must be held under section 119.07 of the Revised 56382
Code, the date set for the adjudication shall be within fifteen 56383
days but not earlier than seven days after the request unless 56384
another date is agreed to by the license holder and the board. 56385
56386

Any summary suspension imposed under this division remains in 56387
effect, unless reversed by the board, until a final adjudicative 56388
order issued by the board pursuant to this section and Chapter 56389
119. of the Revised Code becomes effective. The board shall issue 56390
its final adjudicative order not less than ninety days after 56391
completion of its adjudication hearing. Failure to issue the order 56392
by that day shall cause the summary suspension order to end, but 56393
such failure shall not affect the validity of any subsequent final 56394
adjudication order. 56395

Sec. 4767.03. (A)(1) The owner or the person responsible for 56396
the operation and maintenance of a cemetery shall apply to the 56397
division of real estate in the department of commerce to register 56398
the cemetery on forms prescribed by the division. With the 56399
application, the applicant shall submit the documentation required 56400
in division (A) of section 4767.04 of the Revised Code and a 56401
registration fee of twenty-five dollars for one cemetery, forty 56402
dollars for two cemeteries, and fifty dollars for three or more 56403
cemeteries, except that no fee shall be required of any political 56404
subdivision. 56405

(2) The director of commerce, by rule adopted in accordance 56406
with Chapter 119. of the Revised Code, may reduce the amount of 56407
the registration fee required by this section in any year if the 56408
director determines that the total amount of funds the fee is 56409
generating at the amount specified by this section exceeds the 56410
amount of funds the division of real estate and the Ohio cemetery 56411

dispute resolution commission created by section 4767.05 of the Revised Code need to carry out their powers and duties under this chapter. If the director so reduces the amount of the registration fee, the director shall reduce it for all owners or other persons required to pay the fee under division (A)(1) of this section and shall require that the reduced fee be paid according to the number of cemeteries owned, operated, or maintained as required under that division. If the director has reduced the fee under division (A)(2) of this section, the director may later raise it up to the amounts specified in division (A)(1) of this section if, in any year, the director determines that the total amount of funds the fee is generating at the reduced amount is insufficient for the division of real estate and the Ohio cemetery dispute resolution commission to carry out their powers and duties under this chapter.

(B) Upon receipt of the completed application form, documentation, and, if required, registration fee, the division of real estate shall issue a certificate of registration to the applicant. The applicant shall display the certificate in a conspicuous place on the premises of the cemetery for which the registration was obtained, except that, if the applicant is the governing body of a political subdivision or person acting on behalf of that governing body, the certificate shall be kept on file and be available for public inspection at the office of the governing body.

(C) Except as otherwise provided in this division, each registration issued pursuant to this section shall expire annually on the thirtieth day of September and shall be renewed by the owner or the person responsible for the operation and maintenance of the cemetery for the continued operation of the cemetery. The renewal fee shall be the same as the initial registration fees prescribed in division (A) of this section.

The registration of a cemetery operated and maintained by a political subdivision shall not expire unless the political subdivision ceases to operate and maintain the cemetery. A political subdivision operating and maintaining a cemetery is not required to renew or update the registration of that cemetery unless there is a change in the information required under division (A) of section 4767.04 of the Revised Code or unless additional land is acquired to increase the size of the cemetery.

(D) All registration and renewal fees collected pursuant to this section shall be paid into the state treasury to the credit of the cemetery registration fund, which is hereby created in the state treasury. The division of real estate in the department of commerce ~~to be used by the division~~ shall use the fund to carry out its powers and duties under this chapter and by the Ohio cemetery dispute resolution commission created by section 4767.05 of the Revised Code.

Sec. 4767.10. (A) ~~The cemetery grant fund is created in the state treasury.~~ The division of real estate in the department of commerce ~~shall deposit into the fund one dollar of each two dollars and fifty cents portion of the burial permit fee received under section 3705.17 of the Revised Code.~~ The division shall use moneys in the fund one dollar of each burial permit fee collected pursuant to section 3705.17 of the Revised Code and paid into the state treasury to the credit of the cemetery registration fund created under section 4767.03 of the Revised Code to advance grants to cemeteries registered with the division to defray the costs of exceptional cemetery maintenance or training cemetery personnel in the maintenance and operation of cemeteries. The division may not provide a grant to a corporation or association that operates a cemetery for profit. ~~In each fiscal year, the division may not advance grants totaling more than eighty per cent of the appropriation to the cemetery grant fund for that fiscal~~

~~year.~~ The division shall advance grants from the cemetery 56476
registration fund in accordance with rules adopted by the Ohio 56477
cemetery dispute resolution commission under Chapter 119. of the 56478
Revised Code. 56479

(B) The director of commerce may increase, by rule adopted 56480
under Chapter 119. of the Revised Code, the amount of total grants 56481
the division may advance in a fiscal year if the director 56482
determines the total amount of funds generated exceeds the amount 56483
of funds the division needs to carry out its powers and duties 56484
under this section. If the director determines the increased 56485
amount depletes the amount of funds the division needs to carry 56486
out its powers and duties under this section, the director may 56487
decrease the amount not below the amount specified in division (A) 56488
of this section. 56489

Sec. 4768.03. The real estate appraiser board shall do all of 56490
the following: 56491

(A) Adopt rules, in accordance with Chapter 119. of the 56492
Revised Code in furtherance of this chapter, including, but not 56493
limited to, all of the following: 56494

(1) Procedures for criminal records checks that are required 56495
under section 4768.06 of the Revised Code, in accordance with 56496
division ~~(K)~~(L) of section 121.08 and division (C) of section 56497
4768.06 of the Revised Code; 56498

(2) The following nonrefundable fees: 56499

(a) The initial appraisal management company license fee, 56500
which shall not exceed two thousand dollars; 56501

(b) The annual renewal fee, which shall not exceed two 56502
thousand dollars; 56503

(c) The late filing fee, which shall not exceed one thousand 56504

dollars, for the renewal of a license under division (C) of 56505
section 4768.07 of the Revised Code. 56506

(3) Requirements for settlement agreements that the 56507
superintendent of real estate and professional licensing and an 56508
appraisal management company or other person may enter into under 56509
division (H) of section 4768.13 or division (C) of section 4768.14 56510
of the Revised Code; 56511

(4) Presumptions of compliance with regard to the customary 56512
and reasonable fees required under division (B) of section 4768.12 56513
of the Revised Code. In adopting rules under division (A)(4) of 56514
this section, the board shall consider presumptions of compliance 56515
promulgated for the same purpose under the federal "Truth in 56516
Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.; 56517

(5) Rules regarding consent to service of process for 56518
appraisal management companies in accordance with division (A)(6) 56519
of section 4768.06 of the Revised Code. 56520

(B) Determine the appropriate disciplinary actions to be 56521
taken against a person, including a licensee, under section 56522
4768.13 of the Revised Code; 56523

(C) Hear appeals, pursuant to Chapter 119. of the Revised 56524
Code, from decisions and orders that the superintendent issues 56525
pursuant to this chapter; 56526

(D) Request that the superintendent initiate an investigation 56527
of a violation of this chapter or the rules adopted under it, as 56528
the board determines appropriate. 56529

Sec. 4768.06. (A) To obtain an appraisal management company 56530
license, each applicant shall submit all of the following to the 56531
superintendent of real estate and professional licensing: 56532

(1) A completed application on a form the superintendent 56533
provides; 56534

- (2) The name of a controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board; 56535
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- (3) Payment of the fee established for initial licensure under division (A)(2) of section 4768.03 of the Revised Code; 56539
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- (4) A list of all owners and controlling persons of the appraisal management company; 56541
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- (5) A statement that each owner and controlling person of the appraisal management company satisfies the requirements set forth in divisions (B)(1) to (4) of this section; 56543
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- (6) A completed consent to service of process in this state as prescribed by rule of the real estate appraiser board; 56546
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- (7) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter; 56548
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- (8) The name of each state in which the appraisal management company holds an appraisal management company license, certificate, or registration and affirmation that the applicant is in good standing in each state where the applicant holds a license, certificate, or registration; 56551
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- (9) A statement that the applicant acknowledges that a system or process must be in place to verify that any appraiser added to the appraisal management company's appraiser panel for the purpose of performing real estate appraisal services in this state holds a license or certificate under Chapter 4763. of the Revised Code and is in good standing with this state; 56556
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- (10) A statement that the applicant acknowledges that a system or process must be in place to review the work of appraisers who are performing real estate appraisal services for 56562
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compliance with the uniform standards of professional appraisal 56565
practice; 56566

(11) A statement that the applicant acknowledges that a 56567
system or process must be in place to verify that any employee of, 56568
or independent contractor to, the appraisal management company 56569
that performs an appraisal review shall be an appraiser licensed 56570
or certified pursuant to Chapter 4763. of the Revised Code, 56571
provided the property that is the subject of the appraisal is 56572
located in this state; 56573

(12) A statement that the applicant acknowledges that the 56574
controlling person who will be the main contact between the 56575
appraisal management company and the division of real estate and 56576
professional licensing and the real estate appraiser board 56577
described in division (A)(2) of this section has successfully 56578
completed fifteen hours of uniform standards of professional 56579
appraisal practice and thereafter must complete seven hours of 56580
instruction in uniform standards of professional appraisal 56581
practice at least once every two years; 56582

(13) A statement that the applicant acknowledges that a 56583
system or process must be in place to disclose to its client the 56584
actual fees paid to an appraiser for appraisal services separately 56585
from any other fees or charges for appraisal management services; 56586

(14) A statement that the applicant acknowledges that a 56587
system or process must be in place to disclose the license, 56588
certificate, or registration number of the appraisal management 56589
company on each engagement letter used in assigning an appraisal 56590
request for real estate appraisal assignments within the state; 56591

(15) A statement that the applicant acknowledges that it is 56592
required to report suspected violations of Chapter 4763. of the 56593
Revised Code by a person licensed, registered, or certified under 56594
that chapter; 56595

(16) A statement that the applicant acknowledges that the real estate appraiser board or the superintendent may require the applicant to submit to an audit, conducted by staff of the division of real estate and professional licensing, of the applicant's operations or books;

(17) A statement that the applicant acknowledges that it is required to comply with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e.

(B) Each owner and controlling person of an appraisal management company shall satisfy all of the following criteria:

(1) Be an individual who is at least eighteen years of age;

(2) Have graduated the twelfth grade or received a certificate of high school equivalence as defined in section 4109.06 of the Revised Code;

(3) Be honest, truthful, and of good moral character;

(4) Have not had a license, certificate, or registration to act as an appraiser that has been refused, denied, canceled, surrendered, or revoked in this state or in any other state for a substantive reason. A designated controlling person may have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated;

(5) Submit to a criminal records check in accordance with this section and any rule that the superintendent adopts under division (A)(1) of section 4768.03 of the Revised Code.

(C) Upon receiving an application under this section, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the

fingerprint impressions of each owner and controlling person of 56626
the applicant in accordance with division (A)(15) of section 56627
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 56628
section 121.08 of the Revised Code, the superintendent of real 56629
estate and professional licensing shall request that the 56630
superintendent of the bureau of criminal identification and 56631
investigation obtain criminal record information from the federal 56632
bureau of investigation be obtained as part of the criminal 56633
records check. Any fee required under division (C)(3) of section 56634
109.572 of the Revised Code shall be paid by the applicant. 56635

(D)(1) Subject to section 4768.08 of the Revised Code and 56636
except as provided in division (D)(2) of this section, the 56637
superintendent shall issue a license to the applicant if the 56638
applicant and each owner and controlling person of the applicant 56639
satisfies the requirements of this section. 56640

(2) The superintendent shall not issue a license to an 56641
applicant if any owner or controlling person of the applicant has 56642
been convicted of or pleaded guilty or no contest to a felony. 56643
However, if an owner or controlling person of the applicant has 56644
pleaded guilty or no contest to or been convicted of a felony, the 56645
superintendent shall not consider the conviction or plea if the 56646
person has proven to the superintendent, by a preponderance of the 56647
evidence, that the person's activities and employment record since 56648
the conviction or plea show that the person is honest, truthful, 56649
and of good moral character, and there is no basis in fact for 56650
believing that the person will commit a felony again. 56651

(E) A license issued under this section shall be valid for 56652
one year after the date of issue. 56653

Sec. 4768.14. (A) Upon receipt of a written complaint or upon 56654
the superintendent of real estate and professional licensing's own 56655
motion, the superintendent may investigate any person that 56656

allegedly violated division (A)(1) of section 4768.02 of the Revised Code. 56657
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(B) If, after investigation, the superintendent determines there exists reasonable evidence of a violation of division (A)(1) of section 4768.02 of the Revised Code, within fourteen business days after that determination, the superintendent shall send the party who is the subject of the investigation a written notice, by regular mail, that includes all of the following information: 56659
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(1) A description of the activity in which the party allegedly is engaging or has engaged that is a violation of division (A)(1) of section 4768.02 of the Revised Code; 56665
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(2) The applicable law allegedly violated; 56668

(3) A statement informing the party that a hearing concerning the alleged violation will be held before a hearing examiner, and a statement giving the date and place of that hearing; 56669
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(4) A statement informing the party that the party or the party's attorney may appear in person at the hearing and present evidence and examine witnesses appearing for and against the party, or the party may submit written testimony stating any positions, arguments, or contentions. 56672
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(C) At any time after the superintendent notifies a person of the superintendent's determination in accordance with division (B) of this section but before a hearing is held on the matter, the person may apply to the superintendent to enter into a settlement agreement regarding the alleged violation. The superintendent and the person shall comply with the requirements for settlement agreements established by rules adopted by the board under division (A)(3) of section 4768.03 of the Revised Code. If the parties enter into the settlement agreement, the hearing before the hearing examiner shall be postponed and the board shall review 56677
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the settlement agreement at its next regularly scheduled meeting. 56687
If the board disapproves the settlement agreement, the hearing 56688
before the hearing examiner shall be rescheduled. 56689

(D) The hearing examiner shall hear the testimony of all 56690
parties present at the hearing and consider any written testimony 56691
submitted pursuant to division (B)(4) of this section. At the 56692
conclusion of the hearing, the hearing examiner shall determine if 56693
there has been a violation of division (A)(1) of section 4768.02 56694
of the Revised Code. 56695

(E) After the conclusion of formal hearings, the hearing 56696
examiner shall file with the superintendent, the real estate 56697
appraiser board, the complainant, and the parties a written report 56698
setting forth the examiner's findings of fact and conclusions of 56699
law and a recommendation of the action to be taken by the 56700
superintendent. Within ten days of receiving a copy of that 56701
report, the parties and the division of real estate and 56702
professional licensing may file with the board written objections 56703
to the report. The board shall consider the objections before 56704
approving, modifying, or disapproving the report. 56705

The board shall review the hearing examiner's report at the 56706
next regularly scheduled board meeting held at least fifteen 56707
business days after receipt of the hearing examiner's report. The 56708
board shall hear the testimony of the complainant or the parties. 56709

(F) After reviewing the hearing examiner's report pursuant to 56710
division (E) of this section, or after reviewing the settlement 56711
agreement pursuant to division (C) of this section, the board 56712
shall decide whether to impose sanctions upon a party for a 56713
violation of division (A)(1) of section 4768.02 of the Revised 56714
Code. The board may assess a civil penalty in an amount it 56715
determines, not to exceed one thousand dollars per violation, not 56716
to exceed ten thousand dollars in aggregate. Each day a violation 56717
occurs or continues is a separate violation. The board shall 56718

determine the terms of payment. The board shall maintain a 56719
transcript of the proceedings of the hearing and issue a written 56720
opinion to all parties, citing its findings and grounds for any 56721
action taken. If the board approved a settlement agreement entered 56722
into pursuant to division (C) of this section in relation to the 56723
violation, the civil penalty shall not be inconsistent with that 56724
settlement agreement. 56725

(G) Civil penalties collected under this section shall be 56726
deposited in the real estate ~~appraiser~~ operating fund created 56727
under section ~~4763.15~~ 4735.211 of the Revised Code. 56728

(H) If a party fails to pay a civil penalty assessed pursuant 56729
to this section within the time prescribed by the board, the 56730
superintendent shall forward to the attorney general the name of 56731
the party and the amount of the civil penalty, for the purpose of 56732
collecting that civil penalty. The party shall pay the fee 56733
assessed by the attorney general for collection of the civil 56734
penalty in addition to the civil penalty assessed pursuant to this 56735
section in an amount not to exceed ten thousand dollars. 56736

Sec. 4768.15. The superintendent of real estate and 56737
professional licensing shall deposit all moneys collected under 56738
this chapter into the state treasury to the credit of the real 56739
estate ~~appraiser~~ operating fund created under section ~~4763.15~~ 56740
4735.211 of the Revised Code. 56741

Sec. 4774.13. (A) The state medical board, by an affirmative 56742
vote of not fewer than six members, may revoke or may refuse to 56743
grant a license to practice as a radiologist assistant to an 56744
individual found by the board to have committed fraud, 56745
misrepresentation, or deception in applying for or securing the 56746
license. 56747

(B) The board, by an affirmative vote of not fewer than six 56748

members, shall, except as provided in division (C) of this 56749
section, and to the extent permitted by law, limit, revoke, or 56750
suspend an individual's license to practice as a radiologist 56751
assistant, refuse to issue a license to an applicant, refuse to 56752
renew a license, refuse to reinstate a license, or reprimand or 56753
place on probation the holder of a license for any of the 56754
following reasons: 56755

(1) Permitting the holder's name or license to be used by 56756
another person; 56757

(2) Failure to comply with the requirements of this chapter, 56758
Chapter 4731. of the Revised Code, or any rules adopted by the 56759
board; 56760

(3) Violating or attempting to violate, directly or 56761
indirectly, or assisting in or abetting the violation of, or 56762
conspiring to violate, any provision of this chapter, Chapter 56763
4731. of the Revised Code, or the rules adopted by the board; 56764

(4) A departure from, or failure to conform to, minimal 56765
standards of care of similar practitioners under the same or 56766
similar circumstances whether or not actual injury to the patient 56767
is established; 56768

(5) Inability to practice according to acceptable and 56769
prevailing standards of care by reason of mental illness or 56770
physical illness, including physical deterioration that adversely 56771
affects cognitive, motor, or perceptive skills; 56772

(6) Impairment of ability to practice according to acceptable 56773
and prevailing standards of care because of habitual or excessive 56774
use or abuse of drugs, alcohol, or other substances that impair 56775
ability to practice; 56776

(7) Willfully betraying a professional confidence; 56777

(8) Making a false, fraudulent, deceptive, or misleading 56778

statement in securing or attempting to secure a license to 56779
practice as a radiologist assistant. 56780

As used in this division, "false, fraudulent, deceptive, or 56781
misleading statement" means a statement that includes a 56782
misrepresentation of fact, is likely to mislead or deceive because 56783
of a failure to disclose material facts, is intended or is likely 56784
to create false or unjustified expectations of favorable results, 56785
or includes representations or implications that in reasonable 56786
probability will cause an ordinarily prudent person to 56787
misunderstand or be deceived. 56788

(9) The obtaining of, or attempting to obtain, money or a 56789
thing of value by fraudulent misrepresentations in the course of 56790
practice; 56791

(10) A plea of guilty to, a judicial finding of guilt of, or 56792
a judicial finding of eligibility for intervention in lieu of 56793
conviction for, a felony; 56794

(11) Commission of an act that constitutes a felony in this 56795
state, regardless of the jurisdiction in which the act was 56796
committed; 56797

(12) A plea of guilty to, a judicial finding of guilt of, or 56798
a judicial finding of eligibility for intervention in lieu of 56799
conviction for, a misdemeanor committed in the course of practice; 56800

(13) A plea of guilty to, a judicial finding of guilt of, or 56801
a judicial finding of eligibility for intervention in lieu of 56802
conviction for, a misdemeanor involving moral turpitude; 56803

(14) Commission of an act in the course of practice that 56804
constitutes a misdemeanor in this state, regardless of the 56805
jurisdiction in which the act was committed; 56806

(15) Commission of an act involving moral turpitude that 56807
constitutes a misdemeanor in this state, regardless of the 56808

jurisdiction in which the act was committed;	56809
(16) A plea of guilty to, a judicial finding of guilt of, or	56810
a judicial finding of eligibility for intervention in lieu of	56811
conviction for violating any state or federal law regulating the	56812
possession, distribution, or use of any drug, including	56813
trafficking in drugs;	56814
(17) Any of the following actions taken by the state agency	56815
responsible for regulating the practice of radiologist assistants	56816
in another jurisdiction, for any reason other than the nonpayment	56817
of fees: the limitation, revocation, or suspension of an	56818
individual's license to practice; acceptance of an individual's	56819
license surrender; denial of a license; refusal to renew or	56820
reinstate a license; imposition of probation; or issuance of an	56821
order of censure or other reprimand;	56822
(18) Violation of the conditions placed by the board on a	56823
license to practice as a radiologist assistant;	56824
(19) Failure to use universal blood and body fluid	56825
precautions established by rules adopted under section 4731.051 of	56826
the Revised Code;	56827
(20) Failure to cooperate in an investigation conducted by	56828
the board under section 4774.14 of the Revised Code, including	56829
failure to comply with a subpoena or order issued by the board or	56830
failure to answer truthfully a question presented by the board at	56831
a deposition or in written interrogatories, except that failure to	56832
cooperate with an investigation shall not constitute grounds for	56833
discipline under this section if a court of competent jurisdiction	56834
has issued an order that either quashes a subpoena or permits the	56835
individual to withhold the testimony or evidence in issue;	56836
(21) Failure to maintain a license as a radiographer under	56837
Chapter 4773. of the Revised Code;	56838
(22) Failure to maintain certification as a registered	56839

radiologist assistant from the American registry of radiologic 56840
technologists, including revocation by the registry of the 56841
assistant's certification or failure by the assistant to meet the 56842
registry's requirements for annual registration, or failure to 56843
notify the board that the certification as a registered 56844
radiologist assistant has not been maintained; 56845

(23) Failure to comply with any of the rules of ethics 56846
included in the standards of ethics established by the American 56847
registry of radiologic technologists, as those rules apply to an 56848
individual who holds the registry's certification as a registered 56849
radiologist assistant. 56850

(C) The board shall not refuse to issue a license to an 56851
applicant because of a plea of guilty to, a judicial finding of 56852
guilt of, or a judicial finding of eligibility for intervention in 56853
lieu of conviction for an offense unless the refusal is in 56854
accordance with section 9.79 of the Revised Code. 56855

(D) Disciplinary actions taken by the board under divisions 56856
(A) and (B) of this section shall be taken pursuant to an 56857
adjudication under Chapter 119. of the Revised Code, except that 56858
in lieu of an adjudication, the board may enter into a consent 56859
agreement with a radiologist assistant or applicant to resolve an 56860
allegation of a violation of this chapter or any rule adopted 56861
under it. A consent agreement, when ratified by an affirmative 56862
vote of not fewer than six members of the board, shall constitute 56863
the findings and order of the board with respect to the matter 56864
addressed in the agreement. If the board refuses to ratify a 56865
consent agreement, the admissions and findings contained in the 56866
consent agreement shall be of no force or effect. 56867

(E) For purposes of divisions (B)(11), (14), and (15) of this 56868
section, the commission of the act may be established by a finding 56869
by the board, pursuant to an adjudication under Chapter 119. of 56870
the Revised Code, that the applicant or license holder committed 56871

the act in question. The board shall have no jurisdiction under 56872
these divisions in cases where the trial court renders a final 56873
judgment in the license holder's favor and that judgment is based 56874
upon an adjudication on the merits. The board shall have 56875
jurisdiction under these divisions in cases where the trial court 56876
issues an order of dismissal on technical or procedural grounds. 56877

(F) The sealing of conviction records by any court shall have 56878
no effect on a prior board order entered under the provisions of 56879
this section or on the board's jurisdiction to take action under 56880
the provisions of this section if, based upon a plea of guilty, a 56881
judicial finding of guilt, or a judicial finding of eligibility 56882
for intervention in lieu of conviction, the board issued a notice 56883
of opportunity for a hearing prior to the court's order to seal 56884
the records. The board shall not be required to seal, destroy, 56885
redact, or otherwise modify its records to reflect the court's 56886
sealing of conviction records. 56887

(G) For purposes of this division, any individual who holds a 56888
license to practice as a radiologist assistant issued under this 56889
chapter, or applies for a license, shall be deemed to have given 56890
consent to submit to a mental or physical examination when 56891
directed to do so in writing by the board and to have waived all 56892
objections to the admissibility of testimony or examination 56893
reports that constitute a privileged communication. 56894

(1) In enforcing division (B)(5) of this section, the board, 56895
on a showing of a possible violation, may compel any individual 56896
who holds a license to practice as a radiologist assistant issued 56897
under this chapter or who has applied for a license to submit to a 56898
mental or physical examination, or both. A physical examination 56899
may include an HIV test. The expense of the examination is the 56900
responsibility of the individual compelled to be examined. Failure 56901
to submit to a mental or physical examination or consent to an HIV 56902
test ordered by the board constitutes an admission of the 56903

allegations against the individual unless the failure is due to 56904
circumstances beyond the individual's control, and a default and 56905
final order may be entered without the taking of testimony or 56906
presentation of evidence. If the board finds a radiologist 56907
assistant unable to practice because of the reasons set forth in 56908
division (B)(5) of this section, the board shall require the 56909
radiologist assistant to submit to care, counseling, or treatment 56910
by physicians approved or designated by the board, as a condition 56911
for an initial, continued, reinstated, or renewed license. An 56912
individual affected by this division shall be afforded an 56913
opportunity to demonstrate to the board the ability to resume 56914
practicing in compliance with acceptable and prevailing standards 56915
of care. 56916

(2) For purposes of division (B)(6) of this section, if the 56917
board has reason to believe that any individual who holds a 56918
license to practice as a radiologist assistant issued under this 56919
chapter or any applicant for a license suffers such impairment, 56920
the board may compel the individual to submit to a mental or 56921
physical examination, or both. The expense of the examination is 56922
the responsibility of the individual compelled to be examined. Any 56923
mental or physical examination required under this division shall 56924
be undertaken by a treatment provider or physician qualified to 56925
conduct such examination and chosen by the board. 56926

Failure to submit to a mental or physical examination ordered 56927
by the board constitutes an admission of the allegations against 56928
the individual unless the failure is due to circumstances beyond 56929
the individual's control, and a default and final order may be 56930
entered without the taking of testimony or presentation of 56931
evidence. If the board determines that the individual's ability to 56932
practice is impaired, the board shall suspend the individual's 56933
license or deny the individual's application and shall require the 56934
individual, as a condition for an initial, continued, reinstated, 56935

or renewed license to practice, to submit to treatment. 56936

Before being eligible to apply for reinstatement of a license 56937
suspended under this division, the radiologist assistant shall 56938
demonstrate to the board the ability to resume practice in 56939
compliance with acceptable and prevailing standards of care. The 56940
demonstration shall include the following: 56941

(a) Certification from a treatment provider approved under 56942
section 4731.25 of the Revised Code that the individual has 56943
successfully completed any required inpatient treatment; 56944

(b) Evidence of continuing full compliance with an aftercare 56945
contract or consent agreement; 56946

(c) Two written reports indicating that the individual's 56947
ability to practice has been assessed and that the individual has 56948
been found capable of practicing according to acceptable and 56949
prevailing standards of care. The reports shall be made by 56950
individuals or providers approved by the board for making such 56951
assessments and shall describe the basis for their determination. 56952

The board may reinstate a license suspended under this 56953
division after such demonstration and after the individual has 56954
entered into a written consent agreement. 56955

When the impaired radiologist assistant resumes practice, the 56956
board shall require continued monitoring of the radiologist 56957
assistant. The monitoring shall include monitoring of compliance 56958
with the written consent agreement entered into before 56959
reinstatement or with conditions imposed by board order after a 56960
hearing, and, on termination of the consent agreement, submission 56961
to the board for at least two years of annual written progress 56962
reports made under penalty of falsification stating whether the 56963
radiologist assistant has maintained sobriety. 56964

(H) If the secretary and supervising member determine that 56965
there is clear and convincing evidence that a radiologist 56966

assistant has violated division (B) of this section and that the 56967
individual's continued practice presents a danger of immediate and 56968
serious harm to the public, they may recommend that the board 56969
suspend the individual's license to practice without a prior 56970
hearing. Written allegations shall be prepared for consideration 56971
by the board. 56972

The board, on review of the allegations and by an affirmative 56973
vote of not fewer than six of its members, excluding the secretary 56974
and supervising member, may suspend a license without a prior 56975
hearing. A telephone conference call may be utilized for reviewing 56976
the allegations and taking the vote on the summary suspension. 56977

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 56978
~~certified mail or in person~~ in accordance with ~~section~~ sections 56979
119.05 and 119.07 of the Revised Code. The order shall not be 56980
subject to suspension by the court during pendency of any appeal 56981
filed under section 119.12 of the Revised Code. If the radiologist 56982
assistant requests an adjudicatory hearing by the board, 56983
notwithstanding the time within which a hearing must be held under 56984
section 119.07 of the Revised Code, the date set for the hearing 56985
shall be within fifteen days, but not earlier than seven days, 56986
after the radiologist assistant requests the hearing, unless 56987
otherwise agreed to by both the board and the license holder. 56988

A summary suspension imposed under this division shall remain 56989
in effect, unless reversed on appeal, until a final adjudicative 56990
order issued by the board pursuant to this section and Chapter 56991
119. of the Revised Code becomes effective. The board shall issue 56992
its final adjudicative order within sixty days after completion of 56993
its hearing. Failure to issue the order within sixty days shall 56994
result in dissolution of the summary suspension order, but shall 56995
not invalidate any subsequent, final adjudicative order. 56996

(I) If the board takes action under division (B)(10), (12), 56997
or (13) of this section, and the judicial finding of guilt, guilty 56998

plea, or judicial finding of eligibility for intervention in lieu 56999
of conviction is overturned on appeal, on exhaustion of the 57000
criminal appeal, a petition for reconsideration of the order may 57001
be filed with the board along with appropriate court documents. On 57002
receipt of a petition and supporting court documents, the board 57003
shall reinstate the license to practice as a radiologist 57004
assistant. The board may then hold an adjudication under Chapter 57005
119. of the Revised Code to determine whether the individual 57006
committed the act in question. Notice of opportunity for hearing 57007
shall be given in accordance with Chapter 119. of the Revised 57008
Code. If the board finds, pursuant to an adjudication held under 57009
this division, that the individual committed the act, or if no 57010
hearing is requested, it may order any of the sanctions specified 57011
in division (B) of this section. 57012

(J) The license to practice of a radiologist assistant and 57013
the assistant's practice in this state are automatically suspended 57014
as of the date the radiologist assistant pleads guilty to, is 57015
found by a judge or jury to be guilty of, or is subject to a 57016
judicial finding of eligibility for intervention in lieu of 57017
conviction in this state or treatment of intervention in lieu of 57018
conviction in another jurisdiction for any of the following 57019
criminal offenses in this state or a substantially equivalent 57020
criminal offense in another jurisdiction: aggravated murder, 57021
murder, voluntary manslaughter, felonious assault, kidnapping, 57022
rape, sexual battery, gross sexual imposition, aggravated arson, 57023
aggravated robbery, or aggravated burglary. Continued practice 57024
after the suspension shall be considered practicing without a 57025
license. 57026

The board shall ~~notify~~ serve the individual subject to the 57027
suspension ~~by certified mail or in person~~ in accordance with 57028
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 57029
individual whose license is suspended under this division fails to 57030

make a timely request for an adjudication under Chapter 119. of 57031
the Revised Code, the board shall enter a final order permanently 57032
revoking the individual's license. 57033

(K) In any instance in which the board is required by Chapter 57034
119. of the Revised Code to give notice of opportunity for hearing 57035
and the individual subject to the notice does not timely request a 57036
hearing in accordance with section 119.07 of the Revised Code, the 57037
board is not required to hold a hearing, but may adopt, by an 57038
affirmative vote of not fewer than six of its members, a final 57039
order that contains the board's findings. In the final order, the 57040
board may order any of the sanctions identified under division (A) 57041
or (B) of this section. 57042

(L) Any action taken by the board under division (B) of this 57043
section resulting in a suspension shall be accompanied by a 57044
written statement of the conditions under which the radiologist 57045
assistant's license may be reinstated. The board shall adopt rules 57046
in accordance with Chapter 119. of the Revised Code governing 57047
conditions to be imposed for reinstatement. Reinstatement of a 57048
license suspended pursuant to division (B) of this section 57049
requires an affirmative vote of not fewer than six members of the 57050
board. 57051

(M) When the board refuses to grant or issue a license to 57052
practice as a radiologist assistant to an applicant, revokes an 57053
individual's license, refuses to renew an individual's license, or 57054
refuses to reinstate an individual's license, the board may 57055
specify that its action is permanent. An individual subject to a 57056
permanent action taken by the board is forever thereafter 57057
ineligible to hold a license to practice as a radiologist 57058
assistant and the board shall not accept an application for 57059
reinstatement of the license or for issuance of a new license. 57060

(N) Notwithstanding any other provision of the Revised Code, 57061
all of the following apply: 57062

(1) The surrender of a license to practice as a radiologist 57063
assistant issued under this chapter is not effective unless or 57064
until accepted by the board. Reinstatement of a license 57065
surrendered to the board requires an affirmative vote of not fewer 57066
than six members of the board. 57067

(2) An application made under this chapter for a license to 57068
practice may not be withdrawn without approval of the board. 57069

(3) Failure by an individual to renew a license to practice 57070
in accordance with section 4774.06 of the Revised Code shall not 57071
remove or limit the board's jurisdiction to take disciplinary 57072
action under this section against the individual. 57073

Sec. 4776.01. As used in this chapter: 57074

(A) "License" means an authorization evidenced by a license, 57075
certificate, registration, permit, card, or other authority that 57076
is issued or conferred by a licensing agency to a licensee or to 57077
an applicant for an initial license by which the licensee or 57078
initial license applicant has or claims the privilege to engage in 57079
a profession, occupation, or occupational activity, or, except in 57080
the case of the state dental board, to have control of and operate 57081
certain specific equipment, machinery, or premises, over which the 57082
licensing agency has jurisdiction. 57083

(B) Except as provided in section 4776.20 of the Revised 57084
Code, "licensee" means the person to whom the license is issued by 57085
a licensing agency. "Licensee" includes a person who, for purposes 57086
of section 3796.13 of the Revised Code, has complied with sections 57087
4776.01 to 4776.04 of the Revised Code and has been determined by 57088
the ~~department of commerce or state board of pharmacy~~ division of 57089
marijuana control, as the applicable licensing agency, to meet the 57090
requirements for employment. 57091

(C) Except as provided in section 4776.20 of the Revised 57092

Code, "licensing agency" means any of the following: 57093

(1) The board authorized by Chapters 4701., 4717., 4725., 57094
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 57095
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 57096
4779., and 4783. of the Revised Code to issue a license to engage 57097
in a specific profession, occupation, or occupational activity, or 57098
to have charge of and operate certain specific equipment, 57099
machinery, or premises. 57100

(2) The state dental board, relative to its authority to 57101
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 57102
4715.27 of the Revised Code; 57103

(3) The ~~department of commerce or state board of pharmacy~~ 57104
division of marijuana control, relative to its authority under 57105
Chapter 3796. of the Revised Code and any rules adopted under that 57106
chapter with respect to a person who is subject to section 3796.13 57107
of the Revised Code; 57108

(4) The director of agriculture, relative to the director's 57109
authority to issue licenses under Chapter 928. of the Revised 57110
Code. 57111

(D) "Applicant for an initial license" includes persons 57112
seeking a license for the first time and persons seeking a license 57113
by reciprocity, endorsement, or similar manner of a license issued 57114
in another state. "Applicant for an initial license" also includes 57115
a person who, for purposes of section 3796.13 of the Revised Code, 57116
is required to comply with sections 4776.01 to 4776.04 of the 57117
Revised Code. 57118

(E) "Applicant for a restored license" includes persons 57119
seeking restoration of a license under section 4730.14, 4730.28, 57120
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 57121
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 57122
or 4778.071 of the Revised Code. "Applicant for a restored 57123

license" does not include a person seeking restoration of a 57124
license under section 4751.33 of the Revised Code. 57125

(F) "Criminal records check" has the same meaning as in 57126
section 109.572 of the Revised Code. 57127

Sec. 4778.14. (A) The state medical board, by an affirmative 57128
vote of not fewer than six members, may revoke or may refuse to 57129
grant a license to practice as a genetic counselor to an 57130
individual found by the board to have committed fraud, 57131
misrepresentation, or deception in applying for or securing the 57132
license. 57133

(B) The board, by an affirmative vote of not fewer than six 57134
members, shall, except as provided in division (C) of this 57135
section, and to the extent permitted by law, limit, revoke, or 57136
suspend an individual's license to practice as a genetic 57137
counselor, refuse to issue a license to an applicant, refuse to 57138
renew a license, refuse to reinstate a license, or reprimand or 57139
place on probation the holder of a license for any of the 57140
following reasons: 57141

(1) Permitting the holder's name or license to be used by 57142
another person; 57143

(2) Failure to comply with the requirements of this chapter, 57144
Chapter 4731. of the Revised Code, or any rules adopted by the 57145
board; 57146

(3) Violating or attempting to violate, directly or 57147
indirectly, or assisting in or abetting the violation of, or 57148
conspiring to violate, any provision of this chapter, Chapter 57149
4731. of the Revised Code, or the rules adopted by the board; 57150

(4) A departure from, or failure to conform to, minimal 57151
standards of care of similar practitioners under the same or 57152
similar circumstances whether or not actual injury to the patient 57153

is established;	57154
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	57155 57156 57157 57158
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	57159 57160 57161 57162
(7) Willfully betraying a professional confidence;	57163
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	57164 57165 57166
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	57167 57168 57169 57170 57171 57172 57173 57174
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	57175 57176 57177
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	57178 57179 57180
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	57181 57182 57183

(12) A plea of guilty to, a judicial finding of guilt of, or	57184
a judicial finding of eligibility for intervention in lieu of	57185
conviction for, a misdemeanor committed in the course of practice;	57186
(13) A plea of guilty to, a judicial finding of guilt of, or	57187
a judicial finding of eligibility for intervention in lieu of	57188
conviction for, a misdemeanor involving moral turpitude;	57189
(14) Commission of an act in the course of practice that	57190
constitutes a misdemeanor in this state, regardless of the	57191
jurisdiction in which the act was committed;	57192
(15) Commission of an act involving moral turpitude that	57193
constitutes a misdemeanor in this state, regardless of the	57194
jurisdiction in which the act was committed;	57195
(16) A plea of guilty to, a judicial finding of guilt of, or	57196
a judicial finding of eligibility for intervention in lieu of	57197
conviction for violating any state or federal law regulating the	57198
possession, distribution, or use of any drug, including	57199
trafficking in drugs;	57200
(17) Any of the following actions taken by an agency	57201
responsible for authorizing, certifying, or regulating an	57202
individual to practice a health care occupation or provide health	57203
care services in this state or in another jurisdiction, for any	57204
reason other than the nonpayment of fees: the limitation,	57205
revocation, or suspension of an individual's license to practice;	57206
acceptance of an individual's license surrender; denial of a	57207
license; refusal to renew or reinstate a license; imposition of	57208
probation; or issuance of an order of censure or other reprimand;	57209
(18) Violation of the conditions placed by the board on a	57210
license to practice as a genetic counselor;	57211
(19) Failure to cooperate in an investigation conducted by	57212
the board under section 4778.18 of the Revised Code, including	57213
failure to comply with a subpoena or order issued by the board or	57214

failure to answer truthfully a question presented by the board at 57215
a deposition or in written interrogatories, except that failure to 57216
cooperate with an investigation shall not constitute grounds for 57217
discipline under this section if a court of competent jurisdiction 57218
has issued an order that either quashes a subpoena or permits the 57219
individual to withhold the testimony or evidence in issue; 57220

(20) Failure to maintain the individual's status as a 57221
certified genetic counselor; 57222

(21) Failure to comply with the code of ethics established by 57223
the national society of genetic counselors. 57224

(C) The board shall not refuse to issue a license to an 57225
applicant because of a plea of guilty to, a judicial finding of 57226
guilt of, or a judicial finding of eligibility for intervention in 57227
lieu of conviction for an offense unless the refusal is in 57228
accordance with section 9.79 of the Revised Code. 57229

(D) Disciplinary actions taken by the board under divisions 57230
(A) and (B) of this section shall be taken pursuant to an 57231
adjudication under Chapter 119. of the Revised Code, except that 57232
in lieu of an adjudication, the board may enter into a consent 57233
agreement with a genetic counselor or applicant to resolve an 57234
allegation of a violation of this chapter or any rule adopted 57235
under it. A consent agreement, when ratified by an affirmative 57236
vote of not fewer than six members of the board, shall constitute 57237
the findings and order of the board with respect to the matter 57238
addressed in the agreement. If the board refuses to ratify a 57239
consent agreement, the admissions and findings contained in the 57240
consent agreement shall be of no force or effect. 57241

A telephone conference call may be utilized for ratification 57242
of a consent agreement that revokes or suspends an individual's 57243
license. The telephone conference call shall be considered a 57244
special meeting under division (F) of section 121.22 of the 57245

Revised Code. 57246

(E) For purposes of divisions (B)(11), (14), and (15) of this 57247
section, the commission of the act may be established by a finding 57248
by the board, pursuant to an adjudication under Chapter 119. of 57249
the Revised Code, that the applicant or license holder committed 57250
the act in question. The board shall have no jurisdiction under 57251
these divisions in cases where the trial court renders a final 57252
judgment in the license holder's favor and that judgment is based 57253
upon an adjudication on the merits. The board shall have 57254
jurisdiction under these divisions in cases where the trial court 57255
issues an order of dismissal on technical or procedural grounds. 57256

(F) The sealing of conviction records by any court shall have 57257
no effect on a prior board order entered under the provisions of 57258
this section or on the board's jurisdiction to take action under 57259
the provisions of this section if, based upon a plea of guilty, a 57260
judicial finding of guilt, or a judicial finding of eligibility 57261
for intervention in lieu of conviction, the board issued a notice 57262
of opportunity for a hearing or took other formal action under 57263
Chapter 119. of the Revised Code prior to the court's order to 57264
seal the records. The board shall not be required to seal, 57265
destroy, redact, or otherwise modify its records to reflect the 57266
court's sealing of conviction records. 57267

(G) For purposes of this division, any individual who holds a 57268
license to practice as a genetic counselor, or applies for a 57269
license, shall be deemed to have given consent to submit to a 57270
mental or physical examination when directed to do so in writing 57271
by the board and to have waived all objections to the 57272
admissibility of testimony or examination reports that constitute 57273
a privileged communication. 57274

(1) In enforcing division (B)(5) of this section, the board, 57275
on a showing of a possible violation, may compel any individual 57276
who holds a license to practice as a genetic counselor or who has 57277

applied for a license to practice as a genetic counselor to submit 57278
to a mental or physical examination, or both. A physical 57279
examination may include an HIV test. The expense of the 57280
examination is the responsibility of the individual compelled to 57281
be examined. Failure to submit to a mental or physical examination 57282
or consent to an HIV test ordered by the board constitutes an 57283
admission of the allegations against the individual unless the 57284
failure is due to circumstances beyond the individual's control, 57285
and a default and final order may be entered without the taking of 57286
testimony or presentation of evidence. If the board finds a 57287
genetic counselor unable to practice because of the reasons set 57288
forth in division (B)(5) of this section, the board shall require 57289
the genetic counselor to submit to care, counseling, or treatment 57290
by physicians approved or designated by the board, as a condition 57291
for an initial, continued, reinstated, or renewed license to 57292
practice. An individual affected by this division shall be 57293
afforded an opportunity to demonstrate to the board the ability to 57294
resume practicing in compliance with acceptable and prevailing 57295
standards of care. 57296

(2) For purposes of division (B)(6) of this section, if the 57297
board has reason to believe that any individual who holds a 57298
license to practice as a genetic counselor or any applicant for a 57299
license suffers such impairment, the board may compel the 57300
individual to submit to a mental or physical examination, or both. 57301
The expense of the examination is the responsibility of the 57302
individual compelled to be examined. Any mental or physical 57303
examination required under this division shall be undertaken by a 57304
treatment provider or physician qualified to conduct such 57305
examination and chosen by the board. 57306

Failure to submit to a mental or physical examination ordered 57307
by the board constitutes an admission of the allegations against 57308
the individual unless the failure is due to circumstances beyond 57309

the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the genetic counselor shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on

termination of the consent agreement, submission to the board for 57341
at least two years of annual written progress reports made under 57342
penalty of falsification stating whether the genetic counselor has 57343
maintained sobriety. 57344

(H) If the secretary and supervising member determine both of 57345
the following, they may recommend that the board suspend an 57346
individual's license to practice without a prior hearing: 57347

(1) That there is clear and convincing evidence that a 57348
genetic counselor has violated division (B) of this section; 57349

(2) That the individual's continued practice presents a 57350
danger of immediate and serious harm to the public. 57351

Written allegations shall be prepared for consideration by 57352
the board. The board, on review of the allegations and by an 57353
affirmative vote of not fewer than six of its members, excluding 57354
the secretary and supervising member, may suspend a license 57355
without a prior hearing. A telephone conference call may be 57356
utilized for reviewing the allegations and taking the vote on the 57357
summary suspension. 57358

The board shall ~~issue~~ serve a written order of suspension by 57359
~~certified mail or in person~~ in accordance with ~~section~~ sections 57360
119.05 and 119.07 of the Revised Code. The order shall not be 57361
subject to suspension by the court during pendency of any appeal 57362
filed under section 119.12 of the Revised Code. If the genetic 57363
counselor requests an adjudicatory hearing by the board, 57364
notwithstanding the time within which a hearing must be held under 57365
section 119.07 of the Revised Code, the date set for the hearing 57366
shall be within fifteen days, but not earlier than seven days, 57367
after the genetic counselor requests the hearing, unless otherwise 57368
agreed to by both the board and the genetic counselor. 57369

A summary suspension imposed under this division shall remain 57370
in effect, unless reversed on appeal, until a final adjudicative 57371

order issued by the board pursuant to this section and Chapter 57372
119. of the Revised Code becomes effective. The board shall issue 57373
its final adjudicative order within sixty days after completion of 57374
its hearing. Failure to issue the order within sixty days shall 57375
result in dissolution of the summary suspension order, but shall 57376
not invalidate any subsequent, final adjudicative order. 57377

(I) If the board takes action under division (B)(10), (12), 57378
or (13) of this section, and the judicial finding of guilt, guilty 57379
plea, or judicial finding of eligibility for intervention in lieu 57380
of conviction is overturned on appeal, on exhaustion of the 57381
criminal appeal, a petition for reconsideration of the order may 57382
be filed with the board along with appropriate court documents. On 57383
receipt of a petition and supporting court documents, the board 57384
shall reinstate the license to practice as a genetic counselor. 57385
The board may then hold an adjudication under Chapter 119. of the 57386
Revised Code to determine whether the individual committed the act 57387
in question. Notice of opportunity for hearing shall be given in 57388
accordance with Chapter 119. of the Revised Code. If the board 57389
finds, pursuant to an adjudication held under this division, that 57390
the individual committed the act, or if no hearing is requested, 57391
it may order any of the sanctions specified in division (B) of 57392
this section. 57393

(J) The license to practice as a genetic counselor and the 57394
counselor's practice in this state are automatically suspended as 57395
of the date the genetic counselor pleads guilty to, is found by a 57396
judge or jury to be guilty of, or is subject to a judicial finding 57397
of eligibility for intervention in lieu of conviction in this 57398
state or treatment of intervention in lieu of conviction in 57399
another jurisdiction for any of the following criminal offenses in 57400
this state or a substantially equivalent criminal offense in 57401
another jurisdiction: aggravated murder, murder, voluntary 57402
manslaughter, felonious assault, kidnapping, rape, sexual battery, 57403

gross sexual imposition, aggravated arson, aggravated robbery, or 57404
aggravated burglary. Continued practice after the suspension shall 57405
be considered practicing without a license. 57406

The board shall ~~notify~~ serve the individual subject to the 57407
suspension ~~by certified mail or in person~~ in accordance with 57408
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 57409
individual whose license is suspended under this division fails to 57410
make a timely request for an adjudication under Chapter 119. of 57411
the Revised Code, the board shall enter a final order permanently 57412
revoking the individual's license to practice. 57413

(K) In any instance in which the board is required by Chapter 57414
119. of the Revised Code to give notice of opportunity for hearing 57415
and the individual subject to the notice does not timely request a 57416
hearing in accordance with section 119.07 of the Revised Code, the 57417
board is not required to hold a hearing, but may adopt, by an 57418
affirmative vote of not fewer than six of its members, a final 57419
order that contains the board's findings. In the final order, the 57420
board may order any of the sanctions identified under division (A) 57421
or (B) of this section. 57422

(L) Any action taken by the board under division (B) of this 57423
section resulting in a suspension shall be accompanied by a 57424
written statement of the conditions under which the license of the 57425
genetic counselor may be reinstated. The board shall adopt rules 57426
in accordance with Chapter 119. of the Revised Code governing 57427
conditions to be imposed for reinstatement. Reinstatement of a 57428
license suspended pursuant to division (B) of this section 57429
requires an affirmative vote of not fewer than six members of the 57430
board. 57431

(M) When the board refuses to grant or issue a license to 57432
practice as a genetic counselor to an applicant, revokes an 57433
individual's license, refuses to renew an individual's license, or 57434
refuses to reinstate an individual's license, the board may 57435

specify that its action is permanent. An individual subject to a 57436
permanent action taken by the board is forever thereafter 57437
ineligible to hold a license to practice as a genetic counselor 57438
and the board shall not accept an application for reinstatement of 57439
the license or for issuance of a new license. 57440

(N) Notwithstanding any other provision of the Revised Code, 57441
all of the following apply: 57442

(1) The surrender of a license to practice as a genetic 57443
counselor is not effective unless or until accepted by the board. 57444
A telephone conference call may be utilized for acceptance of the 57445
surrender of an individual's license. The telephone conference 57446
call shall be considered a special meeting under division (F) of 57447
section 121.22 of the Revised Code. Reinstatement of a license 57448
surrendered to the board requires an affirmative vote of not fewer 57449
than six members of the board. 57450

(2) An application made under this chapter for a license to 57451
practice may not be withdrawn without approval of the board. 57452

(3) Failure by an individual to renew a license in accordance 57453
with section 4778.06 of the Revised Code shall not remove or limit 57454
the board's jurisdiction to take disciplinary action under this 57455
section against the individual. 57456

Sec. 4779.29. If the Ohio occupational therapy, physical 57457
therapy, and athletic trainers board determines that there is 57458
clear and convincing evidence that an individual licensed under 57459
this chapter is engaging or has engaged in conduct described in 57460
division (A) of section 4779.28 of the Revised Code and that the 57461
license holder's continued practice presents a danger of immediate 57462
and serious harm to the public, the board may suspend the 57463
individual's license without an adjudicatory hearing. A telephone 57464
conference call may be used for reviewing the matter and taking 57465
the vote. 57466

If the board votes to suspend an individual's license, the board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order is not subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. If the license holder requests an adjudicatory hearing by the board, notwithstanding the time within which a hearing must be held under section 119.07 of the Revised Code, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days, after the request, unless otherwise agreed to by the board and the license holder.

Any suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 119.12 of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue an order within sixty days shall result in the dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

Sec. 4779.35. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint an orthotics, prosthetics, and pedorthics advisory council for the purpose of advising the board on issues relating to the practice of orthotics, prosthetics, and pedorthics and the investigation of complaints regarding the practice of orthotics, prosthetics, and pedorthics.

The advisory council shall consist of not more than five individuals knowledgeable in the area of orthotics, prosthetics, and pedorthics. A majority of the council members shall be individuals actively engaged in the practice of orthotics, prosthetics, and pedorthics who meet the requirements for

licensure under Chapter 4779. of the Revised Code. 57498

The Ohio orthotics and prosthetics association, or its 57499
successor organization, may nominate the names of up to three 57500
qualified individuals for consideration by the board in making 57501
appointments for each vacancy on the council. 57502

(B) ~~Not later than ninety days after January 1, 2018, the~~ 57503
~~board shall make initial appointments to the council.~~ Members 57504
shall serve three-year ~~staggered~~ terms of office in accordance 57505
with rules adopted by the board. ~~Thereafter, terms of office shall~~ 57506
~~be for three years~~, with each term ending on the same day of the 57507
same month as did the term that it succeeds. A council member 57508
shall continue in office subsequent to the expiration date of the 57509
member's term until a successor is appointed and takes office, or 57510
until a period of ~~sixty~~ ninety days has elapsed, whichever occurs 57511
first. Each council member shall hold office from the date of 57512
appointment until the end of the term for which the member was 57513
appointed. 57514

(C) With approval from the director of administrative 57515
services, members may receive an amount fixed under division (J) 57516
of section 124.15 of the Revised Code for each day the member is 57517
performing the member's official duties and be reimbursed for 57518
actual and necessary expenses incurred in performing those duties. 57519

(D) The council shall meet at least ~~four~~ three times per year 57520
and at such other times as may be necessary to carry out its 57521
responsibilities. 57522

(E) The council shall submit to the board recommendations 57523
concerning all of the following: 57524

(1) Requirements for issuing a license to practice orthotics, 57525
prosthetics, and pedorthics, including the educational and 57526
experience requirements that must be met to receive a license; 57527

(2) Existing and proposed rules pertaining to the practice of 57528

orthotics, prosthetics, and pedorthics and the administration and enforcement of this chapter;	57529 57530
(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal;	57531 57532 57533
(4) Procedures for the issuance and renewal of licenses;	57534
(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics;	57535 57536
(6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics;	57537 57538
(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses;	57539 57540 57541
(8) The safe and effective practice of orthotics, prosthetics, and pedorthics;	57542 57543
(9) Requirements for issuing a license to practice orthotics, prosthetics, or orthotics and prosthetics to an applicant with unique and exceptional qualifications, including standards for satisfactory evidence for the applicant to be eligible for the license.	57544 57545 57546 57547 57548
Sec. 4781.04. (A) The department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:	57549 57550 57551
(1) Establish uniform standards that govern the installation of manufactured housing that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of the United States department of housing and urban development adopts;	57552 57553 57554 57555 57556
(2) Govern the inspection of the installation of manufactured	57557

housing. The rules shall specify that the division of industrial 57558
compliance, any building department or personnel of any 57559
department, or any private third party, certified pursuant to 57560
section 4781.07 of the Revised Code shall conduct all inspections 57561
of the installation of manufactured housing located in 57562
~~manufactured home parks~~ this state to determine compliance with 57563
the uniform installation standards the division of industrial 57564
compliance establishes pursuant to this section. 57565

(3) Govern the design, construction, installation, approval, 57566
and inspection of foundations and the base support systems for 57567
manufactured housing. The rules shall specify that the division of 57568
industrial compliance, any building department or personnel of any 57569
department, or any private third party, certified pursuant to 57570
section 4781.07 of the Revised Code shall conduct all inspections 57571
of the installation, foundations, and base support systems of 57572
manufactured housing located in manufactured home parks to 57573
determine compliance with the uniform installation standards and 57574
foundation and base support system design the division of 57575
industrial compliance establishes pursuant to this section. 57576

(4) Govern the training, experience, and education 57577
requirements for manufactured housing installers; 57578

(5) Establish a code of ethics for manufactured housing 57579
installers; 57580

(6) Govern the issuance, revocation, and suspension of 57581
licenses to manufactured housing installers; 57582

(7) Establish fees for the issuance and renewal of licenses, 57583
for conducting inspections to determine an applicant's compliance 57584
with this chapter and the rules adopted pursuant to it, and for 57585
the division's expenses incurred in implementing this chapter; 57586

(8) Establish conditions under which a licensee may enter 57587
into contracts to fulfill the licensee's responsibilities; 57588

(9) Govern the investigation of complaints concerning any 57589
complaints involving the conduct of any licensed manufactured 57590
housing installer or person installing manufactured housing 57591
without a license; 57592

(10) Establish a dispute resolution program for the timely 57593
resolution of warranty issues involving new manufactured homes, 57594
disputes regarding responsibility for the correction or repair of 57595
defects in manufactured housing, and the installation of 57596
manufactured housing. The rules shall provide for the timely 57597
resolution of disputes between manufacturers, manufactured housing 57598
dealers, and installers regarding the correction or repair of 57599
defects in manufactured housing that are reported by the purchaser 57600
of the home during the one-year period beginning on the date of 57601
installation of the home. The rules also shall provide that 57602
decisions made regarding the dispute under the program are not 57603
binding upon the purchaser of the home or the other parties 57604
involved in the dispute unless the purchaser so agrees in a 57605
written acknowledgement that the purchaser signs and delivers to 57606
the program within ten business days after the decision is issued. 57607

(11) Establish the requirements and procedures for the 57608
certification of building departments and building department 57609
personnel pursuant to section 4781.07 of the Revised Code; 57610

(12) Establish fees to be charged to building departments and 57611
building department personnel applying for certification and 57612
renewal of certification pursuant to section 4781.07 of the 57613
Revised Code; 57614

(13) Develop a policy regarding the maintenance of records 57615
for any inspection authorized or conducted pursuant to this 57616
chapter. Any record maintained under division (A)(13) of this 57617
section shall be a public record under section 149.43 of the 57618
Revised Code. 57619

- (B) The division of industrial compliance shall do all of the following: 57620
57621
- (1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the division determines appropriate; 57622
57623
57624
57625
- (2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination; 57626
57627
57628
- (3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require; 57629
57630
- (4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants; 57631
57632
- (5) Establish procedures for processing, approving, and disapproving applications for licensure; 57633
57634
- (6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application; 57635
57636
57637
- (7) Review the design and plans for manufactured housing installations, foundations, and support systems; 57638
57639
- (8) Inspect a sample of homes at a percentage the division determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the division adopts; 57640
57641
57642
57643
57644
- (9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer; 57645
57646
57647
- (10) Determine appropriate disciplinary actions for violations of this chapter; 57648
57649

(11) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The division, or any person the division employs for the purpose, may review and audit the business records of any manufactured housing installer during normal business hours.

(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity.

(C) Nothing in this section, or in any rule adopted by the division of industrial compliance, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code.

(D) The department of commerce, division of real estate and professional licensing may adopt rules pursuant to Chapter 119. of the Revised Code necessary for administration of the provisions of this chapter related to manufactured home dealers, brokers, and salespersons.

Sec. 4781.121. (A) The division of industrial compliance, pursuant to section 4781.04 of the Revised Code, may investigate any person who allegedly has committed a violation. If, after an investigation the division determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the division shall ~~send~~ serve a written notice to that person in the same manner as prescribed in ~~section~~ sections 119.05 and 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(B) The division of industrial compliance shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the division, after the hearing, determines that a violation has occurred, the division may impose a fine not exceeding one thousand dollars per violation per day. The division's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the person who allegedly committed a violation fails to appear for a hearing, the division of industrial compliance may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the division for a hearing.

(D) If the division assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the division pursuant to section 131.02 of the Revised Code, the division shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(E) The authority provided to the division of industrial compliance pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. Any fines collected pursuant to this section shall be used solely to administer and enforce this chapter and rules adopted under it. Any fees collected pursuant to this section shall be transmitted to the treasurer of state and shall be credited to the industrial compliance operating fund created in section 121.084 of the Revised Code and the rules adopted thereunder. The fees shall be

used only for the purpose of administering and enforcing sections 57713
4781.26 to 4781.35 of the Revised Code and the rules adopted 57714
thereunder. 57715

(F) As used in this section, "violation" means a violation of 57716
section 4781.11, 4781.16, 4781.27, or 4781.57 or any rule adopted 57717
pursuant to section 4781.04 of the Revised Code. 57718

Sec. 4781.17. (A) Each person applying for a manufactured 57719
housing dealer's license or manufactured housing broker's license 57720
shall complete and deliver to the department of commerce, division 57721
of real estate, before the first day of April, a separate 57722
application for license for each county in which the business of 57723
selling or brokering manufactured or mobile homes is to be 57724
conducted. The application shall be in the form prescribed by the 57725
division of real estate and accompanied by the fee established by 57726
the division of real estate. The applicant shall sign and swear to 57727
the application that shall include all of the following: 57728

(1) Name of applicant and location of principal place of 57729
business; 57730

(2) Name or style under which business is to be conducted 57731
and, if a corporation, the state of incorporation; 57732

(3) Name and address of each owner or partner and, if a 57733
corporation, the names of the officers and directors; 57734

(4) The county in which the business is to be conducted and 57735
the address of each place of business therein; 57736

(5) A statement of the previous history, record, and 57737
association of the applicant and of each owner, partner, officer, 57738
and director, that is sufficient to establish to the satisfaction 57739
of the division of real estate the reputation in business of the 57740
applicant; 57741

(6) A statement showing whether the applicant has previously 57742

applied for a manufactured housing dealer's license, manufactured 57743
housing broker's license, manufactured housing salesperson's 57744
license, or, prior to July 1, 2010, a motor vehicle dealer's 57745
license, manufactured home broker's license, or motor vehicle 57746
salesperson's license, and the result of the application, and 57747
whether the applicant has ever been the holder of any such license 57748
that was revoked or suspended; 57749

(7) If the applicant is a corporation or partnership, a 57750
statement showing whether any partner, employee, officer, or 57751
director has been refused a manufactured housing dealer's license, 57752
manufactured housing broker's license, manufactured housing 57753
salesperson's license, or, prior to July 1, 2010, a motor vehicle 57754
dealer's license, manufactured home broker's license, or motor 57755
vehicle salesperson's license, or has been the holder of any such 57756
license that was revoked or suspended; 57757

(8) Any other information required by the division of real 57758
estate. 57759

(B) Each person applying for a manufactured housing 57760
salesperson's license shall complete and deliver to the division 57761
of real estate before the first day of July an application for 57762
license. The application shall be in the form prescribed by the 57763
division of real estate and shall be accompanied by the fee 57764
established by the division. The applicant shall sign and swear to 57765
the application that shall include all of the following: 57766

(1) Name and post-office address of the applicant; 57767

(2) Name and post-office address of the manufactured housing 57768
dealer or manufactured housing broker for whom the applicant 57769
intends to act as salesperson; 57770

(3) A statement of the applicant's previous history, record, 57771
and association, that is sufficient to establish to the 57772
satisfaction of the division of real estate the applicant's 57773

reputation in business; 57774

(4) A statement as to whether the applicant intends to engage 57775
in any occupation or business other than that of a manufactured 57776
housing salesperson; 57777

(5) A statement as to whether the applicant has ever had any 57778
previous application for a manufactured housing salesperson 57779
license refused or, prior to July 1, 2010, any application for a 57780
motor vehicle salesperson license refused, and whether the 57781
applicant has previously had a manufactured housing salesperson or 57782
motor vehicle salesperson license revoked or suspended; 57783

(6) A statement as to whether the applicant was an employee 57784
of or salesperson for a manufactured housing dealer or 57785
manufactured housing broker whose license was suspended or 57786
revoked; 57787

(7) A statement of the manufactured housing dealer or 57788
manufactured housing broker named therein, designating the 57789
applicant as the dealer's or broker's salesperson; 57790

(8) Any other information required by the division of real 57791
estate. 57792

(C) Any application for a manufactured housing dealer or 57793
manufactured housing broker delivered to the division of real 57794
estate under this section also shall be accompanied by a 57795
photograph, as prescribed by the division, of each place of 57796
business operated, or to be operated, by the applicant. 57797

(D) The division of real estate shall deposit all license 57798
fees into the state treasury to the credit of the ~~manufactured~~ 57799
~~homes regulatory~~ real estate operating fund created under section 57800
4735.211 of the Revised Code. 57801

Sec. 4781.54. (A) The division of real estate and 57802
professional licensing shall deposit all the fees collected in the 57803

administration and enforcement sections 4781.16 to 4781.25 of the 57804
Revised Code into the ~~manufactured homes regulatory~~ real estate 57805
operating fund, ~~which is hereby~~ created under section 4735.211 of 57806
the Revised Code. ~~All~~ In addition to the purposes described in 57807
section 4735.211 of the Revised Code, money deposited into the 57808
fund shall be used ~~to pay the operating expenses of the division~~ 57809
~~or as otherwise~~ described in ~~those~~ sections 4781.16 to 4781.25 of 57810
the Revised Code. 57811

(B) The division of industrial compliance shall deposit all 57812
fees collected in the administration and enforcement sections of 57813
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 57814
Code into the industrial compliance operating fund created in 57815
section 121.084 of the Revised Code. All money deposited into the 57816
fund shall be used to pay the operating expenses of the division 57817
or as otherwise described in those sections. 57818

Sec. 4783.10. On receipt of a complaint that any of the 57819
grounds listed in division (A) of section 4783.09 of the Revised 57820
Code exist, the state board of psychology may suspend the 57821
certificate of the certified Ohio behavior analyst prior to 57822
holding a hearing in accordance with Chapter 119. of the Revised 57823
Code if it determines, based on the complaint, that an immediate 57824
threat to the public exists. 57825

After suspending a certificate pursuant to this section, the 57826
board shall ~~notify~~ serve notice on the certified Ohio behavior 57827
analyst of the suspension in accordance with ~~section~~ sections 57828
119.05 and 119.07 of the Revised Code. If the individual whose 57829
certificate is suspended fails to make a timely request for an 57830
adjudication under Chapter 119. of the Revised Code, the board 57831
shall enter a final order permanently revoking the individual's 57832
certificate. 57833

Sec. 4928.54. ~~The director of development services shall~~ 57834
public utilities commission may aggregate percentage of income 57835
payment plan program customers for the purpose of establishing a 57836
competitive procurement process for the supply of competitive 57837
retail electric service for those customers. The process shall be 57838
an auction. Only bidders certified under section 4928.08 of the 57839
Revised Code may participate in the auction. 57840

Sec. 4928.543. ~~The director of development services~~ 57841
public utilities commission shall adopt rules in accordance with Chapter 57842
119. of the Revised Code to implement sections 4928.54~~7~~, and 57843
4928.541~~7~~, ~~and 4928.542~~ of the Revised Code. The rules shall ensure 57844
a fair and unbiased auction process and the performance of the 57845
winning bidder or bidders. 57846

Sec. 4928.544. (A) For the purpose of facilitating compliance 57847
with sections 4928.54~~7~~, and 4928.541~~7~~, ~~and 4928.542~~ of the Revised 57848
Code~~7~~, ~~and upon written request by the director of development~~ 57849
~~services~~, the public utilities commission shall ~~design, manage,~~ 57850
~~and supervise the competitive procurement process required by~~ 57851
~~established under section 4928.54 of the Revised Code~~ inform the 57852
director of development if the commission intends to aggregate 57853
percentage of income payment plan customers pursuant to section 57854
4928.54 of the Revised Code. For the director's consideration of 57855
possible universal service rider adjustments under division (B) of 57856
section 4928.52 of the Revised Code, the commission shall inform 57857
the director of development of the decision to aggregate such 57858
customers as soon as possible after the decision is made. 57859
57860

To the extent reasonably possible, and to minimize costs, the 57861
competitive procurement process may be designed based on any 57862
existing competitive procurement process for the establishment of 57863

the default generation supply price for electric distribution 57864
utilities. To the extent necessary to transition percentage of 57865
income payment plan customers from a competitive procurement 57866
process to the applicable standard service offer under sections 57867
4928.141, 4928.142, and 4928.143 of the Revised Code, the design 57868
for the competitive procurement process during such transition may 57869
include full or partial auctions of those customers. 57870

This division does not preclude a process design that is 57871
based on a competitive procurement process that applies to the 57872
combined certified territories of electric distribution utilities 57873
subject to common ownership. 57874

(B) The director ~~of development services~~ shall reimburse the 57875
commission for its costs incurred under division (A) of this 57876
section. The reimbursements constitute administrative costs of the 57877
low-income customer assistance programs for the purpose of 57878
division (A) of section 4928.51 of the Revised Code. 57879

Sec. 5101.1411. (A)(1) The director of job and family 57880
services shall, not later than nine months after September 13, 57881
2016, the effective date of H.B. 50 of the 131st general assembly, 57882
submit an amendment to the state plan required by 42 U.S.C. 671 to 57883
the United States secretary of health and human services to 57884
implement 42 U.S.C. 675(8) to make federal payments for foster 57885
care under Title IV-E directly to, or on behalf of, any 57886
emancipated young adult who meets the following requirements: 57887

(a) The emancipated young adult signs a voluntary 57888
participation agreement. 57889

(b) The emancipated young adult satisfies division (D) of 57890
this section. 57891

(2) Any emancipated young adult who meets the requirements of 57892
division (A)(1) of this section may apply for foster care payments 57893

and make the appropriate application at any time. 57894

(B)(1) The director of job and family services shall, not 57895
later than nine months after September 13, 2016, the effective 57896
date of H.B. 50 of the 131st general assembly, submit an amendment 57897
to the state plan required by 42 U.S.C. 671 to the United States 57898
secretary of health and human services to implement 42 U.S.C. 57899
675(8) to make federal payments for adoption assistance under 57900
Title IV-E available to any parent who meets all of the following 57901
requirements: 57902

(a) The parent adopted a person who is an adopted young adult 57903
and the parent entered into an adoption assistance agreement under 57904
42 U.S.C. 673 while the adopted person was age sixteen or 57905
seventeen. 57906

(b) The parent maintains parental responsibility for the 57907
adopted young adult. 57908

(c) The adopted young adult satisfies division (D) of this 57909
section. 57910

(2) Any parent who meets the requirements of division (B)(1) 57911
of this section that are applicable to a parent may request an 57912
extension of adoption assistance payments at any time before the 57913
adopted young adult reaches age twenty-one. 57914

(3) An adopted young adult who is eligible to receive 57915
adoption assistance payments is not considered an emancipated 57916
young adult and is therefore not eligible to receive payment under 57917
division (A) of this section. 57918

(C)(1) The director of job and family services shall, not 57919
later than nine months after ~~the effective date of this amendment~~ 57920
September 30, 2021, submit an amendment to the state plan required 57921
by 42 U.S.C. 671 to the United States secretary of health and 57922
human services to implement 42 U.S.C. 673(d) to provide kinship 57923
guardianship assistance under Title IV-E available to any relative 57924

who meets all of the following requirements:	57925
(a) Both of the following apply:	57926
(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order.	57927 57928 57929 57930 57931
(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen.	57932 57933 57934
(b) The relative maintains parental responsibility for the kinship guardianship young adult.	57935 57936
(c) The kinship guardianship young adult satisfies division (D) of this section.	57937 57938
(2) Any person who meets the requirements of division (C)(1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one.	57939 57940 57941 57942
(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section.	57943 57944 57945 57946
(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:	57947 57948 57949
(1) Is completing secondary education or a program leading to an equivalent credential;	57950 57951
(2) Is enrolled in an institution that provides post-secondary or vocational education;	57952 57953
(3) Is participating in a program or activity designed to	57954

promote, or remove barriers to, employment; 57955

(4) Is employed for at least eighty hours per month; 57956

(5) Is incapable of doing any of the activities described in 57957
divisions (D)(1) to (4) of this section due to a physical or 57958
mental condition, which incapacity is supported by regularly 57959
updated information in the person's case record or plan. 57960

(E) Any emancipated young adult described in division (A)(1) 57961
of this section who is directly receiving foster care payments, or 57962
on whose behalf such foster care payments are received, or any 57963
relative described in division (C)(1) of this section who is 57964
receiving kinship guardianship assistance, or any parent receiving 57965
adoption assistance payments, may refuse the payments at any time. 57966

(F)(1) An emancipated young adult described in division 57967
(A)(1) of this section who is directly receiving foster care 57968
payments, or on whose behalf such foster care payments are 57969
received, or any relative described in division (C)(1) of this 57970
section who is receiving kinship guardianship assistance and the 57971
kinship guardianship young adult, or a parent receiving adoption 57972
assistance payments and the adopted young adult shall be eligible 57973
for services set forth in the federal, "Fostering Connections to 57974
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 57975
Stat. 3949. 57976

(2) An emancipated young adult described in division (A)(1) 57977
of this section who is directly receiving foster care payments, or 57978
on whose behalf such foster care payments are received, pursuant 57979
to this section, may be eligible to reside in a supervised 57980
independent living setting, including apartment living, room and 57981
board arrangements, college or university dormitories, host homes, 57982
and shared roommate settings. 57983

(G) Any determination by the department that denies or 57984
terminates foster care assistance, kinship guardianship 57985

assistance, ~~kinship support program payments,~~ or adoption 57986
assistance payments shall be subject to a state hearing pursuant 57987
to section 5101.35 of the Revised Code. 57988

Sec. 5101.136. If a person requests the department of job and 57989
family services to conduct a search of whether that person's name 57990
has been placed or remains in the statewide automated child 57991
welfare information system as an alleged perpetrator of child 57992
abuse or neglect and a search reveals that a "substantiated" 57993
disposition exists, the department shall send a letter to the 57994
person who requested the search indicating a "match." 57995

Sec. 5101.137. The department of job and family services 57996
shall expunge substantiated dispositions of child abuse or neglect 57997
that are older than ten years from the statewide automated child 57998
welfare information system. 57999

Sec. 5101.26. As used in this section and in sections 5101.27 58000
to ~~5101.30~~ 5101.29 of the Revised Code: 58001

(A) "Community control sanction" has the same meaning as in 58002
section 2929.01 of the Revised Code. 58003

(B) "County agency" means a county department of job and 58004
family services or a public children services agency. 58005

~~(B)(C)~~ "Fleeing felon" means an individual who is 58006
fleeing to avoid prosecution, ~~or custody or confinement after~~ 58007
~~conviction,~~ under the laws of the place from which the individual 58008
~~is fleeing,~~ for a crime, ~~or an attempt to commit a crime,~~ that ~~is~~ 58009
would be classified as a felony under the laws of the place from 58010
which the individual is fleeing, or, in the case of New Jersey, a 58011
high misdemeanor, ~~regardless of whether the individual has~~ 58012
~~departed from the individual's usual place of residence or who is~~ 58013
violating a condition of probation or parole under a federal or 58014

state law. The department may adopt rules regarding the 58015
verification of "fleeing felon" status for the purposes of this 58016
chapter. 58017

~~(C)~~(D) "Information" means records as defined in section 58018
149.011 of the Revised Code, any other documents in any format, 58019
and data derived from records and documents that are generated, 58020
acquired, or maintained by the department of job and family 58021
services, a county agency, or an entity performing duties on 58022
behalf of the department or a county agency. 58023

~~(D)~~(E) "Law enforcement agency" ~~means~~ has ~~the state highway~~ 58024
~~patrol, an agency that employs peace officers as defined in~~ 58025
~~section 109.71 of the Revised Code, the adult parole authority, a~~ 58026
~~county department of probation, a prosecuting attorney, the~~ 58027
~~attorney general, similar agencies of other states, federal law~~ 58028
~~enforcement agencies, and postal inspectors. "Law enforcement~~ 58029
~~agency" includes the peace officers and other law enforcement~~ 58030
~~officers employed by the agency.~~ 58031

~~(E)~~ same meaning as in section 109.573 of the Revised Code. 58032

(F) "Post-release control sanction" has the same meaning as 58033
in section 2967.01 of the Revised Code. 58034

(G) "Public assistance" means ~~financial assistance or social~~ 58035
~~services that are provided under a program administered by the~~ 58036
~~department of job and family services or a county agency pursuant~~ 58037
~~to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code~~ 58038
~~or an executive order issued under section 107.17 of the Revised~~ 58039
~~Code. a program financed with federal, state, or local funds to~~ 58040
~~provide aid in the form of money or vendor payments to families or~~ 58041
~~individuals on the basis of need and other eligibility conditions.~~ 58042
"Public assistance" does not mean medical assistance provided 58043
under a medical assistance program, as defined in section 5160.01 58044
of the Revised Code. 58045

~~(F)~~(H) "Public assistance recipient" means an applicant for 58046
or recipient or former recipient of public assistance. 58047

~~(G)~~(I) "Publicly funded child care" has the same meaning as 58048
in section 5104.01 of the Revised Code. 58049

~~(H)~~(J) "Tuberculosis control unit" means the county 58050
tuberculosis control unit designated by a board of county 58051
commissioners under section 339.72 of the Revised Code or the 58052
district tuberculosis control unit designated pursuant to an 58053
agreement entered into by two or more boards of community 58054
commissioners under that section. 58055

Sec. 5101.27. (A) Except as ~~permitted otherwise provided by~~ 58056
~~this section law, section 5101.273, 5101.28, or 5101.29 of the~~ 58057
~~Revised Code, or rules adopted under section 5101.30 of the~~ 58058
~~Revised Code, or when required by federal law, no person or~~ 58059
~~government entity shall knowingly solicit, disclose, receive, use,~~ 58060
~~permit the use of, or participate in the use of any the department~~ 58061
~~of job and family services and county agencies shall keep~~ 58062
~~confidential and accessible only to its employees, except by the~~ 58063
~~consent of the department or the order of a judge or a court of~~ 58064
~~record, information regarding a public assistance recipient for~~ 58065
~~any purpose not directly connected with the administration of a~~ 58066
~~public assistance program.~~ 58067

(B) Information may not be disclosed for solicitation of 58068
contributions or expenditures to or on behalf of a candidate for 58069
public or political office or a political party. To the extent 58070
permitted by federal law, the department of job and family 58071
services ~~and county agencies shall do all~~ may release information 58072
regarding a public assistance recipient to any of the following: 58073

(1) ~~Release information regarding a public assistance~~ 58074
~~recipient for purposes directly connected to the administration of~~ 58075
~~the program to a~~ A government entity responsible for administering 58076

that public assistance program for purposes directly connected to 58077
the administration of the program; 58078

~~(2) Provide information regarding a public assistance~~ 58079
~~recipient to a~~ A law enforcement agency for the purpose of any 58080
investigation, prosecution, or criminal or civil proceeding 58081
relating to the administration of ~~that~~ a public assistance 58082
program; 58083

~~(3) Provide, for purposes directly connected to the~~ 58084
~~administration of a program~~ An entity administering a public 58085
utility services program that assists needy individuals with the 58086
costs of public utility services, ~~information regarding a~~ 58087
~~recipient of financial assistance provided under a program~~ 58088
~~administered by the department or a county agency pursuant to~~ 58089
~~Chapter 5107. or 5108. of the Revised Code to an entity~~ 58090
~~administering the public utility services program;~~ 58091

(4) A state or federal government agency for use in the 58092
performance of that agency's official duties, including research 58093
related to the administration of those duties, or to an agent or 58094
contractor of a state or federal government agency to whom 58095
disclosure would be permissible; 58096

(5) Any agency of the United States charged with the 58097
administration of any public assistance program, and any state or 58098
federal official for purposes of oversight and audits of such 58099
programs; 58100

(6) Individuals, public and private entities, agencies, and 58101
institutions, private companies or organizations, partnerships, 58102
business trusts, or other business entities or ventures, research 58103
organizations, whether for profit or not for profit, or 58104
combinations or consortiums of any of the foregoing for the 58105
purpose of conducting or supporting research related to the 58106
welfare of the people of the state, provision or performance of a 58107

state or federal government program, or for academic purposes; 58108

(7) Information that does not identify an individual is not 58109
protected information and may be released in summary, statistical, 58110
or aggregate form. 58111

(C)(1) To the extent permitted by federal law and subject to 58112
division (C)(2) of this section, the department of job and family 58113
services shall release, for purposes directly connected to a 58114
public health investigation related to section 3301.531 or 58115
5104.037 of the Revised Code, information regarding a public 58116
assistance recipient who receives publicly funded child care, so 58117
long as all of the following conditions are met: 58118

(a) The department of health or the tuberculosis control unit 58119
has initiated a public health investigation related to section 58120
3301.531 or 5104.037 of the Revised Code and has assessed the 58121
investigation as an emergency. 58122

(b) The department of health or the tuberculosis control unit 58123
has notified the department of job and family services about the 58124
investigation and has requested that the department of job and 58125
family services release the information for purposes of the 58126
investigation. 58127

(c) The department of job and family services is unable to 58128
timely obtain voluntary, written authorization ~~that complies with~~ 58129
~~section 5101.272 of the Revised Code~~ from the recipient, as 58130
permitted by division (D) of this section. 58131

(2) If the conditions specified in division (C)(1) of this 58132
section are met, the department of job and family services shall 58133
release to the department of health or the tuberculosis control 58134
unit the minimum information necessary to fulfill the needs of the 58135
department of health or tuberculosis control unit related to the 58136
public health investigation. 58137

(3) If the department of job and family services releases 58138

information pursuant to division (C) of this section, it shall 58139
immediately notify the public assistance recipient. 58140

(D) ~~To~~ Notwithstanding any other provision of this section 58141
and to the extent permitted by federal law ~~and section 1347.08 of~~ 58142
~~the Revised Code, the department and of job and family services or~~ 58143
~~a county agencies~~ agency shall provide access to may release 58144
information regarding a public assistance recipient to ~~all of the~~ 58145
~~following:~~ 58146

~~(1) The public assistance recipient;~~ 58147

~~(2) The authorized representative;~~ 58148

~~(3) The legal guardian of the recipient;~~ 58149

~~(4) The attorney of the recipient, if the attorney has~~ 58150
~~written authorization that complies with section 5101.272 of the~~ 58151
~~Revised Code from the~~ or any other person or entity identified by 58152
the recipient. 58153

~~(E) To the extent permitted by federal law and subject to~~ 58154
~~division (F) of this section, the department and county agencies~~ 58155
~~may do both of the following:~~ 58156

~~(1) Release information about a public assistance recipient~~ 58157
~~if the recipient gives voluntary, written authorization that~~ 58158
~~complies with section 5101.272 of the Revised Code;~~ 58159

~~(2) Release information regarding a public assistance~~ 58160
~~recipient to a state, federal, or federally assisted program that~~ 58161
~~provides cash or in-kind assistance or services directly to~~ 58162
~~individuals based on need or for the purpose of protecting~~ 58163
~~children to a government entity responsible for administering a~~ 58164
~~children's protective services program, to the extent permitted by~~ 58165
that the written authorization. 58166

~~(F) Except when the release is required by division (B), (C),~~ 58167
~~or (D) of this section or is authorized by division (E)(2) of this~~ 58168

~~section, the department or county agency shall release the~~ 58169
~~information only in accordance with the authorization. The~~ 58170
department or county agency shall provide, at no cost, a copy of 58171
each written authorization to the individual who signed it. 58172

~~(G)(E)~~ The department of job and family services may adopt 58173
~~rules defining "authorized representative" for purposes of~~ 58174
~~division (D)(2) that contain guidelines necessary for the~~ 58175
implementation of this section. 58176

Sec. 5101.28. (A)(1) On request of the department of job and 58177
family services or a county agency, a law enforcement agency shall 58178
provide information regarding public assistance recipients to 58179
enable the department or county agency to determine, for 58180
eligibility purposes, whether a recipient or a member of a 58181
recipient's assistance group is a ~~fugitive~~ fleeing felon or 58182
violating a condition of probation, a community control sanction, 58183
~~parole,~~ or a post-release control sanction imposed under state or 58184
federal law. 58185

(2) A county agency may enter into a written agreement with a 58186
local law enforcement agency establishing procedures concerning 58187
access to information and providing for compliance with ~~division~~ 58188
~~(F)~~ of this section. 58189

(B) To the extent permitted by federal law, the department 58190
and county agencies ~~shall~~ may provide information regarding 58191
recipients of public assistance ~~under a program administered by~~ 58192
~~the state department or a county agency pursuant to Chapter 5107.~~ 58193
~~or 5108. of the Revised Code to a law enforcement agencies agency~~ 58194
on request for the purposes of investigations, prosecutions, and 58195
~~criminal and civil proceedings that are within the scope of use in~~ 58196
the performance of the law enforcement agencies' agency's official 58197
duties. 58198

(C) ~~Information about a public assistance recipient shall be~~ 58199

~~exchanged, obtained, or shared only if the department, county 58200
agency, or law enforcement agency requesting the information gives 58201
sufficient information to specifically identify the recipient. In 58202
addition to the recipient's name, identifying information may 58203
include the recipient's current or last known address, social 58204
security number, other identifying number, age, gender, physical 58205
characteristics, any information specified in an agreement entered 58206
into under division (A) of this section, or any information 58207
considered appropriate by the department or agency. 58208~~

~~(D)(1) The department and its officers and employees are not 58209
liable in damages in a civil action for any injury, death, or loss 58210
to person or property that allegedly arises from the release of 58211
information in accordance with divisions (A), (B), and (C) of this 58212
section. This section does not affect any immunity or defense that 58213
the department and its officers and employees may be entitled to 58214
under another section of the Revised Code or the common law of 58215
this state, including section 9.86 of the Revised Code. 58216~~

~~(2) The county agencies and their employees are not liable in 58217
damages in a civil action for any injury, death, or loss to person 58218
or property that allegedly arises from the release of information 58219
in accordance with divisions (A), (B), and (C) of this section. 58220
"Employee" has the same meaning as in division (B) of section 58221
2744.01 of the Revised Code. This section does not affect any 58222
immunity or defense that the county agencies and their employees 58223
may be entitled to under another section of the Revised Code or 58224
the common law of this state, including section 2744.02 and 58225
division (A)(6) of section 2744.03 of the Revised Code. 58226~~

~~(E) To the extent permitted by federal law, the department 58227
and county agencies shall provide access to information to the 58228
auditor of state acting pursuant to Chapter 117. or sections 58229
5101.181 and 5101.182 of the Revised Code and to any other 58230
government entity authorized by federal law to conduct an audit 58231~~

~~of, or similar activity involving, a public assistance program.~~ 58232

~~(F)~~ The auditor of state shall prepare an annual report on 58233
the outcome of the agreements required under division (A) of this 58234
section. The report shall include the number of fugitive fleeing 58235
felons, probation ~~and parole~~ violators, and violators of community 58236
control sanctions and post-release control sanctions apprehended 58237
during the immediately preceding year as a result of the exchange 58238
of information pursuant to that division. The auditor of state 58239
shall file the report with the governor, the president and 58240
minority leader of the senate, and the speaker and minority leader 58241
of the house of representatives. The state department, county 58242
agencies, and law enforcement agencies shall cooperate with the 58243
auditor of state's office in gathering the information required 58244
under this division. 58245

~~(G)~~(D) To the extent permitted by ~~federal~~ law, nothing in 58246
this section prohibits the department of job and family services, 58247
county departments of job and family services, and employees of 58248
the departments ~~may report~~ from reporting to a public children 58249
services agency or other appropriate agency information on known 58250
or suspected physical or mental injury, sexual abuse or 58251
exploitation, or negligent treatment or maltreatment, of a child 58252
~~receiving public assistance, if circumstances indicate that the~~ 58253
~~child's health or welfare is threatened.~~ 58254

~~(H) As used in this section:~~ 58255

~~(1) "Community control sanction" has the same meaning as in~~ 58256
~~section 2929.01 of the Revised Code.~~ 58257

~~(2) "Post-release control sanction" has the same meaning as~~ 58258
~~in section 2967.01 of the Revised Code.~~ 58259

Sec. 5101.29. When contained in a record held by the 58260
department of job and family services or a county agency, the 58261

following are not public records for purposes of section 149.43 of 58262
the Revised Code: 58263

(A) Names and other identifying information regarding 58264
children enrolled in or attending a child day-care center or home 58265
subject to licensure or registration under Chapter 5104. of the 58266
Revised Code; 58267

(B) Names and other identifying information regarding 58268
children placed with an institution or association certified under 58269
section 5103.03 of the Revised Code; 58270

(C) Names and other identifying information regarding a 58271
person who makes an oral or written complaint regarding an 58272
institution, association, child day-care center, or home subject 58273
to licensure or registration to the department or other state or 58274
county entity responsible for enforcing Chapter 5103. or 5104. of 58275
the Revised Code; 58276

(D)(1) Except as otherwise provided in division (D)(2) of 58277
this section, names, documentation, and other identifying 58278
information regarding a foster caregiver or a prospective foster 58279
caregiver, including the foster caregiver application for 58280
certification under section 5103.03 of the Revised Code and the 58281
home study conducted pursuant to section 5103.0324 of the Revised 58282
Code. 58283

(2) Notwithstanding division (D)(1) of this section, the 58284
following are public records for the purposes of section 149.43 of 58285
the Revised Code, when contained in a record held by the 58286
department of job and family services, a county agency, or other 58287
governmental entity: 58288

(a) All of the following information regarding a currently 58289
certified foster caregiver who has had a foster care certificate 58290
revoked pursuant to Chapter 5103. of the Revised Code or, after 58291
receiving a current or current renewed certificate has been 58292

convicted of, pleaded guilty to, or indicted or otherwise charged	58293
with any offense described in division (C)(1) of section 2151.86	58294
<u>5103.256</u> of the Revised Code:	58295
(i) The foster caregiver's name, date of birth, and county of residence;	58296 58297
(ii) The date of the foster caregiver's certification;	58298
(iii) The date of each placement of a foster child into the foster caregiver's home;	58299 58300
(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;	58301 58302 58303 58304 58305
(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.	58306 58307 58308 58309
(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.	58310 58311 58312
Sec. 5101.342. The Ohio commission on fatherhood shall do both of the following:	58313 58314
(A) Organize a state summit on fatherhood every four years;	58315
(B) Prepare a report each year that does the following:	58316
(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following:	58317 58318 58319
(a) Build the parenting skills of fathers;	58320
(b) Provide employment-related services for low-income,	58321

noncustodial fathers; 58322

(c) Prevent premature fatherhood; 58323

(d) Provide services to fathers who are inmates in or have 58324
just been released from imprisonment in a state correctional 58325
institution, as defined in section 2967.01 of the Revised Code, or 58326
in any other detention facility, as defined in section 2921.01 of 58327
the Revised Code, so that they are able to maintain or reestablish 58328
their relationships with their families; 58329

(e) Reconcile fathers with their families; 58330

(f) Increase public awareness of the critical role fathers 58331
play. 58332

(2) Describes the commission's expectations for the outcomes 58333
of fatherhood-related programs and initiatives and the methods the 58334
commission uses for conducting annual measures of those outcomes. 58335

(C) Pursuant to section 5101.805 of the Revised Code, the 58336
commission may make recommendations to the director of job and 58337
family services regarding funding, approval, and implementation of 58338
fatherhood programs in this state that meet at least one of the 58339
four purposes of the temporary assistance for needy families block 58340
grant, as specified in 42 U.S.C. 601. 58341

(D) The portion of the report prepared pursuant to division 58342
(B)(2) of this section shall be prepared by the commission in 58343
collaboration with the director of job and family services. 58344

~~(D)~~(E) The commission shall submit each report prepared 58345
pursuant to division (B) of this section to the president and 58346
minority leader of the senate, speaker and minority leader of the 58347
house of representatives, governor, and chief justice of the 58348
supreme court. The first report is due not later than one year 58349
after the last of the initial appointments to the commission is 58350
made under section 5101.341 of the Revised Code. 58351

Sec. 5101.35. (A) As used in this section:	58352
(1)(a) "Agency" means the following entities that administer a family services program:	58353
(i) The department of job and family services;	58354
(ii) A county department of job and family services;	58355
(iii) A public children services agency;	58356
(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.	58357
(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.	58358
(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.	58359
(3)(a) "Family services program" means all of the following:	58360
(i) A Title IV-A program as defined in section 5101.80 of the Revised Code;	58361
(ii) Programs that provide assistance under Chapter 5104. of the Revised Code;	58362
(iii) Programs that provide assistance under section 5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the Revised Code;	58363
(iv) Title XX social services provided under section 5101.46 of the Revised Code, other than such services provided by the	58364
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department of mental health and addiction services, the department 58381
of developmental disabilities, a board of alcohol, drug addiction, 58382
and mental health services, or a county board of developmental 58383
disabilities. 58384

(b) If the department of medicaid contracts with the 58385
department of job and family services to hear appeals authorized 58386
by section 5160.31 of the Revised Code regarding medical 58387
assistance programs, "family services program" includes medical 58388
assistance programs. 58389

(4) "Medical assistance program" has the same meaning as in 58390
section 5160.01 of the Revised Code. 58391

(B) Except as provided by divisions (G) and (H) of this 58392
section, an appellant who appeals under federal or state law a 58393
decision or order of an agency administering a family services 58394
program shall, at the appellant's request, be granted a state 58395
hearing by the department of job and family services. This state 58396
hearing shall be conducted in accordance with rules adopted under 58397
this section. The state hearing shall be recorded, but neither the 58398
recording nor a transcript of the recording shall be part of the 58399
official record of the proceeding. Except as provided in section 58400
5160.31 of the Revised Code, a state hearing decision is binding 58401
upon the agency and department, unless it is reversed or modified 58402
on appeal to the director of job and family services or a court of 58403
common pleas. 58404

(C) Except as provided by division (G) of this section, an 58405
appellant who disagrees with a state hearing decision may make an 58406
administrative appeal to the director of job and family services 58407
in accordance with rules adopted under this section. This 58408
administrative appeal does not require a hearing, but the director 58409
or the director's designee shall review the state hearing decision 58410
and previous administrative action and may affirm, modify, remand, 58411
or reverse the state hearing decision. An administrative appeal 58412

decision is the final decision of the department and, except as 58413
provided in section 5160.31 of the Revised Code, is binding upon 58414
the department and agency, unless it is reversed or modified on 58415
appeal to the court of common pleas. 58416

(D) An agency shall comply with a decision issued pursuant to 58417
division (B) or (C) of this section within the time limits 58418
established by rules adopted under this section. If a county 58419
department of job and family services or a public children 58420
services agency fails to comply within these time limits, the 58421
department may take action pursuant to section 5101.24 of the 58422
Revised Code. If another agency, other than the department of 58423
medicaid, fails to comply within the time limits, the department 58424
may force compliance by withholding funds due the agency or 58425
imposing another sanction established by rules adopted under this 58426
section. 58427

(E) An appellant who disagrees with an administrative appeal 58428
decision of the director of job and family services or the 58429
director's designee issued under division (C) of this section may 58430
appeal from the decision to the court of common pleas pursuant to 58431
section 119.12 of the Revised Code. The appeal shall be governed 58432
by section 119.12 of the Revised Code except that: 58433

(1) The person may appeal to the court of common pleas of the 58434
county in which the person resides, or to the court of common 58435
pleas of Franklin county if the person does not reside in this 58436
state. 58437

(2) The person may apply to the court for designation as an 58438
indigent and, if the court grants this application, the appellant 58439
shall not be required to furnish the costs of the appeal. 58440

(3) The appellant shall mail the notice of appeal to the 58441
department of job and family services and file notice of appeal 58442
with the court within thirty days after the department mails the 58443

administrative appeal decision to the appellant. For good cause 58444
shown, the court may extend the time for mailing and filing notice 58445
of appeal, but such time shall not exceed six months from the date 58446
the department mails the administrative appeal decision. Filing 58447
notice of appeal with the court shall be the only act necessary to 58448
vest jurisdiction in the court. 58449

(4) The department shall be required to file a transcript of 58450
the testimony of the state hearing with the court only if the 58451
court orders the department to file the transcript. The court 58452
shall make such an order only if it finds that the department and 58453
the appellant are unable to stipulate to the facts of the case and 58454
that the transcript is essential to a determination of the appeal. 58455
The department shall file the transcript not later than thirty 58456
days after the day such an order is issued. 58457

(F) The department of job and family services shall adopt 58458
rules in accordance with Chapter 119. of the Revised Code to 58459
implement this section, including rules governing the following: 58460

(1) State hearings under division (B) of this section. The 58461
rules shall include provisions regarding notice of eligibility 58462
termination and the opportunity of an appellant appealing a 58463
decision or order of a county department of job and family 58464
services to request a county conference with the county department 58465
before the state hearing is held. 58466

(2) Administrative appeals under division (C) of this 58467
section; 58468

(3) Time limits for complying with a decision issued under 58469
division (B) or (C) of this section; 58470

(4) Sanctions that may be applied against an agency under 58471
division (D) of this section. 58472

(G) The department of job and family services may adopt rules 58473
in accordance with Chapter 119. of the Revised Code establishing 58474

an appeals process for an appellant who appeals a decision or 58475
order regarding a Title IV-A program identified under division 58476
(A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the 58477
Revised Code that is different from the appeals process 58478
established by this section. The different appeals process may 58479
include having a state agency that administers the Title IV-A 58480
program pursuant to an interagency agreement entered into under 58481
section 5101.801 of the Revised Code administer the appeals 58482
process. 58483

(H) If an appellant receiving medicaid through a health 58484
insuring corporation that holds a certificate of authority under 58485
Chapter 1751. of the Revised Code is appealing a denial of 58486
medicaid services based on lack of medical necessity or other 58487
clinical issues regarding coverage by the health insuring 58488
corporation, the person hearing the appeal may order an 58489
independent medical review if that person determines that a review 58490
is necessary. The review shall be performed by a health care 58491
professional with appropriate clinical expertise in treating the 58492
recipient's condition or disease. The department shall pay the 58493
costs associated with the review. 58494

A review ordered under this division shall be part of the 58495
record of the hearing and shall be given appropriate evidentiary 58496
consideration by the person hearing the appeal. 58497

(I) The requirements of Chapter 119. of the Revised Code 58498
apply to a state hearing or administrative appeal under this 58499
section only to the extent, if any, specifically provided by rules 58500
adopted under this section. 58501

Sec. 5101.80. (A) As used in this section and in section 58502
5101.801 of the Revised Code: 58503

(1) "County family services agency" has the same meaning as 58504
in section 307.981 of the Revised Code. 58505

(2) "State agency" has the same meaning as in section 9.82 of the Revised Code. 58506
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(3) "Title IV-A administrative agency" means both of the following: 58508
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(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services; 58510
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(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code. 58513
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(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended: 58517
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(a) The Ohio works first program established under Chapter 5107. of the Revised Code; 58522
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(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; 58524
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(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code; 58526
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(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code; 58530
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(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code; 58532
58533

(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code; 58534
58535

(g) <u>Fatherhood programs recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code;</u>	58536 58537
(h) A component of a Title IV-A program identified under divisions (A)(4)(a) to (f) (g) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component.	58538 58539 58540 58541
(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services.	58542 58543 58544 58545 58546 58547 58548 58549 58550
(C) The department of job and family services shall do all of the following:	58551 58552
(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs;	58553 58554 58555
(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (g) (h) of this section;	58556 58557 58558 58559 58560
(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs;	58561 58562 58563
(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A	58564 58565 58566

programs;	58567
(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;	58568 58569 58570
(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;	58571 58572 58573 58574
(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;	58575 58576 58577 58578 58579 58580 58581 58582
(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;	58583 58584
(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;	58585 58586 58587
(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:	58588 58589 58590 58591
(a) Examine issues of process, practice, impact, and outcomes;	58592 58593
(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in	58594 58595 58596

which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department with reports at times the department specifies.

(11) Not later than the last day of each January and July, prepare a report containing information on the following:

(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for

the purpose of investigations conducted pursuant to this section. 58628

Sec. 5101.801. (A) Except as otherwise provided by the law 58629
enacted by the general assembly or executive order issued by the 58630
governor establishing the Title IV-A program, a Title IV-A program 58631
identified under division (A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) 58632
of section 5101.80 of the Revised Code shall provide benefits and 58633
services that are not "assistance" as defined in 45 C.F.R. 58634
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 58635
excludes from the definition of assistance. 58636

(B)(1) Except as otherwise provided by the law enacted by the 58637
general assembly or executive order issued by the governor 58638
establishing the Title IV-A program, the department of job and 58639
family services shall do either of the following regarding a Title 58640
IV-A program identified under division (A)(4)(c), (d), (e), (f), 58641
~~or~~ (g), or (h) of section 5101.80 of the Revised Code: 58642

(a) Administer the program or supervise a county family 58643
services agency's administration of the program; 58644

(b) Enter into an interagency agreement with a state agency 58645
for the state agency to administer the program under the 58646
department's supervision. 58647

(2) The department may enter into an agreement with a 58648
government entity and, to the extent permitted by federal law, a 58649
private, not-for-profit entity for the entity to receive funding 58650
for a project under the Title IV-A demonstration program created 58651
under section 5101.803 of the Revised Code. 58652

(3) To the extent permitted by federal law, the department 58653
may enter into an agreement with a private, not-for-profit entity 58654
for the entity to receive funds under the Ohio parenting and 58655
pregnancy program created under section 5101.804 of the Revised 58656
Code. 58657

(4) To the extent permitted by federal law, the department may enter into an agreement with a private, not-for-profit entity for the entity to receive funds as recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code. 58658
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(C) The department may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), ~~and~~ (g), and (h) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code. 58663
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(D) If the department enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following: 58671
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(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code: 58676
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(a) Eligibility; 58682

(b) Reports; 58683

(c) Benefits and services; 58684

(d) Use of funds; 58685

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services; 58686
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(f) Audits.	58688
(2) A complete description of all of the following:	58689
(a) The benefits and services that the program or project is to provide;	58690 58691
(b) The methods of program or project administration;	58692
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;	58693 58694 58695
(d) Other requirements that the department requires be included.	58696 58697
(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;	58698 58699 58700 58701
(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following:	58702 58703 58704 58705
(a) Limitations on administrative costs;	58706
(b) The department, at its discretion, doing either of the following:	58707 58708
(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project;	58709 58710 58711
(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.	58712 58713 58714 58715
(5) If the state agency or entity arranges by contract,	58716

grant, or other agreement for another entity to perform a function 58717
the state agency or entity would otherwise perform regarding the 58718
program or project, the state agency or entity's responsibilities 58719
for both of the following: 58720

(a) Ensuring that the other entity complies with the 58721
agreement between the state agency or entity and department and 58722
federal statutes and regulations and state statutes and rules 58723
governing the use of funds for the program or project; 58724

(b) Auditing the other entity in accordance with requirements 58725
established by the United States office of management and budget. 58726

(6) The state agency or entity's responsibilities regarding 58727
the prompt payment, including any interest assessed, of any 58728
adverse audit finding, final disallowance of federal funds, or 58729
other sanction or penalty imposed by the federal government, 58730
auditor of state, department, a court, or other entity regarding 58731
funds for the program or project; 58732

(7) Provisions for the department to terminate the agreement 58733
or withhold reimbursement from the state agency or entity if 58734
either of the following occur: 58735

(a) The federal government disapproves the program or project 58736
or reduces federal funds for the program or project; 58737

(b) The state agency or entity fails to comply with the terms 58738
of the agreement. 58739

(8) Provisions for both of the following: 58740

(a) The department and state agency or entity determining the 58741
performance outcomes expected for the program or project; 58742

(b) An evaluation of the program or project to determine its 58743
success in achieving the performance outcomes determined under 58744
division (D)(8)(a) of this section. 58745

(E) To the extent consistent with the law enacted by the 58746

general assembly or executive order issued by the governor 58747
establishing the Title IV-A program and subject to the approval of 58748
the director of budget and management, the director of job and 58749
family services may terminate a Title IV-A program identified 58750
under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) of section 58751
5101.80 of the Revised Code or reduce funding for the program if 58752
the director of job and family services determines that federal or 58753
state funds are insufficient to fund the program. If the director 58754
of budget and management approves the termination or reduction in 58755
funding for such a program, the director of job and family 58756
services shall issue instructions for the termination or funding 58757
reduction. If a Title IV-A administrative agency is administering 58758
the program, the agency is bound by the termination or funding 58759
reduction and shall comply with the director's instructions. 58760

(F) The director of job and family services may adopt 58761
internal management rules in accordance with section 111.15 of the 58762
Revised Code as necessary to implement this section. The rules are 58763
binding on each Title IV-A administrative agency. 58764

Sec. 5101.805. (A) Subject to division (E) of section 58765
5101.801 of the Revised Code, the Ohio commission on fatherhood, 58766
created under section 5101.34 of the Revised Code, may make 58767
recommendations to the director of job and family services 58768
concerning the funding, approval, and implementation of fatherhood 58769
programs in this state that meet at least one of the four purposes 58770
of the temporary assistance for needy families block grant, as 58771
specified in 42 U.S.C. 601. 58772

(B) The department of job and family services may provide 58773
funding under this section to government entities and, to the 58774
extent permitted by federal law, private, not-for-profit entities 58775
with which the department enters into agreements under division 58776
(B)(4) of section 5101.801 of the Revised Code. 58777

Sec. 5101.806. (A) The department of job and family services 58778
shall prepare and submit to the governor not later than the first 58779
day of November in each even-numbered year a TANF spending plan 58780
describing the anticipated spending of temporary assistance for 58781
needy families block grant funds for the upcoming state fiscal 58782
biennium. The report shall be prepared in such a manner as to 58783
facilitate the inclusion of the information contained in the 58784
report in the governor's budget in accordance with division (D)(7) 58785
of section 107.03 of the Revised Code. 58786

(B)(1) Not later than ~~thirty~~ sixty days after the end of the 58787
first state fiscal year of a fiscal biennium, the department shall 58788
prepare and submit an updated TANF spending plan to the 58789
chairperson of a standing committee of the house of 58790
representatives designated by the speaker of the house of 58791
representatives, the chairperson of a standing committee of the 58792
senate designated by the president of the senate, and the minority 58793
leaders of both the house of representatives and the senate. The 58794
updated TANF spending plan shall, at a minimum, include both of 58795
the following: 58796

(a) The total amount of temporary assistance for needy 58797
families block grant funds distributed during the first fiscal 58798
year of the fiscal biennium. 58799

(b) An updated estimate of the total amount of temporary 58800
assistance for needy families block grant funds that will be 58801
distributed during the second fiscal year of the fiscal biennium. 58802

(2) A chairperson of a standing committee designated by the 58803
speaker of the house of representatives or president of the senate 58804
under division (B)(1) of this section may call the director of job 58805
and family services to testify before the committee regarding the 58806
TANF spending plan. 58807

Sec. 5101.87. There is hereby created in the treasury of 58808
state the victims of human trafficking fund consisting of money 58809
seized in connection with a violation of section 2905.32, 2907.21, 58810
or 2907.22 of the Revised Code or acquired from the sale of 58811
personal effects, tools, or other property seized because the 58812
personal effects, tools, or other property were used in the 58813
commission of a violation of section 2905.32, 2907.21, or 2907.22 58814
of the Revised Code or derived from the proceeds of the commission 58815
of a violation of section 2905.32, 2907.21, or 2907.22 of the 58816
Revised Code and deposited pursuant to section 2981.12 of the 58817
Revised Code and such other money as may be appropriated or 58818
contributed to the fund. Money in the fund shall be used for the 58819
sole purpose of treating, caring for, rehabilitating, educating, 58820
housing, and providing assistance for victims of trafficking in 58821
persons. The ~~director of job and family services~~ office of the 58822
attorney general shall administer the fund. 58823

Sec. 5103.02. As used in sections 5103.03 to ~~5103.181~~ 5103.17 58824
of the Revised Code: 58825

(A)(1) "Association" or "institution" includes all of the 58826
following: 58827

(a) Any incorporated or unincorporated organization, society, 58828
association, or agency, public or private, that receives or cares 58829
for children for two or more consecutive weeks; 58830

(b) Any individual, including the operator of a foster home, 58831
who, for hire, gain, or reward, receives or cares for children for 58832
two or more consecutive weeks, unless the individual is related to 58833
them by blood or marriage; 58834

(c) Any individual not in the regular employ of a court, or 58835
of an institution or association certified in accordance with 58836
section 5103.03 of the Revised Code, who in any manner becomes a 58837

party to the placing of children in foster homes, unless the 58838
individual is related to such children by blood or marriage or is 58839
the appointed guardian of such children. 58840

(2) "Association" or "institution" does not include any of 58841
the following: 58842

(a) Any organization, society, association, school, agency, 58843
child guidance center, detention or rehabilitation facility, or 58844
children's clinic licensed, regulated, approved, operated under 58845
the direction of, or otherwise certified by the department of 58846
education, a local board of education, the department of youth 58847
services, the department of mental health and addiction services, 58848
or the department of developmental disabilities; 58849

(b) Any individual who provides care for only a single-family 58850
group, placed there by their parents or other relative having 58851
custody; 58852

(c) A private, nonprofit therapeutic wilderness camp; 58853

(d) A qualified organization as defined in section 2151.90 of 58854
the Revised Code. 58855

(B) "Family foster home" means a foster home that is not a 58856
specialized foster home. 58857

(C) "Foster caregiver" means a person holding a valid foster 58858
home certificate issued under section 5103.03 of the Revised Code. 58859

(D) "Foster home" means a private residence in which children 58860
are received apart from their parents, guardian, or legal 58861
custodian, by an individual reimbursed for providing the children 58862
nonsecure care, supervision, or training twenty-four hours a day. 58863
"Foster home" does not include care provided for a child in the 58864
home of a person other than the child's parent, guardian, or legal 58865
custodian while the parent, guardian, or legal custodian is 58866
temporarily away. Family foster homes and specialized foster homes 58867

are types of foster homes. 58868

(E) "Kinship caregiver" has the same meaning as in section 58869
5101.85 of the Revised Code. 58870

(F) "Medically fragile foster home" means a foster home that 58871
provides specialized medical services designed to meet the needs 58872
of children with intensive health care needs who meet all of the 58873
following criteria: 58874

(1) Under rules adopted by the medicaid director governing 58875
medicaid payments for long-term care services, the children 58876
require a skilled level of care. 58877

(2) The children require the services of a doctor of medicine 58878
or osteopathic medicine at least once a week due to the 58879
instability of their medical conditions. 58880

(3) The children require the services of a registered nurse 58881
on a daily basis. 58882

(4) The children are at risk of institutionalization in a 58883
hospital, skilled nursing facility, or intermediate care facility 58884
for individuals with intellectual disabilities. 58885

(G) "Private, nonprofit therapeutic wilderness camp" means a 58886
structured, alternative residential setting for children who are 58887
experiencing emotional, behavioral, moral, social, or learning 58888
difficulties at home or school in which all of the following are 58889
the case: 58890

(1) The children spend the majority of their time, including 58891
overnight, either outdoors or in a primitive structure. 58892

(2) The children have been placed there by their parents or 58893
another relative having custody. 58894

(3) The camp accepts no public funds for use in its 58895
operations. 58896

(H) "Recommending agency" means a public children services 58897

agency, private child placing agency, or private noncustodial	58898
agency that recommends that the department of job and family	58899
services take any of the following actions under section 5103.03	58900
of the Revised Code regarding a foster home:	58901
(1) Issue a certificate;	58902
(2) Deny a certificate;	58903
(3) Renew a certificate;	58904
(4) Deny renewal of a certificate;	58905
(5) Revoke a certificate.	58906
(I) "Resource caregiver" means a foster caregiver or a	58907
kinship caregiver.	58908
(J) "Resource family" means a foster home or the kinship	58909
caregiver family.	58910
(K) "Specialized foster home" means a medically fragile	58911
foster home or a treatment foster home.	58912
(L) "Treatment foster home" means a foster home that	58913
incorporates special rehabilitative services designed to treat the	58914
specific needs of the children received in the foster home and	58915
that receives and cares for children who are emotionally or	58916
behaviorally disturbed, who are chemically dependent, who have	58917
developmental disabilities, or who otherwise have exceptional	58918
needs.	58919
Sec. 5103.03. (A) The director of job and family services	58920
shall adopt rules as necessary for the adequate and competent	58921
management and certification of institutions or associations. The	58922
director shall ensure that foster care home study rules adopted	58923
under this section align any home study content, time period, and	58924
process with any home study content, time period, and process	58925
required by rules adopted under section 3107.033 of the Revised	58926

Code. 58927

(B)(1) Except for facilities under the control of the 58928
department of youth services, places of detention for children 58929
established and maintained pursuant to sections 2152.41 to 2152.44 58930
of the Revised Code, and child day-care centers subject to Chapter 58931
5104. of the Revised Code, the department of job and family 58932
services shall pass upon the fitness of every institution and 58933
association that receives, or desires to receive and care for 58934
children, or places children in private homes, at a frequency 58935
established by rules adopted under division (A) of this section. 58936

(2) When the department of job and family services is 58937
satisfied as to the care given such children, and that the 58938
requirements of the statutes and rules covering the management of 58939
such institutions and associations are being complied with, it 58940
shall issue to the institution or association a certificate to 58941
that effect. A certificate is valid for a length of time 58942
determined by rules adopted under division (A) of this section. 58943
When determining whether an institution or association meets a 58944
particular requirement for certification, the department may 58945
consider the institution or association to have met the 58946
requirement if the institution or association shows to the 58947
department's satisfaction that it has met a comparable requirement 58948
to be accredited by a nationally recognized accreditation 58949
organization. 58950

(3) The department may issue a temporary certificate valid 58951
for less than one year authorizing an institution or association 58952
to operate until minimum requirements have been met. 58953

(4) An institution or association that knowingly makes a 58954
false statement that is included as a part of certification under 58955
this section is guilty of the offense of falsification under 58956
section 2921.13 of the Revised Code and the department shall not 58957

certify that institution or association. 58958

(5) The department shall not issue a certificate to a 58959
prospective foster home or prospective specialized foster home 58960
pursuant to this section if the prospective foster home or 58961
prospective specialized foster home operates as a type A family 58962
day-care home pursuant to Chapter 5104. of the Revised Code. The 58963
department shall not issue a certificate to a prospective 58964
specialized foster home if the prospective specialized foster home 58965
operates a type B family day-care home pursuant to Chapter 5104. 58966
of the Revised Code. 58967

(C) The department may revoke a certificate pursuant to an 58968
adjudication under Chapter 119. of the Revised Code if it finds 58969
that the institution or association is in violation of law or 58970
rule. No juvenile court shall commit a child to an association or 58971
institution that is required to be certified under this section if 58972
its certificate has been revoked or, if after revocation, the date 58973
of reissue is less than fifteen months prior to the proposed 58974
commitment. 58975

(D) On a frequency specified by the department by rules 58976
adopted under division (A) of this section, each institution or 58977
association desiring certification ~~or recertification~~ shall submit 58978
to the department a report showing its condition, management, 58979
competency to care adequately for the children who have been or 58980
may be committed to it or to whom it provides care or services, 58981
the system of visitation it employs for children placed in private 58982
homes, and other information the department requires. 58983

(E) The department shall, not less than once each year, send 58984
a list of certified institutions and associations to each juvenile 58985
court and certified association or institution. 58986

(F) No person shall receive children or receive or solicit 58987
money on behalf of such an institution or association not so 58988

certified or whose certificate has been revoked. 58989

(G)(1) The director may delegate by rule any duties imposed 58990
on it by this section to inspect and approve family foster homes 58991
and specialized foster homes to public children services agencies, 58992
private child placing agencies, or private noncustodial agencies. 58993

(2) The director shall adopt rules that require a foster 58994
caregiver or other individual certified to operate a foster home 58995
under this section to notify the recommending agency that the 58996
foster caregiver or other individual is licensed to operate a type 58997
B family day-care home under Chapter 5104. of the Revised Code. 58998

(H) If the director of job and family services determines 58999
that an institution or association that cares for children is 59000
operating without a certificate, the director may petition the 59001
court of common pleas in the county in which the institution or 59002
association is located for an order enjoining its operation. The 59003
court shall grant injunctive relief upon a showing that the 59004
institution or association is operating without a certificate. 59005

(I) If both of the following are the case, the director of 59006
job and family services may petition the court of common pleas of 59007
any county in which an institution or association that holds a 59008
certificate under this section operates for an order, and the 59009
court may issue an order, preventing the institution or 59010
association from receiving additional children into its care or an 59011
order removing children from its care: 59012

(1) The department has evidence that the life, health, or 59013
safety of one or more children in the care of the institution or 59014
association is at imminent risk. 59015

(2) The department has issued a proposed adjudication order 59016
pursuant to Chapter 119. of the Revised Code to ~~deny renewal of or~~ 59017
revoke the certificate of the institution or association. 59018

Sec. 5103.032. (A) Except as provided in division (B) of this section and in section 5103.033 of the Revised Code, the department of job and family services may ~~not-renew~~ revoke a foster home certificate under section 5103.03 of the Revised Code ~~unless if~~ the foster caregiver fails to successfully ~~completes~~ complete continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of job and family services if either of the following applies:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.033. (A) The department of job and family services may issue ~~or-renew~~ a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the

prospective foster caregiver or foster caregiver successfully 59049
completes the following: 59050

(1) A preplacement training program approved under section 59051
5103.038 of the Revised Code or a program provided under division 59052
(B) of section 5103.30 of the Revised Code; 59053

(2) Continuing training in accordance with the foster 59054
caregiver's needs assessment and continuing training plan 59055
developed and implemented under section 5103.035 of the Revised 59056
Code. 59057

(B) A foster caregiver to whom either division (B)(1) or (2) 59058
of this section applies shall be given an additional amount of 59059
time within which to complete the continuing training required 59060
under division (A)(2) of this section in accordance with rules 59061
adopted by the department of job and family services: 59062

(1) The foster caregiver has served in active duty outside 59063
this state with a branch of the armed forces of the United States 59064
for more than thirty days in the preceding two-year period. 59065

(2) The foster caregiver has served in active duty as a 59066
member of the Ohio organized militia, as defined in section 59067
5923.01 of the Revised Code, for more than thirty days in the 59068
preceding two-year period and that active duty relates to either 59069
an emergency in or outside of this state or to military duty in or 59070
outside of this state. 59071

Sec. 5103.036. (A) For the purpose of determining whether a 59072
prospective foster caregiver or foster caregiver has satisfied the 59073
requirement of section 5103.031 or 5103.032 of the Revised Code, a 59074
recommending agency shall accept training obtained from either of 59075
the following: 59076

(1) Any preplacement or continuing training program approved 59077
by the department of job and family services under section 59078

5103.038 of the Revised Code; 59079

(2) The Ohio child welfare training program pursuant to 59080
divisions (B) and (C) of section 5103.30 of the Revised Code. 59081

(B) A recommending agency may require that a prospective 59082
foster caregiver or foster caregiver successfully complete 59083
additional training as a condition of the agency recommending that 59084
the department of job and family services certify ~~or recertify~~ the 59085
prospective foster caregiver or foster caregiver's foster home 59086
under section 5103.03 of the Revised Code. 59087

Sec. 5103.0313. Except as provided in section 5103.303 of the 59088
Revised Code, the department of job and family services shall 59089
compensate a private child placing agency or private noncustodial 59090
agency for the cost of procuring or operating preplacement and 59091
continuing training programs approved by the department of job and 59092
family services under section 5103.038 of the Revised Code for 59093
prospective foster caregivers and foster caregivers who are 59094
recommended for ~~initial~~ certification ~~or recertification~~ by the 59095
agency. 59096

The compensation shall be paid to the agency in the form of 59097
an allowance to reimburse the agency for the cost of training 59098
pursuant to the rules adopted by the department of job and family 59099
services in accordance with section 5103.0316 of the Revised Code. 59100

Sec. 5103.0314. The department of job and family services 59101
shall adopt rules regarding the compensation of a recommending 59102
agency for any training the agency requires a foster caregiver to 59103
undergo as a condition of the agency recommending the department 59104
certify the foster caregiver's foster home under section 5103.03 59105
of the Revised Code if the training is in excess of the training 59106
required under section 5103.031 of the Revised Code. 59107

The department of job and family services shall adopt rules 59108

regarding the compensation of a recommending agency for any 59109
training the agency requires a foster caregiver to undergo as a 59110
condition of the agency recommending the department ~~recertify~~ 59111
continue certifying the foster caregiver's foster home under 59112
section 5103.03 of the Revised Code if the training is in addition 59113
to the minimum training required under section 5103.032 of the 59114
Revised Code. 59115

Sec. 5103.0322. On receipt of a recommendation from a public 59116
children services agency, private child placing agency, or private 59117
noncustodial agency regarding an application for, ~~or renewal of,~~ a 59118
family foster home or treatment foster home certification under 59119
section 5103.03 of the Revised Code, the department of job and 59120
family services shall decide whether to issue ~~or renew~~ the 59121
certificate. The department shall notify the agency and the 59122
applicant ~~or certificate holder~~ of its decision. If the 59123
department's decision is different from the recommendation of the 59124
agency, the department shall state in the notice the reason that 59125
the decision is different from the recommendation. 59126

Sec. 5103.0323. (A) As used in this section, "American 59127
institute of certified public accountants auditing standards" and 59128
"AICPA auditing standards" mean the auditing standards published 59129
by the American institute of certified public accountants. 59130

(B) ~~The first time that~~ Not later than two years after the 59131
date of certification, and at least every two years thereafter, a 59132
private child placing agency or private noncustodial agency ~~seeks~~ 59133
~~renewal of a certificate issued under section 5103.03 of the~~ 59134
~~Revised Code,~~ it shall provide the department of job and family 59135
services, ~~as a condition of renewal,~~ evidence of an independent 59136
financial statement audit performed by a licensed public 59137
accounting firm following applicable AICPA auditing standards for 59138
the two most recent fiscal year years. ~~Thereafter, when an agency~~ 59139

~~seeks renewal of its certificate, it shall provide the department 59140
evidence of an independent financial statement audit performed by 59141
a licensed public accounting firm following applicable AICPA 59142
auditing standards for the two most recent previous fiscal years 59143
it is possible for an independent audit to have been conducted. 59144~~

(C) ~~For an agency to be eligible for renewal, the~~ The 59145
independent audits must demonstrate that the agency operated in a 59146
fiscally accountable manner as determined by the department of job 59147
and family services. 59148

(D) The director of job and family services may adopt rules 59149
as necessary to implement this section. The director shall adopt 59150
the rules in accordance with section ~~111.15~~119.03 of the Revised 59151
Code. 59152

Sec. 5103.0326. (A) A recommending agency may recommend that 59153
the department of job and family services ~~not renew~~ revoke a 59154
foster home certificate under section 5103.03 of the Revised Code 59155
if the foster caregiver refused to accept the placement of any 59156
children into the foster home during the ~~current certification~~ 59157
period preceding twelve months. Based on the agency's 59158
recommendation, the department may ~~refuse to renew~~ revoke a foster 59159
home certificate pursuant to an adjudication under Chapter 119. of 59160
the Revised Code. 59161

(B) The department of job and family services may revoke, 59162
pursuant to an adjudication under Chapter 119. of the Revised 59163
Code, the certification of any foster caregiver who has not cared 59164
for one or more foster children in the foster caregiver's home 59165
within the preceding twelve months. Prior to the revocation of any 59166
certification pursuant to this division, the recommending agency 59167
shall have the opportunity to provide good cause for the 59168
department to continue the certification and not revoke the 59169
certification. If the department decides to revoke the 59170

certification, the department shall notify the recommending agency 59171
that the certification will be revoked. 59172

Sec. 5103.0328. (A) Not later than ninety-six hours after 59173
receiving notice from the superintendent of the bureau of criminal 59174
identification and investigation pursuant to section 109.5721 of 59175
the Revised Code that a foster caregiver has been arrested for, 59176
convicted of, or pleaded guilty to any foster 59177
caregiver-disqualifying offense, and not later than ninety-six 59178
hours after learning in any other manner that a foster caregiver 59179
has been arrested for, convicted of, or pleaded guilty to any 59180
foster caregiver-disqualifying offense, the department of job and 59181
family services shall provide notice of that arrest, conviction, 59182
or guilty plea to both the recommending agency relative to the 59183
foster caregiver and the custodial agency of any child currently 59184
placed with that caregiver. 59185

(B) If a recommending agency receives notice from the 59186
department of job and family services pursuant to division (A) of 59187
this section that a foster caregiver has been convicted of or 59188
pleaded guilty to any foster caregiver-disqualifying offense, or 59189
if a recommending agency learns in any other manner that a foster 59190
caregiver has been convicted of or pleaded guilty to any foster 59191
caregiver-disqualifying offense, the recommending agency shall 59192
assess the foster caregiver's overall situation for safety 59193
concerns and forward any recommendations, if applicable, for 59194
revoking the foster caregiver's certificate to the department for 59195
the department's review for possible revocation. 59196

(C) As used in this section, "foster caregiver-disqualifying 59197
offense" means any offense or violation listed or described in 59198
~~division (C)(1) of section 2151.86~~ 5103.256 of the Revised Code. 59199

Sec. 5103.05. (A) As used in this section and section 59200

5103.051 of the Revised Code: 59201

(1) "Children's residential center" means a facility that is 59202
operated by a private child placing agency, private noncustodial 59203
agency, or public children services agency, that has been 59204
certified by the department of job and family services to operate 59205
a children's residential center, and in which eleven or more 59206
children, including the children of any staff residing at the 59207
facility, are given nonsecure care and supervision twenty-four 59208
hours a day. 59209

(2) "Children's crisis care facility" has the same meaning as 59210
in section 5103.13 of the Revised Code. 59211

(3) "County children's home" means a facility established 59212
under section 5153.21 of the Revised Code. 59213

(4) "District children's home" means a facility established 59214
under section 5153.42 of the Revised Code. 59215

(5) "Group home for children" means any public or private 59216
facility that is operated by a private child placing agency, 59217
private noncustodial agency, or public children services agency, 59218
that has been certified by the department to operate a group home 59219
for children, and that meets all of the following criteria: 59220

(a) Gives, for compensation, a maximum of ten children, 59221
including the children of the operator or any staff who reside in 59222
the facility, nonsecure care and supervision twenty-four hours a 59223
day by a person or persons who are unrelated to the children by 59224
blood or marriage, or who is not the appointed guardian of any of 59225
the children; 59226

(b) Is not certified as a foster home; 59227

(c) Receives or cares for children for two or more 59228
consecutive weeks. 59229

"Group home for children" does not include any facility that 59230

provides care for children from only a single-family group, placed 59231
at the facility by the children's parents or other relative having 59232
custody. 59233

(6) "Residential facility" means a group home for children, 59234
children's crisis care facility, children's residential center, 59235
residential parenting facility that provides twenty-four-hour 59236
child care, county children's home, or district children's home. A 59237
foster home is not a residential facility. 59238

(7) "Residential parenting facility" means a facility 59239
operated by a private child placing agency, private noncustodial 59240
agency, or public children services agency, that has been 59241
certified by the department to operate a residential parenting 59242
facility, in which teenage mothers and their children reside for 59243
the purpose of keeping mother and child together, teaching 59244
parenting and life skills to the mother, and assisting teenage 59245
mothers in obtaining educational or vocational training and 59246
skills. 59247

(8) "Nonsecure care and supervision" means care and 59248
supervision of a child in a residential facility that does not 59249
confine or prevent movement of the child within the facility or 59250
from the facility. 59251

(B) Within ten days after the commencement of operations at a 59252
residential facility, the facility shall provide the following to 59253
all county, municipal, or township law enforcement agencies, 59254
emergency management agencies, and fire departments with 59255
jurisdiction over the facility: 59256

(1) Written notice that the facility is located and will be 59257
operating in the agency's or department's jurisdiction. The 59258
written notice shall provide the address of the facility, identify 59259
the facility as a group home for children, children's crisis care 59260
facility, children's residential center, residential parenting 59261

facility, county children's home, or district children's home, and 59262
provide contact information for the facility. 59263

(2) A copy of the facility's procedures for emergencies and 59264
disasters established pursuant to rules adopted under section 59265
5103.03 of the Revised Code; 59266

(3) A copy of the facility's medical emergency plan 59267
established pursuant to rules adopted under section 5103.03 of the 59268
Revised Code; 59269

(4) A copy of the facility's community engagement plan 59270
established pursuant to rules adopted under section 5103.051 of 59271
the Revised Code. 59272

(C) Within ten days of a ~~facility's recertification by the~~ 59273
~~department~~ any change to the facility's information described in 59274
divisions (B)(2), (3), and (4) of this section, the facility shall 59275
provide to all county, municipal, or township law enforcement 59276
agencies, emergency management agencies, and fire departments with 59277
jurisdiction over the facility updated copies of the information 59278
required to be provided under divisions (B)(2), (3), and (4) of 59279
this section. 59280

(D) The department may adopt rules in accordance with Chapter 59281
119. of the Revised Code necessary to implement this section. 59282

Sec. 5103.13. (A) As used in this section and section 59283
5103.131 of the Revised Code: 59284

(1)(a) "Children's crisis care facility" means a facility 59285
that has as its primary purpose the provision of residential and 59286
other care to either or both of the following: 59287

(i) One or more preteens voluntarily placed in the facility 59288
by the preteen's parent or other caretaker who is facing a crisis 59289
that causes the parent or other caretaker to seek temporary care 59290
for the preteen and referral for support services; 59291

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

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

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

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

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

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

(3) "Pediatric medical service" means medical service required to be provided by, or with oversight from, a licensed medical professional, including prescribing medication, administering rectal or intravenous medication, and outpatient laboratory service, and providing for sick visits, on-site well child exams, and children assisted by medical technology.

(4) "Preteen" means an individual under thirteen years of

age. 59323

(B) No person shall operate a children's crisis care facility 59324
or hold a children's crisis care facility out as a certified 59325
children's crisis care facility unless there is a valid children's 59326
crisis care facility certificate issued under this section for the 59327
facility. 59328

(C)(1) A person seeking to operate a children's crisis care 59329
facility shall apply to the director of job and family services to 59330
obtain a certificate for the facility. 59331

(2)(a) The director shall certify the person's children's 59332
crisis care facility if the facility meets all of the 59333
certification standards established in rules adopted under 59334
division (H) of this section and the person complies with all of 59335
the rules governing the certification of children's crisis care 59336
facilities adopted under that division. The issuance of a 59337
children's crisis care facility certificate does not exempt the 59338
facility from a requirement to obtain another certificate or 59339
license mandated by law. 59340

(b) The director shall not issue a waiver to a person for 59341
compliance with any of the requirements imposed under this section 59342
or any of the rules adopted under division (H) of this section. 59343

(D) No certified children's crisis care facility shall do any 59344
of the following: 59345

(1) Provide residential care to a preteen for more than one 59346
hundred twenty days in a calendar year; 59347

(2) Provide residential care to a preteen for more than 59348
ninety consecutive days, which shall include the aggregate of days 59349
spent at different facility locations if a preteen is transferred 59350
in accordance with division (E)(4) of this section; 59351

(3) Provide residential care to a preteen for more than 59352

fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;

(4) Fail to comply with ~~section 2151.86~~ sections 5103.251, 5103.252, 5103.253, 5103.254, and 5103.255 of the Revised Code.

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

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

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

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

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

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

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

(3) Require, if a preteen is admitted by the preteen's parent or caretaker, the facility's licensed social worker, licensed

independent social worker, licensed professional counselor, or 59383
licensed professional clinical counselor to make their best 59384
efforts to ensure the parent or caretaker is competent in the 59385
basic parenting skills needed to care for the preteen; 59386

(4) Require only a transfer summary for the transfer of a 59387
preteen from one certified children's crisis care facility 59388
location to another, if the facility has more than one location; 59389

(5) Require the facility to have a dedicated and private 59390
enclosed space for the purpose of completing required admission 59391
paperwork and medical forms; 59392

(6) Require the facility to develop a visitation plan for the 59393
preteen's parent or caretaker with the preteen while residential 59394
care is being provided, which shall occur during awake hours and 59395
not include overnight visits, for the parent or caretaker with the 59396
preteen. 59397

(F) A certified children's crisis care facility may do the 59398
following: 59399

(1) Count administrative staff, interns, and volunteers 59400
toward child staff ratios required under paragraph (G) of rule 59401
5101:2-9-36 of the Administrative Code for up to three hours if 59402
the administrative staff, interns, or volunteers meet the 59403
following requirements: 59404

(a) Completed training in the mission of the children's 59405
crisis care facility; 59406

(b) Completed training pursuant to rule 5101:2-9-03 of the 59407
Administrative Code; 59408

(c) Are supervised by facility staff. 59409

(2) Use contracted transportation providers, on whom criminal 59410
records checks have been conducted in accordance with section 59411
2151.86 or 5103.251 of the Revised Code, to transport preteens, if 59412

such use is necessary for the facility to maintain required child 59413
staff ratios. 59414

(G) The director of job and family services may suspend or 59415
revoke a children's crisis care facility's certificate pursuant to 59416
Chapter 119. of the Revised Code if the facility violates or fails 59417
to comply with any of the requirements under this section or 59418
ceases to meet any of the certification standards established in 59419
rules adopted under division (H) of this section or the facility's 59420
operator ceases to comply with any of the rules governing the 59421
certification of children's crisis care facilities adopted under 59422
that division. 59423

(H) Not later than ninety days after September 21, 2006, the 59424
director of job and family services shall adopt rules pursuant to 59425
Chapter 119. of the Revised Code for the certification of 59426
children's crisis care facilities. The rules shall specify that a 59427
certificate shall not be issued to an applicant if the conditions 59428
at the children's crisis care facility would jeopardize the health 59429
or safety of the preteens placed in the facility. 59430

Sec. 5103.162. (A) Except as provided in division (B) of this 59431
section, a ~~foster~~ resource caregiver shall be immune from 59432
liability in a civil action to recover damages for injury, death, 59433
or loss to person or property allegedly caused by an act or 59434
omission in connection with a power, duty, responsibility, or 59435
authorization under this chapter or under rules adopted under 59436
authority of this chapter. 59437

(B) The immunity described in division (A) of this section 59438
does not apply to a ~~foster~~ resource caregiver if, in relation to 59439
the act or omission in question, any of the following applies: 59440

(1) The act or omission was manifestly outside the scope of 59441
the ~~foster~~ resource caregiver's power, duty, responsibility, or 59442
authorization. 59443

(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner. 59444
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(3) Liability for the act or omission is expressly imposed by a section of the Revised Code. 59446
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(C)(1) A ~~foster~~ resource caregiver shall use a reasonable and prudent parent standard when ~~considering~~ doing any of the following: 59448
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(a) Considering whether to authorize a foster child who resides in the ~~foster~~ resource home to participate in extracurricular, enrichment, and social activities; 59451
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(b) Signing an application for a probationary license, restricted license, or a temporary instruction permit on behalf of the child. 59454
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(2) A public children services agency, private child placing agency, or private noncustodial agency that serves as the child's custodian or as the supervising agency for the ~~foster~~ resource caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property that result from a ~~foster~~ resource caregiver's or agency's decisions using a reasonable and prudent parent standard in accordance with division ~~(C)(1)~~ (C)(1)(a) or (b) of this section. 59457
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(3) Nothing in this section shall affect, limit, abridge, or otherwise modify the immunities and defenses available to a public children services agency as a political subdivision under Chapter 2744. of the Revised Code. 59465
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(4) As used in this section, "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caregiver or agency shall use when determining whether to allow a child in the care of 59469
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a ~~foster~~ resource caregiver to participate in extracurricular, 59475
enrichment, and social activities. 59476

Sec. 5103.163. (A) The department of job and family services 59477
shall adopt rules in accordance with Chapter 119. of the Revised 59478
Code to establish and enforce a resource family bill of rights for 59479
resource families providing care for individuals who are in the 59480
custody or care and placement of an agency that provides Title 59481
IV-E reimbursable services pursuant to sections 5103.03 to 59482
~~5103.181~~ 5103.17 of the Revised Code. 59483

(B) If the rights of the resource family conflict with the 59484
rights of the individual established by section 2151.316 of the 59485
Revised Code, division (B) of section 2151.316 of the Revised Code 59486
shall apply. 59487

(C) The rights established by rules under this section shall 59488
not create grounds for a civil action against the department, the 59489
recommending agency, or the custodial agency. 59490

Sec. 5103.20. The interstate compact for the placement of 59491
children is hereby enacted into law and entered into with all 59492
other jurisdictions legally joining therein in form substantially 59493
as follows: 59494

ARTICLE I. 59495

PURPOSE 59496

The purpose of this compact is to: 59497

(A) Provide a process through which children subject to this 59498
compact are placed in safe and suitable homes in a timely manner. 59499

(B) Facilitate ongoing supervision of a placement, the 59500
delivery of services, and communication between the states. 59501

(C) Provide operating procedures that will ensure that 59502
children are placed in safe and suitable homes in a timely manner. 59503

(D) Provide for the promulgation and enforcement of 59504
administrative rules implementing the provisions of this compact 59505
and regulating the covered activities of the member states. 59506

(E) Provide for uniform data collection and information 59507
sharing between member states under this compact. 59508

(F) Promote coordination between this compact, the Interstate 59509
Compacts for Juveniles, the Interstate Compact on Adoption and 59510
Medical Assistance and other compacts affecting the placement of 59511
and which provide services to children otherwise subject to this 59512
compact. 59513

(G) Provide for a state's continuing legal jurisdiction and 59514
responsibility for placement and care of a child that it would 59515
have had if the placement were intrastate. 59516

(H) Provide for the promulgation of guidelines, in 59517
collaboration with Indian tribes, for interstate cases involving 59518
Indian children as is or may be permitted by federal law. 59519

ARTICLE II. 59520

DEFINITIONS 59521

As used in this compact: 59522

(A) "Approved placement" means the public child placing 59523
agency in the receiving state has determined after an assessment 59524
that the placement is both safe and suitable for the child ~~and is~~ 59525
~~in compliance with the applicable laws of the receiving state~~ 59526
~~governing the placement of children therein.~~ 59527

(B) "Assessment" means an evaluation of a prospective 59528
placement by a public child placing agency in the receiving state 59529
to determine ~~whether~~ if the placement meets the individualized 59530
needs of the child, including but not limited to the child's 59531
safety and stability, health and well-being, and mental, 59532
emotional, and physical development. An assessment is only 59533
applicable to a placement by a public child placing agency. 59534

(C) "Child" means an individual who has not attained the age of eighteen (18). 59535
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(D) "Certification" means to attest, declare, or swear to before a judge or notary public. 59537
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(E) "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission. 59539
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(F) "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located. 59542
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~~(E)~~(G) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3 (c) of the Alaska Native Claims Settlement Act at 43 USC section 1602(c). 59548
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~~(F)~~(H) "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the Interstate Commission. 59554
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~~(G)~~(I) "Jurisdiction" means the power and authority of a court to hear and decide matters. 59558
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(J) "Legal risk placement" ("legal risk adoption") means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until 59560
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all required consents are obtained or are dispensed with in 59566
accordance with applicable law. 59567

~~(H)~~(K) "Member state" means a state that has enacted this 59568
compact. 59569

~~(I)~~(L) "Non-custodial parent" means a person who, at the time 59570
of the commencement of court proceedings in the sending state, 59571
does not have sole legal custody of the child or has joint legal 59572
custody of a child, and who is not the subject of allegations or 59573
findings of child abuse or neglect. 59574

~~(J)~~(M) "Non-member state" means a state which has not enacted 59575
this compact. 59576

~~(K)~~(N) "Notice of residential placement" means information 59577
regarding a placement into a residential facility provided to the 59578
receiving state including, but not limited to the name, date, and 59579
place of birth of the child, the identity and address of the 59580
parent or legal guardian, evidence of authority to make the 59581
placement, and the name and address of the facility in which the 59582
child will be placed. Notice of residential placement shall also 59583
include information regarding a discharge and any unauthorized 59584
absence from the facility. 59585

~~(L)~~(O) "Placement" means the act by a public or private child 59586
placing agency intended to arrange for the care or custody of a 59587
child in another state. 59588

~~(M)~~(P) "Private child placing agency" means any private 59589
corporation, agency, foundation, institution, or charitable 59590
organization, or any private person or attorney that facilitates, 59591
causes, or is involved in the placement of a child from one state 59592
to another and that is not an instrumentality of the state or 59593
acting under color of state law. 59594

~~(N)~~(Q) "Provisional placement" means that a determination 59595
made by the public child placing agency in the receiving state ~~has~~ 59596

~~determined~~ that the proposed placement is safe and suitable, and, 59597
to the extent allowable, the receiving state has temporarily 59598
waived its standards or requirements otherwise applicable to 59599
prospective foster or adoptive parents so as to not delay the 59600
placement. Completion of the receiving state requirements 59601
regarding training for prospective foster or adoptive parents 59602
shall not delay an otherwise safe and suitable placement. 59603

~~(O)~~(R) "Public child placing agency" means any government 59604
child welfare agency or child protection agency or a private 59605
entity under contract with such an agency, regardless of whether 59606
they act on behalf of a state, county, municipality, or other 59607
governmental unit and which facilitates, causes, or is involved in 59608
the placement of a child from one state to another. 59609

~~(P)~~(S) "Receiving state" means the state to which a child is 59610
sent, brought, or caused to be sent or brought. 59611

~~(Q)~~(T) "Relative" means someone who is related to the child 59612
as a parent, step-parent, sibling by half or whole blood or by 59613
adoption, grandparent, aunt, uncle, or first cousin or a 59614
non-relative with such significant ties to the child that they may 59615
be regarded as relatives as determined by the court in the sending 59616
state. 59617

~~(R)~~(U) "Residential Facility" means a facility providing a 59618
level of care that is sufficient to substitute for parental 59619
responsibility or foster care, and is beyond what is needed for 59620
assessment or treatment of an acute condition. For purposes of the 59621
compact, residential facilities do not include institutions 59622
primarily educational in character, hospitals, or other medical 59623
facilities. 59624

~~(S)~~(V) "Rule" means a written directive, mandate, standard, 59625
or principle issued by the Interstate Commission promulgated 59626
pursuant to Article XI of this compact that is of general 59627

applicability and that implements, interprets or prescribes a 59628
policy or provision of the compact. "Rule" has the force and 59629
effect of ~~statutory law~~ an administrative rule in a member state, 59630
and includes the amendment, repeal, or suspension of an existing 59631
rule. 59632

~~(T)~~(W) "Sending state" means the state from which the 59633
placement of a child is initiated. 59634

~~(U)~~(X) "Service member's permanent duty station" means the 59635
military installation where an active duty Armed Services member 59636
is currently assigned and is physically located under competent 59637
orders that do not specify the duty as temporary. 59638

~~(V)~~(Y) "Service member's state of ~~local~~ legal residence" 59639
means the state in which the active duty Armed Services member is 59640
considered a resident for tax and voting purposes. 59641

~~(W)~~(Z) "State" means a state of the United States, the 59642
District of Columbia, the Commonwealth of Puerto Rico, the U.S. 59643
Virgin Islands, Guam, American Samoa, the Northern Marianas 59644
Islands and any other territory of the United States. 59645

~~(X)~~(AA) "State court" means a judicial body of a state that 59646
is vested by law with responsibility for adjudicating cases 59647
involving abuse, neglect, deprivation, delinquency or status 59648
offenses of individuals who have not attained the age of eighteen 59649
(18). 59650

~~(Y)~~(BB) "Supervision" means monitoring provided by the 59651
receiving state once a child has been placed in a receiving state 59652
pursuant to this compact. 59653

ARTICLE III. 59654

APPLICABILITY 59655

(A) Except as otherwise provided in Article III, Section B, 59656
this compact shall apply to: 59657

(1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

(2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

(a) The child is being placed in a residential facility in another member state and is not covered under another compact; or

(b) The child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

(3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.

(B) The provisions of this compact shall not apply to:

(1) The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided, the placement is not intended to effectuate an adoption.

(2) The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

~~(2)~~(3) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

~~(3)~~(4) The placement of a child, not subject to Article III,

Section A, into a residential facility by his parent. 59688

~~(4)~~(5) The placement of a child with a non-custodial parent 59689
provided that: 59690

(a) The non-custodial parent proves to the satisfaction of a 59691
court in the sending state a substantial relationship with the 59692
child; and 59693

(b) The court in the sending state makes a written finding 59694
that placement with the non-custodial parent is in the best 59695
interests of the child; and 59696

(c) The court in the sending state dismisses its jurisdiction 59697
over the child's case in interstate placements in which the public 59698
child placing agency is a party to the proceeding. 59699

~~(5)~~(6) A child entering the United States from a foreign 59700
country for the purpose of adoption or leaving the United States 59701
to go to a foreign country for the purpose of adoption in that 59702
country. 59703

~~(6)~~(7) Cases in which a U.S. citizen child living overseas 59704
with his family, at least one of whom is in the U.S. Armed 59705
Services, and who is stationed overseas, is removed and placed in 59706
a state. 59707

~~(7)~~(8) The sending of a child by a public child placing 59708
agency or a private child placing agency for a visit as defined by 59709
the rules of the Interstate Commission. 59710

(C) For purposes of determining the applicability of this 59711
compact to the placement of a child with a family in the Armed 59712
Services, the public child placing agency or private child placing 59713
agency may choose the state of the service member's permanent duty 59714
station or the service member's declared legal residence. 59715

(D) Nothing in this compact shall be construed to prohibit 59716
the concurrent application of the provisions of this compact with 59717

other applicable interstate compacts including the Interstate 59718
Compact for Juveniles and the Interstate Compact on Adoption and 59719
Medical Assistance. The Interstate Commission may in cooperation 59720
with other interstate compact commissions having responsibility 59721
for the interstate movement, placement or transfer of children, 59722
promulgate like rules to ensure the coordination of services, 59723
timely placement of children, and the reduction of unnecessary or 59724
duplicative administrative or procedural requirements. 59725

ARTICLE IV. 59726

JURISDICTION 59727

(A) The Except as provided in Article IV, Section H and 59728
Article V, Section B, paragraph two and three concerning private 59729
and independent adoptions, and in interstate placements in which 59730
the public child placing agency is not a party to a custody 59731
proceeding, the sending state shall retain jurisdiction over a 59732
child with respect to all matters of custody and disposition of 59733
the child which it would have had if the child had remained in the 59734
sending state. Such jurisdiction shall also include the power to 59735
order the return of the child to the sending state. 59736

(B) When an issue of child protection or custody is brought 59737
before a court in the receiving state, such court shall confer 59738
with the court of the sending state to determine the most 59739
appropriate forum for adjudication. 59740

(C) In cases that are before courts and subject to this 59741
compact, the taking of testimony for hearings before any judicial 59742
officer may occur in person or by telephone, audio-video 59743
conference, or such other means as approved by the rules on the 59744
Interstate Commission; and judicial officers may communicate with 59745
other judicial officers and persons involved in the interstate 59746
process as may be permitted by their Canons of Judicial Conduct 59747
and any rules promulgated by the Interstate Commission. 59748

(D) In accordance with its own laws, the court in the sending 59749

state shall have authority to terminate its jurisdiction if: 59750

(1) The child is reunified with the parent in the receiving 59751
state who is the subject of allegations or findings of abuse or 59752
neglect, only with the concurrence of the public child placing 59753
agency in the receiving state; or 59754

(2) The child is adopted; or 59755

(3) The child reaches the age of majority under the laws of 59756
the sending state; or 59757

(4) The child achieves legal independence pursuant to the 59758
laws of the sending state; or 59759

(5) A guardianship is created by a court in the receiving 59760
state with the concurrence of the court in the sending state; or 59761

(6) An Indian tribe has petitioned for and received 59762
jurisdiction from the court in the sending state; or 59763

(7) The public child placing agency of the sending state 59764
requests termination and has obtained the concurrence of the 59765
public child placing agency in the receiving ~~the~~ state. 59766

~~(D)~~(E) When a sending state court terminates its 59767
jurisdiction, the receiving state child placing agency shall be 59768
notified. 59769

~~(E)~~(F) Nothing in this article shall defeat a claim of 59770
jurisdiction by a receiving state court sufficient to deal with an 59771
act of truancy, delinquency, crime or behavior involving a child 59772
as defined by the laws of the receiving state committed by the 59773
child in the receiving state which would be a violation of its 59774
laws. 59775

~~(F)~~(G) Nothing in this article shall limit the receiving 59776
state's ability to take emergency jurisdiction for the protection 59777
of the child. 59778

(H) The substantive laws of the state in which an adoption 59779

will be finalized shall solely govern all issues relating to the 59780
adoption of the child and the court in which the adoption 59781
proceeding is filed shall have subject matter jurisdiction 59782
regarding all substantive issues relating to the adoption except: 59783

(1) When the child is a ward of another court that 59784
established jurisdiction over the child prior to the placement; or 59785

(2) When the child is in the legal custody of a public agency 59786
in the sending state; or 59787

(3) When a court in the sending state has otherwise 59788
appropriately assumed jurisdiction over the child, prior to the 59789
submission of the request for approval of placement. 59790

(I) A final decree of adoption shall not be entered in any 59791
jurisdiction until the placement is authorized as an "approved 59792
placement" by the public child placing agency in the receiving 59793
state. 59794

ARTICLE V. 59795

ASSESSMENTS 59796

(A) Prior to sending, bringing, or causing a child to be sent 59797
or brought into a receiving state, the public child placing agency 59798
shall provide a written request for assessment to the receiving 59799
state. 59800

~~(B) Prior to the sending, bringing, or causing a child to be~~ 59801
~~sent or brought into a receiving state, the~~ For placements by a 59802
private child placing agency, a child may be sent or brought, or 59803
caused to be sent or brought, into a receiving state, upon receipt 59804
and immediate review of the required content in a request for 59805
approval of a placement in both the sending and receiving state 59806
public child placing agency. The required content to accompany a 59807
request for approval shall include all of the following: 59808

~~(1) Provide evidence that the applicable laws of the sending~~ 59809
~~state have been complied with~~ A request for approval identifying 59810

the child, birth parent(s), the prospective adoptive parent(s), 59811
and the supervising agency, signed by the person requesting 59812
approval; and 59813

~~(2) Certification that the consent or relinquishment is in~~ 59814
~~compliance with applicable law of the birth parent's state of~~ 59815
~~residence or, where permitted, the laws of the state of where the~~ 59816
~~finalization of the adoption will occur~~ The appropriate consents 59817
or relinquishments signed by the birth parents in accordance with 59818
the laws of the sending state, or, where permitted, the laws of 59819
the state where the adoption will be finalized; and 59820

~~(3) Request through the public child placing agency in the~~ 59821
~~sending state an assessment to be conducted in the receiving state~~ 59822
Certification by a licensed attorney or authorized agent of a 59823
private adoption agency that the consent or relinquishment is in 59824
compliance with the applicable laws of the sending state, or, 59825
where permitted, the laws of the state where finalization of the 59826
adoption will occur; and 59827

~~(4) Upon completion of the assessment, obtain the approval of~~ 59828
~~the public child placing agency in the receiving state~~ A home 59829
study; and 59830

(5) An acknowledgment of legal risk signed by the prospective 59831
adoptive parents. 59832

(C) The sending state and the receiving state may request 59833
additional information or documents prior to finalization of an 59834
approved placement, but they may not delay travel by the 59835
prospective adoptive parents with the child if the required 59836
content for approval has been submitted, received, and reviewed by 59837
the public child placing agency in both the sending state and the 59838
receiving state. 59839

(D) Approval from the public child placing agency in the 59840
receiving state for a provisional or approved placement is 59841

required as provided for in the rules of the Interstate 59842
Commission. 59843

(E) The procedures for making and the request for an 59844
assessment shall contain all information and be in such form as 59845
provided for in the rules of the Interstate Commission. 59846

~~(D)~~(F) Upon receipt of a request from the public child 59847
~~welfare~~ placing agency of the sending state, the receiving state 59848
shall initiate an assessment of the proposed placement to 59849
determine its safety and suitability. If the proposed placement is 59850
a placement with a relative, the public child placing agency of 59851
the sending state may request a determination ~~of whether the~~ 59852
~~placement qualifies as~~ for a provisional placement. 59853

~~(E)~~(G) The public child placing agency in the receiving state 59854
may request from the public child placing agency or the private 59855
child placing agency in the sending state, and shall be entitled 59856
to receive supporting or additional information necessary to 59857
complete the assessment. 59858

~~(F)~~(H) The public child placing agency in the receiving state 59859
shall approve a provisional placement and complete or arrange for 59860
the completion of the assessment within the timeframes established 59861
by the rules of the Interstate Commission. 59862

(I) For a placement by a private child placing agency, the 59863
sending state shall not impose any additional requirements to 59864
complete the home study that are not required by the receiving 59865
state, unless adoption is finalized in the sending state. 59866

~~(G)~~(J) The Interstate Commission may develop uniform 59867
standards for the assessment of the safety and suitability of 59868
interstate placements. 59869

ARTICLE VI. 59870

PLACEMENT AUTHORITY 59871

(A) Except as otherwise provided in ~~Article VI, Section C~~ 59872

this compact, no child subject to this compact shall be placed 59873
into a receiving state until approval for such placement is 59874
obtained. 59875

(B) If the public child placing agency in the receiving state 59876
does not approve the proposed placement then the child shall not 59877
be placed. The receiving state shall provide written documentation 59878
of any such determination in accordance with the rules promulgated 59879
by the Interstate Commission. Such determination is not subject to 59880
judicial review in the sending state. 59881

(C) If the proposed placement is not approved, any interested 59882
party shall have standing to seek an administrative review of the 59883
receiving state's determination. 59884

(1) The administrative review and any further judicial review 59885
associated with the determination shall be conducted in the 59886
receiving state pursuant to its applicable ~~administrative~~ 59887
~~procedures~~ Administrative Procedures Act. 59888

(2) If a determination not to approve the placement of the 59889
child in the receiving state is overturned upon review, the 59890
placement shall be deemed approved, provided however that all 59891
administrative or judicial remedies have been exhausted or the 59892
time for such remedies has passed. 59893

ARTICLE VII. 59894

STATE RESPONSIBILITY 59895

(A) For the interstate placement of a child made by a public 59896
child placing agency or state court: 59897

(1) The public child placing agency in the sending state 59898
shall have financial responsibility for: 59899

(a) The ongoing support and maintenance for the child during 59900
the period of the placement, unless otherwise provided for in the 59901
receiving state; and 59902

(b) As determined by the public child placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state. 59903
59904
59905

(2) The receiving state shall only have financial responsibility for: 59906
59907

(a) Any assessment conducted by the receiving state; and 59908

(b) Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending state. 59909
59910
59911

(3) Nothing in this provision shall prohibit public child placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision. 59912
59913
59914
59915

(B) For the placement of a child by a private child placing agency preliminary to a possible adoption, the private child placing agency shall be: 59916
59917
59918

(1) Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption. 59919
59920
59921

(2) Financially responsible for the child absent a contractual agreement to the contrary. 59922
59923

~~(C) A private child placing agency shall be responsible for any assessment conducted in the receiving state and any supervision conducted by the receiving state at the level required by the laws of the receiving state or the rules of the Interstate Commission. 59924
59925
59926
59927
59928~~

~~(D)~~ The public child placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission. 59929
59930
59931

~~(E)~~(D) The public child placing agency in the receiving state 59932

shall provide, or arrange for the provision of, supervision and 59933
services for the child, including timely reports, during the 59934
period of the placement. 59935

~~(F)~~(E) Nothing in this compact shall be construed as to limit 59936
the authority of the public child placing agency in the receiving 59937
state from contracting with a licensed agency or person in the 59938
receiving state for an assessment or the provision of supervision 59939
or services for the child or otherwise authorizing the provision 59940
of supervision or services by a licensed agency during the period 59941
of placement. 59942

~~(G)~~(F) Each member state shall provide for coordination among 59943
its branches of government concerning the state's participation 59944
in, and compliance with, the compact and Interstate Commission 59945
activities, through the creation of an advisory council or use of 59946
an existing body or board. 59947

~~(H)~~(G) Each member state shall establish a central state 59948
compact office, which shall be responsible for state compliance 59949
with the compact and the rules of the Interstate Commission. 59950

~~(I)~~(H) The public child placing agency in the sending state 59951
shall oversee compliance with the provisions of the Indian Child 59952
Welfare Act (25 USC 1901 et seq.) for placements subject to the 59953
provisions of this compact, prior to placement. 59954

~~(J)~~(I) With the consent of the Interstate Commission, states 59955
may enter into limited agreements that facilitate the timely 59956
assessment and provision of services and supervisions of 59957
placements under this compact. 59958

ARTICLE VIII. 59959

INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN 59960

The member states hereby establish, by way of this compact, a 59961
commission known as the "Interstate Commission for the Placement 59962
of Children." The activities of the Interstate Commission are the 59963

formation of public policy and are a discretionary state function. 59964
The Interstate Commission shall: 59965

(A) Be joint commission of the member states and shall have 59966
the responsibilities, powers and duties set forth herein, and such 59967
additional powers as may be conferred upon it by subsequent 59968
concurrent action of the respective legislatures of the member 59969
states. 59970

(B) Consist of one commissioner from each member state who 59971
shall be appointed by the executive head of the state human 59972
services administration with ultimate responsibility for the child 59973
welfare program. The appointed commissioner shall have the legal 59974
authority to vote on policy related matters governed by this 59975
compact binding the state. 59976

(1) Each member state represented at a meeting of the 59977
Interstate Commission is entitled to one vote. 59978

(2) A majority of the member states shall constitute a quorum 59979
for the transaction of business, unless a larger quorum is 59980
required by the bylaws of the Interstate Commission. 59981

(3) A representative shall not delegate a vote to another 59982
member state. 59983

(4) A representative may delegate voting authority to another 59984
person from their state for a specified meeting. 59985

(C) In addition to the commissioners of each member state, 59986
the Interstate Commission shall include persons who are members of 59987
interested organizations as defined in the bylaws or rules of the 59988
Interstate Commission. Such members shall be ex officio and shall 59989
not be entitled to vote on any matter before the Interstate 59990
Commission. 59991

(D) Establish an executive committee which shall have the 59992
authority to administer the day-to-day operations and 59993

administration of the Interstate Commission. It shall not have the 59994
power to engage in rulemaking. 59995

ARTICLE IX. 59996

POWERS AND DUTIES OF THE INTERSTATE COMMISSION 59997

The Interstate Commission shall have the following powers: 59998

(A) To promulgate rules and take all necessary actions to 59999
effect the goals, purposes, and obligations as enumerated in this 60000
compact. 60001

(B) To provide for dispute resolution among member states. 60002

(C) To issue, upon request of a member state, advisory 60003
opinions concerning the meaning or interpretation of the 60004
interstate compact, its bylaws, rules, or actions. 60005

(D) To enforce compliance with this compact or the bylaws or 60006
rules of the Interstate Commission pursuant to Article XII. 60007

(E) Collect standardized data concerning the interstate 60008
placement of children subject to this compact as directed through 60009
its rules which shall specify the data to be collected, the means 60010
of collection, and data exchange and reporting requirements. 60011

(F) To establish and maintain offices as may be necessary for 60012
the transacting of its business. 60013

(G) To purchase and maintain insurance and bonds. 60014

(H) To hire or contract for services of personnel or 60015
consultants as necessary to carry out its functions under the 60016
compact and establish personnel qualification policies, and rates 60017
of compensation. 60018

(I) To establish and appoint committees and officers 60019
including, but not limited to, an executive committee as required 60020
by Article X. 60021

(J) To accept any and all donations and grants of money, 60022
equipment, supplies, materials, and services, and to receive, 60023

utilize, and dispose thereof.	60024
(K) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.	60025 60026 60027
(L) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.	60028 60029 60030
(M) To establish a budget and make expenditures.	60031
(N) To adopt a seal and bylaws governing the management and operation of the Interstate Commission.	60032 60033
(O) To report annually to the legislatures, governors, the judiciary, and state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.	60034 60035 60036 60037 60038 60039
(P) To coordinate and provide education, training, and public awareness regarding the interstate movement of children for officials involved in such activity.	60040 60041 60042
(Q) To maintain books and records in accordance with the bylaws of the Interstate Commission.	60043 60044
(R) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.	60045 60046
ARTICLE X.	60047
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION	60048
(A) Bylaws:	60049
(1) Within 12 months after the first Interstate Commission meeting, the Interstate Commission shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.	60050 60051 60052 60053

(2) The Interstate Commission's bylaws and rules shall 60054
establish conditions and procedures under which the Interstate 60055
Commission shall make its information and official records 60056
available to the public for inspection or copying. The Interstate 60057
Commission may exempt from disclosure information or official 60058
records to the extent they would adversely affect personal privacy 60059
rights or proprietary interests. 60060

(B) Meetings: 60061

(1) The Interstate Commission shall meet at least once each 60062
calendar year. The chairperson may call additional meetings and, 60063
upon the request of a simple majority of the member states shall 60064
call additional meetings. 60065

(2) Public notice shall be given by the Interstate Commission 60066
of all meetings and all meetings shall be open to the public, 60067
except as set forth in the rules or as otherwise provided in the 60068
compact. The Interstate Commission and its committees may close a 60069
meeting, or portion thereof, where it determines by two-thirds 60070
vote that an open meeting would be likely to: 60071

(a) Relate solely to the Interstate Commission's internal 60072
personnel practices and procedures; or 60073

(b) Disclose matters specifically exempted from disclosure by 60074
federal law; or 60075

(c) Disclose financial or commercial information which is 60076
privileged, proprietary, or confidential in nature; or 60077

(d) Involve accusing a person of a crime, or formally 60078
censuring a person; or 60079

(e) Disclose information of a personal nature where 60080
disclosure would constitute a clearly unwarranted invasion of 60081
personal privacy or physically endanger one or more persons; or 60082

(f) Disclose investigative records compiled for law 60083

enforcement purposes; or 60084

(g) Specifically relate to the Interstate Commission's 60085
participation in a civil action or other legal proceeding. 60086

(3) For a meeting, or portion of a meeting, closed pursuant 60087
to this provision, the Interstate Commission's legal counsel or 60088
designee shall certify that the meeting may be closed and shall 60089
reference each relevant exemption provision. The Interstate 60090
Commission shall keep minutes which shall fully and clearly 60091
describe all matters discussed in a meeting and shall provide a 60092
full and accurate summary of actions taken, and the reasons 60093
therefore, including a description of the views expressed and the 60094
record of a roll call vote. All documents considered in connection 60095
with an action shall be identified in such minutes. All minutes 60096
and documents of a closed meeting shall remain under seal, subject 60097
to release by a majority vote of the Interstate Commission or by 60098
court order. 60099

(4) The bylaws may provide for meetings of the Interstate 60100
Commission to be conducted by telecommunication or other 60101
electronic communication. 60102

(C) Officers and Staff: 60103

(1) The Interstate Commission may, through its executive 60104
committee, appoint or retain a staff director for such period, 60105
upon such terms and conditions and for such compensation as the 60106
Interstate Commission may deem appropriate. The staff director 60107
shall serve as secretary to the Interstate Commission, but shall 60108
not have a vote. The staff director may hire and supervise such 60109
other staff as may be authorized by the Interstate Commission. 60110

(2) The Interstate Commission shall elect, from among its 60111
members, a chairperson and a vice chairperson of the executive 60112
committee and other necessary officers, each of whom shall have 60113
such authority and duties as may be specified in the bylaws. 60114

(D) Qualified Immunity, Defense and Indemnification: 60115

(1) The Interstate Commission's staff director and its 60116
employees shall be immune from suit and liability, either 60117
personally or in their official capacity, for a claim for damage 60118
to or loss of property or personal injury or other civil liability 60119
caused or arising out of or relating to an actual or alleged act, 60120
error, or omission that occurred, or that such person had a 60121
reasonable basis for believing occurred within the scope of 60122
Commission employment, duties, or responsibilities; provided, that 60123
such person shall not be protected from suit or liability for 60124
damage, loss, injury, or liability caused by a criminal act or the 60125
intentional or willful and wanton misconduct of such person. 60126

(a) The liability of the Interstate Commission's staff 60127
director and employees or Interstate Commission representatives, 60128
acting within the scope of such person's employment or duties for 60129
acts, errors, or omissions occurring within such person's state 60130
may not exceed the limits of liability set forth under the 60131
Constitution and laws of that state for state officials, 60132
employees, and agents. The Interstate Commission is considered to 60133
be an instrumentality of the states for the purposes of any such 60134
action. Nothing in this subsection shall be construed to protect 60135
such person from suit or liability for damage, loss, injury, or 60136
liability caused by a criminal act or the intentional or willful 60137
and wanton misconduct of such person. 60138

(b) The Interstate Commission shall defend the staff director 60139
and its employees and, subject to the approval of the Attorney 60140
General or other appropriate legal counsel of the member state 60141
shall defend the commissioner of a member state in a civil action 60142
seeking to impose liability arising out of an actual or alleged 60143
act, error or omission that occurred within the scope of 60144
Interstate Commission employment, duties or responsibilities, or 60145
that the defendant had a reasonable basis for believing occurred 60146

within the scope of Interstate Commission employment, duties, or 60147
responsibilities, provided that the actual or alleged act, error, 60148
or omission did not result from intentional or willful and wanton 60149
misconduct on the part of such person. 60150

(c) To the extent not covered by the state involved, member 60151
state, or the Interstate Commission, the representatives or 60152
employees of the Interstate Commission shall be held harmless in 60153
the amount of a settlement or judgment, including attorney's fees 60154
and costs, obtained against such persons arising out of an actual 60155
or alleged act, error, or omission that occurred within the scope 60156
of Interstate Commission employment, duties, or responsibilities, 60157
or that such persons had a reasonable basis for believing occurred 60158
within the scope of the Interstate Commission employment, duties, 60159
or responsibilities, provided that the actual or alleged act, 60160
error, or omission did not result from intentional or willful and 60161
wanton misconduct on the part of such persons. 60162

ARTICLE XI. 60163

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 60164

(A) The Interstate Commission shall promulgate and publish 60165
rules in order to effectively and efficiently achieve the purposes 60166
of the compact. 60167

(B) Rulemaking shall occur pursuant to the criteria set forth 60168
in this article and the bylaws and rules adopted pursuant thereto. 60169
Such rulemaking shall substantially conform to the principles of 60170
the "Model State Administrative Procedures Act," 1981 Act, Uniform 60171
Laws Annotated, Vol. 15, p.1 (2000), or such other administrative 60172
procedure acts as the Interstate Commission deems appropriate 60173
consistent with due process requirements under the United States 60174
Constitution as now or hereafter interpreted by the U.S. Supreme 60175
Court. All rules and amendments shall become binding as of the 60176
date specified, as published with the final version of the rule as 60177
approved by the Interstate Commission. 60178

(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

(1) Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and

(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and

(3) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(D) Rules promulgated by the Interstate Commission shall have the force and effect of ~~statutory law~~ administrative rules and shall ~~supersede any state law, rule or regulation to the extent of any conflict~~ be binding in the compacting states to the extent and in the manner provided for in this compact.

(E) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(F) If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

(G) The existing rules governing the operation of the Interstate ~~Company~~ Compact on the Placement of Children superseded by this act shall be null and void no less than 12, but no more

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than 24 months after the first meeting of the Interstate Commission created hereunder, as determined by the members during the first meeting. 60210
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(H) Within the first 12 months of operation, the Interstate Commission shall promulgate rules addressing the following: 60213
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(1) Transition rules; 60215

(2) Forms and procedures; 60216

(3) Time lines; 60217

(4) Data collection and reporting; 60218

(5) Rulemaking; 60219

(6) Visitation; 60220

(7) Progress reports/supervision; 60221

(8) Sharing of information/confidentiality; 60222

(9) Financing of the Interstate Commission; 60223

(10) Mediation, arbitration and dispute resolution; 60224

(11) Education, training and technical assistance; 60225

(12) Enforcement; 60226

(13) Coordination with other interstate compacts. 60227

(I) Upon determination by a majority of the members of the Interstate Commission that an emergency exists: 60228
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(1) The Interstate Commission may promulgate an emergency rule only if it is required to: 60230
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(a) Protect the children covered by this compact from an imminent threat to their health, safety and well-being; or 60232
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(b) Prevent loss of federal or state funds; or 60234

(c) Meet a deadline for the promulgation of an administrative rule required by federal law. 60235
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(2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII.

OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

(A) Oversight:

(1) The Interstate Commission shall oversee the administration and operations of the compact.

(2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall ~~supercede state law, rules or regulations~~ be binding in the compacting states to the extent of any conflict therewith and in the manner provided for in this compact.

(3) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

(4) The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws or rules of the

Interstate Commission.	60268
(B) Dispute Resolution:	60269
(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.	60270 60271 60272 60273
(2) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.	60274 60275 60276 60277 60278
(C) Enforcement:	60279
(1) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws or rules, the Interstate Commission may:	60280 60281 60282 60283
(a) Provide remedial training and specific technical assistance; or	60284 60285
(b) Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; or	60286 60287 60288 60289
(c) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its bylaws or rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the	60290 60291 60292 60293 60294 60295 60296 60297

prevailing party shall be awarded all costs of such litigation 60298
including reasonable attorney's fees; or 60299

(d) Avail itself of any other remedies available under state 60300
law or the regulation of official or professional conduct. 60301

ARTICLE XIII. 60302

FINANCING OF THE COMMISSION 60303

(A) The Interstate Commission shall pay, or provide for the 60304
payment of the reasonable expenses of its establishment, 60305
organization and ongoing activities. 60306

(B) The Interstate Commission may levy on and collect an 60307
annual assessment from each member state to cover the cost of the 60308
operations and activities of the Interstate Commission and its 60309
staff which must be in a total amount sufficient to cover the 60310
Interstate Commission's annual budget as approved by its members 60311
each year. The aggregate annual assessment amount shall be 60312
allocated based upon a formula to be determined by the Interstate 60313
Commission which shall promulgate a rule binding upon all member 60314
states. 60315

(C) The Interstate Commission shall not incur obligations of 60316
any kind prior to securing the funds adequate to meet the same; 60317
nor shall the Interstate Commission pledge the credit of any of 60318
the member states, except by and with the authority of the member 60319
state. 60320

(D) The Interstate Commission shall keep accurate accounts of 60321
all receipts and disbursements. The receipts and disbursements of 60322
the Interstate Commission shall be subject to the audit and 60323
accounting procedures established under its bylaws. However, all 60324
receipts and disbursements of funds handled by the Interstate 60325
Commission shall be audited yearly by a certified or licensed 60326
public accountant and the report of the audit shall be included in 60327
and become part of the annual report of the Interstate Commission. 60328

ARTICLE XIV.

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MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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(A) Any state is eligible to become a member state.

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(B) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007 or upon enactment of the compact into law by the 35th state. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The ~~governors~~ executive heads of the state human services administration with ultimate responsibility for the child welfare program of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

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(C) The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding on the member states unless and until it is enacted into law by unanimous consent of the member states.

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ARTICLE XV.

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WITHDRAWAL AND DISSOLUTION

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(A) Withdrawal:

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(1) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute which enacted the compact into law.

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(2) Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.

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(3) The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the

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withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

(4) The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal.

(5) Reinstatement following withdrawal of a member state shall occur upon the withdrawing ~~stated~~ state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

(B) Dissolution of Compact:

(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVI.

SEVERABILITY AND CONSTRUCTION

(A) The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(B) The provisions of this compact shall be liberally construed to effectuate its purposes.

(C) Nothing in this compact shall be construed to prohibit the concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII.

BINDING EFFECT OF COMPACT AND OTHER LAWS

(A) Other Laws:	60390
(1) (1) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.	60391 60392
(2) All member states' laws conflicting with this compact or its rules are superseded to the extent of the conflict.	60393 60394
(B) Binding Effect of the Compact:	60395
(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.	60396 60397 60398
(2) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.	60399 60400
(3) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.	60401 60402 60403 60404 60405
ARTICLE XVIII.	60406
INDIAN TRIBES	60407
Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.	60408 60409 60410 60411 60412 60413 60414
<u>Sec. 5103.25. (A) As used in this section and sections 5103.251 to 5103.259 of the Revised Code:</u>	60415 60416
<u>(1) "Agency" has the same meaning as in section 3107.01 of the Revised Code.</u>	60417 60418

<u>(2) "Applicant" means any of the following:</u>	60419
<u>(a) A person who is under final consideration for appointment</u>	60420
<u>or employment as board president, administrator, officer, or an</u>	60421
<u>employee of an association or institution or an agency;</u>	60422
<u>(b) A person who is under final consideration as a</u>	60423
<u>subcontractor, intern, or volunteer of an association or</u>	60424
<u>institution or agency;</u>	60425
<u>(c) A prospective or current foster caregiver;</u>	60426
<u>(d) A prospective or current adoptive parent who is working</u>	60427
<u>with an agency;</u>	60428
<u>(e) A person eighteen years of age or older who resides with</u>	60429
<u>a prospective or current foster caregiver or with an adoptive</u>	60430
<u>parent who is working with an agency.</u>	60431
<u>(3) "Association" or "institution" has the same meaning as in</u>	60432
<u>section 5103.02 of the Revised Code.</u>	60433
<u>(4) "Criminal records check" has the same meaning as in</u>	60434
<u>section 109.572 of the Revised Code.</u>	60435
<u>(5) "Recommending agency" has the same meaning as in section</u>	60436
<u>5103.02 of the Revised Code.</u>	60437
<u>(6) "Superintendent of BCII" has the same meaning as in</u>	60438
<u>section 2151.86 of the Revised Code.</u>	60439
<u>Sec. 5103.251. (A) The director of job and family services</u>	60440
<u>shall request the superintendent of BCII to conduct a criminal</u>	60441
<u>records check for all applicants at the times specified:</u>	60442
<u>(1) For an administrator, president, officer, or member of a</u>	60443
<u>board of an association or institution, at the time of initial</u>	60444
<u>application for certification of the agency, initial nomination to</u>	60445
<u>the board, or initial application for employment and every five</u>	60446
<u>years thereafter;</u>	60447

(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 60448
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter. 60451
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(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 60454
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 60457
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 60460
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a review of a criminal records check within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 60465
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(B)(1) An initial criminal records check requested under division (A) of this section shall include a request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 60471
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(2) A criminal records check requested at any time other than 60478

the time of initial application or nomination may include a 60479
request that the superintendent of BCII obtain information from 60480
the federal bureau of investigation as part of the criminal 60481
records check for the person, including fingerprint-based checks 60482
of national crime information databases as described in 42 U.S.C. 60483
671 for the person subject to the criminal records check. 60484

(C) With respect to a criminal records check requested for a 60485
person described in division (A) of this section, the director 60486
shall do all of the following: 60487

(1) Provide to the person a copy of the form prescribed 60488
pursuant to division (C)(1) of section 109.572 of the Revised Code 60489
and a standard impression sheet to obtain fingerprint impressions 60490
prescribed pursuant to division (C)(2) of that section; 60491

(2) Obtain the completed form and impression sheet from the 60492
person; 60493

(3) Forward the completed form and impression sheet to the 60494
superintendent of BCII; 60495

(4) Review the results of the criminal records check and take 60496
such action as required in division (E) of this section. 60497

(D) A person who receives from the director a copy of the 60498
form and standard impression sheet and who is requested to 60499
complete the form and provide a set of fingerprint impressions 60500
shall complete the form or provide all the information necessary 60501
to complete the form and shall provide the impression sheet with 60502
the impressions of the person's fingerprints with instructions to 60503
provide the results to the director of job and family services. If 60504
the person, upon request, fails to provide the information 60505
necessary to complete the form or fails to provide impressions of 60506
the person's fingerprints, the director may consider the failure a 60507
reason to deny certification or to determine an applicant 60508
ineligible for appointment, employment, or engagement and a 60509

probate court may not issue a final decree of adoption or an
interlocutory order of adoption making the person an adoptive
parent. 60510
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(E) Except as provided in rules adopted under section
5103.259 of the Revised Code, on review of the results of the
criminal records check the director shall do the following, as
applicable: 60513
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(1) Deny or revoke a certification of a prospective or
current foster caregiver, if any of the following apply: 60517
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(a) A person for whom a criminal records check was required
under division (A) of this section has been convicted of or
pleaded guilty to any of the violations described in division
(A)(4) of section 109.572 of the Revised Code or an offense of
another state or the United States that is substantially
equivalent to an offense listed in division (A)(4) of section
109.572 of the Revised Code. 60519
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(b) A resident of the prospective foster caregiver's or
foster caregiver's home is under eighteen years of age and has
been adjudicated a delinquent child for committing either a
violation of any section listed in division (A)(4) of section
109.572 of the Revised Code or an offense of another state or the
United States that is substantially equivalent to an offense
listed in division (A)(4) of section 109.572 of the Revised Code. 60526
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(c) The prospective foster caregiver has had a revocation of
any foster home license, certificate, or other similar
authorization in another state, or failed to notify the
recommending agency of any revocation of that type in another
state, in accordance with division (B) of section 5103.254 of the
Revised Code. 60533
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(2) Determine a prospective adoptive parent is ineligible for
adoption or deny a final decree of adoption or interlocutory order 60539
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of adoption if the prospective adoptive parent or any person 60541
eighteen years or older who resides in the prospective adoptive 60542
parent's home previously has been convicted of or pleaded guilty 60543
to any of the violations described in division (A)(4) of section 60544
109.572 of the Revised Code or an offense of another state or the 60545
United States that is substantially equivalent to an offense 60546
listed in division (A)(4) of section 109.572 of the Revised Code. 60547

(3) Determine a prospective or current employee, appointee, 60548
subcontractor, intern, or volunteer as ineligible for employment, 60549
appointment, or engagement if the person has been convicted of or 60550
pleaded guilty to any of the violations described in division 60551
(A)(4) of section 109.572 of the Revised Code or an offense of 60552
another state or the United States that is substantially 60553
equivalent to an offense listed in division (A)(4) of section 60554
109.572 of the Revised Code. 60555

(F) Each association, institution, or agency shall pay to the 60556
bureau of criminal identification and investigation the fee 60557
prescribed pursuant to division (C)(3) of section 109.572 of the 60558
Revised Code for each criminal records check conducted in 60559
accordance with that section upon a request made pursuant to 60560
division (A) of this section. An association, institution, or 60561
agency may charge an applicant a fee for the costs it incurs in 60562
obtaining a criminal records check under this section. A fee 60563
charged under this division shall not exceed the amount the 60564
association, institution, or agency pays under this section. If a 60565
fee is charged, the association, institution, or agency shall 60566
notify the applicant at the time of the applicant's initial 60567
certification, home study, or application of the amount of the fee 60568
and that, unless the fee is paid, the association, institution, or 60569
agency will not consider the applicant for certification, 60570
adoption, employment, appointment, or engagement. 60571

Sec. 5103.252. (A) The director of job and family services shall search the central registry of abuse and neglect contained within the uniform statewide automated child welfare information system for all applicants at the times specified: 60572
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(1) For an administrator, president, officer, or member of the board, at the time of initial application for certification of the agency, at the initial nomination to the board, or initial application for employment and every five years thereafter; 60576
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(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 60580
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter. 60583
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(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 60586
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 60589
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 60592
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a check of the central registry within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date 60597
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of the initial determination. 60602

(B)(1) When conducting a search of the central registry 60603
pursuant to division (A) of this section, the director shall 60604
create a summary report of the search that contains, as 60605
applicable, a chronological list of abuse and neglect 60606
determinations or allegations of which the person is subject and 60607
in regards to which a public children services agency has done one 60608
of the following: 60609

(a) Determined that abuse or neglect occurred; 60610

(b) Initiated an investigation, and the investigation is 60611
ongoing; 60612

(c) Initiated an investigation, and the agency was unable to 60613
determine whether abuse or neglect occurred. 60614

(2) The summary report shall not contain any of the 60615
following: 60616

(a) An abuse and neglect determination to which the person is 60617
subject and the public children services agency determined that 60618
abuse or neglect did not occur; 60619

(b) Information or reports the dissemination of which is 60620
prohibited by, or interferes with eligibility under, the "Child 60621
Abuse Prevention and Treatment Act," 42 U.S.C. 5101 et seq.; 60622

(c) The name of the person or entity who made, or 60623
participated in the making of, the report of abuse or neglect. 60624

(C)(1) A certification of a prospective or current foster 60625
caregiver, or prospective adoptive parent's home study, may be 60626
denied or revoked based on a summary report containing the 60627
information described in division (B)(1)(a) of this section or an 60628
offense of another state or the United States that is 60629
substantially equivalent to an offense listed in that division, 60630
when considered within the totality of the circumstances. 60631

(2) A certification of a prospective or current foster caregiver, or prospective adoptive parent's home study, shall not be denied or revoked based solely on a summary report containing the information described under division (B)(1)(b) or (c) of this section. 60632
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(D) If the director determines that the information described in division (B)(1)(a) of this section, or an offense of another state or the United States that is substantially equivalent to an offense listed in that division, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the person may directly or indirectly endanger the health, safety, or welfare of children, the director shall determine an appointee, employee, subcontractor, intern, or volunteer ineligible for appointment to or employment or engagement with the association or institution. 60637
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Sec. 5103.253. (A) The director of job and family services shall inspect the state registry of sex offenders and childvictim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any applicant is registered or required to be registered as an offender. The director shall inspect each registry for all applicants at the times specified: 60647
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(1) For an administrator, president, officer, or member of the board, at the time of initial application for certification of the agency, at the initial nomination to the board, or initial application for employment and every five years thereafter; 60654
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(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 60658
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years 60661
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old and then every five years thereafter. 60663

(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 60664
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 60667
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment or engagement by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 60670
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after an inspection of the state registry of sex offenders and child-victim offenders and the national sex offender registry, or a substantially equivalent inspection under section 5103.256 of the Revised Code, within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 60674
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(B) If the director determines that the applicant is registered or required to be registered on a registry described in this section, the director shall do the following, as applicable: 60682
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(1) Refuse to issue a certification; 60685

(2) Revoke a certification; 60686

(3) Determine a prospective adoptive parent ineligible to adopt a child; 60687
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(4) Determine the applicant ineligible for employment, appointment, or engagement with the association or institution. 60689
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(C) A petition for adoption may be denied based solely on the results of the search of the national sex offender public web 60691
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site. 60693

Sec. 5103.254. (A) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by sections 5103.251, 5103.252, and 5103.253 of the Revised Code and finds that a person who is subject to the requirements of those sections has resided in another state during the previous five years, the director shall request the results from a search of the following systems from the other state: 60694
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(1) A criminal records database; 60704

(2) The uniform statewide automated child welfare information system, comprehensive child welfare information system, or the equivalent; 60705
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(3) The state registry of sex offenders. 60708

(B) Before certification under section 5103.03 of the Revised Code, a prospective foster caregiver subject to a criminal records check under section 5103.251 of the Revised Code shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years immediately preceding the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any such revocation is grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years immediately preceding the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver. 60709
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(C) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders and childvictim offenders that is related to an association or institution, prospective or current foster caregiver, or prospective adoptive parent, the director shall provide to that other state's agency the results of the records check and information from the system and registry. 60724
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Sec. 5103.255. (A) Before employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person: 60733
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(1) Request a certified search of the findings for recovery database; 60737
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(2) Conduct a database review at the federal web site known as the system for award management. 60739
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(B) The institution or association may refuse to hire or appoint a person as board president, or as an administrator or officer based on the results of a certified search or database review described in division (A) of this section, when considered within the totality of circumstances. 60741
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Sec. 5103.256. (A) Whenever the director of job and family services determines a person ineligible for appointment, employment, engagement, certification, or approval as an adoptive parent under sections 5107.251 to 5107.255 of the Revised Code, the director shall as soon as practicable notify the following, as applicable, of that determination: 60746
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(1) The association or institution that is considering the person for appointment, employment, or engagement; 60752
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(2) The agency that is arranging the adoption or recommending foster caregiver certification. 60754
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(B) An association, institution, or agency shall not appoint, employ, or engage a person who is determined under sections 5103.251, 5103.252, 5103.253, and 5103.255 of the Revised Code to be ineligible for appointment, employment, or engagement, and an agency shall not approve an application of a prospective adoptive parent or recommend the certification of a foster caregiver who is determined under sections 5103.251, 5103.252, and 5103.253 of the Revised Code to be ineligible. 60756
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Sec. 5103.257. The director of job and family services may delegate to any private or public entity any of the duties related to carrying out background checks imposed upon the department by sections 5103.251 to 5103.255 of the Revised Code. 60764
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Sec. 5103.258. Any information obtained under sections 5107.251 to 5107.255 of the Revised Code is confidential and is not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the following: 60768
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(A) The person who is the subject of the inspection or the person's representative; 60773
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(B) The director of job and family services or a public or private entity to which the director has delegated duties of the department of job and family services pursuant to section 5103.257 of the Revised Code; 60775
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(C) The director of a public children services agency; 60779

(D) The director of an agency; 60780

(E) Any court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment, a final 60781
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decree of adoption or interlocutory order of adoption, or a denial 60783
or revocation of a foster home certificate. 60784

Sec. 5103.259. The director of job and family services shall 60785
adopt rules as necessary to implement sections 5107.251 to 60786
5107.258 of the Revised Code. The rules shall be adopted in 60787
accordance with Chapter 119. of the Revised Code. The rules shall 60788
specify exceptions to the prohibitions in division (A)(4) of 60789
section 5103.251 of the Revised Code for a person who has been 60790
convicted of or pleaded guilty to a criminal offense listed in 60791
division (A)(4) of section 109.572 of the Revised Code but who 60792
meets standards in regard to rehabilitation set by the director. 60793

Sec. 5103.37. The Ohio child welfare training program 60794
coordinator shall do all the following ~~pursuant to the contract~~ 60795
~~entered into under section 5103.35 of the Revised Code:~~ 60796

(A) Manage, coordinate, and evaluate all of the program's 60797
training provided under section 5103.30 of the Revised Code; 60798

(B) Develop curriculum, resources, and products for the 60799
training; 60800

(C) Provide fiscal management and technical assistance to 60801
regional training ~~centers~~ staff established under section ~~5103.42~~ 60802
5103.41 of the Revised Code; 60803

(D) Cooperate with the regional training ~~centers~~ staff to 60804
schedule sessions for the training, provide notices of the 60805
training sessions, and provide training materials for the 60806
sessions; 60807

(E) Employ and compensate instructors for the training; 60808

(F) Create individual training needs assessments for use 60809
pursuant to sections 5153.125 and 5153.126 of the Revised Code; 60810

(G) Provide staff for the Ohio child welfare training program 60811

steering committee established under section 5103.39 of the Revised Code; 60812
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(H) Conduct any other activities necessary for the development, implementation, and management of the program as specified in the contract; 60814
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(I) Identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies; 60817
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(J) Ensure that the training provides the knowledge, skill, and ability needed to do the jobs that the training is for. 60820
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Sec. 5103.391. The director of job and family services shall appoint all of the following to serve on the Ohio child welfare training program steering committee: 60822
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(A) Employees of the department of job and family services; 60825

(B) One representative of each of the regional training centers established under section ~~5103.42~~ 5103.41 of the Revised Code; 60826
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(C) One representative of a statewide organization that represents the interests of public children services agencies; 60829
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(D) One representative of the Ohio child welfare training program coordinator; 60831
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(E) Two current foster caregivers certified by the department of job and family services under section 5103.03 of the Revised Code; 60833
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(F) Employees of public children services agencies. 60836

Sec. 5103.41. ~~Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the~~ The department of job and family services, in consultation with the Ohio child welfare 60837
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training program steering committee, shall designate ~~eight~~ 60840
training regions in the state. The department, at times it 60841
selects, shall review the composition of the training regions. The 60842
committee, at times it selects, shall also review the training 60843
regions' composition and provide the department recommendations on 60844
changes. The department may change the composition of the training 60845
regions as the department considers necessary. ~~Each training~~ 60846
~~region shall contain only one regional training center established~~ 60847
~~and maintained under section 5103.42 of the Revised Code.~~ 60848

The department may make a grant to a public children services 60849
agency that establishes and maintains a regional training center 60850
under this section for the purpose of wholly or partially 60851
subsidizing the operation of the center. The department shall 60852
specify in the grant all of the center's duties, including the 60853
duties specified in section 5103.42 of the Revised Code. 60854

Sec. ~~5103.422~~ 5103.42. A regional training center's staff's 60855
responsibilities shall include all of the following: 60856

(A) Securing facilities suitable for conducting the training 60857
provided under section 5103.30 of the Revised Code; 60858

(B) Providing administrative services and paying all 60859
administrative costs related to the conduct of the training; 60860

(C) Maintaining a database of the data contained in the 60861
individual training needs assessments for each PCSA caseworker and 60862
PCSA caseworker supervisor employed by a public children services 60863
agency located in the training region ~~served by the center;~~ 60864

(D) Analyzing training needs of PCSA caseworkers and PCSA 60865
caseworker supervisors employed by a public children services 60866
agency and other training populations described in section 5103.30 60867
of the Revised Code and located in the training region ~~served by~~ 60868
~~the center;~~ 60869

(E) Coordinating the training ~~at the center~~ for the region 60870
with the Ohio child welfare training program coordinator. 60871

Sec. 5103.50. (A) As used in ~~this section and~~ sections 60872
~~5103.51~~ 5103.50 to 5103.55 of the Revised Code, "private, 60873
nonprofit therapeutic wilderness camp" has the same meaning as in 60874
section 5103.02 of the Revised Code. 60875

(B) The director of job and family services shall adopt rules 60876
in accordance with Chapter 119. of the Revised Code to implement 60877
standards set forth in division (D) of this section and section 60878
5103.54 of the Revised Code that are substantially similar, as 60879
determined by the director, to other similarly situated providers 60880
of residential care to children. 60881

(C) The director of job and family services shall issue a 60882
license to a private, nonprofit therapeutic wilderness camp that 60883
submits an application to the director, on a form prescribed by 60884
the director, that indicates to the director's satisfaction that 60885
the camp meets the standards set forth in rules adopted under 60886
division (B) of this section. 60887

(D) In accordance with rules adopted by the director under 60888
division (B) of this section, the camp shall develop and implement 60889
written policies that establish all of the following: 60890

(1) Standards for hiring, training, and supervising staff; 60891

(2) Standards for behavioral intervention, including 60892
standards prohibiting the use of prone restraint and governing the 60893
use of other restraints or isolation; 60894

(3) Standards for recordkeeping, including specifying 60895
information that must be included in each child's record, who may 60896
access records, confidentiality, maintenance, security, and 60897
disposal of records; 60898

(4) A procedure for handling complaints about the camp from 60899

the children attending the camp, their families, staff, and the public; 60900
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(5) Standards for emergency and disaster preparedness, including procedures for emergency evacuation and standards requiring that a method of emergency communication be accessible at all times; 60902
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(6) Standards that ensure the protection of children's civil rights; 60906
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(7) Standards for the admission and discharge of children attending the camp, including standards for emergency discharge; 60908
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(8) Standards for the supervision of children, including minimum staff to child ratios; 60910
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(9) Standards for ensuring proper medical care, including administration of medications; 60912
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(10) Standards for proper notification of critical incidents; 60914

(11) Standards regarding the health and safety of residents, including proper health department approvals, fire inspections, and food service licenses; 60915
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(12) Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met. 60918
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(E) The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of job and family services. This evaluation shall be conducted in accordance with rules adopted by the director. 60920
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(F) The camp shall cooperate with any request from the director for an inspection or for access to records or written 60928
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policies of the camp. 60930

(G) The camps shall ensure that no child is left without 60931
supervision of camp staff at any time. 60932

(H) The camp shall ensure that if there is a weather 60933
emergency or warning issued by the national weather service in the 60934
camp's geographic area, the children will be moved to a safe 60935
structure guarded from the weather event. 60936

(I) The camp shall ensure that all sharp tools used in the 60937
camp, including axes and knives, are locked unless in use by camp 60938
staff or otherwise under camp staff supervision. 60939

Sec. 5103.6010. A residential infant care center shall do the 60940
following: 60941

(A) If using medication to treat infants, hold a terminal 60942
distributor of dangerous drugs license issued by the state board 60943
of pharmacy under section 4729.54 of the Revised Code. 60944

(B) Comply, except as otherwise provided in this section and 60945
section 5103.6011 of the Revised Code, with all requirements under 60946
rule 5101:2-9-02 of the Administrative Code; 60947

(C) Develop a plan of safe care in accordance with the 60948
"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 60949
114-198, for an infant born substance exposed as follows: 60950

(1) Assist with the health and substance use disorder 60951
treatment needs of the infant and affected family or caregiver; 60952

(2) Develop and implement a program to monitor, support, and 60953
connect affected families or caregivers through the provision of 60954
and referral to appropriate services for the infant and affected 60955
family or caregiver. 60956

(D) Develop and implement a program for parents and 60957
caregivers that, either individually or in a group setting, 60958

teaches parenting skills, bonding, and caring for the infant's special needs. 60959
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(E) Require both of the following: 60961

(1) Child-care staff, volunteers, and interns in positions responsible for the daily direct care or supervision of children to be at least eighteen years old and have a high school diploma or certificate of high school equivalence; 60962
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(2) Volunteers and interns who are under twenty-one years of age to be supervised. 60966
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(F) Request a criminal records check with respect to volunteers and interns in accordance with section ~~2151.86~~ 5103.251 of the Revised Code; 60968
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(G) Employ registered nurses, patient care assistants, or licensed professional nurses to meet required child-to-staff ratios; 60971
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(H) Require the center's peer supporter, family advocate, licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following: 60974
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(1) Provide wraparound services to affected family and caregivers; 60978
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(2) Coordinate and cooperate with any transferring hospital, public children services agency, and private child placing agency; 60980
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(3) Refer affected families or caregivers to appropriate community agencies and services for support and aftercare; 60982
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(4) Follow up with affected families and caregivers following the infant's discharge. 60984
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(I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education; 60986
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(2) Provide the following for dyad care and rooming-in:	60989
(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;	60990 60991
(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;	60992 60993
(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.	60994 60995
(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.	60996 60997 60998
(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;	60999 61000 61001 61002
(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;	61003 61004
(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;	61005 61006 61007
(M) Follow the department of health's safe sleep education program recommendations established under section 3701.66 of the Revised Code.	61008 61009 61010
Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:	61011 61012 61013 61014
(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.	61015 61016
(2) A public children services agency receives a report	61017

pursuant to section 2151.421 of the Revised Code, and the person 61018
alleged to have inflicted abuse or neglect on the child who is the 61019
subject of the report is any of the following: 61020

(a) The owner, licensee, or administrator of the center, type 61021
A home, or licensed type B home; 61022

(b) An employee of the center, type A home, or licensed type 61023
B home who has not immediately been placed on administrative leave 61024
or released from employment; 61025

(c) Any person who resides in the type A home or licensed 61026
type B home. 61027

(3) An owner, licensee, administrator, or employee of the 61028
center, type A home, or licensed type B home, or a resident of the 61029
type A home or licensed type B home is charged by an indictment, 61030
information, or complaint with an offense relating to the abuse or 61031
neglect of a child. 61032

(4) The department or a county department of job and family 61033
services determines that the center, type A home, or licensed type 61034
B home created a serious risk to the health or safety of a child 61035
receiving child care in the center, type A home, or licensed type 61036
B home that resulted in or could have resulted in a child's death 61037
or injury. 61038

(5) The department determines that the owner or licensee of 61039
the center, type A home, or licensed type B home does not meet the 61040
requirements of section 5104.013 of the Revised Code. 61041

(B) The department shall ~~issue~~ serve a written order of 61042
suspension ~~and furnish a copy to~~ on the licensee ~~either by~~ 61043
~~certified mail or in person~~ as described in ~~section~~ sections 61044
119.05 and 119.07 of the Revised Code. The licensee may request an 61045
adjudicatory hearing before the department pursuant to sections 61046
119.06 to 119.12 of the Revised Code. 61047

(C) Any summary suspension imposed under this section shall 61048
remain in effect until any of the following occurs: 61049

(1) The public children services agency completes its 61050
investigation of the report pursuant to section 2151.421 of the 61051
Revised Code and determines that all of the allegations are 61052
unsubstantiated. 61053

(2) All criminal charges are disposed of through dismissal or 61054
a finding of not guilty. 61055

(3) The department issues pursuant to Chapter 119. of the 61056
Revised Code a final order terminating the suspension. 61057

(D) The center, type A home, or licensed type B home shall 61058
not provide child care while the summary suspension remains in 61059
effect. Upon issuance of the order of suspension, the licensee 61060
shall inform the caretaker parent of each child receiving child 61061
care in the center, type A home, or licensed type B home of the 61062
suspension. 61063

(E) The director of job and family services may adopt rules 61064
in accordance with Chapter 119. of the Revised Code establishing 61065
standards and procedures for the summary suspension of licenses. 61066

(F) This section does not limit the authority of the 61067
department to revoke a license pursuant to section 5104.04 of the 61068
Revised Code. 61069

Sec. 5104.08. (A) There is hereby created in the department 61070
of job and family services a child care advisory council to advise 61071
and assist the department in the administration of this chapter 61072
and in the development of child care. The council shall consist of 61073
~~twenty-two~~ twenty-five voting members appointed by the director of 61074
job and family services with the approval of the governor. The 61075
director of job and family services, the director of developmental 61076
disabilities, the director of mental health and addiction 61077

services, the superintendent of public instruction, the director 61078
of the head start collaboration office, the director of health, 61079
the director of commerce, one member appointed by the director of 61080
job and family services representing child care, one member 61081
appointed by the director of job and family services representing 61082
child welfare, and the state fire marshal shall serve as nonvoting 61083
members of the council. 61084

Six members shall be representatives of child care centers 61085
subject to licensing, the members to represent a variety of 61086
centers, including nonprofit and proprietary, from different 61087
geographical areas of the state. At least three members shall be 61088
parents, guardians, or custodians of children receiving child care 61089
or publicly funded child care in the child's own home, a center, a 61090
type A home, a head start program, a licensed type B home, or a 61091
~~type B home~~ an approved day camp at the time of appointment. Three 61092
members shall be representatives of in-home aides, type A homes, 61093
or licensed type B homes, ~~or type B homes or head start programs.~~ 61094
One member shall be a representative of approved child day camps. 61095
One member shall be a representative of head start programs. At 61096
least six members shall represent county departments of job and 61097
family services. At least one member from a county department of 61098
job and family services or county children services board shall 61099
represent public children services agencies. The remaining members 61100
shall be representatives of the teaching, child development, and 61101
health professions, and other individuals interested in the 61102
welfare of children. At least six members of the council shall not 61103
be employees or licensees of a child day-care center, head start 61104
program, or type A home, or providers operating a licensed type B 61105
home ~~or type B home~~ approved child day camp, or in-home aides. 61106

Appointments shall be for three-year terms. Vacancies shall 61107
be filled for the unexpired terms. A member of the council is 61108
subject to removal by the director of job and family services for 61109

a willful and flagrant exercise of authority or power that is not 61110
authorized by law, for a refusal or willful neglect to perform any 61111
official duty as a member of the council imposed by law, or for 61112
being guilty of misfeasance, malfeasance, nonfeasance, or gross 61113
neglect of duty as a member of the council. 61114

There shall be two co-chairpersons of the council. One 61115
co-chairperson shall be the director of job and family services or 61116
the director's designee, and one co-chairperson shall be elected 61117
by the members of the council. The council shall meet as often as 61118
is necessary to perform its duties, provided that it shall meet at 61119
least once in each quarter of each calendar year and at the call 61120
of the co-chairpersons. The co-chairpersons or their designee 61121
shall send to each member a written notice of the date, time, and 61122
place of each meeting. 61123

Members of the council shall serve without compensation, but 61124
shall be reimbursed for necessary expenses. 61125

(B) The child care advisory council shall advise the director 61126
on matters affecting the licensing of centers, type A homes, and 61127
type B homes ~~and~~; the certification of in-home aides; the approval 61128
of child day camps; publicly funded child care; and the step up to 61129
quality program established under section 5104.29 of the Revised 61130
Code. The council shall make an annual report to the director of 61131
job and family services that addresses the availability, 61132
affordability, accessibility, and quality of child care and that 61133
summarizes the recommendations and plans of action that the 61134
council has ~~proposed~~ taken to the director during the preceding 61135
fiscal year. The director of job and family services shall provide 61136
copies of the report to the governor, speaker and minority leader 61137
of the house of representatives, and the president and minority 61138
leader of the senate and, on request, shall make copies available 61139
to the public. 61140

(C) The director of job and family services shall adopt rules 61141

in accordance with Chapter 119. of the Revised Code to implement 61142
this section. 61143

Sec. 5104.30. (A) The department of job and family services 61144
is hereby designated as the state agency responsible for 61145
administration and coordination of federal and state funding for 61146
publicly funded child care in this state. Publicly funded child 61147
care shall be provided to the following: 61148

(1) Recipients of transitional child care as provided under 61149
section 5104.34 of the Revised Code; 61150

(2) Participants in the Ohio works first program established 61151
under Chapter 5107. of the Revised Code; 61152

(3) Individuals who would be participating in the Ohio works 61153
first program if not for a sanction under section 5107.16 of the 61154
Revised Code and who continue to participate in a work activity, 61155
developmental activity, or alternative work activity pursuant to 61156
an assignment under section 5107.42 of the Revised Code; 61157

(4) A family receiving publicly funded child care on October 61158
1, 1997, until the family's income reaches one hundred fifty per 61159
cent of the federal poverty line; 61160

(5) Subject to available funds, other individuals determined 61161
eligible in accordance with rules adopted under section 5104.38 of 61162
the Revised Code. 61163

The department shall apply to the United States department of 61164
health and human services for authority to operate a coordinated 61165
program for publicly funded child care, if the director of job and 61166
family services determines that the application is necessary. For 61167
purposes of this section, the department of job and family 61168
services may enter into agreements with other state agencies that 61169
are involved in regulation or funding of child care. The 61170
department shall consider the special needs of migrant workers 61171

when it administers and coordinates publicly funded child care and 61172
shall develop appropriate procedures for accommodating the needs 61173
of migrant workers for publicly funded child care. 61174

(B) The department of job and family services shall 61175
distribute state and federal funds for publicly funded child care, 61176
including appropriations of state funds for publicly funded child 61177
care and appropriations of federal funds available under the child 61178
care block grant act, Title IV-A, and Title XX. The department may 61179
use any state funds appropriated for publicly funded child care as 61180
the state share required to match any federal funds appropriated 61181
for publicly funded child care. 61182

(C) In the use of federal funds available under the child 61183
care block grant act, all of the following apply: 61184

(1) The department may use the federal funds to hire staff to 61185
prepare any rules required under this chapter and to administer 61186
and coordinate federal and state funding for publicly funded child 61187
care. 61188

(2) Not more than five per cent of the aggregate amount of 61189
the federal funds received for a fiscal year may be expended for 61190
administrative costs. 61191

(3) The department shall allocate and use at least four per 61192
cent of the federal funds for the following: 61193

(a) Activities designed to provide comprehensive consumer 61194
education to parents and the public; 61195

(b) Activities that increase parental choice; 61196

(c) Activities, including child care resource and referral 61197
services, designed to improve the quality, and increase the 61198
supply, of child care; 61199

(d) Establishing the step up to quality program pursuant to 61200
section 5104.29 of the Revised Code. 61201

(4) The department shall ensure that the federal funds will 61202
be used only to supplement, and will not be used to supplant, 61203
federal, state, and local funds available on the effective date of 61204
the child care block grant act for publicly funded child care and 61205
related programs. If authorized by rules adopted by the department 61206
pursuant to section 5104.42 of the Revised Code, county 61207
departments of job and family services may purchase child care 61208
from funds obtained through any other means. 61209

(D) The department shall encourage the development of 61210
suitable child care throughout the state, especially in areas with 61211
high concentrations of recipients of public assistance and 61212
families with low incomes. The department shall encourage the 61213
development of suitable child care designed to accommodate the 61214
special needs of migrant workers. On request, the department, 61215
through its employees or contracts with state or community child 61216
care resource and referral service organizations, shall provide 61217
consultation to groups and individuals interested in developing 61218
child care. The department of job and family services may enter 61219
into interagency agreements with the department of education, the 61220
chancellor of higher education, the department of development, and 61221
other state agencies and entities whenever the cooperative efforts 61222
of the other state agencies and entities are necessary for the 61223
department of job and family services to fulfill its duties and 61224
responsibilities under this chapter. 61225

The department shall develop and maintain a registry of 61226
persons providing child care. The director shall adopt rules in 61227
accordance with Chapter 119. of the Revised Code establishing 61228
procedures and requirements for the registry's administration. 61229

(E)(1) The director shall adopt rules in accordance with 61230
Chapter 119. of the Revised Code establishing both of the 61231
following: 61232

(a) Reimbursement rates for providers of publicly funded 61233

child care not later than the first day of July in each 61234
odd-numbered year; 61235

(b) A procedure for reimbursing and paying providers of 61236
publicly funded child care. 61237

(2) In establishing reimbursement rates under division 61238
(E)(1)(a) of this section, the director shall do all of the 61239
following: 61240

(a) Use the information obtained from the market rate survey 61241
or alternative methodology developed and conducted in accordance 61242
with 45 C.F.R. 98.45; 61243

(b) Establish an enhanced reimbursement rate for providers 61244
who provide child care for caretaker parents who work 61245
nontraditional hours; 61246

(c) With regard to the step up to quality program established 61247
pursuant to section 5104.29 of the Revised Code, establish 61248
enhanced reimbursement rates for child day-care providers that 61249
participate in the program. 61250

(3) In establishing reimbursement rates under division 61251
(E)(1)(a) of this section, the director may establish different 61252
reimbursement rates based on any of the following: 61253

(a) Geographic location of the provider; 61254

(b) Type of care provided; 61255

(c) Age of the child served; 61256

(d) Special needs of the child served; 61257

(e) Whether the expanded hours of service are provided; 61258

(f) Whether weekend service is provided; 61259

(g) Whether the provider has exceeded the minimum 61260
requirements of state statutes and rules governing child care; 61261

(h) Any other factors the director considers appropriate. 61262

Sec. 5104.302. (A) In addition to establishing reimbursement rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of job and family services shall contract with a third-party entity to analyze for the subsequent even-numbered year information regarding the prices charged for child care.

(B) Based on the information analyzed by the third-party entity, the director may adjust for the even-numbered year the reimbursement rates established for the previous odd-numbered year. To make such an adjustment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code.

(C) When analyzing information regarding the prices charged for child care for an even-numbered year, a third-party entity under contract with the director may consider the most recent market rate survey or alternative methodology conducted as described in division (E) of section 5104.30 of the Revised Code.

Sec. 5107.36. An individual is ineligible for assistance under Ohio works first if either of the following apply:

(A) The individual is a ~~fugitive~~ fleeing felon as defined in section ~~5101.20~~ 5101.26 of the Revised Code;

(B) The individual is violating a condition of probation, a community control sanction, ~~parole~~, or a post-release control sanction imposed under federal or state law.

Sec. 5107.54. (A) There is hereby established, as a work activity under Ohio works first, the work experience program. A participant of Ohio works first placed in the program shall receive work experience from private and government entities.

Participants of Ohio works first assigned to the work experience program are not employees of the department of job and

family services or a county department of job and family services. 61292
The operation of the work experience program does not constitute 61293
the operation of an employment agency by the department of job and 61294
family services or a county department of job and family services. 61295

(B) County departments of job and family services shall 61296
develop work projects to which participants of Ohio works first 61297
are assigned under the work experience program. Work projects may 61298
include assignments with private and government entities. Examples 61299
of work projects a county department may develop include unpaid 61300
internships, refurbishing publicly assisted housing, and having a 61301
participant volunteer to work at the head start agency in which 61302
the participant's minor child is enrolled. Each county department 61303
shall make a list of the work projects available to the public. 61304

(C) Unless a county department of job and family services 61305
pays the premiums for the entity, a private or government entity 61306
with which a participant of Ohio works first is placed in and 61307
participates in the work experience program shall pay premiums to 61308
the bureau of workers' compensation on account of the participant. 61309

Sec. 5107.58. In accordance with a federal waiver granted by 61310
the United States secretary of health and human services pursuant 61311
to a request made under former section 5101.09 of the Revised 61312
Code, county departments of job and family services may establish 61313
and administer as a work activity for minor heads of households 61314
and adults participating in Ohio works first an education program 61315
under which the participant is enrolled full-time in 61316
post-secondary education leading to vocation at a state 61317
institution of higher education, as defined in section 3345.031 of 61318
the Revised Code; a private nonprofit college or university that 61319
possesses a certificate of authorization issued ~~by the Ohio board~~ 61320
~~of regents~~ pursuant to Chapter 1713. of the Revised Code, or is 61321
exempted by division (E) of section 1713.02 of the Revised Code 61322

from the requirement of a certificate; a school that holds a 61323
certificate of registration and program authorization issued by 61324
the state board of career colleges and schools under Chapter 3332. 61325
of the Revised Code; a private institution exempt from regulation 61326
under Chapter 3332. of the Revised Code as prescribed in section 61327
3333.046 of the Revised Code; or a school that has entered into a 61328
contract with the county department of job and family services. 61329
The participant shall make reasonable efforts, as determined by 61330
the county department, to obtain a loan, scholarship, grant, or 61331
other assistance to pay for the tuition, including a federal Pell 61332
grant under 20 U.S.C.A. 1070a, ~~an Ohio instructional grant under~~ 61333
~~section 3333.12 of the Revised Code,~~ and an Ohio college 61334
opportunity grant under section 3333.122 of the Revised Code. If 61335
the participant has made reasonable efforts but is unable to 61336
obtain sufficient assistance to pay the tuition the program may 61337
pay the tuition. On or after October 1, 1998, the county 61338
department may enter into a loan agreement with the participant to 61339
pay the tuition. The total period for which tuition is paid and 61340
loans made shall not exceed two years. If the participant, 61341
pursuant to division (B)(3) of section 5107.43 of the Revised 61342
Code, volunteers to participate in the education program for more 61343
hours each week than the participant is assigned to the program, 61344
the program may pay or the county department may loan the cost of 61345
the tuition for the additional voluntary hours as well as the cost 61346
of the tuition for the assigned number of hours. The participant 61347
may receive, for not more than three years, support services, 61348
including publicly funded child care under Chapter 5104. of the 61349
Revised Code and transportation, that the participant needs to 61350
participate in the program. To receive support services in the 61351
third year, the participant must be, as determined by the 61352
educational institution in which the participant is enrolled, in 61353
good standing with the institution. 61354

A county department that provides loans under this section 61355

shall establish procedures governing loan application for and 61356
approval and administration of loans granted pursuant to this 61357
section. 61358

Sec. 5119.01. (A) As used in this chapter: 61359

(1) "Addiction" means the chronic and habitual use of 61360
alcoholic beverages, the use of a drug of abuse as defined in 61361
section 3719.011 of the Revised Code, or the use of gambling by an 61362
individual to the extent that the individual no longer can control 61363
the individual's use of alcohol, the individual becomes physically 61364
or psychologically dependent on the drug, the individual's use of 61365
alcohol or drugs endangers the health, safety, or welfare of the 61366
individual or others, or the individual's gambling causes 61367
psychological, financial, emotional, marital, legal, or other 61368
difficulties endangering the health, safety, or welfare of the 61369
individual or others. 61370

(2) "Addiction services" means services, including 61371
intervention, for the treatment of persons with alcohol, drug, or 61372
gambling addictions, and for the prevention of such addictions. 61373

(3) "Alcohol and drug addiction services" means services, 61374
including intervention, for the treatment of persons with 61375
~~alcoholism~~ alcohol use disorder or persons who abuse drugs of 61376
abuse and for the prevention of ~~alcoholism~~ alcohol use disorder 61377
and drug addiction. 61378

(4) "~~Alcoholism~~" "Alcohol use disorder" means ~~the chronic and~~ 61379
~~habitual use of alcoholic beverages by an individual to the extent~~ 61380
~~that the individual no longer can~~ a medical condition 61381
characterized by an individual's impaired ability to stop or 61382
control the individual's use of alcohol or endangers the use 61383
despite adverse social, occupational, or health, safety, or 61384
welfare of the individual or others consequences. An alcohol use 61385
disorder may be classified as mild, moderate, or severe. 61386

(5) "Certifiable services and supports" means all of the following:	61387 61388
(a) Alcohol and drug addiction services;	61389
(b) Mental health services;	61390
(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.	61391 61392 61393
(6) "Community addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following:	61394 61395 61396
(a) Alcohol and drug addiction services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;	61397 61398 61399
(b) Gambling addiction services;	61400
(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	61401 61402 61403 61404 61405
(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:	61406 61407 61408
(a) Mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;	61409 61410 61411
(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	61412 61413 61414 61415 61416

(8) "Drug addiction" means the use of a drug of abuse, as 61417
defined in section 3719.011 of the Revised Code, by an individual 61418
to the extent that the individual becomes physically or 61419
psychologically dependent on the drug or endangers the health, 61420
safety, or welfare of the individual or others. 61421

(9) "Gambling addiction" means the use of gambling by an 61422
individual to the extent that it causes psychological, financial, 61423
emotional, marital, legal, or other difficulties endangering the 61424
health, safety, or welfare of the individual or others. 61425

(10) "Gambling addiction services" means services for the 61426
treatment of persons who have a gambling addiction and for the 61427
prevention of gambling addiction. 61428

(11) "Hospital" means a hospital or inpatient unit licensed 61429
by the department of mental health and addiction services under 61430
section 5119.33 of the Revised Code, and any institution, 61431
hospital, or other place established, controlled, or supervised by 61432
the department under ~~Chapter 5119. of the Revised Code~~ this 61433
chapter. 61434

(12) "Included opioid and co-occurring drug addiction 61435
services and recovery supports" means the addiction services and 61436
recovery supports that, pursuant to section 340.033 of the Revised 61437
Code, are included in the array of services and recovery supports 61438
for all levels of opioid and co-occurring drug addiction required 61439
to be included in the community-based continuum of care 61440
established under section 340.032 of the Revised Code. 61441

(13) "Medication-assisted treatment" has the same meaning as 61442
in section 340.01 of the Revised Code. 61443

(14) "Mental illness" means a substantial disorder of 61444
thought, mood, perception, orientation, or memory that grossly 61445
impairs judgment, behavior, capacity to recognize reality, or 61446
ability to meet the ordinary demands of life. 61447

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services.

~~(18)(a) "Residence"~~ (19)(a) "Residence," except when referring to a recovery housing residence or the meaning of "residence" in section 5119.90 of the Revised Code, means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were

filed. 61479

(b) When the residence of a person is disputed, the matter of 61480
residence shall be referred to the department of mental health and 61481
addiction services for investigation and determination. Residence 61482
shall not be a basis for a board of alcohol, drug addiction, and 61483
mental health services to deny services to any person present in 61484
the board's service district, and the board shall provide services 61485
for a person whose residence is in dispute while residence is 61486
being determined and for a person in an emergency situation. 61487

(B) Any reference in this chapter to a board of alcohol, drug 61488
addiction, and mental health services also refers to an alcohol 61489
and drug addiction services board or a community mental health 61490
board in a service district in which an alcohol and drug addiction 61491
services board or a community mental health board has been 61492
established under section 340.021 or former section 340.02 of the 61493
Revised Code. 61494

Sec. 5119.19. ~~(A)(1)~~(A) As used in this section: 61495

~~(a)(1)~~ "Community-based correctional facility" has the same 61496
meaning as in section 2929.01 of the Revised Code. 61497

(2) "Drug used in medication-assisted treatment" means a drug 61498
approved by the United States food and drug administration for use 61499
in medication-assisted treatment, regardless of the method the 61500
drug is administered or the form in which it is dispensed, 61501
including an oral drug, an injectable drug, or a long-acting or 61502
extended-release drug. "Drug used in medication-assisted 61503
treatment" includes all of the following: 61504

(a) A full agonist; 61505

(b) A partial agonist; 61506

(c) An antagonist. 61507

(3) "Drug used in withdrawal management or detoxification" 61508

means a drug approved by the United States food and drug administration for use in, or a drug in standard use for, mitigating opioid or alcohol withdrawal symptoms or assisting with detoxification, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in withdrawal management or detoxification" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist;

(d) An alpha-2 adrenergic agonist.

(4) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(5) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

~~(b)~~(6)(a) "Psychotropic drug" means, except as provided in division ~~(A)(2)(A)(6)(b)~~ of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following:

(i) Antipsychotic medications, including those administered or dispensed in a long-acting injectable form;

(ii) Antidepressant medications;

(iii) Anti-anxiety medications;

(iv) Mood stabilizing medications.

~~(2)~~(b) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder.

(7) "Withdrawal management or detoxification" means a set of

medical interventions aimed at managing the acute physical symptoms of intoxication and withdrawal. Withdrawal management seeks to minimize the physical harm caused by the intoxication and withdrawal from a substance of abuse. Detoxification denotes a clearing of toxins from the body of the patient who is acutely intoxicated, dependent on a substance of abuse, or both.

(B) There is hereby created the ~~psychotropic~~ behavioral health drug reimbursement program. The program shall be administered by the department of mental health and addiction services.

The purpose of the program is to provide state reimbursement to counties for the cost of ~~psychotropic~~ both of the following:

(1) Subject to division (C) of this section, the following drugs that are administered or dispensed to inmates of county jails in this state: psychotropic drugs, drugs used in medication-assisted treatment, and drugs used in withdrawal management or detoxification;

(2) Subject to division (D) of this section, the following drugs that are administered or dispensed to individuals confined in community-based correctional facilities in this state: drugs used in medication-assisted treatment and drugs used in withdrawal management or detoxification. Each

(C) Each county shall ensure that inmates of county jails have access to all ~~psychotropic~~ behavioral health drugs specified in division (B)(1) of this section that are prescribed drugs covered by the fee-for-service component of the medicaid program.

(D) Each county shall ensure that individuals confined to community-based correctional facilities have access to all drugs specified in division (B)(2) of this section that are prescribed drugs covered by the fee-for-service component of the medicaid program.

(E) The department, based on factors it considers 61569
appropriate, shall allocate an amount to each county for 61570
reimbursement of ~~such psychotropic~~ drug costs incurred by the 61571
county pursuant to this section. 61572

~~(C)~~(F) The director of mental health and addiction services 61573
may adopt rules as necessary to implement this section. The rules, 61574
if adopted, shall be adopted in accordance with Chapter 119. of 61575
the Revised Code. 61576

Sec. 5119.33. ~~(A)(1)~~(A) The department of mental health and 61577
addiction services shall inspect and license all hospitals that 61578
receive mentally ill persons, except those hospitals managed by 61579
the department. No hospital may receive for care or treatment, 61580
either at public or private expense, any person who is or appears 61581
to be mentally ill, whether or not so adjudicated, unless the 61582
hospital has received a license from the department authorizing it 61583
to receive for care or treatment persons who are mentally ill or 61584
the hospital is managed by the department. 61585

~~(2) No such~~(B) A license described in division (A) of this 61586
section shall not be granted to a hospital for the treatment of 61587
mentally ill persons unless ~~the~~ both of the following are the 61588
case: 61589

(1) The department is satisfied, after investigation, that 61590
the hospital is managed and operated by qualified persons, is 61591
adequately staffed and equipped to operate, and has on its staff 61592
one or more qualified physicians responsible for the medical care 61593
of the patients confined there. At least one such physician shall 61594
be a psychiatrist. 61595

(2) The department is satisfied, after reviewing records and 61596
information it requires as specified in rules adopted under 61597
division (C) of this section, that the hospital and all owners, 61598
sponsors, medical directors, administrators, and principals of the 61599

hospital have been in good standing to operate a hospital for the 61600
care and treatment of mentally ill persons, or a similar hospital, 61601
in all other locations where the hospital or such other person has 61602
been operating a similar hospital, during the three-year period 61603
immediately preceding the date of application. 61604

~~(B)~~(C) The department shall adopt rules under Chapter 119. of 61605
the Revised Code prescribing minimum standards for the operation 61606
of hospitals for the care and treatment of mentally ill persons 61607
and; specifying the records and information that must be submitted 61608
to demonstrate good standing for purposes of division (B) of this 61609
section; and establishing standards and procedures for the 61610
issuance, renewal, or revocation of full, probationary, and 61611
interim licenses. No license shall be granted to any hospital 61612
established or used for the care of mentally ill persons unless 61613
such hospital is operating in accordance with this section and 61614
rules adopted pursuant to this section. A full license shall 61615
expire one year after the date of issuance, a probationary license 61616
shall expire at the time prescribed by rule adopted pursuant to 61617
Chapter 119. of the Revised Code by the director of mental health 61618
and addiction services, and an interim license shall expire ninety 61619
days after the date of issuance. A full, probationary, or interim 61620
license may be renewed, except that an interim license may be 61621
renewed only twice. The department may fix reasonable fees for 61622
licenses and for license renewals. Such hospitals are subject to 61623
inspection and on-site review by the department. 61624

~~(C)~~(D) Except as otherwise provided in Chapter 5122. of the 61625
Revised Code, neither the director of mental health and addiction 61626
services; an employee of the department; a board of alcohol, drug 61627
addiction, and mental health services or employee of a community 61628
mental health services provider; nor any other public official 61629
shall hospitalize any mentally ill person for care or treatment in 61630
any hospital that is not licensed in accordance with this section. 61631

~~(D)(1)~~(E)(1) The department may issue an order suspending the admission of patients who are mentally ill to a hospital for care or treatment if it finds either of the following:

(a) The hospital is not in compliance with rules adopted by the director pursuant to this section.

(b) The hospital has been cited for more than one violation of statutes or rules during any previous period of time during which the hospital is licensed pursuant to this section.

(2)(a) Except as provided in division ~~(D)(2)(b)~~(E)(2)(b) of this section, proceedings initiated to suspend the admission of patients are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after ~~receiving the notice specified being served in section~~ accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, notwithstanding the time within which a hearing must be held under section 119.07 of the

Revised Code, the hearing shall commence not later than thirty 61663
days after the department receives the request. 61664

(c) After commencing, the hearing shall continue 61665
uninterrupted, except for Saturdays, Sundays, and legal holidays, 61666
unless other interruptions are agreed to by the licensee and the 61667
director. 61668

(d) If the hearing is conducted by a hearing examiner, the 61669
hearing examiner shall file a report and recommendations with the 61670
department not later than ten days after the last of the 61671
following: 61672

(i) The close of the hearing; 61673

(ii) If a transcript of the proceedings is ordered, the 61674
hearing examiner receives the transcript; 61675

(iii) If post-hearing briefs are timely filed, the hearing 61676
examiner receives the briefs. 61677

(e) The hearing examiner shall send a written copy of the 61678
report and recommendations, by certified mail, to the licensee, or 61679
the licensee's attorney, if applicable, not later than five days 61680
after the report is filed with the department. 61681

(f) Not later than five days after receiving the report and 61682
recommendations, the licensee may file objections with the 61683
department. 61684

(g) Not later than fifteen days after the hearing examiner 61685
files the report and recommendations, the department shall issue 61686
an order approving, modifying, or disapproving the report and 61687
recommendations. 61688

(h) Notwithstanding the pendency of the hearing, the 61689
department shall lift the order for the suspension of admissions 61690
if the department determines the violation that formed the basis 61691
for the order has been corrected. 61692

~~(E)(1)~~(F)(1) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons:

(a) The hospital is no longer a suitable place for the care or treatment of mentally ill persons.

(b) The hospital refuses to be subject to inspection or on-site review by the department.

(c) The hospital has failed to furnish humane, kind, and adequate treatment and care.

(d) The hospital fails to comply with the licensure rules of the department.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of patients, the order remains in effect during the pendency of those proceedings.

~~(F)(1)~~(G)(1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending the admission of patients, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

~~(G)~~(H) The department may inspect, conduct an on-site review, 61724
and review the records of any hospital that the department has 61725
reason to believe is operating without a license. 61726

Sec. 5119.34. (A) As used in this section and sections 61727
5119.341 and 5119.342 of the Revised Code: 61728

(1) "Accommodations" means housing, daily meal preparation, 61729
laundry, housekeeping, arranging for transportation, social and 61730
recreational activities, maintenance, security, and other services 61731
that do not constitute personal care services or skilled nursing 61732
care. 61733

(2) "ADAMHS board" means a board of alcohol, drug addiction, 61734
and mental health services. 61735

(3) "Adult" means a person who is eighteen years of age or 61736
older, other than a person described in division (A)(4) of this 61737
section who is between eighteen and twenty-one years of age. 61738

(4) "Child" means a person who is under eighteen years of age 61739
or a person with a mental disability who is under twenty-one years 61740
of age. 61741

(5) "Community mental health services provider" means a 61742
community mental health services provider as defined in section 61743
5119.01 of the Revised Code. 61744

(6) "Community mental health services" means any mental 61745
health services certified by the department pursuant to section 61746
5119.36 of the Revised Code. 61747

(7) "Operator" means the person or persons, firm, 61748
partnership, agency, governing body, association, corporation, or 61749
other entity that is responsible for the administration and 61750
management of a residential facility and that is the applicant for 61751
a residential facility license. 61752

(8) "Personal care services" means services including, but 61753

not limited to, the following: 61754

(a) Assisting residents with activities of daily living; 61755

(b) Assisting residents with self-administration of 61756
medication in accordance with rules adopted under this section; 61757

(c) Preparing special diets, other than complex therapeutic 61758
diets, for residents pursuant to the instructions of a physician 61759
or a licensed dietitian, in accordance with rules adopted under 61760
this section. 61761

"Personal care services" does not include "skilled nursing 61762
care" as defined in section 3721.01 of the Revised Code. A 61763
facility need not provide more than one of the services listed in 61764
division (A)(8) of this section to be considered to be providing 61765
personal care services. 61766

(9) "Room and board" means the provision of sleeping and 61767
living space, meals or meal preparation, laundry services, 61768
housekeeping services, or any combination thereof. 61769

(10) "Residential state supplement program" means the program 61770
established under section 5119.41 of the Revised Code. 61771

(11) "Supervision" means any of the following: 61772

(a) Observing a resident to ensure the resident's health, 61773
safety, and welfare while the resident engages in activities of 61774
daily living or other activities; 61775

(b) Reminding a resident to perform or complete an activity, 61776
such as reminding a resident to engage in personal hygiene or 61777
other self-care activities; 61778

(c) Assisting a resident in making or keeping an appointment. 61779

(12) "Unrelated" means that a resident is not related to the 61780
owner or operator of a residential facility or to the owner's or 61781
operator's spouse as a parent, grandparent, child, stepchild, 61782
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 61783

the child of an aunt or uncle. 61784

(B)(1) A "residential facility" is a publicly or privately 61785
operated home or facility that falls into one of the following 61786
categories: 61787

(a) Class one facilities provide accommodations, supervision, 61788
personal care services, and mental health services for one or more 61789
unrelated adults with mental illness or one or more unrelated 61790
children or adolescents with severe emotional disturbances; 61791

(b) Class two facilities provide accommodations, supervision, 61792
and personal care services to any of the following: 61793

(i) One or two unrelated persons with mental illness; 61794

(ii) One or two unrelated adults who are receiving payments 61795
under the residential state supplement program; 61796

(iii) Three to sixteen unrelated adults. 61797

(c) Class three facilities provide room and board for five or 61798
more unrelated adults with mental illness. 61799

(2) "Residential facility" does not include any of the 61800
following: 61801

(a) A hospital subject to licensure under section 5119.33 of 61802
the Revised Code or an institution maintained, operated, managed, 61803
and governed by the department of mental health and addiction 61804
services for the hospitalization of mentally ill persons pursuant 61805
to section 5119.14 of the Revised Code; 61806

(b) A residential facility licensed under section 5123.19 of 61807
the Revised Code or otherwise regulated by the department of 61808
developmental disabilities; 61809

(c) An institution or association subject to certification 61810
under section 5103.03 of the Revised Code; 61811

(d) A facility operated by a hospice care program licensed 61812

under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 61813
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(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 61815
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(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program; 61817
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(g) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless; 61819
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(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 61823
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(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 61826
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(j) The residence of a relative or guardian of a person with mental illness. 61830
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(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance. 61832
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(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following: 61836
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(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 61840
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(2) Assist a resident in the self-administration of 61842

medication by taking the medication from the locked area where it 61843
is stored, in accordance with rules adopted pursuant to this 61844
section, and handing it to the resident. If the resident is 61845
physically unable to open the container, a staff member may open 61846
the container for the resident. 61847

(3) Assist a physically impaired but mentally alert resident, 61848
such as a resident with arthritis, cerebral palsy, or Parkinson's 61849
disease, in removing oral or topical medication from containers 61850
and in consuming or applying the medication, upon request by or 61851
with the consent of the resident. If a resident is physically 61852
unable to place a dose of medicine to the resident's mouth without 61853
spilling it, a staff member may place the dose in a container and 61854
place the container to the mouth of the resident. 61855

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 61856
~~a~~(E) A person operating or seeking to operate a residential 61857
facility shall apply for licensure of the facility to the 61858
department of mental health and addiction services. The 61859
application shall be submitted by the operator. When applying for 61860
the license, the applicant shall pay to the department the 61861
application fee specified in rules adopted under division (N) of 61862
this section. The fee is nonrefundable. 61863

The department shall send a copy of an application to the 61864
ADAMHS board serving the county in which the person operates or 61865
seeks to operate the facility. The ADAMHS board shall review the 61866
application and provide to the department any information about 61867
the applicant or the facility that the board would like the 61868
department to consider in reviewing the application. 61869

~~(2) A person may not apply for a license to operate a 61870
residential facility if the person is or has been the owner,~~ 61871
~~operator, or manager of a residential facility for which a license~~ 61872
~~to operate was revoked or for which renewal of a license was~~ 61873
~~refused for any reason other than nonpayment of the license~~ 61874

~~renewal fee, unless both of the following conditions are met:~~ 61875

~~(a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.~~ 61876
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~~(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.~~ 61879
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(F) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department ~~shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision~~ may issue a license to operate a residential facility only if both of the following are the case: 61883
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(1) The department is satisfied, after investigation, that the facility is managed and operated by qualified persons and is adequately staffed and equipped to operate. 61889
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(2) The department is satisfied, after reviewing records and information it requires as specified in rules adopted under division (N) of this section, that the facility and all owners and operators of the facility have been in good standing in all other locations where the facility or such other person has been operating a facility, or a similar facility, during the three-year period immediately preceding the date of application. 61892
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The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of mental health and addiction services under division (N) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with 61899
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rules adopted by the director under division (N) of this section. 61906
The renewal application shall be submitted by the operator. When 61907
applying for renewal of a license, the applicant shall pay to the 61908
department the renewal fee specified in rules adopted under 61909
division (N) of this section. The fee is nonrefundable. 61910

(G)(1) If the department finds any of the following with 61911
respect to a residential facility, the department may issue an 61912
order suspending the admission of residents to the facility, 61913
refuse to issue or renew a license for the facility, or revoke the 61914
facility's license: 61915

(a) The facility is not in compliance with rules adopted by 61916
the director pursuant to division (N) of this section; 61917

(b) Any facility operated by the applicant or licensee has 61918
been cited for a pattern of serious noncompliance or repeated 61919
violations of statutes or rules during the period of current or 61920
previous licenses; 61921

(c) The applicant or licensee submits false or misleading 61922
information as part of a license application, renewal, or 61923
investigation. 61924

(2) Proceedings initiated to deny applications for full or 61925
probationary licenses, to refuse to renew full or probationary 61926
licenses, or to revoke full or probationary licenses are governed 61927
by Chapter 119. of the Revised Code. If an order has been issued 61928
suspending the admission of residents to the facility, the order 61929
remains in effect during the pendency of those proceedings. 61930

Proceedings initiated to suspend the admission of residents 61931
to a facility are governed by Chapter 119. of the Revised Code, 61932
except as provided in division (H) of this section. 61933

(3) In a proceeding initiated to suspend the admission of 61934
residents to a facility, to deny an application for a full or 61935
probationary license, to refuse to renew a full or probationary 61936

license, or to revoke a full or probationary license, the 61937
department may order the suspension, denial, refusal, or 61938
revocation regardless of whether some or all of the deficiencies 61939
that prompted the proceedings have been corrected at the time of 61940
the hearing. 61941

(4) When the department issues an order suspending the 61942
admission of residents to a facility, denies an application for a 61943
full or probationary license, refuses to renew a full or 61944
probationary license, or revokes a full or probationary license, 61945
the department shall not grant an opportunity for submitting a 61946
plan of correction. 61947

(H)(1) If a suspension of admissions of residents to a 61948
facility is proposed because the director has determined that the 61949
licensee has demonstrated a pattern of serious noncompliance or 61950
that a violation creates a substantial risk to the health and 61951
safety of residents, the director may issue an order imposing the 61952
suspension of admissions before providing an opportunity for an 61953
adjudication under Chapter 119. of the Revised Code. The director 61954
shall lift the order for the suspension of admissions if the 61955
director determines that the violation that formed the basis for 61956
the order has been corrected. 61957

(2) Appeals from proceedings initiated to order the 61958
suspension of admissions to a facility shall be conducted in 61959
accordance with Chapter 119. of the Revised Code, unless the order 61960
was issued before providing an opportunity for an adjudication, in 61961
which case all of the following apply: 61962

(a) The licensee may request a hearing not later than ten 61963
days after ~~receiving the notice specified~~ being served in ~~section~~ 61964
accordance with sections 119.05 and 119.07 of the Revised Code. 61965

(b) If a timely request for a hearing that includes the 61966
licensee's current address is made, notwithstanding the time 61967

within which a hearing must be held under section 119.07 of the Revised Code, the hearing shall commence not later than thirty days after the department receives the request. 61968
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 61971
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 61975
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(i) The close of the hearing; 61979

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 61980
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 61982
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 61984
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 61988
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 61991
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis 61995
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for the order has been corrected. 61998

(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 61999
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 62001
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section. 62005
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 62008
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(J)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows: 62012
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(a) Prior to issuance of a license for the facility; 62014

(b) Prior to renewal of the license; 62015

(c) To determine whether the facility has completed a plan of correction required pursuant to division (J)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it; 62016
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(d) Upon complaint by any individual or agency; 62021

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section. 62022
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(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and 62026
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its personnel, activities, and services. The department shall have 62028
access to examine and copy all records, accounts, and any other 62029
documents relating to the operation of the residential facility, 62030
including records pertaining to residents, and shall have access 62031
to the facility in order to conduct interviews with the operator, 62032
staff, and residents. Following each inspection and review, the 62033
department shall complete a report listing any deficiencies, and 62034
including, when appropriate, a time table within which the 62035
operator shall correct the deficiencies. The department may 62036
require the operator to submit a plan of correction describing how 62037
the deficiencies will be corrected. 62038

(K) No person shall do any of the following: 62039

(1) Operate a residential facility unless the facility holds 62040
a valid license; 62041

(2) Violate any of the conditions of licensure after having 62042
been granted a license; 62043

(3) Interfere with a state or local official's inspection or 62044
investigation of a residential facility; 62045

(4) Violate any of the provisions of this section or any 62046
rules adopted pursuant to this section. 62047

(L) The following may enter a residential facility at any 62048
time: 62049

(1) Employees designated by the director of mental health and 62050
addiction services; 62051

(2) Employees of an ADAMHS board under either of the 62052
following circumstances: 62053

(a) When a resident of the facility is receiving services 62054
from a community mental health services provider under contract 62055
with that ADAMHS board or another ADAMHS board; 62056

(b) When authorized by section 340.05 of the Revised Code. 62057

(3) Employees of a community mental health services provider	62058
under either of the following circumstances:	62059
(a) When the provider has a person receiving services	62060
residing in the facility;	62061
(b) When the provider is acting as an agent of an ADAMHS	62062
board other than the board with which it is under contract.	62063
(4) Representatives of the state long-term care ombudsman	62064
program when the facility provides accommodations, supervision,	62065
and personal care services for three to sixteen unrelated adults	62066
or to one or two unrelated adults who are receiving payments under	62067
the residential state supplement program.	62068
The persons specified in division (L) of this section shall	62069
be afforded access to examine and copy all records, accounts, and	62070
any other documents relating to the operation of the residential	62071
facility, including records pertaining to residents.	62072
(M) Employees of the department of mental health and	62073
addiction services may enter, for the purpose of investigation,	62074
any institution, residence, facility, or other structure which has	62075
been reported to the department as, or that the department has	62076
reasonable cause to believe is, operating as a residential	62077
facility without a valid license.	62078
(N) The director shall adopt and may amend and rescind rules	62079
pursuant to Chapter 119. of the Revised Code governing the	62080
licensing and operation of residential facilities. The rules shall	62081
establish all of the following:	62082
(1) Minimum standards for the health, safety, adequacy, and	62083
cultural competency of treatment of and services for persons in	62084
residential facilities;	62085
(2) Procedures for the issuance, renewal, or revocation of	62086
the licenses of residential facilities;	62087

(3) <u>The records and other information that must be submitted to demonstrate good standing for purposes of division (F) of this section;</u>	62088
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(4) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;	62091
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(4) (5) The fee to be paid when applying for a new residential facility license or renewing the license;	62095
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(5) (6) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	62097
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(6) (7) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	62103
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(7) (8) Measures to be taken by residential facilities relative to residents' medication;	62105
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(8) (9) Requirements relating to preparation of special diets;	62107
(9) (10) The maximum number of residents who may be served in a residential facility;	62108
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(10) (11) The rights of residents of residential facilities and procedures to protect such rights;	62110
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(11) (12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	62112
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(0)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The	62114
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department may disclose the source of any complaint if the 62118
complainant agrees in writing to such disclosure and shall 62119
disclose the source upon order by a court of competent 62120
jurisdiction. 62121

(2) Any person who makes a complaint under division (O)(1) of 62122
this section, or any person who participates in an administrative 62123
or judicial proceeding resulting from such a complaint, is immune 62124
from civil liability and is not subject to criminal prosecution, 62125
other than for perjury, unless the person has acted in bad faith 62126
or with malicious purpose. 62127

(P)(1) The director of mental health and addiction services 62128
may petition the court of common pleas of the county in which a 62129
residential facility is located for an order enjoining any person 62130
from operating a residential facility without a license or from 62131
operating a licensed facility when, in the director's judgment, 62132
there is a present danger to the health or safety of any of the 62133
occupants of the facility. The court shall have jurisdiction to 62134
grant such injunctive relief upon a showing that the respondent 62135
named in the petition is operating a facility without a license or 62136
there is a present danger to the health or safety of any residents 62137
of the facility. 62138

(2) When the court grants injunctive relief in the case of a 62139
facility operating without a license, the court shall issue, at a 62140
minimum, an order enjoining the facility from admitting new 62141
residents to the facility and an order requiring the facility to 62142
assist with the safe and orderly relocation of the facility's 62143
residents. 62144

(3) If injunctive relief is granted against a facility for 62145
operating without a license and the facility continues to operate 62146
without a license, the director shall refer the case to the 62147
attorney general for further action. 62148

(Q) The director may fine a person for violating division (K) 62149
of this section. The fine shall be five hundred dollars for a 62150
first offense; for each subsequent offense, the fine shall be one 62151
thousand dollars. The director's actions in imposing a fine shall 62152
be taken in accordance with Chapter 119. of the Revised Code. 62153

Sec. 5119.35. (A) Except as provided in division (B) of this 62154
section, if a mental health service or alcohol and drug addiction 62155
service has been specified in rules adopted under this section as 62156
a service that is required to be certified, no person or 62157
government entity shall provide ~~any of the following alcohol and~~ 62158
~~drug addiction services~~ that service unless ~~the services have it~~ 62159
has been certified under section 5119.36 of the Revised Code. 62160

~~(1) Withdrawal management addiction services provided in a~~ 62161
~~setting other than an acute care hospital;~~ 62162

~~(2) Addiction services provided in a residential treatment~~ 62163
~~setting;~~ 62164

~~(3) Addiction services provided on an outpatient basis.~~ 62165

(B) Division (A) of this section does not apply to either of 62166
the following: 62167

(1) An individual who holds a valid license, certificate, or 62168
registration issued by this state authorizing the practice of a 62169
health care profession that includes the performance of ~~the~~ 62170
~~services~~ any service that is required to be certified as described 62171
in ~~divisions (A)(1) to (3) of~~ this section, regardless of whether 62172
the ~~services are~~ service is performed as part of a sole 62173
proprietorship, partnership, or group practice; 62174

(2) An individual who provides ~~the services~~ any service that 62175
is required to be certified as described in ~~divisions (A)(1) to~~ 62176
~~(3) of~~ this section as part of an employment or contractual 62177
relationship with a hospital outpatient clinic that is accredited 62178

by an accreditation agency or organization approved by the 62179
director of mental health and addiction services. 62180

(C) No person or government entity that is subject to this 62181
section is eligible to receive, for a service that is subject to 62182
this section, any federal funds, state funds, or funds 62183
administered by a board of alcohol, drug addiction, and mental 62184
health services, unless that service has been certified under 62185
section 5119.36 of the Revised Code. This limitation is in 62186
addition to the criminal penalty that applies for violating 62187
division (A) of this section. 62188

(D) The director may adopt rules in accordance with Chapter 62189
119. of the Revised Code to specify mental health services and 62190
alcohol and drug addiction services that are required to be 62191
certified under section 5119.36 of the Revised Code. 62192
Notwithstanding any provision of section 121.95 of the Revised 62193
Code to the contrary, a regulatory restriction contained in a rule 62194
adopted under this section is not subject to sections 121.95 to 62195
121.953 of the Revised Code. 62196

Sec. 5119.36. ~~(A) A community mental health services provider 62197
applicant or community addiction services provider applicant 62198
person or government entity that seeks initial certification of 62199
~~its~~ one or more certifiable services and supports, or that seeks 62200
to renew certification of one or more certifiable services and 62201
supports, shall submit an application to the director of mental 62202
health and addiction services. On receipt of the application, the 62203
director ~~may conduct an on-site review and shall evaluate the 62204
applicant to~~ determine whether ~~its certifiable services and 62205
supports satisfy~~ the standards established by divisions (B) and 62206
(C) of this section and any rules adopted under this section are 62207
satisfied or continue to be satisfied by the applicant. The 62208
director shall make the evaluation, and, if As part of the 62209~~

determination, the director ~~conducts~~ may conduct an on-site review 62210
of the applicant⁷. In doing so, the director may ~~make~~ conduct the 62211
review⁷ in cooperation with a board of alcohol, drug addiction, 62212
and mental health services that seeks to contract or has a 62213
contract with the applicant under section 340.036 of the Revised 62214
Code. 62215

~~(B) Subject to section 5119.361 of the Revised Code, the~~ 62216
(B)(1) Beginning on the effective date of this amendment, an 62217
applicant seeking initial certification of certifiable services 62218
and supports shall be accredited to provide those services and 62219
supports by one or more national accrediting organizations 62220
specified in division (B)(3) of this section that offer 62221
accreditation for those services and supports or equivalent 62222
services and supports. 62223

(2) Beginning October 1, 2025, an applicant seeking to renew 62224
certification of certifiable services and supports shall be 62225
accredited to provide those services and supports by one or more 62226
national accrediting organizations specified in division (B)(3) of 62227
this section that offer accreditation for those services and 62228
supports or equivalent services and supports. 62229

(3) For purposes of divisions (B)(1) and (2) of this section, 62230
the director shall accept appropriate accreditation of an 62231
applicant's certifiable services and supports from any of the 62232
following national accrediting organizations: 62233

(a) The joint commission; 62234

(b) The commission on accreditation of rehabilitation 62235
facilities; 62236

(c) The council on accreditation; 62237

(d) Any other national accrediting organization the director 62238
considers appropriate. 62239

(C) In addition to meeting the accreditation standard set forth in division (B) of this section, an applicant seeking initial or renewed certification of one or more certifiable services and supports shall meet both of the following, as determined by the director: 62240
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(1) The applicant shall have adequate staff and equipment to provide the certifiable services and supports; 62245
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(2) The applicant and all owners and principals of the applicant shall be in good standing in all other locations where the applicant has been providing certifiable services and supports during the three-year period immediately preceding the date of the application, based on a review of records and information required to be submitted as specified in rules adopted under this section. 62247
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(D)(1) Except as provided in division (D)(2) of this section, if the director determines that an applicant has paid any required certification fee, that the applicant's accreditation of certifiable services and supports is current and appropriate for the services and supports for which the applicant is seeking initial or renewed certification, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or rules adopted under it, the director shall certify the services and supports or renew the certification of the services and supports, as applicable. Except as provided in division (I) of this section, the director shall issue or renew the certification without further evaluation of the services and supports. 62253
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(2) Prior to October 1, 2025, if an applicant that seeks to renew certification of certifiable services and supports is not accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section, the director shall conduct an evaluation of the applicant to determine whether the applicant's certifiable 62266
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~~services and supports of a community mental health services provider applicant or community addiction services provider applicant~~ satisfy the standards for certification. The evaluation is in addition to any on-site review conducted under division (A) of this section and shall be performed in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. If the director determines that an applicant has paid any required certification fee, that the applicant's certifiable services and supports satisfy the standards for renewed certification ~~and the applicant has paid the fee required by this section, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or the rules adopted under it,~~ the director shall certify the certifiable services and supports.

~~No community mental health services provider shall be eligible to receive for its certifiable services and supports any state funds, federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless those certifiable services and supports have been certified by the director.~~

~~No person or government entity subject to section 5119.35 of the Revised Code or any other community addiction services provider shall be eligible to receive for its services described in that section or its other certifiable services and supports any state funds, federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless those services or other certifiable services and supports have been certified by the director.~~

(C)(E) For purposes of the accreditation requirements of this section, both of the following apply:

(1) The director may review the accrediting organizations specified in division (B)(3) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services, alcohol and drug addiction services, or physical health services. The director may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations.

(2) The director shall require a community mental health services provider and a community addiction services provider to notify the director not later than ten days after any change in the provider's accreditation status. The provider may notify the director by providing a copy of the relevant document the provider received from the accrediting organization.

(F) The director may require a community mental health services provider or a community addiction services provider to submit to the director cost reports pertaining to the provider.

(G) The director may refuse to certify certifiable services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:

(1) The applicant or holder is not in compliance with rules adopted under this section.

(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.

(3) The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code;

(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or

investigation. 62335

~~(D)~~(H) Proceedings initiated to deny applications to certify 62336
certifiable services and supports, to refuse to renew 62337
certification, or to revoke certification are governed by Chapter 62338
119. of the Revised Code. If an order has been issued suspending 62339
admissions to a community addiction services provider ~~that~~ 62340
~~provides overnight accommodations~~, as provided in division ~~(H)~~(M) 62341
of this section, the order remains in effect during the pendency 62342
of those proceedings. 62343

~~(E)~~(I) The director may conduct an on-site review or 62344
otherwise evaluate a community mental health services provider or 62345
a community addiction services provider at any time based on 62346
cause, including complaints made by or on behalf of persons 62347
receiving mental health services or alcohol and drug addiction 62348
services and confirmed or alleged deficiencies brought to the 62349
attention of the director. This authority does not affect the 62350
director's duty to conduct the inspections required by section 62351
5119.37 of the Revised Code. 62352

In conducting an on-site review under this division, the 62353
director may do so in cooperation with a board of alcohol, drug 62354
addiction, and mental health services that seeks to contract or 62355
has a contract with the applicant under section 340.036 of the 62356
Revised Code. In conducting any other evaluation under this 62357
division, the director shall do so in cooperation with such a 62358
board. 62359

(J) If the director determines that ~~a community mental health~~ 62360
~~services provider applicant's or a community addiction services~~ 62361
~~provider~~ an applicant's certifiable services and supports do not 62362
satisfy the standards for certification, the director may request 62363
that the appropriate board of alcohol, drug addiction, and mental 62364
health services reallocate any funds for the certifiable services 62365
and supports the applicant was to provide to ~~another~~ a community 62366

mental health services provider or community addiction services 62367
provider whose certifiable services and supports satisfy the 62368
standards. If the board does not reallocate such funds in a 62369
reasonable period of time, the director may withhold state and 62370
federal funds for the certifiable services and supports and 62371
allocate those funds directly to a community mental health 62372
services provider or community addiction services provider whose 62373
certifiable services and supports satisfy the standards. 62374

~~(F)(K)~~ Each ~~community mental health services provider~~ 62375
~~applicant or community addiction services provider~~ applicant 62376
seeking initial or renewed certification of its certifiable 62377
services and supports ~~under this section~~ shall pay a fee for the 62378
certification required by this section, unless the applicant is 62379
exempt under rules adopted under this section. Fees shall be paid 62380
into the state treasury to the credit of the sale of goods and 62381
services fund created pursuant to section 5119.45 of the Revised 62382
Code. 62383

~~(G)(L)~~ The director shall adopt rules in accordance with 62384
Chapter 119. of the Revised Code to implement this section. ~~The~~ 62385
Notwithstanding any provision of section 121.95 of the Revised 62386
Code to the contrary, a regulatory restriction contained in a rule 62387
adopted under this section is not subject to sections 121.95 to 62388
121.953 of the Revised Code. 62389

The rules shall do all of the following: 62390

(1) Subject to section 340.034 of the Revised Code, specify 62391
the types of recovery supports that are required to be certified 62392
under this section; 62393

(2) Establish certification standards for certifiable 62394
services and supports that are consistent with nationally 62395
recognized applicable standards and facilitate participation in 62396
federal assistance programs. The rules shall include as 62397

certification standards only requirements that improve the quality 62398
of certifiable services and supports or the health and safety of 62399
persons receiving certifiable services and supports. The standards 62400
shall address at a minimum all of the following: 62401

(a) Reporting major unusual incidents to the director; 62402

(b) Procedures for applicants for and persons receiving 62403
certifiable services and supports to file grievances and 62404
complaints; 62405

(c) Seclusion; 62406

(d) Restraint; 62407

(e) Requirements regarding the physical facilities in which 62408
certifiable services and supports are provided; 62409

(f) Requirements with regard to health, safety, adequacy, and 62410
cultural specificity and sensitivity; 62411

(g) Standards for evaluating certifiable services and 62412
supports; 62413

(h) Standards and procedures for granting full, probationary, 62414
and interim certification of the certifiable services and supports 62415
of a ~~community mental health services provider applicant or~~ 62416
~~community addiction services provider~~ an applicant; 62417

(i) Standards and procedures for revoking the certification 62418
of a community mental health services provider's or community 62419
addiction services provider's certifiable services and supports 62420
that do not continue to meet the minimum standards established 62421
pursuant to this section; 62422

(j) The limitations to be placed on a provider whose 62423
certifiable services and supports are granted probationary or 62424
interim certification; 62425

(k) Development of written policies addressing the rights of 62426
persons receiving certifiable services and supports, including all 62427

of the following: 62428

(i) The right to a copy of the written policies addressing 62429
the rights of persons receiving certifiable services and supports; 62430

(ii) The right at all times to be treated with consideration 62431
and respect for the person's privacy and dignity; 62432

(iii) The right to have access to the person's own 62433
psychiatric, medical, or other treatment records unless access is 62434
specifically restricted in the person's treatment plan for clear 62435
treatment reasons; 62436

(iv) The right to have a client rights officer provided by 62437
the provider or board of alcohol, drug addiction, and mental 62438
health services advise the person of the person's rights, 62439
including the person's rights under Chapter 5122. of the Revised 62440
Code if the person is committed to the provider or board. 62441

(l) Documentation that must be submitted as evidence of 62442
holding appropriate accreditation; 62443

(m) A process by which the director may review the 62444
accreditation standards and process used by the national 62445
accrediting organizations specified in division (B)(3) of this 62446
section. 62447

(3) Establish the process for certification of certifiable 62448
services and supports; 62449

(4) Set the amount of initial and renewal certification 62450
review fees and any reasons for which applicants may be exempt 62451
from the fees; 62452

(5) Specify the type of notice and hearing to be provided 62453
prior to a decision on whether to reallocate funds; 62454

(6) Establish a process by which the director, based on 62455
deficiencies identified as a result of conducting an on-site 62456
review or otherwise evaluating a community mental health services 62457

provider or community addiction services provider under division 62458
(I) of this section, may take any range of correction actions, 62459
including revocation of the provider's certification; 62460

(7) Specify the records and information that must be 62461
submitted to demonstrate good standing for purposes of division 62462
(C) of this section. 62463

~~(H)(1)~~(M)(1) The director may issue an order suspending 62464
admissions to a community addiction services provider that 62465
provides overnight accommodations if the director finds either of 62466
the following: 62467

(a) The provider's certifiable services and supports are not 62468
in compliance with rules adopted under this section; 62469

(b) The provider has been cited for more than one violation 62470
of statutes or rules during any previous certification period of 62471
the provider. 62472

(2)(a) Except as provided in division ~~(H)(2)(b)~~(M)(2)(b) of 62473
this section, proceedings initiated to suspend admissions to a 62474
community addiction services provider that provides overnight 62475
accommodations are governed by Chapter 119. of the Revised Code. 62476

(b) If a suspension of admissions is proposed because the 62477
director has determined that the provider has demonstrated a 62478
pattern of serious noncompliance or that a violation creates a 62479
substantial risk to the health and safety of patients, the 62480
director may issue an order suspending admissions before providing 62481
an opportunity for an adjudication under Chapter 119. of the 62482
Revised Code. The director shall lift the order for the suspension 62483
of admissions if the director determines that the violation that 62484
formed the basis for the order has been corrected. 62485

(3) Appeals from proceedings initiated to order the 62486
suspension of admissions shall be conducted in accordance with 62487
Chapter 119. of the Revised Code, unless the order was issued 62488

before providing an opportunity for an adjudication, in which case 62489
all of the following apply: 62490

(a) The provider may request a hearing not later than ten 62491
days after ~~receiving the notice specified~~ being served in ~~section~~ 62492
accordance with sections 119.05 and 119.07 of the Revised Code. 62493

(b) If a timely request for a hearing that includes the 62494
provider's current address is made, notwithstanding the time 62495
within which a hearing must be held under section 119.07 of the 62496
Revised Code, the hearing shall commence not later than thirty 62497
days after the department receives the request. 62498

(c) After commencing, the hearing shall continue 62499
uninterrupted, except for Saturdays, Sundays, and legal holidays, 62500
unless other interruptions are agreed to by the provider and the 62501
director. 62502

(d) If the hearing is conducted by a hearing examiner, the 62503
hearing examiner shall file a report and recommendations with the 62504
department not later than ten days after the last of the 62505
following: 62506

(i) The close of the hearing; 62507

(ii) If a transcript of the proceedings is ordered, the 62508
hearing examiner receives the transcript; 62509

(iii) If post-hearing briefs are timely filed, the hearing 62510
examiner receives the briefs. 62511

(e) The hearing examiner shall send a written copy of the 62512
report and recommendations, by certified mail, to the provider, or 62513
the provider's attorney, if applicable, not later than five days 62514
after the report is filed with the department. 62515

(f) Not later than five days after receiving the report and 62516
recommendations, the provider may file objections with the 62517
department. 62518

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

~~(I)(1)~~(N)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction.

~~(J)(O)~~ The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.

~~(K)(P)~~ No person shall represent in any manner that a community mental health services provider's or community addiction

services provider's certifiable services and supports are 62550
certified by the director if the certifiable services and supports 62551
are not so certified at the time the representation is made. 62552

Sec. 5119.39. (A) The department of mental health and 62553
addiction services shall monitor the operation of recovery housing 62554
in this state by doing either of the following: 62555

(1) Certifying recovery housing residences through a process 62556
established by the department; 62557

(2) Accept accreditation, or its equivalent for the service 62558
of recovery housing, from one or more of the following: 62559

(a) The Ohio affiliate of the national alliance for recovery 62560
residences; 62561

(b) Oxford house, inc.; 62562

(c) Any other organization that is designated by the 62563
department for purposes of this section. 62564

(B) If the department certifies recovery housing residences, 62565
the department shall, in rules adopted under section 5119.397 of 62566
the Revised Code, establish requirements for initial certification 62567
and renewal certification, as well as grounds and procedures for 62568
disciplinary action against operators of recovery housing 62569
residences. 62570

Sec. 5119.391. (A) The department of mental health and 62571
addiction services shall monitor the establishment of recovery 62572
housing residences in this state. 62573

(B) For purposes of division (A) of this section, and within 62574
the timeframe specified in division (C) of this section, each 62575
person or government entity that will operate a recovery housing 62576
residence on or after the effective date of this section, 62577
including any recovery housing that was established and in 62578

operation prior to the effective date of this section, shall file 62579
with the department, on a form prescribed by the department, all 62580
of the following information: 62581

(1) The name of the recovery housing residence and any other 62582
name under which the residence does business; 62583

(2) The address of the recovery housing residence; 62584

(3) The name of the person or government entity operating the 62585
residence; 62586

(4) The primary telephone number and electronic mail address 62587
for the recovery housing operator; 62588

(5) The date the recovery housing residence was first 62589
occupied, or will be occupied, by its first resident; 62590

(6) Information related to any existing accreditation or its 62591
equivalent that the recovery housing residence has obtained or is 62592
in the process of obtaining; 62593

(7) Any other information the department considers 62594
appropriate. 62595

(C) The form required by division (B) of this section shall 62596
be filed with the department as follows: 62597

(1) For a recovery housing residence that began operating 62598
before the effective date of this section, not later than thirty 62599
days after the effective date of this section; 62600

(2) For a recovery housing residence that will begin 62601
operating on or after the effective date of this section, not 62602
later than thirty days after the first resident begins occupying 62603
the residence. 62604

(D) If the department accepts accreditation or its equivalent 62605
from an organization specified in section 5119.39 of the Revised 62606
Code, the department may provide copies of forms filed in 62607
accordance with this section to any such organization. 62608

Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies: 62609
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(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department. 62612
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(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization. 62615
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(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code. 62618
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(B) If the director of mental health and addiction services determines that a recovery housing residence is operating in violation of this section, the director may petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence. 62625
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Sec. 5119.393. (A) The department of mental health and addiction services shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department may contract with one or more of the organizations specified in section 5119.39 of the Revised Code to fulfill some or all of the functions associated with receiving and investigating complaints. 62631
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(B) Any organization under contract with the department to 62638

receive and investigate complaints shall make reports to the 62639
department as follows: 62640

(1) Not less than monthly, the contractor shall report the 62641
status of each pending investigation and shall report the outcome 62642
of each investigation that has been completed since the last 62643
report was made; 62644

(2) As soon as practicable, but not later than ten days after 62645
making an adverse decision, if a contractor's accreditation or its 62646
equivalent is accepted by the department for purposes of section 62647
5119.39 of the Revised Code, the contractor shall report that 62648
decision to the department in a manner prescribed by the 62649
department. 62650

Sec. 5119.394. (A) The department of mental health and 62651
addiction services shall establish and maintain a registry of 62652
recovery housing residences that meet the criteria described in 62653
division (A)(1) or (2) of section 5119.392 of the Revised Code. 62654
For each residence, the registry shall include all of the 62655
following: 62656

(1) Information on the form required by division (B) of 62657
section 5119.391 of the Revised Code; 62658

(2) If a complaint received under section 5119.393 of the 62659
Revised Code has been investigated, a description of the 62660
complaint, the date the complaint was submitted to the department 62661
or its contractor, and the outcome of the investigation; 62662

(3) Any other information the department considers 62663
appropriate. 62664

(B) The department shall immediately remove from the registry 62665
a recovery housing residence that ceases to meet the criteria 62666
described in division (A)(1) or (2) of section 5119.392 of the 62667
Revised Code, including if the criteria described in those 62668

divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed. 62669
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(C) The department shall make the registry available to the public on the department's web site. 62672
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Sec. 5119.395. Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions: 62674
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(1) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code; 62680
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(2) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code. 62682
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Sec. 5119.396. Beginning January 1, 2025, community addiction services providers and community mental health services providers shall not refer clients to a recovery housing residence unless the residence is on the registry established and maintained under section 5119.394 of the Revised Code on the date that the referral is made. Community addiction services providers and community mental health services providers shall maintain records of all referrals made to recovery housing residences. 62685
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Sec. 5119.397. The director of mental health and addiction services may adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 5119.39 to 5119.396 of the Revised Code. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction 62693
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contained in a rule adopted under this section is not subject to 62698
sections 121.95 to 121.953 of the Revised Code. 62699

Sec. 5119.48. (A) The department of mental health and 62700
addiction services shall create the all roads lead to home 62701
program. The program shall include all of the following 62702
initiatives: 62703

(1) A media campaign. As part of the campaign, the department 62704
shall develop public service announcements and shall make the 62705
announcements available to television and radio media outlets. The 62706
announcements shall be made available beginning on January 1, 62707
2018, and at least twice annually, once between January and March 62708
of each year, and once in September of each year as part of 62709
national recovery month. 62710

(2) A web site as described in division (C) of this section; 62711

(3) A twenty-four-hour hotline, that is operated by a call 62712
center, for the purpose of helping individuals access addiction 62713
services. 62714

(B) The media campaign described in division (A)(1) of this 62715
section shall do all of the following: 62716

(1) Include messages to reduce the stigma associated with 62717
seeking help for drug addiction; 62718

(2) Provide directions for people who are in need of drug 62719
addiction assistance to a web-based location that includes all of 62720
the following: 62721

(a) Information on where to find help for drug addiction; 62722

(b) Information on intervention and referral options; 62723

(c) Contact information for county board drug addiction 62724
assistance authorities. 62725

(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;

(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.

(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components:

(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;

(2) Community detoxification and withdrawal management options and community treatment options;

(3) A searchable database of certified substance abuse providers organized by zip code;

(4) Information on recovery supports, including recovery housing residences;

(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment.

(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section.

Sec. 5119.61. (A) The department of mental health and addiction services shall collect and compile statistics and other information on the care and treatment of mentally disabled persons, and the care, treatment, and rehabilitation of ~~alcoholics~~ persons with alcohol use disorder, drug dependent persons, persons in danger of drug dependence, and persons with or in danger of developing a gambling addiction in this state. The information shall include, without limitation, information on the number of

such persons, the type of drug involved, if any, the type of care, 62756
treatment, or rehabilitation prescribed or undertaken, and the 62757
success or failure of the care, treatment, or rehabilitation. The 62758
department shall collect information about addiction services, 62759
mental health services, and recovery supports delivered and 62760
persons served as required for reporting and evaluation relating 62761
to state and federal funds expended for such purposes. 62762

(B) No community addiction services provider or community 62764
mental health services provider shall fail to supply statistics 62765
and other information within its knowledge and with respect to its 62766
addiction services, mental health services, and recovery supports 62767
upon request of the department. 62768

(C) Communications by a person seeking aid in good faith for 62769
~~alcoholism~~ alcohol use disorder or drug dependence are 62770
confidential, and this section does not require the collection or 62771
permit the disclosure of information which reveals or comprises 62772
the identity of any person seeking aid. 62773

(D) Based on the information collected and compiled under 62774
division (A) of this section, the department shall develop a 62775
project to assess the outcomes of persons served by community 62776
addiction services providers and community mental health services 62777
providers that receive funds distributed by the department. 62778

(E) The director of mental health and addiction services may 62779
fine a community addiction services provider or community mental 62780
health services provider for violating division (B) of this 62781
section. In determining whether to impose a fine, the director 62782
shall consider whether the provider has engaged in a pattern of 62783
noncompliance. If a fine is imposed, it shall be one thousand 62784
dollars for a first failure to comply with division (B) of this 62785
section and two thousand dollars for each subsequent failure. The 62786

director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code. 62787
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All fines collected under this division shall be deposited in the state treasury to the credit of the department's operating expenses fund. 62789
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Sec. 5119.90. As used in sections 5119.90 to 5119.98 of the Revised Code: 62792
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(A) "Alcohol and other drug abuse" means ~~alcoholism~~ alcohol use disorder or drug addiction. 62794
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(B) "Another drug" means a controlled substance as defined in section 3719.01 of the Revised Code or a harmful intoxicant as defined in section 2925.01 of the Revised Code. 62796
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(C) "Board of alcohol, drug addiction, and mental health services" means a board of alcohol, drug addiction, and mental health services established under section 340.02 or 340.021 of the Revised Code. 62799
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(D) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others. 62803
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(E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of mental health and addiction services or an inpatient unit licensed by the department. 62806
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(F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function. 62810
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(G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised Code. 62813
62814

(H) "Probate court" means the probate division of the court 62815

of common pleas. 62816

(I) "Qualified health professional" means a person that is 62817
properly credentialed or licensed to conduct a drug and alcohol 62818
assessment and diagnosis under Ohio law. 62819

(J) "Residence" means the legal residence of a person as 62820
determined by applicable principles governing conflicts of law. 62821

(K) "Respondent" means a person alleged in a petition filed 62822
or hearing under sections 5119.91 to 5119.98 of the Revised Code 62823
to be a person who is experiencing alcohol and other drug abuse 62824
and who may be ordered under those sections to undergo treatment. 62825

(L) "Treatment" means services and programs for the care and 62826
rehabilitation of intoxicated persons and persons experiencing 62827
alcohol and other drug abuse. "Treatment" includes residential 62828
treatment, a halfway house setting, and an intensive outpatient or 62829
outpatient level of care. 62830

Sec. 5119.99. (A) Whoever violates section 5119.333, division 62831
(A) of section 5119.392, or section 5119.395 of the Revised Code 62832
is guilty of a misdemeanor of the first degree. 62833

(B) Whoever violates division ~~(B)~~(K)(1) of section ~~5119.61~~ 62834
5119.34 of the Revised Code is guilty of a misdemeanor of the 62835
fourth degree. 62836

(C) Whoever violates section 5119.27 or 5119.28, division (A) 62837
of section 5119.35, division ~~(K)~~(P) of section 5119.36, or 62838
division (A)(1) or (2) of section 5119.37 of the Revised Code is 62839
guilty of a felony of the fifth degree. 62840

Sec. 5123.0412. (A) The department of developmental 62841
disabilities shall charge each county board of developmental 62842
disabilities an annual fee equal to one and one-quarter per cent 62843
of the total value of all medicaid paid claims for home and 62844

community-based services provided during the year to an individual 62845
eligible for services from the county board, except that the 62846
department shall not charge the fee for home and community-based 62847
services provided under the medicaid waiver component known as the 62848
transitions developmental disabilities waiver. A county board 62849
shall not pass on to a provider of home and community-based 62850
services the cost of a fee charged to the county board under this 62851
section. 62852

(B) The amounts collected from the fees charged under this 62853
section shall be deposited into the department of developmental 62854
disabilities administration and oversight fund, which is hereby 62855
created in the state treasury. The department shall use the money 62856
in the fund for both of the following purposes: 62857

(1) Medicaid administrative costs, including administrative 62858
and oversight costs of medicaid case management services and home 62859
and community-based services. The administrative and oversight 62860
costs of medicaid case management services and home and 62861
community-based services shall include costs for staff, systems, 62862
and other resources the department needs and dedicates solely to 62863
the following duties associated with the services: 62864

(a) Eligibility determinations; 62865

(b) Training; 62866

(c) Fiscal management; 62867

(d) Claims processing; 62868

(e) Quality assurance oversight; 62869

(f) Other duties the department identifies. 62870

(2) Providing technical support to county boards with respect 62871
to their medicaid local administrative authority under section 62872
5126.055 of the Revised Code for the services. 62873

~~(C) The department shall submit an annual report to the 62874
director of budget and management certifying how the department 62875
spent the money in the fund for the purposes specified in division 62876
(B) of this section. 62877~~

Sec. 5123.0419. (A) The director of developmental 62878
disabilities shall establish an interagency workgroup on autism. 62879
The purpose of the workgroup shall be to improve the coordination 62880
of the state's efforts to address the service needs of individuals 62881
with autism spectrum disorders and the families of those 62882
individuals. In fulfilling this purpose, the director may enter 62883
into interagency agreements with the government entities 62884
represented by the members of the workgroup. The agreements may 62885
specify any or all of the following: 62886

(1) The roles and responsibilities of government entities 62887
that enter into the agreements; 62888

(2) Procedures regarding the receipt, transfer, and 62889
expenditure of funds necessary to achieve the goals of the 62890
workgroup; 62891

(3) The projects to be undertaken and activities to be 62892
performed by the government entities that enter into the 62893
agreements. 62894

~~(B)(1) The entity contracted to administer programs and 62895
coordinate services for infants, preschool and school-age 62896
children, and adults with autism and low incidence disabilities 62897
under section 3323.32 of the Revised Code shall serve as the 62898
coordinating body of the workgroup. 62899~~

~~(2) The coordinating body of the workgroup shall ensure that 62900
the workgroup submits an annual report to the director of 62901
developmental disabilities by the thirty-first day of December of 62902
each year that includes recommendations for the workgroup's 62903~~

priorities and goals for the next year. 62904

(3) The department shall contract with the coordinating body 62905
on the implementation of the recommendations and other department 62906
initiatives for individuals with autism and other low incidence 62907
disabilities. 62908

(C) Money received from government entities represented by 62909
the members of the workgroup shall be deposited into the state 62910
treasury to the credit of the interagency workgroup on autism 62911
fund, which is hereby created in the state treasury. Money 62912
credited to the fund shall be used by the department of 62913
developmental disabilities solely to support the activities of the 62914
workgroup. 62915

(D) The workgroup shall hold at least two meetings per year 62916
that are open to the public for the purposes of reporting its work 62917
and hearing public feedback. 62918

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 62919
the Revised Code: 62920

(1) "Independent living arrangement" means an arrangement in 62921
which an individual with a developmental disability resides in an 62922
individualized setting chosen by the individual or the 62923
individual's guardian, which is not dedicated principally to the 62924
provision of residential services for individuals with 62925
developmental disabilities, and for which no financial support is 62926
received for rendering such service from any governmental agency 62927
by a provider of residential services. 62928

(2) "Licensee" means the person or government agency that has 62929
applied for a license to operate a residential facility and to 62930
which the license was issued under this section. 62931

(3) "Political subdivision" means a municipal corporation, 62932
county, or township. 62933

(4) "Related party" has the same meaning as in section 62934
5123.16 of the Revised Code except that "provider" as used in the 62935
definition of "related party" means a person or government entity 62936
that held or applied for a license to operate a residential 62937
facility, rather than a person or government entity certified to 62938
provide supported living. 62939

(5)(a) Except as provided in division (A)(5)(b) of this 62940
section, "residential facility" means a home or facility, 62941
including an ICF/IID, in which an individual with a developmental 62942
disability resides. 62943

(b) "Residential facility" does not mean any of the 62944
following: 62945

(i) The home of a relative or legal guardian in which an 62946
individual with a developmental disability resides; 62947

(ii) A respite care home certified under section 5126.05 of 62948
the Revised Code; 62949

(iii) A county home or district home operated pursuant to 62950
Chapter 5155. of the Revised Code; 62951

(iv) A dwelling in which the only residents with 62952
developmental disabilities are in independent living arrangements 62953
or are being provided supported living. 62954

(B) Every person or government agency desiring to operate a 62955
residential facility shall apply for licensure of the facility to 62956
the director of developmental disabilities unless the residential 62957
facility is subject to section 3721.02, 5103.03, 5119.33, or 62958
division (B)(1)(b) of section 5119.34 of the Revised Code. 62959

(C)(1) Subject to section 5123.196 of the Revised Code, the 62960
director of developmental disabilities shall license the operation 62961
of residential facilities. An initial license shall be issued for 62962
a period that does not exceed one year, unless the director denies 62963

the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 of the Revised Code and rules adopted under section 5123.04 of the Revised Code, the director shall issue a new license for a residential facility if the facility meets the following conditions:

(a) The residential facility will be certified as an ICF/IID;

(b) The building in which the residential facility will be operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a new license;

(c) The former operator of the residential facility relocated the beds previously in the facility to another site that will be licensed as a residential facility;

(d) The residential facility will be located in Preble, Clermont, or Warren county;

(e) The residential facility will contain eight beds;

(f) The licensee will make a good faith effort to serve multi-system youth or adults with severe behavioral challenges at the residential facility or at one or more other residential facilities for which licenses are issued under division (C) of this section.

(3) The director shall issue not more than five licenses

under division (C)(2) of this section. 62994

(D) If it is determined that an applicant or licensee is not 62995
in compliance with a provision of this chapter that applies to 62996
residential facilities or the rules adopted under such a 62997
provision, the director may deny issuance of a license, refuse to 62998
renew a license, terminate a license, revoke a license, issue an 62999
order for the suspension of admissions to a facility, issue an 63000
order for the placement of a monitor at a facility, issue an order 63001
for the immediate removal of residents, or take any other action 63002
the director considers necessary consistent with the director's 63003
authority under this chapter regarding residential facilities. In 63004
the director's selection and administration of the sanction to be 63005
imposed, all of the following apply: 63006

(1) The director may deny, refuse to renew, or revoke a 63007
license, if the director determines that the applicant or licensee 63008
has demonstrated a pattern of serious noncompliance or that a 63009
violation creates a substantial risk to the health and safety of 63010
residents of a residential facility. 63011

(2) The director may terminate a license if more than twelve 63012
consecutive months have elapsed since the residential facility was 63013
last occupied by a resident or a notice required by division (J) 63014
of this section is not given. 63015

(3) The director may issue an order for the suspension of 63016
admissions to a facility for any violation that may result in 63017
sanctions under division (D)(1) of this section and for any other 63018
violation specified in rules adopted under division (G)(2) of this 63019
section. If the suspension of admissions is imposed for a 63020
violation that may result in sanctions under division (D)(1) of 63021
this section, the director may impose the suspension before 63022
providing an opportunity for an adjudication under Chapter 119. of 63023
the Revised Code. The director shall lift an order for the 63024
suspension of admissions when the director determines that the 63025

violation that formed the basis for the order has been corrected. 63026

(4) The director may order the placement of a monitor at a 63027
residential facility for any violation specified in rules adopted 63028
under division (G)(2) of this section. The director shall lift the 63029
order when the director determines that the violation that formed 63030
the basis for the order has been corrected. 63031

(5) When the director initiates license revocation 63032
proceedings, no opportunity for submitting a plan of correction 63033
shall be given. The director shall notify the licensee by letter 63034
of the initiation of the proceedings. The letter shall list the 63035
deficiencies of the residential facility and inform the licensee 63036
that no plan of correction will be accepted. The director shall 63037
also send a copy of the letter to the county board of 63038
developmental disabilities. Except in the case of a licensee that 63039
is an ICF/IID, the county board shall send a copy of the letter to 63040
each of the following: 63041

(a) Each resident who receives services from the licensee; 63042

(b) The guardian of each resident who receives services from 63043
the licensee if the resident has a guardian; 63044

(c) The parent or guardian of each resident who receives 63045
services from the licensee if the resident is a minor. 63046

(6) Pursuant to rules which shall be adopted in accordance 63047
with Chapter 119. of the Revised Code, the director may order the 63048
immediate removal of residents from a residential facility 63049
whenever conditions at the facility present an immediate danger of 63050
physical or psychological harm to the residents. 63051

(7) In determining whether a residential facility is being 63052
operated in compliance with a provision of this chapter that 63053
applies to residential facilities or the rules adopted under such 63054
a provision, or whether conditions at a residential facility 63055
present an immediate danger of physical or psychological harm to 63056

the residents, the director may rely on information obtained by a 63057
county board of developmental disabilities or other governmental 63058
agencies. 63059

(8) In proceedings initiated to deny, refuse to renew, or 63060
revoke licenses, the director may deny, refuse to renew, or revoke 63061
a license regardless of whether some or all of the deficiencies 63062
that prompted the proceedings have been corrected at the time of 63063
the hearing. 63064

(E)(1) Except as provided in division (E)(2) of this section, 63065
appeals from proceedings initiated to impose a sanction under 63066
division (D) of this section shall be conducted in accordance with 63067
Chapter 119. of the Revised Code. 63068

(2) Appeals from proceedings initiated to order the 63069
suspension of admissions to a facility shall be conducted in 63070
accordance with Chapter 119. of the Revised Code, unless the order 63071
was issued before providing an opportunity for an adjudication, in 63072
which case all of the following apply: 63073

(a) The licensee may request a hearing not later than ten 63074
days after ~~receiving the notice specified being served in section~~ 63075
accordance with sections 119.05 and 119.07 of the Revised Code. 63076

(b) If a timely request for a hearing that includes the 63077
licensee's current address is made, notwithstanding the time 63078
within which a hearing must be held under section 119.07 of the 63079
Revised Code, the hearing shall commence not later than thirty 63080
days after the department receives the request. 63081

(c) After commencing, the hearing shall continue 63082
uninterrupted, except for Saturdays, Sundays, and legal holidays, 63083
unless other interruptions are agreed to by the licensee and the 63084
director. 63085

(d) If the hearing is conducted by a hearing examiner, the 63086
hearing examiner shall file a report and recommendations not later 63087

than ten days after the last of the following: 63088

(i) The close of the hearing; 63089

(ii) If a transcript of the proceedings is ordered, the 63090
hearing examiner receives the transcript; 63091

(iii) If post-hearing briefs are timely filed, the hearing 63092
examiner receives the briefs. 63093

(e) A copy of the written report and recommendation of the 63094
hearing examiner shall be sent, by certified mail, to the licensee 63095
and the licensee's attorney, if applicable, not later than five 63096
days after the report is filed. 63097

(f) Not later than five days after the hearing examiner files 63098
the report and recommendations, the licensee may file objections 63099
to the report and recommendations. 63100

(g) Not later than fifteen days after the hearing examiner 63101
files the report and recommendations, the director shall issue an 63102
order approving, modifying, or disapproving the report and 63103
recommendations. 63104

(h) Notwithstanding the pendency of the hearing, the director 63105
shall lift the order for the suspension of admissions when the 63106
director determines that the violation that formed the basis for 63107
the order has been corrected. 63108

(F) Neither a person or government agency whose application 63109
for a license to operate a residential facility is denied nor a 63110
related party of the person or government agency may apply for a 63111
license to operate a residential facility before the date that is 63112
five years after the date of the denial. Neither a licensee whose 63113
residential facility license is revoked nor a related party of the 63114
licensee may apply for a residential facility license before the 63115
date that is five years after the date of the revocation. 63116

(G) In accordance with Chapter 119. of the Revised Code, the 63117

director shall adopt and may amend and rescind rules for licensing 63118
and regulating the operation of residential facilities. The rules 63119
for residential facilities that are ICFs/IID may differ from those 63120
for other residential facilities. The rules shall establish and 63121
specify the following: 63122

(1) Procedures and criteria for issuing and renewing 63123
licenses, including procedures and criteria for determining the 63124
length of the licensing period that the director must specify for 63125
each license when it is issued or renewed; 63126

(2) Procedures and criteria for denying, refusing to renew, 63127
terminating, and revoking licenses and for ordering the suspension 63128
of admissions to a facility, placement of a monitor at a facility, 63129
and the immediate removal of residents from a facility; 63130

(3) Fees for issuing and renewing licenses, which shall be 63131
deposited into the program fee fund created under section 5123.033 63132
of the Revised Code; 63133

(4) Procedures for surveying residential facilities; 63134

(5) Classifications for the various types of residential 63135
facilities; 63136

(6) The maximum number of individuals who may be served in a 63137
particular type of residential facility; 63138

(7) Uniform procedures for admission of individuals to and 63139
transfers and discharges of individuals from residential 63140
facilities; 63141

(8) Other standards for the operation of residential 63142
facilities and the services provided at residential facilities; 63143

(9) Procedures for waiving any provision of any rule adopted 63144
under this section. 63145

(H)(1) Before issuing a license, the director shall conduct a 63146
survey of the residential facility for which application is made. 63147

The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section.

(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey.

(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following:

(a) Specify a date by which the licensee may appeal any of the citations;

(b) When appropriate, specify a timetable within which the licensee must submit a plan of correction describing how the problems specified in the citations will be corrected and, the date by which the licensee anticipates the problems will be corrected.

(4) If the director initiates a proceeding to revoke a license, the director shall include the report required by division (H)(3) of this section with the notice of the proposed

revocation the director sends to the licensee. In this 63179
circumstance, the licensee may not submit a plan of correction. 63180

(5) After a plan of correction is submitted, the director 63181
shall approve or disapprove the plan. If the plan of correction is 63182
approved, a copy of the approved plan shall be provided, not later 63183
than five business days after it is approved, to any person or 63184
government entity who requests it and made available on the 63185
internet web site maintained by the department of developmental 63186
disabilities. If the plan of correction is not approved and the 63187
director initiates a proceeding to revoke the license, a copy of 63188
the survey report shall be provided to any person or government 63189
entity that requests it and shall be made available on the 63190
internet web site maintained by the department. 63191

(6) The director shall initiate disciplinary action against 63192
any department employee who notifies or causes the notification to 63193
any unauthorized person of an unannounced survey of a residential 63194
facility by an authorized representative of the department. 63195

(I) In addition to any other information which may be 63196
required of applicants for a license pursuant to this section, the 63197
director shall require each applicant to provide a copy of an 63198
approved plan for a proposed residential facility pursuant to 63199
section 5123.042 of the Revised Code. This division does not apply 63200
to renewal of a license or to an applicant for an initial or 63201
modified license who meets the requirements of section 5123.197 of 63202
the Revised Code. 63203

(J)(1) A licensee shall notify the owner of the building in 63204
which the licensee's residential facility is located of any 63205
significant change in the identity of the licensee or management 63206
contractor before the effective date of the change if the licensee 63207
is not the owner of the building. 63208

(2) Pursuant to rules, which shall be adopted in accordance 63209

with Chapter 119. of the Revised Code, the director may require 63210
notification to the department of any significant change in the 63211
ownership of a residential facility or in the identity of the 63212
licensee or management contractor. If the director determines that 63213
a significant change of ownership is proposed, the director shall 63214
consider the proposed change to be an application for development 63215
by a new operator pursuant to section 5123.042 of the Revised Code 63216
and shall advise the applicant within sixty days of the 63217
notification that the current license shall continue in effect or 63218
a new license will be required pursuant to this section. If the 63219
director requires a new license, the director shall permit the 63220
facility to continue to operate under the current license until 63221
the new license is issued, unless the current license is revoked, 63222
refused to be renewed, or terminated in accordance with Chapter 63223
119. of the Revised Code. 63224

(3) A licensee shall transfer to the new licensee or 63225
management contractor all records related to the residents of the 63226
facility following any significant change in the identity of the 63227
licensee or management contractor. 63228

(K) A county board of developmental disabilities and any 63229
interested person may file complaints alleging violations of 63230
statute or department rule relating to residential facilities with 63231
the department. All complaints shall state the facts constituting 63232
the basis of the allegation. The department shall not reveal the 63233
source of any complaint unless the complainant agrees in writing 63234
to waive the right to confidentiality or until so ordered by a 63235
court of competent jurisdiction. 63236

The department shall adopt rules in accordance with Chapter 63237
119. of the Revised Code establishing procedures for the receipt, 63238
referral, investigation, and disposition of complaints filed with 63239
the department under this division. 63240

(L) Before issuing a license under this section to a 63241

residential facility that will accommodate at any time more than 63242
one individual with a developmental disability, the director 63243
shall, by first class mail, notify the following: 63244

(1) If the facility will be located in a municipal 63245
corporation, the clerk of the legislative authority of the 63246
municipal corporation; 63247

(2) If the facility will be located in unincorporated 63248
territory, the clerk of the appropriate board of county 63249
commissioners and the fiscal officer of the appropriate board of 63250
township trustees. 63251

The director shall not issue the license for ten days after 63252
mailing the notice, excluding Saturdays, Sundays, and legal 63253
holidays, in order to give the notified local officials time in 63254
which to comment on the proposed issuance. 63255

Any legislative authority of a municipal corporation, board 63256
of county commissioners, or board of township trustees that 63257
receives notice under this division of the proposed issuance of a 63258
license for a residential facility may comment on it in writing to 63259
the director within ten days after the director mailed the notice, 63260
excluding Saturdays, Sundays, and legal holidays. If the director 63261
receives written comments from any notified officials within the 63262
specified time, the director shall make written findings 63263
concerning the comments and the director's decision on the 63264
issuance of the license. If the director does not receive written 63265
comments from any notified local officials within the specified 63266
time, the director shall continue the process for issuance of the 63267
license. 63268

(M) Any person may operate a licensed residential facility 63269
that provides room and board, personal care, habilitation 63270
services, and supervision in a family setting for at least six but 63271
not more than eight individuals with developmental disabilities as 63272

a permitted use in any residential district or zone, including any 63273
single-family residential district or zone, of any political 63274
subdivision. These residential facilities may be required to 63275
comply with area, height, yard, and architectural compatibility 63276
requirements that are uniformly imposed upon all single-family 63277
residences within the district or zone. 63278

(N) Any person may operate a licensed residential facility 63279
that provides room and board, personal care, habilitation 63280
services, and supervision in a family setting for at least nine 63281
but not more than sixteen individuals with developmental 63282
disabilities as a permitted use in any multiple-family residential 63283
district or zone of any political subdivision, except that a 63284
political subdivision that has enacted a zoning ordinance or 63285
resolution establishing planned unit development districts may 63286
exclude these residential facilities from those districts, and a 63287
political subdivision that has enacted a zoning ordinance or 63288
resolution may regulate these residential facilities in 63289
multiple-family residential districts or zones as a conditionally 63290
permitted use or special exception, in either case, under 63291
reasonable and specific standards and conditions set out in the 63292
zoning ordinance or resolution to: 63293

(1) Require the architectural design and site layout of the 63294
residential facility and the location, nature, and height of any 63295
walls, screens, and fences to be compatible with adjoining land 63296
uses and the residential character of the neighborhood; 63297

(2) Require compliance with yard, parking, and sign 63298
regulation; 63299

(3) Limit excessive concentration of these residential 63300
facilities. 63301

(O) This section does not prohibit a political subdivision 63302
from applying to residential facilities nondiscriminatory 63303

regulations requiring compliance with health, fire, and safety 63304
regulations and building standards and regulations. 63305

(P) Divisions (M) and (N) of this section are not applicable 63306
to municipal corporations that had in effect on June 15, 1977, an 63307
ordinance specifically permitting in residential zones licensed 63308
residential facilities by means of permitted uses, conditional 63309
uses, or special exception, so long as such ordinance remains in 63310
effect without any substantive modification. 63311

(Q)(1) The director may issue an interim license to operate a 63312
residential facility to an applicant for a license under this 63313
section if either of the following is the case: 63314

(a) The director determines that an emergency exists 63315
requiring immediate placement of individuals in a residential 63316
facility, that insufficient licensed beds are available, and that 63317
the residential facility is likely to receive a permanent license 63318
under this section within thirty days after issuance of the 63319
interim license. 63320

(b) The director determines that the issuance of an interim 63321
license is necessary to meet a temporary need for a residential 63322
facility. 63323

(2) To be eligible to receive an interim license, an 63324
applicant must meet the same criteria that must be met to receive 63325
a permanent license under this section, except for any differing 63326
procedures and time frames that may apply to issuance of a 63327
permanent license. 63328

(3) An interim license shall be valid for thirty days and may 63329
be renewed by the director for a period not to exceed one hundred 63330
eighty days. 63331

(4) The director shall adopt rules in accordance with Chapter 63332
119. of the Revised Code as the director considers necessary to 63333
administer the issuance of interim licenses. 63334

(R) Notwithstanding rules adopted pursuant to this section 63335
establishing the maximum number of individuals who may be served 63336
in a particular type of residential facility, a residential 63337
facility shall be permitted to serve the same number of 63338
individuals being served by the facility on the effective date of 63339
the rules or the number of individuals for which the facility is 63340
authorized pursuant to a current application for a certificate of 63341
need with a letter of support from the department of developmental 63342
disabilities and which is in the review process prior to April 4, 63343
1986. 63344

This division does not preclude the department from 63345
suspending new admissions to a residential facility pursuant to a 63346
written order issued under section 5124.70 of the Revised Code. 63347

(S) The director may enter at any time, for purposes of 63348
investigation, any home, facility, or other structure that has 63349
been reported to the director or that the director has reasonable 63350
cause to believe is being operated as a residential facility 63351
without a license issued under this section. 63352

The director may petition the court of common pleas of the 63353
county in which an unlicensed residential facility is located for 63354
an order enjoining the person or governmental agency operating the 63355
facility from continuing to operate without a license. The court 63356
may grant the injunction on a showing that the person or 63357
governmental agency named in the petition is operating a 63358
residential facility without a license. The court may grant the 63359
injunction, regardless of whether the residential facility meets 63360
the requirements for receiving a license under this section. 63361

Sec. 5123.35. (A) There is hereby created the Ohio 63362
developmental disabilities council, which shall serve as an 63363
advocate for all persons with developmental disabilities. The 63364
council shall act in accordance with the "Developmental 63365

Disabilities Assistance and Bill of Rights Act of 2000," 42 U.S.C. 63366
15001. The governor shall appoint the members of the council in 63367
accordance with 42 U.S.C. 15025. 63368

(B) The council shall develop the state plan required by 63369
federal law as a condition of receiving federal assistance under 63370
42 U.S.C. 15021 to 15029. The department of developmental 63371
disabilities, as the state agency selected by the governor for 63372
purposes of receiving the federal assistance, shall receive, 63373
account for, and disburse funds based on the state plan and shall 63374
provide assurances and other administrative support services 63375
required as a condition of receiving the federal assistance. 63376

(C) The federal funds may be disbursed through grants to or 63377
contracts with persons and government agencies for the provision 63378
of necessary or useful goods and services for persons with 63379
developmental disabilities. The council may award the grants or 63380
enter into the contracts. 63381

(D) The council may award grants to or enter into contracts 63382
with a member of the council or an entity that the member 63383
represents if all of the following apply: 63384

(1) The member serves on the council as a representative of 63385
one of the principal state agencies concerned with services for 63386
persons with developmental disabilities as specified in 42 U.S.C. 63387
15025(b)(4), a representative of a university affiliated program 63388
as defined in 42 U.S.C. 15002(5), or a representative of the Ohio 63389
protection and advocacy system, as defined in section 5123.60 of 63390
the Revised Code. 63391

(2) The council determines that the member or the entity the 63392
member represents is capable of providing the goods or services 63393
specified under the terms of the grant or contract. 63394

(3) The member has not taken part in any discussion or vote 63395

of the council related to awarding the grant or entering into the 63396
contract, including service as a member of a review panel 63397
established by the council to award grants or enter into contracts 63398
or to make recommendations with regard to awarding grants or 63399
entering into contracts. 63400

(E) A member of the council is not in violation of Chapter 63401
102. or section 2921.42 of the Revised Code with regard to 63402
receiving a grant or entering into a contract under this section 63403
if the requirements of division (D) of this section have been met. 63404

(F)(1) Notwithstanding division (C) of section 121.22 of the 63405
Revised Code, the requirement for a member's presence in person at 63406
a meeting in order to be part of a quorum or to vote does not 63407
apply if the council holds a meeting by interactive video 63408
conference and all of the following apply: 63409

(a) A primary meeting location that is open and accessible to 63410
the public is established for the meeting of the council; 63411

(b) A clear video and audio connection is established that 63412
enables all meeting participants at the primary meeting location 63413
to witness the participation of each member; 63414

~~(c) A roll call vote is recorded for each vote taken;~~ 63415

~~(d)~~ The minutes of the council identify which members 63416
participated by interactive video conference. 63417

(2) Notwithstanding division (C) of section 121.22 of the 63418
Revised Code, the requirement for a member's presence in person at 63419
a meeting in order to be part of a quorum or to vote does not 63420
apply if the council holds a meeting by teleconference and all of 63421
the following apply: 63422

(a) The council has determined its membership does not have 63423
access to and the council cannot provide access to the equipment 63424
needed to conduct interactive video conferencing; 63425

(b) A primary meeting location that is open and accessible to the public is established for the meeting of the council; 63426
63427

(c) A clear audio connection is established that enables all meeting participants at the primary meeting location to hear the participation of each member; 63428
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~~(d) A roll call vote is recorded for each vote taken;~~ 63431

~~(e)~~ The minutes of the council identify which members participated by teleconference. 63432
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(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following: 63434
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(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person; 63438
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(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference; 63441
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~~(c) Establish geographic restrictions for participation in meetings by interactive video conference or teleconference;~~ 63445
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~~(d)~~ Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference; 63447
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~~(e)~~(d) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference. 63451
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Sec. 5124.01. As used in this chapter: 63453

(A) "Addition" means an increase in an ICF/IID's square 63454

footage. 63455

(B) "Affiliated operator" means an operator affiliated with 63456
either of the following: 63457

(1) The exiting operator for whom the affiliated operator is 63458
to assume liability for the entire amount of the exiting 63459
operator's debt under the medicaid program or the portion of the 63460
debt that represents the franchise permit fee the exiting operator 63461
owes; 63462

(2) The entering operator involved in the change of operator 63463
with the exiting operator specified in division (B)(1) of this 63464
section. 63465

(C) "Allowable costs" means an ICF/IID's costs that the 63466
department of developmental disabilities determines are 63467
reasonable. Fines paid under section 5124.99 of the Revised Code 63468
are not allowable costs. 63469

(D) "Capital costs" means an ICF/IID's costs of ownership and 63470
costs of nonextensive renovation. 63471

(E) "Case-mix score" means the measure determined under 63472
section 5124.192 or 5124.193 of the Revised Code of the relative 63473
direct-care resources needed to provide care and habilitation to 63474
an ICF/IID resident. 63475

(F) "Change of operator" means an entering operator becoming 63476
the operator of an ICF/IID in the place of the exiting operator. 63477

(1) Actions that constitute a change of operator include the 63478
following: 63479

(a) A change in an exiting operator's form of legal 63480
organization, including the formation of a partnership or 63481
corporation from a sole proprietorship; 63482

(b) A transfer of all the exiting operator's ownership 63483
interest in the operation of the ICF/IID to the entering operator, 63484

regardless of whether ownership of any or all of the real property 63485
or personal property associated with the ICF/IID is also 63486
transferred; 63487

(c) A lease of the ICF/IID to the entering operator or the 63488
exiting operator's termination of the exiting operator's lease; 63489

(d) If the exiting operator is a partnership, dissolution of 63490
the partnership; 63491

(e) If the exiting operator is a partnership, a change in 63492
composition of the partnership unless both of the following apply: 63493

(i) The change in composition does not cause the 63494
partnership's dissolution under state law. 63495

(ii) The partners agree that the change in composition does 63496
not constitute a change in operator. 63497

(f) If the operator is a corporation, dissolution of the 63498
corporation, a merger of the corporation into another corporation 63499
that is the survivor of the merger, or a consolidation of one or 63500
more other corporations to form a new corporation. 63501

(2) The following, alone, do not constitute a change of 63502
operator: 63503

(a) A contract for an entity to manage an ICF/IID as the 63504
operator's agent, subject to the operator's approval of daily 63505
operating and management decisions; 63506

(b) A change of ownership, lease, or termination of a lease 63507
of real property or personal property associated with an ICF/IID 63508
if an entering operator does not become the operator in place of 63509
an exiting operator; 63510

(c) If the operator is a corporation, a change of one or more 63511
members of the corporation's governing body or transfer of 63512
ownership of one or more shares of the corporation's stock, if the 63513
same corporation continues to be the operator. 63514

(G) "Cost center" means the following:	63515
(1) Capital costs;	63516
(2) Direct care costs;	63517
(3) Indirect care costs;	63518
(4) Other protected costs.	63519
(H)(1) Except as provided in division (H)(2) of this section,	63520
"cost report year" means the calendar year immediately preceding	63521
the calendar year in which a fiscal year for which a medicaid	63522
payment rate determination is made begins.	63523
(2) When a cost report the department of developmental	63524
disabilities accepts under division (A) or (C)(1)(b) of section	63525
5124.101 of the Revised Code is used in determining an ICF/IID's	63526
medicaid payment rate, "cost report year" means the period that	63527
the cost report covers.	63528
(I) "Costs of nonextensive renovations" means the actual	63529
expense incurred by an ICF/IID for depreciation or amortization	63530
and interest on renovations approved by the department of	63531
developmental disabilities as nonextensive renovations.	63532
(J)(1) "Costs of ownership" means the actual expenses	63533
incurred by an ICF/IID for all of the following:	63534
(a) Subject to division (J)(2) of this section, depreciation	63535
and interest on any capital assets that cost five hundred dollars	63536
or more per item, including the following:	63537
(i) Buildings;	63538
(ii) Building improvements that are not approved as	63539
nonextensive renovations for the purpose of section 5124.17 of the	63540
Revised Code;	63541
(iii) Equipment;	63542
(iv) Transportation equipment.	63543

(b) Amortization and interest on land improvements and leasehold improvements;	63544 63545
(c) Amortization of financing costs;	63546
(d) Except as provided in division (AA) of this section, lease and rent of land, building, and equipment.	63547 63548
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	63549 63550 63551
(K)(1) "Date of licensure" means the following:	63552
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	63553 63554 63555 63556 63557
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	63558 63559 63560
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	63561 63562 63563 63564 63565 63566
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:	63567 63568 63569 63570 63571 63572
(a) The additional beds are located in a part of the ICF/IID	63573

that was constructed at the same time as the continuing beds 63574
already located in that part of the ICF/IID. 63575

(b) The part of the ICF/IID in which the additional beds are 63576
located was constructed as part of the ICF/IID at a time when the 63577
ICF/IID was not required by law to be licensed as a nursing home 63578
or residential facility. 63579

(3) The definition of "date of licensure" in this section 63580
applies in determinations of ICFs/IID's medicaid payment rates but 63581
does not apply in determinations of ICFs/IID's franchise permit 63582
fees under sections 5168.60 to 5168.71 of the Revised Code. 63583

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 63584
on a cost report filed under section 5124.10 or 5124.101 of the 63585
Revised Code have been subjected to a desk review under section 63586
5124.108 of the Revised Code and preliminarily determined to be 63587
allowable costs. 63588

(M) "Developmental center" means a residential facility that 63589
is maintained and operated by the department of developmental 63590
disabilities. 63591

(N) "Direct care costs" means all of the following costs 63592
incurred by an ICF/IID: 63593

(1) Costs for registered nurses, licensed practical nurses, 63594
and nurse aides employed by the ICF/IID; 63595

(2) Costs for direct care staff, administrative nursing 63596
staff, medical directors, respiratory therapists, physical 63597
therapists, physical therapy assistants, occupational therapists, 63598
occupational therapy assistants, speech therapists, audiologists, 63599
habilitation staff (including habilitation supervisors), qualified 63600
intellectual disability professionals, program directors, social 63601
services staff, activities staff, psychologists, psychology 63602
assistants, social workers, counselors, and other persons holding 63603
degrees qualifying them to provide therapy; 63604

(3) Costs of purchased nursing services;	63605
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;	63606 63607 63608 63609 63610 63611
(5) Costs of quality assurance;	63612
(6) Costs of consulting and management fees related to direct care;	63613 63614
(7) Allocated direct care home office costs;	63615
(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:	63616 63617 63618 63619
(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;	63620 63621
(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID provider.	63622 63623 63624
(9) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	63625 63626 63627
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	63628 63629 63630 63631
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	63632 63633
(Q) "Effective date of a facility closure" means the last day	63634

that the last of the residents of the ICF/IID resides in the 63635
ICF/IID. 63636

(R) "Effective date of an involuntary termination" means the 63637
date the department of medicaid terminates the operator's provider 63638
agreement for the ICF/IID or the last day that such a provider 63639
agreement is in effect when the department cancels or refuses to 63640
revalidate it. 63641

(S) "Effective date of a voluntary termination" means the day 63642
the ICF/IID ceases to accept medicaid recipients. 63643

(T) "Entering operator" means the person or government entity 63644
that will become the operator of an ICF/IID when a change of 63645
operator occurs or following an involuntary termination. 63646

(U) "Exiting operator" means any of the following: 63647

(1) An operator that will cease to be the operator of an 63648
ICF/IID on the effective date of a change of operator; 63649

(2) An operator that will cease to be the operator of an 63650
ICF/IID on the effective date of a facility closure; 63651

(3) An operator of an ICF/IID that is undergoing or has 63652
undergone a voluntary termination; 63653

(4) An operator of an ICF/IID that is undergoing or has 63654
undergone an involuntary termination. 63655

(V)(1) Subject to divisions (V)(2) and (3) of this section, 63656
"facility closure" means either of the following: 63657

(a) Discontinuance of the use of the building, or part of the 63658
building, that houses the facility as an ICF/IID that results in 63659
the relocation of all of the facility's residents; 63660

(b) Conversion of the building, or part of the building, that 63661
houses an ICF/IID to a different use with any necessary license or 63662
other approval needed for that use being obtained and one or more 63663
of the facility's residents remaining in the facility to receive 63664

services under the new use. 63665

(2) A facility closure occurs regardless of any of the 63666
following: 63667

(a) The operator completely or partially replacing the 63668
ICF/IID by constructing a new ICF/IID or transferring the 63669
ICF/IID's license to another ICF/IID; 63670

(b) The ICF/IID's residents relocating to another of the 63671
operator's ICFs/IID; 63672

(c) Any action the department of health takes regarding the 63673
ICF/IID's medicaid certification that may result in the transfer 63674
of part of the ICF/IID's survey findings to another of the 63675
operator's ICFs/IID; 63676

(d) Any action the department of developmental disabilities 63677
takes regarding the ICF/IID's license under section 5123.19 of the 63678
Revised Code. 63679

(3) A facility closure does not occur if all of the ICF/IID's 63680
residents are relocated due to an emergency evacuation and one or 63681
more of the residents return to a medicaid-certified bed in the 63682
ICF/IID not later than thirty days after the evacuation occurs. 63683

(W) "Fiscal year" means the fiscal year of this state, as 63684
specified in section 9.34 of the Revised Code. 63685

(X) "Franchise permit fee" means the fee imposed by sections 63686
5168.60 to 5168.71 of the Revised Code. 63687

(Y) "Home and community-based services" has the same meaning 63688
as in section 5123.01 of the Revised Code. 63689

(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 63690
440.150. 63691

(AA)(1) "Indirect care costs" means all reasonable costs 63692
incurred by an ICF/IID other than capital costs, direct care 63693
costs, and other protected costs. "Indirect care costs" includes 63694

costs of habilitation supplies, pharmacy consultants, medical and 63695
habilitation records, program supplies, incontinence supplies, 63696
food, enterals, dietary supplies and personnel, laundry, 63697
housekeeping, security, administration, liability insurance, 63698
bookkeeping, purchasing department, human resources, 63699
communications, travel, dues, license fees, subscriptions, home 63700
office costs not otherwise allocated, legal services, accounting 63701
services, minor equipment, maintenance and repair expenses, 63702
help-wanted advertising, informational advertising, start-up 63703
costs, organizational expenses, other interest, property 63704
insurance, employee training and staff development, employee 63705
benefits, payroll taxes, and workers' compensation premiums or 63706
costs for self-insurance claims and related costs, as specified in 63707
rules adopted under section 5124.03 of the Revised Code, for 63708
personnel listed in this division. Notwithstanding division (J) of 63709
this section, "indirect care costs" also means the cost of 63710
equipment, including vehicles, acquired by operating lease 63711
executed before December 1, 1992, if the costs are reported as 63712
administrative and general costs on the ICF/IID's cost report for 63713
the cost reporting period ending December 31, 1992. 63714

(2) For the purpose of division (AA)(1) of this section, an 63715
operating lease shall be construed in accordance with generally 63716
accepted accounting principles. 63717

(BB) "Inpatient days" means both of the following: 63718

(1) All days during which a resident, regardless of payment 63719
source, occupies a bed in an ICF/IID that is included in the 63720
ICF/IID's medicaid-certified capacity; 63721

(2) All days for which payment is made under section 5124.34 63722
of the Revised Code. 63723

(CC) "Intermediate care facility for individuals with 63724
intellectual disabilities" and "ICF/IID" mean an intermediate care 63725

facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d). 63726
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(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request. 63728
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(EE) "Maintenance and repair expenses" means expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering. 63732
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(FF) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds. 63738
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(GG) "Medicaid days" means both of the following: 63741

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity; 63742
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(2) All days for which payment is made under section 5124.34 of the Revised Code. 63746
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(HH)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement. 63748
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(2) "New ICF/IID" does not mean either of the following: 63753

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or 63754
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(pursuant to section 5124.515) section 5124.07 of the Revised Code; 63756
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(b) A downsized ICF/IID or partially converted ICF/IID. 63758

(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 63759
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(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 63761
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(KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code. 63764
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(LL)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID: 63771
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(a) The land on which the ICF/IID is located; 63775

(b) The structure in which the ICF/IID is located; 63776

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located; 63777
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(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located. 63780
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(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a 63782
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subsidiary. 63786

(MM) "Partially converted ICF/IID" means an ICF/IID that 63787
converted some, but not all, of its beds to providing home and 63788
community-based services under the individual options waiver 63789
pursuant to section 5124.60 or 5124.61 of the Revised Code. 63790

(NN) For the purpose of the total per medicaid day payment 63791
rate determined for an ICF/IID under division (A) of section 63792
5124.15 of the Revised Code and the initial total per medicaid day 63793
payment rate determined for a new ICF/IID under section 5124.151 63794
of the Revised Code: 63795

(1) "Peer group 1" means each ICF/IID with a 63796
medicaid-certified capacity exceeding sixteen. 63797

(2) "Peer group 2" means each ICF/IID with a 63798
medicaid-certified capacity exceeding eight but not exceeding 63799
sixteen. 63800

(3) "Peer group 3" means each ICF/IID with a 63801
medicaid-certified capacity of seven or eight. 63802

(4) "Peer group 4" means each ICF/IID with a 63803
medicaid-certified capacity not exceeding six, other than an 63804
ICF/IID that is in peer group 5-A. 63805

(5) "Peer group 5" means each ICF/IID to which all of the 63806
following apply: 63807

(a) The ICF/IID is first certified as an ICF/IID after July 63808
1, 2014. 63809

(b) The ICF/IID has a medicaid-certified capacity not 63810
exceeding six. 63811

(c) The ICF/IID has a contract with the department of 63812
developmental disabilities that is for fifteen years and includes 63813
a provision for the department to approve all admissions to, and 63814
discharges from, the ICF/IID. 63815

(d) The ICF/IID's residents are admitted to the ICF/IID 63816
directly from a developmental center or have been determined by 63817
the department to be at risk of admission to a developmental 63818
center. 63819

(6) "Peer group 6" means each ICF/IID to which all of the 63820
following apply: 63821

(a) The ICF/IID has submitted a best practices protocol for 63822
providing services to youth up to twenty-one years of age in need 63823
of intensive behavior support services that has been approved by 63824
the department of developmental disabilities. 63825

(b) The ICF/IID, or a distinct unit of the ICF/IID, has a 63826
medicaid-certified capacity not exceeding six. 63827

(c) The ICF/IID has a contract with the department that 63828
includes a provision for the department to approve all admissions 63829
to the ICF/IID. 63830

(d) The ICF/IID has agreed to be reimbursed in accordance 63831
with the reimbursement methodology established under the rules 63832
authorized by section 5124.03 of the Revised Code. 63833

(00)(1) Except as provided in division (00)(2) of this 63834
section, "per diem" means an ICF/IID's desk-reviewed, actual, 63835
allowable costs in a given cost center in a cost reporting period, 63836
divided by the facility's inpatient days for that cost reporting 63837
period. 63838

(2) When determining indirect care costs for the purpose of 63839
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 63840
actual, allowable indirect care costs in a cost reporting period 63841
divided by the greater of the ICF/IID's inpatient days for that 63842
period or the number of inpatient days the ICF/IID would have had 63843
during that period if its occupancy rate had been eighty-five per 63844
cent. 63845

(PP) "Provider" means an operator with a valid provider agreement. 63846
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(QQ) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program. 63848
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(RR) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID. 63852
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(SS) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 63855
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(TT) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider. 63861
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(1) An individual who is a relative of an owner is a related party. 63865
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(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 63867
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(3) Control exists when an individual or organization has the 63876

power, directly or indirectly, to significantly influence or direct the actions or policies of an organization. 63877
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(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met: 63879
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(a) The supplier is a separate bona fide organization. 63882

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes. 63883
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(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID. 63887
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(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier. 63891
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(UU) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships: 63895
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(1) Spouse; 63897

(2) Natural parent, child, or sibling; 63898

(3) Adopted parent, child, or sibling; 63899

(4) Stepparent, stepchild, stepbrother, or stepsister; 63900

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; 63901
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(6) Grandparent or grandchild; 63903

(7) Foster caregiver, foster child, foster brother, or foster sister. 63904
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(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.

(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.

(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;	63936 63937
(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;	63938 63939 63940
(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;	63941 63942 63943
(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;	63944 63945 63946
(5) The sum of the following:	63947
(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;	63948 63949
(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;	63950 63951 63952 63953
<u>(c) A professional workforce development payment equal to six and one-half per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</u>	63954 63955 63956 63957
(B) The total per medicaid day payment rate for an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.	63958 63959 63960 63961
(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.	63962 63963 63964 63965

(D)(1) In addition to paying an ICF/IID provider the total 63966
per medicaid day payment rate determined for the provider's 63967
ICF/IID under divisions (A), (B), and (C) of this section for a 63968
fiscal year, the department may do either or both of the 63969
following: 63970

(a) In accordance with section 5124.25 of the Revised Code, 63971
pay the provider a rate add-on for ventilator-dependent outlier 63972
ICF/IID services if the rate add-on is to be paid under that 63973
section and the department approves the provider's application for 63974
the rate add-on; 63975

(b) In accordance with section 5124.26 of the Revised Code, 63976
pay the provider for outlier ICF/IID services the ICF/IID provides 63977
to residents identified as needing intensive behavioral health 63978
support services if the rate add-on is to be paid under that 63979
section and the department approves the provider's application for 63980
the rate add-on. 63981

(2) The rate add-ons are not to be part of the ICF/IID's 63982
total per medicaid day payment rate. 63983

Sec. 5124.45. The department of developmental disabilities 63984
shall transmit to the treasurer of state for deposit in the 63985
general revenue fund amounts collected from the following: 63986

(A) ~~Recoupments and voluntary repayments made under section~~ 63987
~~5124.39 of the Revised Code;~~ 63988

~~(B)~~ Refunds required by, and interest charged under, section 63989
5124.41 of the Revised Code; 63990

~~(C)~~(B) Penalties imposed under section 5124.42 of the Revised 63991
Code. 63992

Sec. 5126.022. When making initial appointments to a county 63993
board of developmental disabilities and when making an appointment 63994

to fill a vacancy pursuant to section 5126.027 of the Revised Code, an appointing authority shall do all of the following: 63995
63996

(A) Appoint only individuals who are residents of the county the appointing authority serves, citizens of the United States, and interested and knowledgeable in the field of intellectual disabilities and other allied fields; 63997
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(B) If the appointing authority is a board of county commissioners, appoint at least one individual who is eligible to receive services provided by the county board and two additional individuals who are eligible for services provided by the county board or are immediate family members of such individuals. The board of county commissioners shall, whenever possible, ensure that one of those two additional members is an individual eligible for adult services or an immediate family member of an individual eligible for adult services and the other is an immediate family member of an individual eligible for early intervention services or services for preschool or school-age children; 64001
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(C) If the appointing authority is a senior probate judge, appoint at least one individual who is an immediate family member of an individual eligible for residential services or supported living; 64012
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(D) Appoint, to the maximum extent possible, individuals who have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service; 64016
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(E) Provide for the county board's membership to reflect, as nearly as possible, the composition of the county that the county board serves. 64020
64021
64022

Sec. 5145.161. (A) The program for the employment of prisoners within the custody of the department of rehabilitation 64023
64024

and correction that the department is required to establish by 64025
division (A) of section 5145.16 of the Revised Code shall be 64026
administered in accordance with any rules adopted pursuant to 64027
division (B) of section 5145.03 of the Revised Code and with the 64028
following requirements: 64029

(1) The department shall consider the nature of the offense 64030
committed by a prisoner, the availability of employment, the 64031
security requirements for the prisoner, the prisoner's present 64032
state of mind, the prisoner's record in the institution to which 64033
the prisoner has been committed, and all other relevant factors 64034
when assigning a prisoner to the prisoner's initial job 64035
assignment. The department, when making a prisoner's initial job 64036
assignment, shall attempt to develop the prisoner's work skills, 64037
provide rehabilitation for the prisoner, consider the proximity to 64038
the prisoner's family, and permit the prisoner to provide support 64039
for the prisoner's dependents if the prisoner's earnings are 64040
sufficient for that to be feasible. 64041

(2)(a) Except as provided in division (A)(2)(b) of this 64042
section, no prisoner shall be assigned to any job with the Ohio 64043
penal industries, or to any other job level or job grade of 64044
prisoner employment that the director of rehabilitation and 64045
correction may designate, unless the prisoner has obtained, or 64046
enrolled in an education program that leads to, a high school 64047
diploma or a certificate of high school equivalence. 64048

(b) Division (A)(2)(a) of this section does not apply to 64049
either of the following: 64050

(i) A prisoner who is determined, in accordance with a 64051
procedure approved by the director, to be incapable of obtaining a 64052
diploma or certificate of high school equivalence; 64053

(ii) A prisoner working in the Ohio penal industries as of 64054
February 1, 1999, who applied on or before May 1, 1999, for 64055

enrollment in a program leading to a diploma or a certificate of 64056
high school equivalence, and who has been enrolled in that program 64057
for less than one year. 64058

(3) Each prisoner shall be required to perform the prisoner's 64059
job satisfactorily, be permitted to be absent from the prisoner's 64060
job only for legitimate reasons, be required to comply with all 64061
security requirements, and be required to comply with any other 64062
reasonable job performance standards. 64063

(4) A prisoner who advances from one job grade to the next 64064
higher job grade within the job level, advances from one job level 64065
to the next higher job level, or advances from one job category to 64066
the next highest job category shall receive additional benefits in 64067
accordance with the rules adopted pursuant to division (B) of 64068
section 5145.03 of the Revised Code. 64069

(5) A prisoner shall not be eligible for a job in private 64070
industry or agriculture, unless the prisoner meets the 64071
requirements of the department for private employment that are set 64072
forth in rules adopted pursuant to division (B) of section 5145.03 64073
of the Revised Code. 64074

(6) A prisoner who violates the work requirements of any job 64075
grade, level, or category shall be disciplined pursuant to the 64076
disciplinary procedure adopted pursuant to division (B)(9) of 64077
section 5145.03 of the Revised Code. 64078

(B) The department of rehabilitation and correction may 64079
administer the program that it is required to establish by 64080
division (A) of section 5145.16 of the Revised Code in any manner 64081
that is consistent with division (A) of this section, division (B) 64082
of section 5145.03, and section 5145.16 of the Revised Code. 64083

Sec. 5145.163. (A) As used in this section: 64084

(1) "Customer model enterprise" means an enterprise conducted 64085

under a federal prison industries enhancement certification 64086
program in which a private party participates in the enterprise 64087
only as a purchaser of goods and services. 64088

(2) "Employer model enterprise" means an enterprise conducted 64089
under a federal prison industries enhancement certification 64090
program in which a private party participates in the enterprise as 64091
an operator of the enterprise. 64092

(3) "~~Injury~~" ~~means a diagnosable injury to an inmate~~ 64093
~~supported by medical findings that it was~~ and "occupational 64094
disease" have the same meanings as in section 4123.01 of the 64095
Revised Code if sustained or contracted in the course of, and 64096
~~arose arising~~ out of, participation in authorized work activity 64097
~~that was an integral part of the inmate's participation in the~~ 64098
~~Ohio penal industries~~ federal prison industries enhancement 64099
certification program. 64100

(4) "Inmate" means any person who is committed to the custody 64101
of the department of rehabilitation and correction and who is 64102
participating in an Ohio penal industries program that is under 64103
the federal prison industries enhancement certification program. 64104

(5) "Federal prison industries enhancement certification 64105
program" means the program authorized pursuant to 18 U.S.C. 1761. 64106

~~(6) "Loss of earning capacity" means an impairment of the~~ 64107
~~body of an inmate to a degree that makes the inmate unable to~~ 64108
~~return to work activity under the Ohio penal industries program~~ 64109
~~and results in a reduction of compensation earned by the inmate at~~ 64110
~~the time the injury occurred.~~ 64111

(B) ~~Every inmate shall be covered by a policy of disability~~ 64112
~~insurance to provide benefits for loss of earning capacity due to~~ 64113
~~an injury and for medical treatment of the injury following the~~ 64114
~~inmate's release from prison. No private party shall participate~~ 64115
in an employer model enterprise in this state unless the private 64116

party is approved by the director of rehabilitation and correction 64117
in accordance with division (C) of this section. 64118

(C) The director may approve a private party to participate 64119
in an employer model enterprise only if the private party meets 64120
the following requirements: 64121

(1) The private party provides proof of workers' compensation 64122
coverage furnished by the bureau of workers' compensation. 64123

(2) The private party carries liability insurance in an 64124
amount the director determines to be sufficient. 64125

(3) The private party does not have an unresolved finding for 64126
recovery by the auditor of state under section 9.24 of the Revised 64127
Code. 64128

(D)(1) If the enterprise for which the an inmate works is a 64129
customer model enterprise, ~~Ohio penal industries shall purchase~~ 64130
the policy the department shall treat the inmate as an employee of 64131
the department for the purpose of workers' compensation coverage 64132
in accordance with section 4123.543 of the Revised Code. 64133

(2) If the enterprise for which the an inmate works is an 64134
employer model enterprise, the private participant shall ~~purchase~~ 64135
the policy. ~~The person required to purchase the policy shall~~ 64136
~~submit proof of coverage to the prison labor advisory board before~~ 64137
~~the enterprise begins operation.~~ 64138

~~(C) Within ninety days after an inmate sustains an injury,~~ 64139
~~the inmate may file a disability claim with the person required to~~ 64140
~~purchase the policy of disability insurance. Upon the request of~~ 64141
~~the insurer, the inmate shall be medically examined, and the~~ 64142
~~insurer shall determine the inmate's entitlement to disability~~ 64143
~~benefits based on the medical examination. The inmate shall accept~~ 64144
~~or reject an award within thirty days after a determination of the~~ 64145
~~inmate's entitlement to the award. If the inmate accepts the~~ 64146
~~award, the benefits shall be paid upon the inmate's release from~~ 64147

~~prison. The amount of disability benefits payable to the inmate 64148
shall be reduced by sick leave benefits or other compensation for 64149
lost pay made by Ohio penal industries to the inmate due to an 64150
injury that rendered the inmate unable to work. An inmate shall 64151
not receive disability benefits for injuries occurring as the 64152
result of a fight, assault, horseplay, purposely self-inflicted 64153
injury, use of alcohol or controlled substances, misuse of 64154
prescription drugs, or other activity that is prohibited by the 64155
department's or institution's inmate conduct rules or the work 64156
rules of the private participant in the enterprise. 64157~~

~~(D) Inmates treat the inmate as an employee of the private 64158
participant for the purpose of workers' compensation coverage in 64159
accordance with section 4123.543 of the Revised Code. 64160~~

~~(E) Except as provided in division (D) of this section, 64161
inmates are not employees of the department of rehabilitation and 64162
correction or the private participant in an enterprise. 64163~~

~~(E) An inmate is ineligible to receive compensation or 64164
benefits under Chapter 4121., 4123., 4127., or 4131. of the 64165
Revised Code for any injury, death, or occupational disease 64166
received in the course of, and arising out of, participation in 64167
the Ohio penal industries program. Any claim for an injury arising 64168
from an inmate's participation in the program is specifically 64169
excluded from the jurisdiction of the Ohio bureau of workers' 64170
compensation and the industrial commission of Ohio. 64171~~

~~(F) Any disability benefit award accepted by an inmate under 64172
this section shall be the inmate's exclusive remedy against the 64173
insurer, the private participant in an enterprise, and the state. 64174
If an inmate rejects an award or a disability claim is denied, the 64175
inmate may bring an action in the court of claims within the 64176
appropriate period of limitations. 64177~~

~~(G) If any inmate who is paid disability benefits under this 64178~~

~~section is reincarcerated, the benefits shall immediately cease 64179
but shall resume upon the inmate's subsequent release from 64180
incarceration. 64181~~

(F) The department shall provide and pay for all medical care 64182
rendered to an inmate related to an injury or occupational disease 64183
while the inmate is imprisoned. 64184

(G) Notwithstanding division (A) of section 5120.21 of the 64185
Revised Code, the director shall do all of the following: 64186

(1) Notify the administrator of workers' compensation of any 64187
injury, occupational disease, or death of an inmate that arises 64188
out of participation in authorized work activity in the federal 64189
prison industries enhancement certification program. 64190

(2) On request from the administrator, provide to the 64191
administrator medical records, or other relevant information, 64192
related to an injury, occupational disease, or death of an inmate 64193
that arises out of participation in authorized work activity in 64194
the federal prison industries enhancement certification program. 64195

(3) Notify the administrator when an inmate who has a 64196
suspended award for compensation or benefits pursuant to division 64197
(E) of section 4123.543 of the Revised Code is released from 64198
imprisonment or reimprisoned. 64199

(H) An inmate shall voluntarily consent to participate in a 64200
federal prison industries enhancement certification program prior 64201
to commencing participation in the program. Such consent disclaims 64202
the inmate's ability to choose a medical provider while the inmate 64203
is imprisoned and subjects the inmate to the requirements of this 64204
section and section 4123.543 of the Revised Code. 64205

Sec. 5149.101. ~~(A)(1) A board hearing officer, a board 64206
member, or the office of victims' services may petition the board 64207
for a full board hearing that relates to the proposed parole or 64208~~

~~re parole of a prisoner, including any prisoner described in 64209
section 2967.132 of the Revised Code. At a meeting of the board at 64210
which a majority of board members are present, the majority of 64211
those present shall determine whether a full board hearing shall 64212
be held. 64213~~

~~(2)(A)(1)(a) A victim of a violation of section 2903.01 or 64214
2903.02 of the Revised Code, an offense of violence that is a 64215
felony of the first, second, or third degree, or an offense 64216
punished by a sentence of life imprisonment, the victim's 64217
representative, or any person described in division (B)(5) of this 64218
section may request, through the office of victims' services, for 64219
the board to hold a full board hearing that relates to the 64220
proposed parole or re-parole of the person that committed the 64221
violation. If a victim, victim's representative, or ~~either~~ any 64222
person described in division (B)(5) of this section requests a 64223
full board hearing pursuant to this division, the board shall hold 64224
a full board hearing. 64225~~

~~(b) A family member of a victim who is not described in 64226
division (B)(5) of this section may request, through the office of 64227
victims' services, for the board to hold a full board hearing that 64228
relates to the proposed parole or re-parole of a person who 64229
committed a violation of section 2903.01 or 2903.02 of the Revised 64230
Code, an offense of violence that is a felony of the first, 64231
second, or third degree, or an offense punished by a sentence of 64232
life imprisonment. At a meeting of the board at which a majority 64233
of board members are present, the majority of those present shall 64234
determine whether a full board hearing shall be held, if a family 64235
member of the victim makes a request pursuant to this division. 64236~~

~~(c) If a person is convicted of a violation of section 64237
2903.01 or 2903.02 of the Revised Code, an offense of violence 64238
that is a felony of the first, second, or third degree, or an 64239~~

offense punished by a sentence of life imprisonment, the 64240
prosecuting attorney may submit a request directly to the board to 64241
hold a full board hearing that relates to the proposed parole or 64242
re-parole of the person who committed the violation. If the 64243
prosecutor requests a full board hearing pursuant to this 64244
division, the board shall hold a full board hearing. 64245

(2) At least thirty days before the full hearing, except as 64246
otherwise provided in this division, the board shall give notice 64247
of the date, time, and place of the hearing to the victim 64248
regardless of whether the victim has requested the notification. 64249
The notice of the date, time, and place of the hearing shall not 64250
be given under this division to a victim if the victim has 64251
requested pursuant to division (B)(2) of section 2930.03 of the 64252
Revised Code that the notice not be provided to the victim. At 64253
least thirty days before the full board hearing and regardless of 64254
whether the victim has requested that the notice be provided or 64255
not be provided under this division to the victim, the board shall 64256
give similar notice to the prosecuting attorney in the case, the 64257
law enforcement agency that arrested the prisoner if any officer 64258
of that agency was a victim of the offense, and, if different than 64259
the victim, the person who requested the full hearing. If the 64260
prosecuting attorney has not previously been sent an institutional 64261
summary report with respect to the prisoner, upon the request of 64262
the prosecuting attorney, the board shall include with the notice 64263
sent to the prosecuting attorney an institutional summary report 64264
that covers the offender's participation while confined in a state 64265
correctional institution in training, work, and other 64266
rehabilitative activities and any disciplinary action taken 64267
against the offender while so confined. Upon the request of a law 64268
enforcement agency that has not previously been sent an 64269
institutional summary report with respect to the prisoner, the 64270
board also shall send a copy of the institutional summary report 64271
to the law enforcement agency. If notice is to be provided as 64272

described in this division, the board may give the notice by any 64273
reasonable means, including regular mail, telephone, and 64274
electronic mail, in accordance with division (D)(1) of section 64275
2930.16 of the Revised Code. If the notice is based on an offense 64276
committed prior to March 22, 2013, the notice also shall include 64277
the opt-out information described in division (D)(1) of section 64278
2930.16 of the Revised Code. The board, in accordance with 64279
division (D)(2) of section 2930.16 of the Revised Code, shall keep 64280
a record of all attempts to provide the notice, and of all notices 64281
provided, under this division. 64282

The preceding paragraph, and the notice-related provisions of 64283
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 64284
section 2930.16, division (H) of section 2967.12, division 64285
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 64286
2967.26, and division (D)(1) of section 2967.28 of the Revised 64287
Code enacted in the act in which this paragraph was enacted, shall 64288
be known as "Roberta's Law." 64289

(B) At a full board hearing that relates to the proposed 64290
parole or re-parole of a prisoner and that has been petitioned for 64291
or requested in accordance with division (A) of this section, the 64292
parole board shall permit the following persons to appear and to 64293
give testimony or to submit written statements: 64294

(1) The prosecuting attorney of the county in which the 64295
original indictment against the prisoner was found and members of 64296
any law enforcement agency that assisted in the prosecution of the 64297
original offense; 64298

(2) The judge of the court of common pleas who imposed the 64299
original sentence of incarceration upon the prisoner, or the 64300
judge's successor; 64301

(3) The victim of the original offense for which the prisoner 64302
is serving the sentence or the victim's representative designated 64303

pursuant to section 2930.02 of the Revised Code; 64304

(4) The victim of any behavior that resulted in parole being 64305
revoked; 64306

(5) With respect to a full board hearing held pursuant to 64307
division ~~(A)(2)~~(A)(1)(a) or (c) of this section, all of the 64308
following: 64309

(a) The spouse of the victim of the original offense; 64310

(b) The parent or parents of the victim of the original 64311
offense; 64312

(c) The sibling of the victim of the original offense; 64313

(d) The child or children of the victim of the original 64314
offense. 64315

(6) ~~Counsel~~ A state public defender when designated by the 64316
director of the department of rehabilitation and correction 64317
pursuant to division (A)(5) of section 120.06 of the Revised Code, 64318
private counsel, or some other person designated by the prisoner 64319
as a representative, ~~as described in division (C) of this section~~ 64320
permitted by the board. 64321

(C) Except as otherwise provided in this division, a full 64322
board hearing of the parole board is not subject to section 121.22 64323
of the Revised Code. The persons who may attend a full board 64324
hearing are the persons described in divisions (B)(1) to (6) of 64325
this section, and representatives of the press, radio and 64326
television stations, and broadcasting networks who are members of 64327
a generally recognized professional media organization. 64328

At the request of a person described in division (B)(3) of 64329
this section, representatives of the news media described in this 64330
division shall be excluded from the hearing while that person is 64331
giving testimony at the hearing. The prisoner being considered for 64332
parole has no right to be present at the hearing, but may be 64333

represented by counsel or some other person designated by the 64334
prisoner as described in division (B)(6) of this section. 64335

If there is an objection at a full board hearing to a 64336
recommendation for the parole of a prisoner, the board may approve 64337
or disapprove the recommendation or defer its decision until a 64338
subsequent full board hearing. The board may permit interested 64339
persons other than those listed in this division and division (B) 64340
of this section to attend full board hearings pursuant to rules 64341
adopted by the adult parole authority. 64342

(D) If the victim of the original offense died as a result of 64343
the offense and the offense was aggravated murder, murder, an 64344
offense of violence that is a felony of the first, second, or 64345
third degree, or an offense punished by a sentence of life 64346
imprisonment, the family of the victim may show at a full board 64347
hearing a video recording not exceeding five minutes in length 64348
memorializing the victim. 64349

(E) The adult parole authority shall adopt rules for the 64350
implementation of this section. The rules shall specify reasonable 64351
restrictions on the number of media representatives that may 64352
attend a hearing, based on considerations of space, and other 64353
procedures designed to accomplish an effective, orderly process 64354
for full board hearings. 64355

Sec. 5149.38. (A) In each voluntary county, subject to 64356
division (B) of this section and not later than ~~September 1, 2022~~ 64357
the deadlines established by the department of rehabilitation and 64358
correction in division (B)(3)(b)(ii) of section 2929.34 of the 64359
Revised Code, a county commissioner representing the board of 64360
county commissioners of the county, the administrative judge of 64361
the general division of the court of common pleas of the county, 64362
the sheriff of the county, and an official from any municipality 64363
operating a local correctional facility in the county to which 64364

courts of the county sentence offenders shall agree to, sign, and 64365
submit to the department of rehabilitation and correction for its 64366
approval a memorandum of understanding that does all of the 64367
following: 64368

(1) Sets forth the plans by which the county will use grant 64369
money provided to the county in the state fiscal ~~year 2023 and~~ 64370
~~succeeding~~ years within the specified state fiscal ~~years~~ biennium 64371
under the ~~targeting~~ targeted community alternatives to prison 64372
(T-CAP) program; 64373

(2) Specifies the manner in which the county will address a 64374
per diem reimbursement of local correctional facilities for 64375
prisoners who serve a prison term in the facility pursuant to 64376
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 64377
diem reimbursement rate shall be the rate determined in division 64378
(F)(1) of this section and shall be specified in the memorandum; 64379

(3) Specifies whether the memorandum of understanding will 64380
apply to prison terms for felonies of the fifth degree or prison 64381
terms for felonies of the fourth and fifth degree pursuant to 64382
division (B)(3)(c) of section 2929.34 of the Revised Code. 64383

(B) Two or more voluntary counties may join together to 64384
jointly establish a memorandum of understanding of the type 64385
described in division (A) of this section. Not later than 64386
~~September 1, 2022~~ the deadlines established by the department of 64387
rehabilitation and correction in division (B)(3)(b)(ii) of section 64388
2929.34 of the Revised Code, a county commissioner from each of 64389
the affiliating voluntary counties representing the county's board 64390
of county commissioners, the administrative judge of the general 64391
division of the court of common pleas of each affiliating 64392
voluntary county, the sheriff of each affiliating voluntary 64393
county, and an official from any municipality operating a local 64394
correctional facility in the affiliating voluntary counties to 64395

which courts of the counties sentence offenders shall agree to, 64396
sign, and submit to the department of rehabilitation and 64397
correction for its approval the memorandum of understanding. The 64398
memorandum of understanding shall set forth the plans by which, 64399
and specify the manner in which, the affiliating counties will 64400
complete the tasks identified in divisions (A)(1) to (3) of this 64401
section. 64402

(C) The department of rehabilitation and correction shall 64403
adopt rules establishing standards for approval of memorandums of 64404
understanding submitted to it under division (A) or (B) of this 64405
section. The department shall review the memorandums of 64406
understanding submitted to it and may require the county or 64407
counties that submit a memorandum to modify the memorandum. The 64408
director of rehabilitation and correction shall approve 64409
memorandums of understanding submitted to it under division (A) or 64410
(B) of this section that the director determines satisfy the 64411
standards adopted by the department within thirty days after 64412
receiving each memorandum submitted. 64413

(D) Any person responsible for agreeing to, signing, and 64414
submitting a memorandum of understanding under division (A) or (B) 64415
of this section may delegate the person's authority to do so to an 64416
employee of the agency, entity, or office served by the person. 64417

(E) The persons signing a memorandum of understanding under 64418
division (A) or (B) of this section, or their successors in 64419
office, may revise the memorandum as they determine necessary. Any 64420
revision of the memorandum shall be signed by the parties 64421
specified in division (A) or (B) of this section and submitted to 64422
the department of rehabilitation and correction for its approval 64423
under division (C) of this section within thirty days after the 64424
beginning of the state fiscal year. 64425

(F)(1) In each county, commencing in calendar year 2023, on 64426
or before the first day of February of each calendar year the 64427

sheriff shall determine the per diem costs for the preceding 64428
calendar year for each of the local correctional facilities for 64429
the housing in the facility of prisoners who serve a term in it 64430
pursuant to division (B)(3)(c) of section 2929.34 of the Revised 64431
Code. The per diem cost so determined shall apply in the calendar 64432
year in which the determination is made. 64433

(2) For each county, the per diem cost determined under 64434
division (F)(1) of this section that applies with respect to a 64435
facility in a specified calendar year shall be the per diem rate 64436
of reimbursement in that calendar year, under the ~~targeting~~ 64437
targeted community alternatives to prison (T-CAP) program, for 64438
prisoners who serve a term in the facility pursuant to division 64439
(B)(3)(c) of section 2929.34 of the Revised Code. 64440

(3) The per diem costs of housing determined under division 64441
(F)(1) of this section for a facility shall be the actual costs of 64442
housing the specified prisoners in the facility, on a per diem 64443
basis. 64444

(G) As used in this section: 64445

(1) "Local correctional facility" means a facility of a type 64446
described in division (C) or (D) of section 2929.34 of the Revised 64447
Code. 64448

(2) "Voluntary county" has the same meanings as in section 64449
2929.34 of the Revised Code. 64450

Sec. 5153.122. Each PCSA caseworker hired after January 1, 64451
2007, shall complete ~~at least one hundred two hours of~~ in-service 64452
training during the first year of the caseworker's continuous 64453
employment as a PCSA caseworker, except that the executive 64454
director of the public children services agency may waive the 64455
training requirement for a school of social work graduate who 64456
participated in the university partnership program described in 64457

division (E) of section 5101.141 of the Revised Code and as 64458
provided in section 5153.124 of the Revised Code. The training 64459
shall consist of courses in all of the following: 64460

- (A) Recognizing, accepting reports of, and preventing child 64461
abuse, neglect, and dependency; 64462
- (B) Assessing child safety; 64463
- (C) Assessing risks; 64464
- (D) Interviewing persons; 64465
- (E) Investigating cases; 64466
- (F) Intervening; 64467
- (G) Providing services to children and their families; 64468
- (H) The importance of and need for accurate data; 64469
- (I) Preparation for court; 64470
- (J) Maintenance of case record information; 64471
- (K) The legal duties of PCSA caseworkers to protect the 64472
constitutional and statutory rights of children and families from 64473
the initial time of contact during investigation through 64474
treatment, including instruction regarding parents' rights and the 64475
limitations that the Fourth Amendment to the United States 64476
Constitution places upon caseworkers and their investigations; 64477
- (L) Content on other topics relevant to child abuse, neglect, 64478
and dependency, including permanency strategies, concurrent 64479
planning, and adoption as an option for unintended pregnancies. 64480

After a PCSA caseworker's first year of continuous employment 64481
as a PCSA caseworker, the caseworker annually shall complete 64482
thirty-six hours of training in areas relevant to the caseworker's 64483
assigned duties. 64484

During the first two years of continuous employment as a PCSA 64485
caseworker, each PCSA caseworker shall complete ~~at least twelve~~ 64486

~~hours of training in recognizing the signs of domestic violence 64487
and its relationship to child abuse as established in rules the 64488
director of job and family services shall adopt pursuant to 64489
Chapter 119. of the Revised Code. ~~The twelve hours may be in 64490
addition to the training required during the caseworker's first 64491
year of employment or part of the training required during the 64492
second year of employment.~~ 64493~~

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 64494
~~at least sixty hours of in-service training during the first year 64495
of the supervisor's continuous employment as a PCSA caseworker 64496
supervisor. The training shall include courses in screening 64497
reports of child abuse, neglect, or dependency. After a PCSA 64498
caseworker supervisor's first year of continuous employment as a 64499
PCSA caseworker supervisor, the supervisor annually shall complete 64500
thirty hours of training in areas relevant to the supervisor's 64501
assigned duties. During the first two years of continuous 64502
employment as a PCSA caseworker supervisor, each PCSA caseworker 64503
supervisor shall complete ~~at least twelve hours of training in 64504
recognizing the signs of domestic violence and its relationship to 64505
child abuse as established in rules the director of job and family 64506
services shall adopt pursuant to Chapter 119. of the Revised Code. 64507
~~The twelve hours may be in addition to the training required 64508
during the supervisor's first year of employment or part of the 64509
training required during the second year of employment.~~ 64510
64511~~~~

Sec. 5153.124. (A)(1) The director of job and family services 64512
shall adopt rules as necessary to implement the training 64513
requirements of sections 5153.122 and 5153.123 of the Revised 64514
Code. 64515

(2) Not later than nine months after ~~the effective date of 64516
the amendment to this section by H.B. 110 of the 134th general 64517~~

~~assembly~~ September 30, 2021, the director shall adopt rules in 64518
accordance with Chapter 119. of the Revised Code to establish the 64519
circumstances under which an executive director of a public 64520
children services agency may waive portions of in-service training 64521
for PCSA caseworkers, in addition to the waiver described in 64522
section 5153.122 of the Revised Code. 64523

(B) Notwithstanding sections ~~5103.33~~ 5103.37 to ~~5103.422~~ 64524
5103.42 and sections 5153.122 to 5153.127 of the Revised Code, the 64525
department of job and family services may require additional 64526
training for PCSA caseworkers and PCSA caseworker supervisors as 64527
necessary to comply with federal requirements. 64528

Sec. 5153.127. The executive director of each public children 64529
services agency or a person designated by the executive director 64530
shall collect and maintain the data from individual training needs 64531
assessments completed under sections 5153.125 and 5153.126 of the 64532
Revised Code for each PCSA caseworker and PCSA caseworker 64533
supervisor employed by the agency. The executive director or 64534
designated person shall compile and forward the data collected 64535
from the completed assessments to the regional training center 64536
established under section ~~5103.42~~ 5103.41 of the Revised Code for 64537
the training region the agency is located in. 64538

Sec. 5153.16. (A) Except as provided in section 2151.422 of 64539
the Revised Code, in accordance with rules adopted under section 64540
5153.166 of the Revised Code, and on behalf of children in the 64541
county whom the public children services agency considers to be in 64542
need of public care or protective services, the public children 64543
services agency shall do all of the following: 64544

(1) Make an investigation concerning any child alleged to be 64545
an abused, neglected, or dependent child; 64546

(2) Enter into agreements with the parent, guardian, or other 64547

person having legal custody of any child, or with the department 64548
of job and family services, department of mental health and 64549
addiction services, department of developmental disabilities, 64550
other department, any certified organization within or outside the 64551
county, or any agency or institution outside the state, having 64552
legal custody of any child, with respect to the custody, care, or 64553
placement of any child, or with respect to any matter, in the 64554
interests of the child, provided the permanent custody of a child 64555
shall not be transferred by a parent to the public children 64556
services agency without the consent of the juvenile court; 64557

(3) Enter into a contract with an agency providing prevention 64558
services in an effort to prevent neglect or abuse, to enhance a 64559
child's welfare, and to preserve the family unit intact. 64560

(4) Accept custody of children committed to the public 64561
children services agency by a court exercising juvenile 64562
jurisdiction; 64563

~~(4)~~(5) Provide such care as the public children services 64564
agency considers to be in the best interests of any child 64565
adjudicated to be an abused, neglected, or dependent child the 64566
agency finds to be in need of public care or service; 64567

~~(5)~~(6) Provide social services to any unmarried girl 64568
adjudicated to be an abused, neglected, or dependent child who is 64569
pregnant with or has been delivered of a child; 64570

~~(6)~~(7) Make available to the bureau for children and youth 64571
with ~~medical handicaps~~ special health care needs of the department 64572
of health at its request any information concerning a ~~crippled~~ 64573
child or youth with special health care needs found to be in need 64574
of treatment under sections 3701.021 to 3701.028 of the Revised 64575
Code who is receiving services from the public children services 64576
agency; 64577

~~(7)~~(8) Provide temporary emergency care for any child 64578

considered by the public children services agency to be in need of 64579
such care, without agreement or commitment; 64580

~~(8)~~(9) Find certified foster homes, within or outside the 64581
county, for the care of children, including handicapped children 64582
from other counties attending special schools in the county; 64583

~~(9)~~(10) Subject to the approval of the board of county 64584
commissioners and the state department of job and family services, 64585
establish and operate a training school or enter into an agreement 64586
with any municipal corporation or other political subdivision of 64587
the county respecting the operation, acquisition, or maintenance 64588
of any children's home, training school, or other institution for 64589
the care of children maintained by such municipal corporation or 64590
political subdivision; 64591

~~(10)~~(11) Acquire and operate a county children's home, 64592
establish, maintain, and operate a receiving home for the 64593
temporary care of children, or procure certified foster homes for 64594
this purpose; 64595

~~(11)~~(12) Enter into an agreement with the trustees of any 64596
district children's home, respecting the operation of the district 64597
children's home in cooperation with the other county boards in the 64598
district; 64599

~~(12)~~(13) Cooperate with, make its services available to, and 64600
act as the agent of persons, courts, the department of job and 64601
family services, the department of health, and other organizations 64602
within and outside the state, in matters relating to the welfare 64603
of children, except that the public children services agency shall 64604
not be required to provide supervision of or other services 64605
related to the exercise of parenting time rights granted pursuant 64606
to section 3109.051 or 3109.12 of the Revised Code or 64607
companionship or visitation rights granted pursuant to section 64608
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 64609

juvenile court, pursuant to Chapter 2151. of the Revised Code, or 64610
a common pleas court, pursuant to division (E)(6) of section 64611
3113.31 of the Revised Code, requires the provision of supervision 64612
or other services related to the exercise of the parenting time 64613
rights or companionship or visitation rights; 64614

~~(13)~~(14) Make investigations at the request of any 64615
superintendent of schools in the county or the principal of any 64616
school concerning the application of any child adjudicated to be 64617
an abused, neglected, or dependent child for release from school, 64618
where such service is not provided through a school attendance 64619
department; 64620

~~(14)~~(15) Administer funds provided under Title IV-E of the 64621
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 64622
amended, in accordance with rules adopted under section 5101.141 64623
of the Revised Code; 64624

~~(15)~~(16) In addition to administering Title IV-E adoption 64625
assistance funds, enter into agreements to make adoption 64626
assistance payments under section 5153.163 of the Revised Code; 64627

~~(16)~~(17) Implement a system of safety and risk assessment, in 64628
accordance with rules adopted by the director of job and family 64629
services, to assist the public children services agency in 64630
determining the risk of abuse or neglect to a child; 64631

~~(17)~~(18) Enter into a plan of cooperation with the board of 64632
county commissioners under section 307.983 of the Revised Code and 64633
comply with each fiscal agreement the board enters into under 64634
section 307.98 of the Revised Code that include family services 64635
duties of public children services agencies and contracts the 64636
board enters into under sections 307.981 and 307.982 of the 64637
Revised Code that affect the public children services agency; 64638

~~(18)~~(19) Make reasonable efforts to prevent the removal of an 64639
alleged or adjudicated abused, neglected, or dependent child from 64640

the child's home, eliminate the continued removal of the child 64641
from the child's home, or make it possible for the child to return 64642
home safely, except that reasonable efforts of that nature are not 64643
required when a court has made a determination under division 64644
(A)(2) of section 2151.419 of the Revised Code; 64645

~~(19)~~(20) Make reasonable efforts to place the child in a 64646
timely manner in accordance with the permanency plan approved 64647
under division (E) of section 2151.417 of the Revised Code and to 64648
complete whatever steps are necessary to finalize the permanent 64649
placement of the child; 64650

~~(20)~~(21) Administer a Title IV-A program identified under 64651
division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised 64652
Code that the department of job and family services provides for 64653
the public children services agency to administer under the 64654
department's supervision pursuant to section 5101.801 of the 64655
Revised Code; 64656

~~(21)~~(22) Administer the kinship permanency incentive program 64657
created under section 5101.802 of the Revised Code under the 64658
supervision of the director of job and family services; 64659

~~(22)~~(23) Provide independent living services pursuant to 64660
sections 2151.81 to 2151.84 of the Revised Code; 64661

~~(23)~~(24) File a missing child report with a local law 64662
enforcement agency upon becoming aware that a child in the custody 64663
of the public children services agency is or may be missing. 64664

(B) The public children services agency shall use the system 64665
implemented pursuant to division ~~(A)(16)~~(A)(17) of this section in 64666
connection with an investigation undertaken pursuant to division 64667
(G)(1) of section 2151.421 of the Revised Code to assess both of 64668
the following: 64669

(1) The ongoing safety of the child; 64670

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case. 64671
64672
64673

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following: 64674
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64676
64677
64678
64679

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code; 64680
64681
64682
64683

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties: 64684
64685
64686

(i) County departments of job and family services; 64687

(ii) Boards of alcohol, drug addiction, and mental health services; 64688
64689

(iii) County boards of developmental disabilities; 64690

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code; 64691
64692

(v) Private and government providers of services; 64693

(vi) Managed care organizations and prepaid health plans. 64694

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules. 64695
64696
64697
64698
64699

(c) Only a county children services board appointed under 64700

section 5153.03 of the Revised Code that is a public children 64701
services agency may contract under division (C)(2)(a) of this 64702
section. If an entity specified in division (B) or (C) of section 64703
5153.02 of the Revised Code is the public children services agency 64704
for a county, the board of county commissioners may enter into 64705
contracts pursuant to section 307.982 of the Revised Code 64706
regarding the agency's duties. 64707

Sec. 5153.161. (A) As used in this section, "qualified 64708
nonrelative" means a nonrelative adult whom a child or the current 64709
custodial caretaker of a child identifies as having a familiar and 64710
longstanding relationship or bond with the child or the child's 64711
family that will ensure the child's social and cultural ties. 64712

(B) Care provided by the public children services agency 64713
under division ~~(A)(4)~~(A)(5) of section 5153.16 of the Revised Code 64714
shall be provided by the agency, by its own means or through other 64715
available resources, in the child's own home, in the home of a 64716
relative or qualified nonrelative, or in a certified foster home, 64717
any other home approved by the court, receiving home, school, 64718
hospital, convalescent home, or other public or private 64719
institution within or outside the county or state. 64720

Sec. 5153.162. Pursuant to an agreement entered into under 64721
division ~~(A)(9)~~(A)(10) of section 5153.16 of the Revised Code 64722
respecting the operation, acquisition, or maintenance of a 64723
children's home, training school, or other institution for the 64724
care of children maintained by a municipal corporation or other 64725
political subdivision, the public children services agency may 64726
acquire, operate, and maintain such an institution. The agency may 64727
enter into an agreement with a municipal corporation, a board of 64728
education, and the board of county commissioners, or with any one 64729
of them, to provide for the maintenance and operation of 64730
children's training schools. The agreement may provide for the 64731

contribution of funds by the municipal corporation, board of 64732
education, or board of county commissioners, in such proportions 64733
and amounts as the agreement states. The agreement also may 64734
provide for the operation and supervision of the training school 64735
by any one of them, or by the joint action of two or more of them, 64736
provided that municipal corporations, boards of education, and 64737
boards of county commissioners may expend moneys from their 64738
general funds for maintaining and operating the joint children's 64739
training school. 64740

Sec. 5153.163. (A) As used in this section: 64741

(1) "Adoptive parent" means, as the context requires, a 64742
prospective adoptive parent or an adoptive parent. 64743

(2) "Relative" has the same meaning as in section 5101.141 of 64744
the Revised Code. 64745

(B)(1) Before a child's adoption is finalized, a public 64746
children services agency may enter into an agreement with the 64747
child's adoptive parent under which the agency, to the extent 64748
state funds are available, may make state adoption maintenance 64749
subsidy payments as needed on behalf of the child when all of the 64750
following apply: 64751

(a) The child is a child with special needs. 64752

(b) The child was placed in the adoptive home by a public 64753
children services agency or a private child placing agency and may 64754
legally be adopted. 64755

(c) The adoptive parent has the capability of providing the 64756
permanent family relationships needed by the child. 64757

(d) The needs of the child are beyond the economic resources 64758
of the adoptive parent. 64759

(e) Acceptance of the child as a member of the adoptive 64760
parent's family would not be in the child's best interest without 64761

payments on the child's behalf under this section. 64762

(f) The gross income of the adoptive parent's family does not 64763
exceed one hundred twenty per cent of the median income of a 64764
family of the same size, including the child, as most recently 64765
determined for this state by the secretary of health and human 64766
services under Title XX of the "Social Security Act," 88 Stat. 64767
2337, 42 U.S.C.A. 1397, as amended. 64768

(g) The child is not eligible for adoption assistance 64769
payments under Title IV-E of the "Social Security Act," 94 Stat. 64770
501 (1980), 42 U.S.C.A. 671, as amended. 64771

(2) State adoption maintenance subsidy payment agreements 64772
must be made by either the public children services agency that 64773
has permanent custody of the child or the public children services 64774
agency of the county in which the private child placing agency 64775
that has permanent custody of the child is located. 64776

(3) State adoption maintenance subsidy payments shall be made 64777
in accordance with the agreement between the public children 64778
services agency and the adoptive parent and are subject to an 64779
annual redetermination of need. 64780

(4) Payments under this division may begin either before or 64781
after issuance of the final adoption decree, except that payments 64782
made before issuance of the final adoption decree may be made only 64783
while the child is living in the adoptive parent's home. 64784
Preadoption payments may be made for not more than twelve months, 64785
unless the final adoption decree is not issued within that time 64786
because of a delay in court proceedings. Payments that begin 64787
before issuance of the final adoption decree may continue after 64788
its issuance. 64789

(C)(1) ~~A public children services agency~~ The department of 64790
job and family services may enter into an agreement with a child's 64791
relative under which the ~~agency~~ department, to the extent state 64792

funds are available, may provide state kinship guardianship 64793
assistance as needed on behalf of the child when all of the 64794
following apply: 64795

(a) The relative has cared for the eligible child as a foster 64796
caregiver as defined by section 5103.02 of the Revised Code for at 64797
least six consecutive months. 64798

(b) Both of the following apply: 64799

(i) A juvenile court issued an order granting legal custody 64800
of the child to the relative, or a probate court issued an order 64801
granting guardianship of the child to the relative, and the order 64802
is not a temporary court order. 64803

(ii) The relative has committed to care for the child on a 64804
permanent basis. 64805

(c) The relative signed a state kinship guardianship 64806
assistance agreement prior to assuming legal guardianship or legal 64807
custody of the child. 64808

(d) The public children services agency that had custody of 64809
the child immediately prior to a court granting legal custody or 64810
guardianship of the child to a relative of the child has 64811
determined all of the following: 64812

(i) The child had been removed from home pursuant to a 64813
voluntary placement agreement or as a result of a judicial 64814
determination to the effect that continuation in the home would be 64815
contrary to the welfare of the child. 64816

~~(e)~~(ii) Returning the child home or adoption are not 64817
appropriate permanency options for the child. 64818

~~(f)~~(iii) The child demonstrates a strong attachment to the 64819
relative and the relative has a strong commitment to caring 64820
permanently for the child. 64821

~~(g)~~(iv) With respect to a child who has attained fourteen 64822

years of age, the child has been consulted regarding the state 64823
kinship guardianship assistance arrangement. 64824

~~(h)(v)~~ The child is not eligible for kinship guardianship 64825
assistance payments under Title IV-E of the "Social Security Act," 64826
42 U.S.C. 673(d), as amended. 64827

(2) ~~The~~ In addition to the determinations that are required 64828
under divisions (C)(1)(d)(i) to (v) of this section, the public 64829
children services agency that had custody of a child immediately 64830
prior to a court granting legal custody or guardianship of the 64831
child to a relative of the child ~~described in division (C)(1) of~~ 64832
~~this section~~ is authorized to ~~enter into a~~ determine the 64833
eligibility of the relative and the child for state kinship 64834
guardianship assistance ~~agreement with that relative in accordance~~ 64835
with divisions (C)(1)(a) to (c) of this section and any relevant 64836
determination provided for in rules adopted under division (E) of 64837
this section. 64838

(3) State kinship guardianship assistance for a child shall 64839
be provided in accordance with a state kinship guardianship 64840
assistance agreement entered into between the ~~public children~~ 64841
~~services agency~~ department and relative of the child described in 64842
division (C)(1) of this section and is subject to ~~an annual a~~ 64843
redetermination of need at a frequency established by rules 64844
adopted under division (E) of this section. 64845

(4) Not later than fifteen months after ~~the effective date of~~ 64846
~~this section~~ September 30, 2021, if the amended state plan 64847
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 64848
described in section 5101.1416 of the Revised Code is approved, 64849
division (C) of this section shall be implemented. 64850

(D) No payment shall be made under division (B) or (C) of 64851
this section on behalf of any person eighteen years of age or 64852
older beyond the end of the school year during which the person 64853

attains the age of eighteen or on behalf of a mentally or 64854
physically handicapped person twenty-one years of age or older. 64855

~~(E)~~(E)(1) The director of job and family services shall adopt 64856
rules in accordance with Chapter 119. of the Revised Code that are 64857
needed to implement this section. The rules shall establish all of 64858
the following: 64859

~~(1)~~(a) The application process for all forms of assistance 64860
provided under this section; 64861

~~(2)~~(b) The method to determine the amount of assistance 64862
payable under division (B) of this section; 64863

~~(3)~~(c) The definition of "child with special needs" for the 64864
purposes of division (B) of this section; 64865

~~(4)~~(d) The process and frequency whereby a child's continuing 64866
need for services provided under division (B) or (C) of this 64867
section is ~~annually~~ redetermined; 64868

~~(5)~~(e) Any other rule, requirement, or procedure the 64869
department considers appropriate for the implementation of this 64870
section. 64871

(2) Notwithstanding any provision of section 121.95 of the 64872
Revised Code to the contrary, a regulatory restriction contained 64873
in a rule adopted under division (E) of this section is not 64874
subject to sections 121.95 to 121.953 of the Revised Code. 64875

(F) The state adoption special services subsidy program 64876
ceases to exist on July 1, 2004, except that, subject to the 64877
findings of the annual redetermination process established under 64878
division (E) of this section and the child's individual need for 64879
services, a public children services agency may continue to 64880
provide state adoption special services subsidy payments on behalf 64881
of a child for whom payments were being made prior to July 1, 64882
2004. 64883

(G) Benefits and services provided under this section are 64884
inalienable whether by way of assignment, charge, or otherwise and 64885
exempt from execution, attachment, garnishment, and other like 64886
processes. 64887

Sec. 5153.17. ~~The~~ (A) Each public children services agency 64888
shall prepare and keep written records of ~~investigations~~ all of 64889
the following: 64890

(1) Investigations of families, children, and foster homes, 64891
~~and of the;~~ 64892

(2) The care, training, and treatment afforded to children, 64893
~~and shall prepare and keep such;~~ 64894

(3) Such other records as are required by the department of 64895
job and family services. ~~Such records~~ 64896

(B) Records under division (A) of this section shall be 64897
confidential, but, except as provided by division (B) of section 64898
3107.17 of the Revised Code, shall be open to inspection by the 64899
following: 64900

(1) The agency, the director of job and family services, and 64901
the director of the county department of job and family services, 64902
and by other persons upon the written permission of the executive 64903
director; 64904

(2) Upon request to an agency and subject to division (C) of 64905
this section, an adult who was formerly placed in foster care. 64906

(C)(1) With regard to an adult under division (B)(2) of this 64907
section, records subject to inspection include those pertaining to 64908
the adult's time placed in foster care. Records may include 64909
medical, mental health, school, and legal records and a 64910
comprehensive summary of reasons why the adult was placed in 64911
foster care. 64912

(2) The executive director or the director's designee may 64913

redact information that is specific to other individuals if that 64914
information does not directly pertain to the requesting adult's 64915
records that are subject to inspection under division (C)(1) of 64916
this section or the comprehensive summary of reasons why the adult 64917
was placed in foster care. 64918

Sec. 5160.04. The medicaid director shall appoint ~~one~~ not 64919
more than two assistant ~~director~~ directors for the department of 64920
medicaid. The assistant director or assistant directors shall 64921
exercise powers, and perform duties, as ordered by the medicaid 64922
director. The assistant director shall act as the medicaid 64923
director in the medicaid director's absence or disability and when 64924
the position of medicaid director is vacant. If two assistant 64925
directors are appointed, the medicaid director may designate which 64926
assistant director shall act as the medicaid director in the 64927
medicaid director's absence or disability and when the position of 64928
medicaid director is vacant. 64929

Sec. 5160.35. As used in sections 5160.35 to 5160.43 of the 64930
Revised Code: 64931

(A) "Information" means all of the following: 64932

(1) An individual's name, address, date of birth, and social 64933
security number; 64934

(2) The group or plan number, or other identifier, assigned 64935
by a third party to a policy held by an individual or a plan in 64936
which the individual participates and the nature of the coverage; 64937

(3) Any other data the medicaid director specifies in rules 64938
authorized by section 5160.43 of the Revised Code. 64939

(B) "Medical support" means support specified as support for 64940
the purpose of medical care by order of a court or administrative 64941
agency. 64942

(C)(1) Subject to division (C)(2) of this section, and except 64943
as provided in division (C)(3) of this section, "third party" 64944
means all of the following: 64945

(a) A person authorized to engage in the business of sickness 64946
and accident insurance under Title XXXIX of the Revised Code; 64947

(b) A person or governmental entity providing coverage for 64948
medical services or items to individuals on a self-insurance 64949
basis; 64950

(c) A health insuring corporation as defined in section 64951
1751.01 of the Revised Code; 64952

(d) A group health plan as defined in 29 U.S.C. 1167; 64953

(e) A service benefit plan as referenced in 42 U.S.C. 64954
1396a(a)(25); 64955

(f) A managed care organization; 64956

(g) A pharmacy benefit manager; 64957

(h) A third party administrator; 64958

(i) Any other person or governmental entity that is, by law, 64959
contract, or agreement, responsible for the payment or processing 64960
of a claim for a medical item or service for a medical assistance 64961
recipient. 64962

(2) Except when otherwise provided by the "Social Security 64963
Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 64964
governmental entity listed in division (C)(1) of this section is a 64965
third party even if the person or governmental entity limits or 64966
excludes payments for a medical item or service in the case of a 64967
public assistance recipient. 64968

(3) "Third party" does not include the program for ~~medically~~ 64969
~~handicapped~~ children and youth with special health care needs 64970
established under section 3701.023 of the Revised Code. 64971

Sec. 5162.01. (A) As used in the Revised Code:	64972
(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.	64973 64974 64975 64976 64977 64978
(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	64979 64980 64981
(B) As used in this chapter:	64982
(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20.	64983
(2) "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.	64984 64985
(3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	64986 64987
(4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).	64988 64989 64990 64991 64992 64993
(5) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code.	64994 64995
(6) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component.	64996 64997 64998 64999
(7) "Home and community-based services" means services	65000

provided under a home and community-based services medicaid waiver component. 65001
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(8) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 65003
65004
65005

(9) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 65006
65007

(10) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code. 65008
65009

(11) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 65010
65011

(12) "Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 65012
65013

(13) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 65014
65015

(14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 65016
65017

(15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 65018
65019

(16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 65020
65021

(17) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services. 65022
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(18) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state. 65026
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65029

(19) "Prescribed drug" has the same meaning as in section 65030
5164.01 of the Revised Code. 65031

(20) "Provider agreement" has the same meaning as in section 65032
5164.01 of the Revised Code. 65033

(21) "Qualified medicaid school provider" means the board of 65034
education of a city, local, or exempted village school district, 65035
the governing board of an educational service center, the 65036
governing authority of a community school established under 65037
Chapter 3314. of the Revised Code, ~~the state school for the deaf,~~ 65038
and ~~the state school for the blind~~ Ohio deaf and blind education 65039
services to which both of the following apply: 65040

(a) It holds a valid provider agreement. 65041

(b) It meets all other conditions for participation in the 65042
medicaid school component of the medicaid program established in 65043
rules authorized by section 5162.364 of the Revised Code. 65044

(22) "State agency" means every organized body, office, or 65045
agency, other than the department of medicaid, established by the 65046
laws of the state for the exercise of any function of state 65047
government. 65048

(23) "Vendor offset" means a reduction of a medicaid payment 65049
to a medicaid provider to correct a previous, incorrect medicaid 65050
payment to that provider. 65051

Sec. 5162.364. The medicaid director shall adopt rules under 65052
section 5162.02 of the Revised Code as necessary to implement the 65053
medicaid school component of the medicaid program, including rules 65054
that establish or specify all of the following: 65055

(A) Conditions a board of education of a city, local, or 65056
exempted school district, a governing board of an educational 65057
service center, governing authority of a community school 65058
established under Chapter 3314. of the Revised Code, ~~the state~~ 65059

~~school for the deaf, and the state school for the blind~~ Ohio deaf and blind education services must meet to participate in the component;

(B) Services the component covers;

(C) Payment rates for the services the component covers.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5163.06. The medicaid program shall cover all of the following optional eligibility groups:

(A) The group consisting of children placed with adoptive parents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);

(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the maximum postpartum period permitted under 42 U.S.C. 1396a(e) beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C.

1396a(a)(10)(A)(ii)(XVII); 65090

(F) The group consisting of women in need of treatment for 65091
breast or cervical cancer who are specified in the "Social 65092
Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 65093
1396a(a)(10)(A)(ii)(XVIII); 65094

(G) Subject to section 5163.062 of the Revised Code, the 65095
group consisting of individuals who are under sixty-five years of 65096
age and whose income exceeds one hundred thirty-three per cent of 65097
the federal poverty line who are described in section 65098
1902(a)(10)(A)(ii)(XX) of the "Social Security Act," 42 U.S.C. 65099
1396a(a)(10)(A)(ii)(XX). 65100

Sec. 5163.062. (A) The medicaid program shall cover all of 65101
the following optional populations within the group specified by 65102
division (G) of section 5163.06 of the Revised Code: 65103

(1) Pregnant women; 65104

(2) Children under the age of nineteen; 65105

(3) A reasonable classification of children under the age of 65106
nineteen who were adopted through private agencies. 65107

(B)(1) The income eligibility threshold is three hundred per 65108
cent of the federal poverty line for the populations described in 65109
divisions (A)(1) and (2) of this section. 65110

(2) There is no income eligibility threshold for the 65111
population described in division (A)(3) of this section. 65112

Sec. 5163.102. (A) As used in this section, "qualified 65113
entity" has the same meaning as in section 1920A(b)(3) of the 65114
"Social Security Act," 42 U.S.C. 1396r-1a(b)(3). 65115

(B) The medicaid director shall implement the presumptive 65116
eligibility option for individuals who are under sixty-five years 65117
of age and whose income exceeds one hundred thirty-three per cent 65118

<u>of the federal poverty line option, available under 42 C.F.R.</u>	65119
<u>435.1101 through 435.1103.</u>	65120
<u>(C) An entity may serve as a qualified entity for the</u>	65121
<u>purposes of this section if the entity:</u>	65122
<u>(1) Is eligible under section 1920A(b)(3) of the "Social</u>	65123
<u>Security Act," 42 U.S.C. 1396r-1a(b)(3);</u>	65124
<u>(2) Requests to serve as a qualified entity;</u>	65125
<u>(3) Is determined capable of making presumptive eligibility</u>	65126
<u>determinations by the department of medicaid.</u>	65127
Sec. 5164.34. (A) As used in this section:	65128
(1) "Criminal records check" has the same meaning as in	65129
section 109.572 of the Revised Code.	65130
(2) "Disqualifying offense" means any of the offenses listed	65131
or described in divisions (A)(3)(a) to (e) of section 109.572 of	65132
the Revised Code.	65133
(3) "Owner" means a person who has an ownership interest in a	65134
medicaid provider in an amount designated in rules authorized by	65135
this section.	65136
(4) "Person subject to the criminal records check	65137
requirement" means the following:	65138
(a) A medicaid provider who is notified under division (E)(1)	65139
of this section that the provider is subject to a criminal records	65140
check;	65141
(b) An owner or prospective owner, officer or prospective	65142
officer, or board member or prospective board member of a medicaid	65143
provider if, pursuant to division (E)(1)(a) of this section, the	65144
owner or prospective owner, officer or prospective officer, or	65145
board member or prospective board member is specified in	65146
information given to the provider under division (E)(1) of this	65147

section; 65148

(c) An employee or prospective employee of a medicaid provider if both of the following apply: 65149
65150

(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section. 65151
65152
65153

(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 65154
65155

(5) "Responsible entity" means the following: 65156

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 65157
65158
65159

(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 65160
65161
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(B) This section does not apply to any of the following: 65165

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code; 65166
65167
65168

(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3740.11, or 5164.342 of the Revised Code; 65169
65170
65171

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 65172
65173

(C) The department of medicaid may do any of the following: 65174

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a 65175
65176

provider agreement; 65177

(2) Require that any medicaid provider require an owner or 65178
prospective owner, officer or prospective officer, or board member 65179
or prospective board member of the provider submit to a criminal 65180
records check as a condition of being an owner, officer, or board 65181
member of the provider; 65182

(3) Require that any medicaid provider do the following: 65183

(a) If so required by rules authorized by this section, 65184
determine pursuant to a database review conducted under division 65185
(F)(1)(a) of this section whether any employee or prospective 65186
employee of the provider is included in a database; 65187

(b) Unless the provider is prohibited by division (D)(3)(b) 65188
of this section from employing the employee or prospective 65189
employee, require the employee or prospective employee to submit 65190
to a criminal records check as a condition of being an employee of 65191
the provider. 65192

(D)(1) The department or the department's designee shall deny 65193
or terminate a medicaid provider's provider agreement if the 65194
provider is a person subject to the criminal records check 65195
requirement and either of the following applies: 65196

(a) The provider fails to obtain the criminal records check 65197
after being given the information specified in division (G)(1) of 65198
this section. 65199

(b) Except as provided in rules authorized by this section, 65200
the provider is found by the criminal records check to have been 65201
convicted of or have pleaded guilty to a disqualifying offense, 65202
regardless of the date of the conviction or the date of entry of 65203
the guilty plea. 65204

(2) No medicaid provider shall permit a person to be an 65205
owner, officer, or board member of the provider if the person is a 65206

person subject to the criminal records check requirement and 65207
either of the following applies: 65208

(a) The person fails to obtain the criminal records check 65209
after being given the information specified in division (G)(1) of 65210
this section. 65211

(b) Except as provided in rules authorized by this section, 65212
the person is found by the criminal records check to have been 65213
convicted of or have pleaded guilty to a disqualifying offense, 65214
regardless of the date of the conviction or the date of entry of 65215
the guilty plea. 65216

(3) Except as provided in division (I) of this section, no 65217
medicaid provider shall employ a person if any of the following 65218
apply: 65219

(a) The person has been excluded from being a medicaid 65220
provider, a medicare provider, or provider for any other federal 65221
health care program. 65222

(b) If the person is subject to a database review conducted 65223
under division (F)(1)(a) of this section, the person is found by 65224
the database review to be included in a database and the rules 65225
authorized by this section regarding the database review prohibit 65226
the provider from employing a person included in the database. 65227

(c) If the person is a person subject to the criminal records 65228
check requirement, either of the following applies: 65229

(i) The person fails to obtain the criminal records check 65230
after being given the information specified in division (G)(1) of 65231
this section. 65232

(ii) Except as provided in rules authorized by this section, 65233
the person is found by the criminal records check to have been 65234
convicted of or have pleaded guilty to a disqualifying offense, 65235
regardless of the date of the conviction or the date of entry of 65236

the guilty plea. 65237

(E)(1) The department or the department's designee shall 65238
inform each medicaid provider whether the provider is subject to a 65239
criminal records check. For providers with valid provider 65240
agreements, the information shall be given at times designated in 65241
rules authorized by this section. For providers applying to be 65242
medicaid providers, the information shall be given at the time of 65243
initial application. When the information is given, the department 65244
or the department's designee shall specify the following: 65245

(a) Which of the provider's owners or prospective owners, 65246
officers or prospective officers, or board members or prospective 65247
board members are subject to a criminal records check; 65248

(b) Which of the provider's employees or prospective 65249
employees are subject to division (C)(3) of this section. 65250

(2) At times designated in rules authorized by this section, 65251
a medicaid provider that is a person subject to the criminal 65252
records check requirement shall do the following: 65253

(a) Inform each person specified under division (E)(1)(a) of 65254
this section that the person is required to submit to a criminal 65255
records check as a condition of being an owner, officer, or board 65256
member of the provider; 65257

(b) Inform each person specified under division (E)(1)(b) of 65258
this section that the person is subject to division (C)(3) of this 65259
section. 65260

(F)(1) If a medicaid provider is a person subject to the 65261
criminal records check requirement, the department or the 65262
department's designee shall require the conduct of a criminal 65263
records check by the superintendent of the bureau of criminal 65264
identification and investigation. A medicaid provider shall 65265
require the conduct of a criminal records check by the 65266
superintendent with respect to each of the persons specified under 65267

division (E)(1)(a) of this section. With respect to each employee 65268
and prospective employee specified under division (E)(1)(b) of 65269
this section, a medicaid provider shall do the following: 65270

(a) If rules authorized by this section require the provider 65271
to conduct a database review to determine whether the employee or 65272
prospective employee is included in a database, conduct the 65273
database review in accordance with the rules; 65274

(b) Unless the provider is prohibited by division (D)(3)(b) 65275
of this section from employing the employee or prospective 65276
employee, require the conduct of a criminal records check of the 65277
employee or prospective employee by the superintendent. 65278

(2) If a person subject to the criminal records check 65279
requirement does not present proof of having been a resident of 65280
this state for the five-year period immediately prior to the date 65281
the criminal records check is requested or provide evidence that 65282
within that five-year period the superintendent has requested 65283
information about the person from the federal bureau of 65284
investigation in a criminal records check, the responsible entity 65285
shall require the person to request that the superintendent obtain 65286
information from the federal bureau of investigation as part of 65287
the criminal records check of the person. Even if the person 65288
presents proof of having been a resident of this state for the 65289
five-year period, the responsible entity may require that the 65290
person request that the superintendent obtain information from the 65291
federal bureau of investigation and include it in the criminal 65292
records check of the person. 65293

(G) Criminal records checks required by this section shall be 65294
obtained as follows: 65295

(1) The responsible entity shall provide each person subject 65296
to the criminal records check requirement information about 65297
accessing and completing the form prescribed pursuant to division 65298

(C)(1) of section 109.572 of the Revised Code and the standard 65299
impression sheet prescribed pursuant to division (C)(2) of that 65300
section. 65301

(2) The person subject to the criminal records check 65302
requirement shall submit the required form and one complete set of 65303
the person's fingerprint impressions directly to the 65304
superintendent for purposes of conducting the criminal records 65305
check using the applicable methods prescribed by division (C) of 65306
section 109.572 of the Revised Code. The person shall pay all fees 65307
associated with obtaining the criminal records check. 65308

(3) The superintendent shall conduct the criminal records 65309
check in accordance with section 109.572 of the Revised Code. The 65310
person subject to the criminal records check requirement shall 65311
instruct the superintendent to submit the report of the criminal 65312
records check directly to the responsible entity. If the 65313
department or the department's designee is not the responsible 65314
entity, the department or designee may require the responsible 65315
entity to submit the report to the department or designee. 65316

(H)(1) A medicaid provider may employ conditionally a person 65317
for whom a criminal records check is required by this section 65318
prior to obtaining the results of the criminal records check if 65319
both of the following apply: 65320

(a) The provider is not prohibited by division (D)(3)(b) of 65321
this section from employing the person. 65322

(b) The person submits a request for the criminal records 65323
check not later than five business days after the person begins 65324
conditional employment. 65325

(2) Except as provided in division (I) of this section, a 65326
medicaid provider that employs a person conditionally under 65327
division (H)(1) of this section shall terminate the person's 65328
employment if either of the following apply: 65329

(a) The results of the criminal records check request are not 65330
obtained within the period ending sixty days after the date the 65331
request is made. 65332

(b) Regardless of when the results of the criminal records 65333
check are obtained, the results indicate that the person has been 65334
convicted of or has pleaded guilty to a disqualifying offense, 65335
unless circumstances specified in rules authorized by this section 65336
exist that permit the provider to employ the person and the 65337
provider chooses to employ the person. 65338

(I) As used in this division, "behavioral health services" 65339
means alcohol and drug addiction services, mental health services, 65340
or both. 65341

A medicaid provider of behavioral health services may choose 65342
to employ a person who the provider would be prohibited by 65343
division (D)(3) of this section from employing or would be 65344
required by division (H)(2) of this section to terminate the 65345
person's employment if both of the following apply: 65346

(1) The person holds a valid health professional license 65347
issued under the Revised Code granting the person authority to 65348
provide behavioral health services, holds a valid peer recovery 65349
supporter certificate issued pursuant to rules adopted by the 65350
department of mental health and addiction services, or is in the 65351
process of obtaining such a license or certificate. 65352

(2) The provider does not submit any medicaid claims for any 65353
services the person provides. 65354

(J) The report of a criminal records check conducted pursuant 65355
to this section is not a public record for the purposes of section 65356
149.43 of the Revised Code and shall not be made available to any 65357
person other than the following: 65358

(1) The person who is the subject of the criminal records 65359
check or the person's representative; 65360

- (2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program; 65361
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- (3) The department's designee; 65363
- (4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check; 65364
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- (5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan; 65367
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- (6) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with any of the following: 65370
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65372
- (a) The denial, suspension, or termination of a provider agreement; 65373
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- (b) A person's denial of employment, termination of employment, or employment or unemployment benefits; 65375
65376
- (c) A civil or criminal action regarding the medicaid program. 65377
65378
- With respect to an administrative hearing dealing with the denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record. 65379
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- (K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following: 65385
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- (1) Designate the categories of persons who are subject to a 65390

criminal records check under this section; 65391

(2) Specify circumstances under which the department or the 65392
department's designee may continue a provider agreement or issue a 65393
provider agreement when the medicaid provider is found by a 65394
criminal records check to have been convicted of or pleaded guilty 65395
to a disqualifying offense; 65396

(3) Specify circumstances under which a medicaid provider may 65397
permit a person to be an employee, owner, officer, or board member 65398
of the provider when the person is found by a criminal records 65399
check conducted pursuant to this section to have been convicted of 65400
or have pleaded guilty to a disqualifying offense; 65401

(4) Specify all of the following: 65402

(a) The circumstances under which a database review must be 65403
conducted under division (F)(1)(a) of this section to determine 65404
whether an employee or prospective employee of a medicaid provider 65405
is included in a database; 65406

(b) The procedures for conducting the database review; 65407

(c) The databases that are to be checked; 65408

(d) The circumstances under which, except as provided in 65409
division (I) of this section, a medicaid provider is prohibited 65410
from employing a person who is found by the database review to be 65411
included in a database. 65412

Sec. 5164.341. (A) As used in this section: 65413

"Anniversary date" means ~~the later of~~ the effective date of 65414
the provider agreement relating to the independent provider ~~or~~ 65415
~~sixty days after September 26, 2003.~~ 65416

"Applicant" means a person who has applied for a provider 65417
agreement to provide home and community-based services as an 65418
independent provider under a home and community-based medicaid 65419

waiver component administered by the department of medicaid. 65420

"Criminal records check" has the same meaning as in section 65421
109.572 of the Revised Code. 65422

"Disqualifying offense" means any of the offenses listed or 65423
described in divisions (A)(3)(a) to (e) of section 109.572 of the 65424
Revised Code. 65425

"Independent provider" means a person who has a provider 65426
agreement to provide home and community-based services as an 65427
independent provider in a home and community-based services 65428
medicaid waiver component administered by the department of 65429
medicaid. "Independent provider" does not include a person who is 65430
employed by an individual enrolled in a participant-directed
waiver administered by the department of medicaid. 65432

(B) The department of medicaid or the department's designee 65433
shall deny an applicant's application for a provider agreement and 65434
shall terminate an independent provider's provider agreement if 65435
either of the following applies: 65436

(1) After the applicant or independent provider is given the 65437
information and notification required by divisions (D)(2)(a) and 65438
(b) of this section, the applicant or independent provider fails 65439
to do either of the following: 65440

(a) Access, complete, or forward to the superintendent of the 65441
bureau of criminal identification and investigation the form 65442
prescribed pursuant to division (C)(1) of section 109.572 of the 65443
Revised Code or the standard impression sheet prescribed pursuant 65444
to division (C)(2) of that section; 65445

(b) Instruct the superintendent to submit the completed 65446
report of the criminal records check required by this section 65447
directly to the department or the department's designee. 65448

(2) Except as provided in rules authorized by this section, 65449

the applicant or independent provider is found by either of the 65450
following to have been convicted of or have pleaded guilty to a 65451
disqualifying offense, regardless of the date of the conviction or 65452
the date of entry of the guilty plea: 65453

(a) A criminal records check required by this section; 65454

(b) In the case of an independent provider, a notice provided 65455
by the bureau of criminal identification and investigation under 65456
division (D) of section 109.5721 of the Revised Code. 65457

(C)(1) The department or the department's designee shall 65458
inform each applicant, at the time of initial application for a 65459
provider agreement, that the applicant is required to provide a 65460
set of the applicant's fingerprint impressions and that a criminal 65461
records check is required to be conducted as a condition of the 65462
department's approving the application. 65463

(2) Unless the department elects to receive notices about 65464
independent providers from the bureau of criminal identification 65465
and investigation pursuant to division (D) of section 109.5721 of 65466
the Revised Code, the department or the department's designee 65467
shall inform each independent provider on or before the time of 65468
the anniversary date of the provider agreement that the 65469
independent provider is required to provide a set of the 65470
independent provider's fingerprint impressions and that a criminal 65471
records check is required to be conducted. 65472

(D)(1) The department or the department's designee shall 65473
require an applicant to complete a criminal records check prior to 65474
entering into a provider agreement with the applicant. The 65475
department or the department's designee shall require an 65476
independent provider to complete a criminal records check at least 65477
annually unless the department elects to receive notices about 65478
independent providers from the bureau of criminal identification 65479
and investigation pursuant to division (D) of section 109.5721 of 65480

the Revised Code. If an applicant or independent provider for whom a criminal records check is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the applicant or independent provider from the federal bureau of investigation in a criminal records check, the department or the department's designee shall request that the applicant or independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the applicant or independent provider. Even if an applicant or independent provider for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the department or the department's designee may request that the applicant or independent provider obtain information through the superintendent from the federal bureau of investigation in the criminal records check.

(2) The department or the department's designee shall provide the following to each applicant and independent provider for whom a criminal records check is required by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee.

(3) Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the applicant or independent provider.

(E) Neither the report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section nor a notice provided by the bureau under division (D) of section 109.5721 of the Revised Code is a public record for the purposes of section 149.43 of the Revised Code. Such a report or notice shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) An individual receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check or notice from the bureau;

(5) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with either of the following:

(a) A denial, suspension, or termination of a provider agreement, including when related to the criminal records check or notice from the bureau;

(b) A civil or criminal action regarding the medicaid

program. 65543

With respect to an administrative hearing dealing with the denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record. 65544
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(F) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either approve an applicant's application or allow an independent provider to maintain an existing provider agreement even though the applicant or independent provider is found by either of the following to have been convicted of or have pleaded guilty to a disqualifying offense: 65550
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(1) A criminal records check required by this section; 65559

(2) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code. 65560
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Sec. 5164.342. (A) As used in this section: 65563

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 65564
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"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code. 65568
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"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 65570
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"Criminal records check" has the same meaning as in section 65572

109.572 of the Revised Code. 65573

"Disqualifying offense" means any of the offenses listed or 65574
described in divisions (A)(3)(a) to (e) of section 109.572 of the 65575
Revised Code. 65576

"Employee" means a person employed by a waiver agency in a 65577
full-time, part-time, or temporary position that involves 65578
providing home and community-based services. 65579

"Waiver agency" means a person or government entity that 65580
provides home and community-based services under a home and 65581
community-based services medicaid waiver component administered by 65582
the department of medicaid, other than such a person or government 65583
entity that is certified under the medicare program. "Waiver 65584
agency" does not mean an independent provider as defined in 65585
section 5164.341 of the Revised Code. 65586

(B) This section does not apply to any individual who is 65587
subject to a database review or criminal records check under 65588
section 3740.11 of the Revised Code. If a waiver agency also is a 65589
community-based long-term care provider or community-based 65590
long-term care subcontractor, the waiver agency may provide for 65591
any of its applicants and employees who are not subject to 65592
database reviews and criminal records checks under section 173.38 65593
of the Revised Code to undergo database reviews and criminal 65594
records checks in accordance with that section rather than this 65595
section. 65596

(C) No waiver agency shall employ an applicant or continue to 65597
employ an employee in a position that involves providing home and 65598
community-based services if any of the following apply: 65599

(1) A review of the databases listed in division (E) of this 65600
section reveals any of the following: 65601

(a) That the applicant or employee is included in one or more 65602
of the databases listed in divisions (E)(1) to (5) of this 65603

section; 65604

(b) That there is in the state nurse aide registry 65605
established under section 3721.32 of the Revised Code a statement 65606
detailing findings by the director of health that the applicant or 65607
employee abused, neglected, or exploited a long-term care facility 65608
or residential care facility resident or misappropriated property 65609
of such a resident; 65610

(c) That the applicant or employee is included in one or more 65611
of the databases, if any, specified in rules authorized by this 65612
section and the rules prohibit the waiver agency from employing an 65613
applicant or continuing to employ an employee included in such a 65614
database in a position that involves providing home and 65615
community-based services. 65616

(2) After the applicant or employee is given the information 65617
and notification required by divisions (F)(2)(a) and (b) of this 65618
section, the applicant or employee fails to do either of the 65619
following: 65620

(a) Access, complete, or forward to the superintendent of the 65621
bureau of criminal identification and investigation the form 65622
prescribed to division (C)(1) of section 109.572 of the Revised 65623
Code or the standard impression sheet prescribed pursuant to 65624
division (C)(2) of that section; 65625

(b) Instruct the superintendent to submit the completed 65626
report of the criminal records check required by this section 65627
directly to the chief administrator of the waiver agency. 65628

(3) Except as provided in rules authorized by this section, 65629
the applicant or employee is found by a criminal records check 65630
required by this section to have been convicted of or have pleaded 65631
guilty to a disqualifying offense, regardless of the date of the 65632
conviction or date of entry of the guilty plea. 65633

(D) At the time of each applicant's initial application for 65634

employment in a position that involves providing home and 65635
community-based services, the chief administrator of a waiver 65636
agency shall inform the applicant of both of the following: 65637

(1) That a review of the databases listed in division (E) of 65638
this section will be conducted to determine whether the waiver 65639
agency is prohibited by division (C)(1) of this section from 65640
employing the applicant in the position; 65641

(2) That, unless the database review reveals that the 65642
applicant may not be employed in the position, a criminal records 65643
check of the applicant will be conducted and the applicant is 65644
required to provide a set of the applicant's fingerprint 65645
impressions as part of the criminal records check. 65646

(E) As a condition of employing any applicant in a position 65647
that involves providing home and community-based services, the 65648
chief administrator of a waiver agency shall conduct a database 65649
review of the applicant in accordance with rules authorized by 65650
this section. If rules authorized by this section so require, the 65651
chief administrator of a waiver agency shall conduct a database 65652
review of an employee in accordance with the rules as a condition 65653
of continuing to employ the employee in a position that involves 65654
providing home and community-based services. A database review 65655
shall determine whether the applicant or employee is included in 65656
any of the following: 65657

(1) The excluded parties list system that is maintained by 65658
the United States general services administration pursuant to 65659
subpart 9.4 of the federal acquisition regulation and available at 65660
the federal web site known as the system for award management; 65661

(2) The list of excluded individuals and entities maintained 65662
by the office of inspector general in the United States department 65663
of health and human services pursuant to the "Social Security 65664
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 65665

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code; 65666
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(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 65668
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 65671
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 65673
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(7) Any other database, if any, specified in rules authorized by this section. 65675
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(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide 65677
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evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall provide the following to each applicant and employee for whom a criminal records check is required by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the

time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of or has pleaded guilty to a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

(H) The report of any criminal records check conducted pursuant to a request made under this section is not a public

record for the purposes of section 149.43 of the Revised Code and 65760
shall not be made available to any person other than the 65761
following: 65762

(1) The applicant or employee who is the subject of the 65763
criminal records check or the representative of the applicant or 65764
employee; 65765

(2) The chief administrator of the waiver agency that 65766
requires the applicant or employee to request the criminal records 65767
check or the administrator's representative; 65768

(3) The medicaid director and the staff of the department who 65769
are involved in the administration of the medicaid program; 65770

(4) The director of aging or the director's designee if the 65771
waiver agency also is a community-based long-term care provider or 65772
community-based long-term care subcontractor; 65773

(5) An individual receiving or deciding whether to receive 65774
home and community-based services from the subject of the criminal 65775
records check; 65776

(6) A court, hearing officer, or other necessary individual 65777
involved in a case or administrative hearing dealing with any of 65778
the following: 65779

(a) A denial of employment of the applicant or employee; 65780

(b) Employment or unemployment benefits of the applicant or 65781
employee; 65782

(c) A civil or criminal action regarding the medicaid 65783
program; 65784

(d) A denial, suspension, or termination of a provider 65785
agreement. 65786

With respect to an administrative hearing dealing with a 65787
denial, suspension, or termination of a provider agreement, the 65788
report of a criminal records check may be introduced as evidence 65789

at the hearing and if admitted, becomes part of the hearing 65790
record. Any such report shall be admitted only under seal and 65791
shall maintain its status as not a public record. 65792

(I) The medicaid director shall adopt rules under section 65793
5164.02 of the Revised Code to implement this section. 65794

(1) The rules may do the following: 65795

(a) Require employees to undergo database reviews and 65796
criminal records checks under this section; 65797

(b) If the rules require employees to undergo database 65798
reviews and criminal records checks under this section, exempt one 65799
or more classes of employees from the requirements; 65800

(c) For the purpose of division (E)(7) of this section, 65801
specify other databases that are to be checked as part of a 65802
database review conducted under this section. 65803

(2) The rules shall specify all of the following: 65804

(a) The procedures for conducting a database review under 65805
this section; 65806

(b) If the rules require employees to undergo database 65807
reviews and criminal records checks under this section, the times 65808
at which the database reviews and criminal records checks are to 65809
be conducted; 65810

(c) If the rules specify other databases to be checked as 65811
part of a database review, the circumstances under which a waiver 65812
agency is prohibited from employing an applicant or continuing to 65813
employ an employee who is found by the database review to be 65814
included in one or more of those databases; 65815

(d) The circumstances under which a waiver agency may employ 65816
an applicant or employee who is found by a criminal records check 65817
required by this section to have been convicted of or have pleaded 65818
guilty to a disqualifying offense. 65819

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013.

Sec. 5164.35. (A) As used in this section, "owner" means any person having at least five per cent ownership in a medicaid provider.

(B)(1) No medicaid provider shall do any of the following:

(a) By deception, obtain or attempt to obtain payments under the medicaid program to which the provider is not entitled pursuant to the provider's provider agreement, or the rules of the federal government or the medicaid director relating to the program;

(b) Willfully receive payments to which the provider is not entitled;

(c) Willfully receive payments in a greater amount than that to which the provider is entitled;

(d) Falsify any report or document required by state or federal law, rule, or provider agreement relating to medicaid payments.

(2) A medicaid provider engages in "deception" for the purpose of this section when the provider, acting with actual knowledge of the representation or information involved, acting in deliberate ignorance of the truth or falsity of the representation or information involved, or acting in reckless disregard of the truth or falsity of the representation or information involved, deceives another or causes another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other

conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact. No proof of specific intent to defraud is required to show, for purposes of this section, that a medicaid provider has engaged in deception.

(C) Any medicaid provider who violates division (B) of this section shall be liable, in addition to any other penalties provided by law, for all of the following civil penalties:

(1) Payment of interest on the amount of the excess payments at the maximum interest rate allowable for real estate mortgages under section 1343.01 of the Revised Code on the date the payment was made to the provider for ~~the~~ a period from determined by the department, not to exceed the period from the date upon which payment was made, to the date upon which repayment is made to the state;

(2) Payment of an amount equal to three times the amount of any excess payments;

(3) Payment of a sum of not less than five thousand dollars and not more than ten thousand dollars for each deceptive claim or falsification;

(4) All reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section.

(D) In addition to the civil penalties provided in division (C) of this section, the medicaid director, upon the conviction of, or the entry of a judgment in either a criminal or civil action against, a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee in an action brought pursuant to section 109.85 of the Revised Code, shall terminate the provider's provider agreement and stop payment to

the provider for medicaid services rendered from the date of 65881
conviction or entry of judgment. No such medicaid provider, owner, 65882
officer, authorized agent, associate, manager, or employee shall 65883
own or provide medicaid services ~~to~~ on behalf of any other 65884
medicaid provider or risk contractor or arrange for, render, or 65885
order medicaid services for medicaid recipients, nor shall such 65886
provider, owner, officer, authorized agent, associate, manager, or 65887
employee receive direct payments under the medicaid program or 65888
indirect payments of medicaid funds in the form of salary, shared 65889
fees, contracts, kickbacks, or rebates from or through any other 65890
medicaid provider or risk contractor. The provider agreement shall 65891
not be terminated, and payment shall not be terminated, if the 65892
medicaid provider or owner can demonstrate that the provider or 65893
owner did not directly or indirectly sanction the action of its 65894
authorized agent, associate, manager, or employee that resulted in 65895
the conviction or entry of a judgment in a criminal or civil 65896
action brought pursuant to section 109.85 of the Revised Code. 65897
Nothing in this division prohibits any owner, officer, authorized 65898
agent, associate, manager, or employee of a medicaid provider from 65899
entering into a provider agreement if the person can demonstrate 65900
that the person had no knowledge of an action of the medicaid 65901
provider the person was formerly associated with that resulted in 65902
the conviction or entry of a judgment in a criminal or civil 65903
action brought pursuant to section 109.85 of the Revised Code. 65904

Nursing facility and ICF/IID providers whose provider 65905
agreements are terminated pursuant to this section may continue to 65906
receive medicaid payments for up to thirty days after the 65907
effective date of the termination if the provider makes reasonable 65908
efforts to transfer medicaid recipients to another facility or to 65909
alternate care and if federal financial participation is provided 65910
for the payments. 65911

(E) The attorney general on behalf of the state may commence 65912

proceedings to enforce this section in any court of competent jurisdiction; and the attorney general may settle or compromise any case brought under this section with the approval of the department of medicaid. Notwithstanding any other provision of law providing a shorter period of limitations, the attorney general may commence a proceeding to enforce this section at any time within six years after the conduct in violation of this section terminates.

(F) All moneys collected by the state pursuant to this section shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. 5164.36. (A) As used in this section:

(1) "Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of medicaid.

(2) "Disqualifying indictment" means an indictment of a medicaid provider or its officer, authorized agent, associate, manager, employee, or, if the provider is a noninstitutional provider, its owner, if either of the following applies:

(a) The indictment charges the person with committing an act to which both of the following apply:

(i) The act would be a felony or misdemeanor under the laws of this state or the jurisdiction within which the act occurred.

(ii) The act relates to or results from furnishing or billing for medicaid services under the medicaid program or relates to or results from performing management or administrative services relating to furnishing medicaid services under the medicaid program.

~~(b) If the medicaid provider is an independent provider, the~~

The indictment charges the person with committing an act that 65943
would constitute a disqualifying offense. 65944

(3) "Disqualifying offense" means any of the offenses listed 65945
or described in divisions (A)(3)(a) to (e) of section 109.572 of 65946
the Revised Code. 65947

~~(4) "Independent provider" has the same meaning as in section 65948
5164.341 of the Revised Code. 65949~~

~~(5) "Noninstitutional medicaid provider" means any person or 65950
entity with a provider agreement other than a hospital, nursing 65951
facility, or ICF/IID. 65952~~

~~(6)~~(5) "Owner" means any person having at least five per cent 65953
ownership in a noninstitutional medicaid provider. 65954

(B)(1) Except as provided in division (C) of this section and 65955
in rules authorized by this section, the department of medicaid 65956
shall suspend the provider agreement held by a medicaid provider 65957
on determining either of the following: 65958

(a) There is a credible allegation of fraud against any of 65959
the following for which an investigation is pending under the 65960
medicaid program: 65961

(i) The medicaid provider; 65962

(ii) The medicaid provider's owner, officer, authorized 65963
agent, associate, manager, or employee. 65964

(b) A disqualifying indictment has been issued against any of 65965
the following: 65966

(i) The medicaid provider; 65967

(ii) The medicaid provider's officer, authorized agent, 65968
associate, manager, or employee; 65969

(iii) If the medicaid provider is a noninstitutional 65970
provider, its owner. 65971

(2) Subject to division (C) of this section, the department 65972
shall also suspend all medicaid payments to a medicaid provider 65973
for services rendered, regardless of the date that the services 65974
are rendered, when the department suspends the provider's provider 65975
agreement under this section. 65976

(3) The suspension of a provider agreement shall continue in 65977
effect until ~~either~~ the latest of the following occurs: 65978

(a) If the suspension is the result of a credible allegation 65979
of fraud, the department or a prosecuting authority determines 65980
that there is insufficient evidence of fraud by the medicaid 65981
provider; 65982

(b) Regardless of whether the suspension is the result of a 65983
credible allegation of fraud or a disqualifying indictment, the 65984
proceedings in any related criminal case are completed through 65985
dismissal of the indictment or through sentencing after 65986
conviction, or entry of a guilty plea, or through finding of not 65987
guilty or, if the department commences a process to terminate the 65988
suspended provider agreement, the termination process is 65989
concluded; 65990

(c) The medicaid provider pays in full all fines and debts 65991
due and owing to the department or makes arrangements satisfactory 65992
to the department to fulfill those obligations; 65993

(d) A civil action related to a credible allegation of fraud 65994
or disqualifying indictment is not pending against the medicaid 65995
provider. 65996

(4)(a) When a provider agreement is suspended under this 65997
section, none of the following shall take, during the period of 65998
the suspension, any of the actions specified in division (B)(4)(b) 65999
of this section: 66000

(i) The medicaid provider; 66001

(ii) If the suspension is the result of an action taken by an officer, authorized agent, associate, manager, or employee of the medicaid provider, that person;

(iii) If the medicaid provider is a noninstitutional provider and the suspension is the result of an action taken by the owner of the provider, the owner.

(b) The following are the actions that persons specified in division (B)(4)(a) of this section cannot take during the suspension of a provider agreement:

(i) Own ~~services provided, or provide services, to~~ any other medicaid provider or risk contractor;

(ii) Arrange ~~for, render to, or order services to~~ on behalf of any other medicaid provider or risk contractor;

(iii) Arrange ~~for, render to, or order services for~~ medicaid recipients or render services to medicaid recipients;

(iv) Receive direct payments under the medicaid program or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor.

(C) The department shall not suspend a provider agreement or medicaid payments under division (B) of this section if ~~the~~ either of the following is the case:

(1) The medicaid provider or, if the provider is a noninstitutional provider, the owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the credible allegation of fraud or disqualifying indictment.

(2) The medicaid provider or, if the provider is a noninstitutional provider, the owner can demonstrate that good

cause exists not to suspend the provider agreement or payments. 66032

With respect to the evidence described in division (C)(1) of 66033
this section, the department shall grant, prior to suspension, the 66034
provider or owner an opportunity to submit the written evidence to 66035
the department. 66036

With respect to a demonstration of good cause described in 66037
division (C)(2) of this section, the department shall specify in 66038
rules adopted under section 5164.02 of the Revised Code what 66039
constitutes good cause and the information, documents, or other 66040
evidence that must be submitted to the department as part of the 66041
demonstration. 66042

(D) After suspending a provider agreement under division (B) 66043
of this section, the department shall send notice of the 66044
suspension to the affected medicaid provider or, if the provider 66045
is a noninstitutional provider, the owner in accordance with the 66046
following time frames: 66047

(1) Not later than five days after the suspension, unless a 66048
law enforcement agency makes a written request to temporarily 66049
delay the notice; 66050

(2) If a law enforcement agency makes a written request to 66051
temporarily delay the notice, not later than thirty days after the 66052
suspension occurs subject to the conditions specified in division 66053
(E) of this section. 66054

(E) A written request for a temporary delay described in 66055
division (D)(2) of this section may be renewed in writing by a law 66056
enforcement agency not more than two times except that under no 66057
circumstances shall the notice be issued more than ninety days 66058
after the suspension occurs. 66059

(F) The notice required by division (D) of this section shall 66060
do all of the following: 66061

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23; 66062
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(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation; 66064
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(3) State that the suspension continues to be in effect until ~~either~~ the latest of the circumstances specified in division (B)(3) of this section occur; 66068
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(4) Specify, if applicable, the type or types of medicaid claims or business units of the medicaid provider that are affected by the suspension; 66071
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(5) Inform the medicaid provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for reconsideration of the suspension in accordance with division (G) of this section. 66074
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(G)(1) Pursuant to the procedure specified in division (G)(2) of this section, a medicaid provider subject to a suspension under this section or, if the provider is a noninstitutional provider, the owner may request a reconsideration of the suspension. The request shall be made not later than thirty days after receipt of a notice required by division (D) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code. 66078
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(2) In requesting a reconsideration, the medicaid provider or owner shall submit written information and documents to the department. The information and documents may pertain to ~~any~~ either of the following issues: 66086
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(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of an indictment in a related criminal case. 66090
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(b) If there has been an indictment in a related criminal case, whether the indictment is a disqualifying indictment. 66093
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~~(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case.~~ 66095
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(H) The department shall review the information and documents submitted in a request made under division (G) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. ~~The review and notification of its results shall be completed not later than forty five days after receiving the information and documents submitted in a request for reconsideration.~~ 66100
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(I) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section. 66109
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Sec. 5164.60. Any medicaid provider who, without intent, obtains payments under the medicaid program in excess of the amount to which the provider is entitled is liable for payment of interest on the amount of the excess payments for ~~the~~ a period determined by the department, but not to exceed the period from the date on which payment was made to the date on which repayment is made to the state. The interest shall be paid at the average bank prime rate in effect on the first day of the calendar quarter during which the provider receives notice of the excess payment. The department of medicaid shall determine the average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor 66112
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publication. If statistical release H.15, or its successor, ceases 66124
to contain the bank prime rate information or ceases to be 66125
published, the department shall request a written statement of the 66126
average bank prime rate from the federal reserve bank of Cleveland 66127
or the federal reserve board. 66128

Sec. 5164.72. The number of days of inpatient hospital care 66129
for which a medicaid payment is made on behalf of a medicaid 66130
recipient to a hospital that is not paid under a 66131
diagnostic-related-group prospective payment system shall not 66132
exceed thirty days during a period beginning on the day of the 66133
recipient's admission to the hospital and ending sixty days after 66134
the termination of that hospital stay, except that the department 66135
of medicaid may make exceptions to this limitation. The limitation 66136
does not apply to children and youth participating in the program 66137
for ~~medically handicapped~~ children and youth with special health 66138
care needs established under section 3701.023 of the Revised Code. 66139

Sec. 5165.01. As used in this chapter: 66140

(A) "Affiliated operator" means an operator affiliated with 66141
either of the following: 66142

(1) The exiting operator for whom the affiliated operator is 66143
to assume liability for the entire amount of the exiting 66144
operator's debt under the medicaid program or the portion of the 66145
debt that represents the franchise permit fee the exiting operator 66146
owes; 66147

(2) The entering operator involved in the change of operator 66148
with the exiting operator specified in division (A)(1) of this 66149
section. 66150

(B) "Allowable costs" are a nursing facility's costs that the 66151
department of medicaid determines are reasonable. Fines paid under 66152

sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs.

(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in this division. "Ancillary and support costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992.

(D) "Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted.

(E) For purposes of calculating a critical access nursing facility's occupancy rate and utilization rate under this chapter,

"as of the last day of the calendar year" refers to the occupancy 66185
and utilization rates during the calendar year identified in the 66186
cost report filed under section 5165.10 of the Revised Code. 66187

(F)(1) "Capital costs" means the actual expense incurred by a 66188
nursing facility for all of the following: 66189

(a) Depreciation and interest on any capital assets that cost 66190
five hundred dollars or more per item, including the following: 66191

(i) Buildings; 66192

(ii) Building improvements; 66193

(iii) Except as provided in division (D) of this section, 66194
equipment; 66195

(iv) Transportation equipment. 66196

(b) Amortization and interest on land improvements and 66197
leasehold improvements; 66198

(c) Amortization of financing costs; 66199

(d) Lease and rent of land, buildings, and equipment. 66200

(2) The costs of capital assets of less than five hundred 66201
dollars per item may be considered capital costs in accordance 66202
with a provider's practice. 66203

(G) "Capital lease" and "operating lease" shall be construed 66204
in accordance with generally accepted accounting principles. 66205

(H) "Case-mix score" means a measure determined under section 66206
5165.192 of the Revised Code of the relative direct-care resources 66207
needed to provide care and habilitation to a nursing facility 66208
resident. 66209

(I) "Change of operator" means an entering operator becoming 66210
the operator of a nursing facility in the place of the exiting 66211
operator. 66212

(1) Actions that constitute a change of operator include the 66213

following:	66214
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	66215 66216 66217
(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;	66218 66219 66220 66221 66222
(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;	66223 66224 66225
(d) If the exiting operator is a partnership, dissolution of the partnership;	66226 66227
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	66228 66229
(i) The change in composition does not cause the partnership's dissolution under state law.	66230 66231
(ii) The partners agree that the change in composition does not constitute a change in operator.	66232 66233
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	66234 66235 66236 66237
(2) The following, alone, do not constitute a change of operator:	66238 66239
(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;	66240 66241 66242
(b) A change of ownership, lease, or termination of a lease	66243

of real property or personal property associated with a nursing 66244
facility if an entering operator does not become the operator in 66245
place of an exiting operator; 66246

(c) If the operator is a corporation, a change of one or more 66247
members of the corporation's governing body or transfer of 66248
ownership of one or more shares of the corporation's stock, if the 66249
same corporation continues to be the operator. 66250

(J) "Cost center" means the following: 66251

(1) Ancillary and support costs; 66252

(2) Capital costs; 66253

(3) Direct care costs; 66254

(4) Tax costs. 66255

(K) "Custom wheelchair" means a wheelchair to which both of 66256
the following apply: 66257

(1) It has been measured, fitted, or adapted in consideration 66258
of either of the following: 66259

(a) The body size or disability of the individual who is to 66260
use the wheelchair; 66261

(b) The individual's period of need for, or intended use of, 66262
the wheelchair. 66263

(2) It has customized features, modifications, or components, 66264
such as adaptive seating and positioning systems, that the 66265
supplier who assembled the wheelchair, or the manufacturer from 66266
which the wheelchair was ordered, added or made in accordance with 66267
the instructions of the physician of the individual who is to use 66268
the wheelchair. 66269

(L)(1) "Date of licensure" means the following: 66270

(a) In the case of a nursing facility that was required by 66271
law to be licensed as a nursing home under Chapter 3721. of the 66272

Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed;

(b) In the case of a nursing facility that was not required by law to be licensed as a nursing home when it originally began to be operated as a nursing home, the date it first began to be operated as a nursing home, regardless of the date the nursing facility was first licensed as a nursing home.

(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility;

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home.

(3) The definition of "date of licensure" in this section applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees.

(M) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of the Revised Code have been subjected to a desk review under section 5165.108 of the Revised Code and preliminarily determined to be allowable costs.

(N) "Direct care costs" means all of the following costs incurred by a nursing facility:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility;	66303 66304
(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division (N)(8) of this section, other persons holding degrees qualifying them to provide therapy;	66305 66306 66307 66308
(3) Costs of purchased nursing services;	66309
(4) Costs of quality assurance;	66310
(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in divisions (N)(1), (2), (4), and (8) of this section;	66311 66312 66313 66314 66315 66316
(6) Costs of consulting and management fees related to direct care;	66317 66318
(7) Allocated direct care home office costs;	66319
(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	66320 66321 66322 66323 66324 66325
(9) Costs of wheelchairs other than the following:	66326
(a) Custom wheelchairs;	66327
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	66328 66329 66330
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the	66331 66332

Revised Code. 66333

(O) "Dual eligible individual" has the same meaning as in 66334
section 5160.01 of the Revised Code. 66335

(P) "Effective date of a change of operator" means the day 66336
the entering operator becomes the operator of the nursing 66337
facility. 66338

(Q) "Effective date of a facility closure" means the last day 66339
that the last of the residents of the nursing facility resides in 66340
the nursing facility. 66341

(R) "Effective date of an involuntary termination" means the 66342
date the department of medicaid terminates the operator's provider 66343
agreement for the nursing facility. 66344

(S) "Effective date of a voluntary withdrawal of 66345
participation" means the day the nursing facility ceases to accept 66346
new medicaid residents other than the individuals who reside in 66347
the nursing facility on the day before the effective date of the 66348
voluntary withdrawal of participation. 66349

(T) "Entering operator" means the person or government entity 66350
that will become the operator of a nursing facility when a change 66351
of operator occurs or following an involuntary termination. 66352

(U) "Exiting operator" means any of the following: 66353

(1) An operator that will cease to be the operator of a 66354
nursing facility on the effective date of a change of operator; 66355

(2) An operator that will cease to be the operator of a 66356
nursing facility on the effective date of a facility closure; 66357

(3) An operator of a nursing facility that is undergoing or 66358
has undergone a voluntary withdrawal of participation; 66359

(4) An operator of a nursing facility that is undergoing or 66360
has undergone an involuntary termination. 66361

(V)(1) Subject to divisions (V)(2) and (3) of this section, 66362
"facility closure" means either of the following: 66363

(a) Discontinuance of the use of the building, or part of the 66364
building, that houses the facility as a nursing facility that 66365
results in the relocation of all of the nursing facility's 66366
residents; 66367

(b) Conversion of the building, or part of the building, that 66368
houses a nursing facility to a different use with any necessary 66369
license or other approval needed for that use being obtained and 66370
one or more of the nursing facility's residents remaining in the 66371
building, or part of the building, to receive services under the 66372
new use. 66373

(2) A facility closure occurs regardless of any of the 66374
following: 66375

(a) The operator completely or partially replacing the 66376
nursing facility by constructing a new nursing facility or 66377
transferring the nursing facility's license to another nursing 66378
facility; 66379

(b) The nursing facility's residents relocating to another of 66380
the operator's nursing facilities; 66381

(c) Any action the department of health takes regarding the 66382
nursing facility's medicaid certification that may result in the 66383
transfer of part of the nursing facility's survey findings to 66384
another of the operator's nursing facilities; 66385

(d) Any action the department of health takes regarding the 66386
nursing facility's license under Chapter 3721. of the Revised 66387
Code. 66388

(3) A facility closure does not occur if all of the nursing 66389
facility's residents are relocated due to an emergency evacuation 66390
and one or more of the residents return to a medicaid-certified 66391

bed in the nursing facility not later than thirty days after the evacuation occurs. 66392
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(W) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code. 66394
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(X) "Inpatient days" means both of the following: 66396

(1) All days during which a resident, regardless of payment source, occupies a licensed bed in a nursing facility; 66397
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(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code. 66399
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(Y) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request. 66401
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(Z) "Low ~~resource utilization~~ case-mix resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest ~~resource utilization~~ case-mix groups, excluding any ~~resource utilization~~ case-mix group that is a default group used for residents with incomplete assessment data. 66405
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(AA) "Maintenance and repair expenses" means a nursing facility's expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. 66412
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"Maintenance and repair expenses" includes but is not limited to the costs of ordinary repairs such as painting and wallpapering. 66416
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(BB) "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds. 66418
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(CC) "Medicaid days" means both of the following: 66421

(1) All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's medicaid-certified capacity; 66422
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(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code. 66426
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(DD)(1) "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement. 66428
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(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code. 66434
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(EE) "Nursing facility" has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 66438
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(FF) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 66440
66441

(GG) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 66442
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(HH) "Occupancy rate" means the percentage of licensed beds that, regardless of payer source, are either of the following: 66444
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(1) Reserved for use under section 5165.34 of the Revised Code; 66446
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(2) Actually being used. 66448

(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility. 66449
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(JJ)(1) "Owner" means any person or government entity that 66452
has at least five per cent ownership or interest, either directly, 66453
indirectly, or in any combination, in any of the following 66454
regarding a nursing facility: 66455

(a) The land on which the nursing facility is located; 66456

(b) The structure in which the nursing facility is located; 66457

(c) Any mortgage, contract for deed, or other obligation 66458
secured in whole or in part by the land or structure on or in 66459
which the nursing facility is located; 66460

(d) Any lease or sublease of the land or structure on or in 66461
which the nursing facility is located. 66462

(2) "Owner" does not mean a holder of a debenture or bond 66463
related to the nursing facility and purchased at public issue or a 66464
regulated lender that has made a loan related to the nursing 66465
facility unless the holder or lender operates the nursing facility 66466
directly or through a subsidiary. 66467

(KK) "Per diem" means a nursing facility's actual, allowable 66468
costs in a given cost center in a cost reporting period, divided 66469
by the nursing facility's inpatient days for that cost reporting 66470
period. 66471

(LL) "Provider" means an operator with a provider agreement. 66472

(MM) "Provider agreement" means a provider agreement, as 66473
defined in section 5164.01 of the Revised Code, that is between 66474
the department of medicaid and the operator of a nursing facility 66475
for the provision of nursing facility services under the medicaid 66476
program. 66477

(NN) "Purchased nursing services" means services that are 66478
provided in a nursing facility by registered nurses, licensed 66479
practical nurses, or nurse aides who are not employees of the 66480
nursing facility. 66481

(OO) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(PP) "Rebasing" means a redetermination of each of the following using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous rebasing:

(1) Each peer group's rate for ancillary and support costs as determined pursuant to division (C) of section 5165.16 of the Revised Code;

(2) Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code;

(3) Each peer group's cost per case-mix unit as determined pursuant to division (C) of section 5165.19 of the Revised Code;

(4) Each nursing facility's rate for tax costs as determined pursuant to section 5165.21 of the Revised Code.

(QQ) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant

ownership or equity is presumed to exist when an individual or 66512
individuals possess ten per cent ownership or equity in both the 66513
provider and another organization from which the provider 66514
purchases or leases real property. 66515

(3) Control exists when an individual or organization has the 66516
power, directly or indirectly, to significantly influence or 66517
direct the actions or policies of an organization. 66518

(4) An individual or organization that supplies goods or 66519
services to a provider shall not be considered a related party if 66520
all of the following conditions are met: 66521

(a) The supplier is a separate bona fide organization. 66522

(b) A substantial part of the supplier's business activity of 66523
the type carried on with the provider is transacted with others 66524
than the provider and there is an open, competitive market for the 66525
types of goods or services the supplier furnishes. 66526

(c) The types of goods or services are commonly obtained by 66527
other nursing facilities from outside organizations and are not a 66528
basic element of patient care ordinarily furnished directly to 66529
patients by nursing facilities. 66530

(d) The charge to the provider is in line with the charge for 66531
the goods or services in the open market and no more than the 66532
charge made under comparable circumstances to others by the 66533
supplier. 66534

(RR) "Relative of owner" means an individual who is related 66535
to an owner of a nursing facility by one of the following 66536
relationships: 66537

(1) Spouse; 66538

(2) Natural parent, child, or sibling; 66539

(3) Adopted parent, child, or sibling; 66540

(4) Stepparent, stepchild, stepbrother, or stepsister; 66541

(5) Father-in-law, mother-in-law, son-in-law,	66542
daughter-in-law, brother-in-law, or sister-in-law;	66543
(6) Grandparent or grandchild;	66544
(7) Foster caregiver, foster child, foster brother, or foster	66545
sister.	66546
(SS) "Residents' rights advocate" has the same meaning as in	66547
section 3721.10 of the Revised Code.	66548
(TT) "Skilled nursing facility" has the same meaning as in	66549
the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).	66550
(UU) "State fiscal year" means the fiscal year of this state,	66551
as specified in section 9.34 of the Revised Code.	66552
(VV) "Sponsor" has the same meaning as in section 3721.10 of	66553
the Revised Code.	66554
(WW) "Tax costs" means the costs of taxes imposed under	66555
Chapter 5751. of the Revised Code, real estate taxes, personal	66556
property taxes, and corporate franchise taxes.	66557
(XX) "Title XIX" means Title XIX of the "Social Security	66558
Act," 42 U.S.C. 1396 et seq.	66559
(YY) "Title XVIII" means Title XVIII of the "Social Security	66560
Act," 42 U.S.C. 1395 et seq.	66561
(ZZ) "Voluntary withdrawal of participation" means an	66562
operator's voluntary election to terminate the participation of a	66563
nursing facility in the medicaid program but to continue to	66564
provide service of the type provided by a nursing facility.	66565
Sec. 5165.109. (A) The department of medicaid may conduct an	66566
audit, as defined in rules adopted under section 5165.02 of the	66567
Revised Code, of any cost report filed under section 5165.10 or	66568
5165.522 of the Revised Code. The decision whether to conduct an	66569
audit and the scope of the audit, which may be a desk or field	66570

audit, may be determined based on prior performance of the 66571
provider, a risk analysis, or other evidence that gives the 66572
department reason to believe that the provider has reported costs 66573
improperly. A desk or field audit may be performed annually, but 66574
is required whenever a provider does not pass the risk analysis 66575
tolerance factors. 66576

(B) Audits shall be conducted by auditors under contract with 66577
the department, auditors working for firms under contract with the 66578
department, or auditors employed by the department. 66579

The department may establish a contract for the auditing of 66580
nursing facilities by outside firms. Each contract entered into by 66581
bidding shall be effective for one to two years. 66582

(C) The department shall notify a provider of the findings of 66583
an audit of a cost report by issuing an audit report. The audit 66584
report shall include notice of any fine imposed under section 66585
5165.1010 of the Revised Code. The department shall issue the 66586
audit report not later than three years after the earlier of the 66587
following: 66588

(1) The date the cost report is filed; 66589

(2) The date a desk or field audit of the cost report or a 66590
cost report for a subsequent cost reporting period is completed. 66591

(D) The department shall prepare a written summary of any 66592
audit disallowance that is made after the effective date of the 66593
rate that is based on the cost. Where the provider is pursuing 66594
judicial or administrative remedies in good faith regarding the 66595
disallowance, the department shall not withhold from the 66596
provider's current payments any amounts the department claims to 66597
be due from the provider pursuant to section 5165.41 of the 66598
Revised Code. 66599

(E)(1) ~~The department shall establish an audit manual and~~ 66600

~~program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: If an audit is conducted by an auditor under contract with the department, the audit shall be conducted in accordance with procedures agreed upon between the department and the auditor.~~

~~(2) If an audit is conducted by the department, the department shall develop an audit plan or approach before the audit begins. The scope of the audit may change during the course of the audit based on observations and findings during the audit.~~

~~(a) Require (3) All of the following apply to each field audit to be conducted by an auditor to whom all of the following apply under contract with the department:~~

~~(i)(a) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state.~~

~~(ii)(b) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm.~~

~~(iii)(c) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office.~~

~~(b) Require each auditor conducting a field audit to do all of the following:~~

~~(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX;~~

~~(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;~~ 66632
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~~(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;~~ 66635
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~~(iv) Complete the audit within the time period specified by the department;~~ 66641
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~~(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled.~~ 66643
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~~(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.~~ 66650
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Sec. 5165.152. The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization case-mix residents. Instead, the total rate for such nursing facility services shall be one hundred fifteen dollars per medicaid day. 66655
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Sec. 5165.192. (A)(1) Except as provided in division (B) of 66661

this section and in accordance with the process specified in rules 66662
authorized by this section, the department of medicaid shall do 66663
all of the following: 66664

(a) Every quarter, determine the following two case-mix 66665
scores for each nursing facility: 66666

(i) A quarterly case-mix score that includes each resident 66667
who is a medicaid recipient and is not a low ~~resource utilization~~ 66668
case-mix resident; 66669

(ii) A quarterly case-mix score that includes each resident 66670
regardless of payment source. 66671

(b) Every six months, determine a semiannual average case-mix 66672
score for each nursing facility by using the quarterly case-mix 66673
scores determined for the nursing facility pursuant to division 66674
(A)(1)(a)(i) of this section; 66675

(c) After the end of each calendar year, determine an annual 66676
average case-mix score for each nursing facility by using the 66677
quarterly case-mix scores determined for the nursing facility 66678
pursuant to division (A)(1)(a)(ii) of this section. 66679

(2) When determining case-mix scores under division (A)(1) of 66680
this section, the department shall use all of the following: 66681

(a) Data from a resident assessment instrument specified in 66682
rules authorized by section 5165.191 of the Revised Code; 66683

(b) Except as provided in rules authorized by this section, 66684
the case-mix values established by the United States department of 66685
health and human services; 66686

(c) Except as modified in rules authorized by this section, 66687
the grouper methodology used on ~~June 30, 1999~~ October 1, 2019, by 66688
the United States department of health and human services for 66689
prospective payment of skilled nursing facilities under the 66690
medicare program. 66691

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may

use the assigned cost per case-mix unit, instead of determining 66723
the nursing facility's actual cost per case-mix unit in accordance 66724
with section 5165.19 of the Revised Code, to establish the nursing 66725
facility's rate for direct care costs for the fiscal year 66726
immediately following the calendar year for which the cost per 66727
case-mix unit is assigned. 66728

(4) The department shall take action under division (B)(1), 66729
(2), or (3) of this section only in accordance with rules 66730
authorized by this section. The department shall not take an 66731
action that affects rates for prior payment periods except in 66732
accordance with sections 5165.41 and 5165.42 of the Revised Code. 66733

(C) The medicaid director shall adopt rules under section 66734
5165.02 of the Revised Code as necessary to implement this 66735
section. 66736

(1) The rules shall do all of the following: 66737

(a) Specify the process for determining the semiannual and 66738
annual average case-mix scores for nursing facilities; 66739

~~(b) Adjust the case mix values specified in division 66740
(A)(2)(b) of this section to reflect changes in relative wage 66741
differentials that are specific to this state; 66742~~

~~(c) Express all of those case-mix values in numeric terms 66743
that are different from the terms specified by the United States 66744
department of health and human services but that do not alter the 66745
relationship of the case-mix values to one another; 66746~~

~~(d)(c) Modify the grouper methodology specified in division 66747
(A)(2)(c) of this section as follows: 66748~~

~~(i) Establish a different hierarchy for assigning residents 66749
to case mix categories under the methodology; 66750~~

~~(ii) Allow the use of the index maximizer element of the 66751
methodology; 66752~~

~~(iii)~~ Incorporate changes to the methodology the United States department of health and human services makes after ~~June 30, 1999~~ October 1, 2019;

~~(iv)~~(ii) Make other changes the department determines are necessary.

~~(e)~~(d) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

~~(f)~~(e) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

~~(g)~~(f) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.52. (A) On receipt of a written notice under section 5165.50 of the Revised Code of a facility closure or voluntary withdrawal of participation, on receipt of a written notice under section 5165.51 of the Revised Code of a change of

operator, or on the effective date of an involuntary termination, 66783
the department of medicaid shall estimate the amount of any 66784
overpayments made under the medicaid program to the exiting 66785
operator, including overpayments the exiting operator disputes, 66786
and other actual and potential debts the exiting operator owes or 66787
may owe to the department ~~and United States centers for medicare~~ 66788
~~and medicaid services~~ under the medicaid program, including a 66789
franchise permit fee. 66790

(B) In estimating the exiting operator's other actual and 66791
potential debts to the department ~~and the United States centers~~ 66792
~~for medicare and medicaid services~~ under the medicaid program, the 66793
department shall use a debt estimation methodology the medicaid 66794
director shall establish in rules authorized by section 5165.53 of 66795
the Revised Code. The methodology shall provide for estimating all 66796
of the following that the department determines are applicable: 66797

(1) Refunds due the department under section 5165.41 of the 66798
Revised Code; 66799

(2) Interest owed to the department ~~and United States centers~~ 66800
~~for medicare and medicaid services;~~ 66801

(3) ~~Final civil monetary and other penalties for which all~~ 66802
~~right of appeal has been exhausted;~~ 66803

~~(4)~~ Money owed the department ~~and United States centers for~~ 66804
~~medicare and medicaid services~~ from any outstanding final fiscal 66805
audit, including a final fiscal audit for the last state fiscal 66806
year or portion thereof in which the exiting operator participated 66807
in the medicaid program; 66808

~~(5)~~(4) Other amounts the department determines are 66809
applicable. 66810

(C) The department shall provide the exiting operator written 66811
notice of the department's estimate under division (A) of this 66812

section not later than thirty days after whichever of the 66813
following applies: the department receives the notice under 66814
section 5165.50 of the Revised Code of the facility closure or 66815
voluntary withdrawal of participation⁺, the department receives 66816
the notice under section 5165.51 of the Revised Code of the change 66817
of operator⁺, or the effective date of the involuntary 66818
termination. The department's written notice shall include the 66819
basis for the estimate. 66820

Sec. 5165.521. (A) Except as provided in divisions (B), (C), 66821
and (D) of this section, the department of medicaid may withhold 66822
from payment due an exiting operator under the medicaid program 66823
the total amount specified in the notice provided under division 66824
(C) of section 5165.52 of the Revised Code that the exiting 66825
operator owes or may owe to the department ~~and United States~~ 66826
~~centers for medicare and medicaid services~~ under the medicaid 66827
program. 66828

(B) In the case of a change of operator and subject to 66829
division (E) of this section, the following shall apply regarding 66830
a withholding under division (A) of this section if the exiting 66831
operator or entering operator or an affiliated operator executes a 66832
successor liability agreement meeting the requirements of division 66833
(F) of this section: 66834

(1) If the exiting operator, entering operator, or affiliated 66835
operator assumes liability for the total, actual amount of debt 66836
the exiting operator owes the department ~~and the United States~~ 66837
~~centers for medicare and medicaid services~~ under the medicaid 66838
program as determined under section 5165.525 of the Revised Code, 66839
the department shall not make the withholding. 66840

(2) If the exiting operator, entering operator, or affiliated 66841
operator assumes liability for only the portion of the amount 66842
specified in division (B)(1) of this section that represents the 66843

franchise permit fee the exiting operator owes, the department 66844
shall withhold not more than the difference between the total 66845
amount specified in the notice provided under division (C) of 66846
section 5165.52 of the Revised Code and the amount for which the 66847
exiting operator, entering operator, or affiliated operator 66848
assumes liability. 66849

(C) In the case of a voluntary withdrawal of participation or 66850
facility closure and subject to division (E) of this section, the 66851
following shall apply regarding a withholding under division (A) 66852
of this section if the exiting operator or an affiliated operator 66853
executes a successor liability agreement meeting the requirements 66854
of division (F) of this section: 66855

(1) If the exiting operator or affiliated operator assumes 66856
liability for the total, actual amount of debt the exiting 66857
operator owes the department ~~and the United States centers for~~ 66858
~~medicare and medicaid services~~ under the medicaid program as 66859
determined under section 5165.525 of the Revised Code, the 66860
department shall not make the withholding. 66861

(2) If the exiting operator or affiliated operator assumes 66862
liability for only the portion of the amount specified in division 66863
(C)(1) of this section that represents the franchise permit fee 66864
the exiting operator owes, the department shall withhold not more 66865
than the difference between the total amount specified in the 66866
notice provided under division (C) of section 5165.52 of the 66867
Revised Code and the amount for which the exiting operator or 66868
affiliated operator assumes liability. 66869

(D) In the case of an involuntary termination and subject to 66870
division (E) of this section, the following shall apply regarding 66871
a withholding under division (A) of this section if the exiting 66872
operator, the entering operator, or an affiliated operator 66873
executes a successor liability agreement meeting the requirements 66874
of division (F) of this section and the department approves the 66875

successor liability agreement: 66876

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department ~~and the United States centers for medicare and medicaid services~~ under the medicaid program as determined under section 5165.525 of the Revised Code, the department shall not make the withholding. 66877
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 66883
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(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under division (B), (C), or (D) of this section, both of the following must apply: 66892
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(1) The exiting operator or affiliated operator must have one or more valid provider agreements, other than the provider agreement for the nursing facility that is the subject of the involuntary termination, voluntary withdrawal of participation, facility closure, or change of operator; 66896
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(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary withdrawal of participation or facility closure under section 5165.50 of the Revised Code or the notice of the change of operator under section 5165.51 of the Revised Code, the average 66901
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monthly medicaid payment made to the exiting operator or 66907
affiliated operator pursuant to the exiting operator's or 66908
affiliated operator's one or more provider agreements, other than 66909
the provider agreement for the nursing facility that is the 66910
subject of the involuntary termination, voluntary withdrawal of 66911
participation, facility closure, or change of operator, must equal 66912
at least ninety per cent of the sum of the following: 66913

(a) The average monthly medicaid payment made to the exiting 66914
operator pursuant to the exiting operator's provider agreement for 66915
the nursing facility that is the subject of the involuntary 66916
termination, voluntary withdrawal of participation, facility 66917
closure, or change of operator; 66918

(b) Whichever of the following apply: 66919

(i) If the exiting operator or affiliated operator has 66920
assumed liability under one or more other successor liability 66921
agreements, the total amount for which the exiting operator or 66922
affiliated operator has assumed liability under the other 66923
successor liability agreements; 66924

(ii) If the exiting operator or affiliated operator has not 66925
assumed liability under any other successor liability agreements, 66926
zero. 66927

(F) A successor liability agreement executed under this 66928
section must comply with all of the following: 66929

(1) It must provide for the operator who executes the 66930
successor liability agreement to assume liability for either of 66931
the following as specified in the agreement: 66932

(a) The total, actual amount of debt the exiting operator 66933
owes the department ~~and the United States centers for medicare and~~ 66934
~~medicaid services~~ under the medicaid program as determined under 66935
section 5165.525 of the Revised Code; 66936

(b) The portion of the amount specified in division (F)(1)(a) 66937
of this section that represents the franchise permit fee the 66938
exiting operator owes. 66939

(2) It may not require the operator who executes the 66940
successor liability agreement to furnish a surety bond. 66941

(3) It must provide that the department, after determining 66942
under section 5165.525 of the Revised Code the actual amount of 66943
debt the exiting operator owes the department ~~and United States~~ 66944
~~centers for medicare and medicaid services~~ under the medicaid 66945
program, may deduct the lesser of the following from medicaid 66946
payments made to the operator who executes the successor liability 66947
agreement: 66948

(a) The total, actual amount of debt the exiting operator 66949
owes the department ~~and the United States centers for medicare and~~ 66950
~~medicaid services~~ under the medicaid program as determined under 66951
section 5165.525 of the Revised Code; 66952

(b) The amount for which the operator who executes the 66953
successor liability agreement assumes liability under the 66954
agreement. 66955

(4) It must provide that the deductions authorized by 66956
division (F)(3) of this section are to be made for a number of 66957
months, not to exceed six, agreed to by the operator who executes 66958
the successor liability agreement and the department or, if the 66959
operator who executes the successor liability agreement and 66960
department cannot agree on a number of months that is less than 66961
six, a greater number of months determined by the attorney general 66962
pursuant to a claims collection process authorized by statute of 66963
this state. 66964

(5) It must provide that, if the attorney general determines 66965
the number of months for which the deductions authorized by 66966
division (F)(3) of this section are to be made, the operator who 66967

executes the successor liability agreement shall pay, in addition 66968
to the amount collected pursuant to the attorney general's claims 66969
collection process, the part of the amount so collected that, if 66970
not for division (H) of this section, would be required by section 66971
109.081 of the Revised Code to be paid into the attorney general 66972
claims fund. 66973

(G) Execution of a successor liability agreement does not 66974
waive an exiting operator's right to contest the amount specified 66975
in the notice the department provides the exiting operator under 66976
division (C) of section 5165.52 of the Revised Code. 66977

(H) Notwithstanding section 109.081 of the Revised Code, the 66978
entire amount that the attorney general, whether by employees or 66979
agents of the attorney general or by special counsel appointed 66980
pursuant to section 109.08 of the Revised Code, collects under a 66981
successor liability agreement, other than the additional amount 66982
the operator who executes the agreement is required by division 66983
(F)(5) of this section to pay, shall be paid to the department of 66984
medicaid for deposit into the appropriate fund. The additional 66985
amount that the operator is required to pay shall be paid into the 66986
state treasury to the credit of the attorney general claims fund 66987
created under section 109.081 of the Revised Code. 66988

Sec. 5165.525. The department of medicaid shall determine the 66989
actual amount of debt an exiting operator owes the department ~~and~~ 66990
~~the United States centers for medicare and medicaid services~~ under 66991
the medicaid program by completing all final fiscal audits not 66992
already completed and performing all other appropriate actions the 66993
department determines to be necessary. The department shall issue 66994
an initial debt summary report on this matter not later than sixty 66995
days after the date the exiting operator files the properly 66996
completed cost report required by section 5165.522 of the Revised 66997
Code with the department or, if the department waives the cost 66998

report requirement for the exiting operator, sixty days after the 66999
date the department waives the cost report requirement. ~~The~~ 67000
~~initial debt summary report becomes the~~ A final debt summary 67001
report shall be issued thirty-one days after the department issues 67002
the initial debt summary report unless the exiting operator, or an 67003
affiliated operator who executes a successor liability agreement 67004
under section 5165.521 of the Revised Code, requests a review 67005
before that date. 67006

The exiting operator, and an affiliated operator who executes 67007
a successor liability agreement under section 5165.521 of the 67008
Revised Code, may request a review to contest any of the 67009
department's findings included in the initial debt summary report. 67010
The request for the review must be submitted to the department not 67011
later than thirty days after the date the department issues the 67012
initial debt summary report. The department shall conduct the 67013
review on receipt of a timely request and issue a revised debt 67014
summary report. If the department has withheld money from payment 67015
due the exiting operator under division (A) of section 5165.521 of 67016
the Revised Code, the department shall issue the revised debt 67017
summary report not later than ninety days after the date the 67018
department receives the timely request for the review unless the 67019
department and exiting operator or affiliated operator agree to a 67020
later date. The exiting operator or affiliated operator may submit 67021
information to the department explaining what the operator 67022
contests before and during the review, including documentation of 67023
the amount of any debt the department owes the operator. The 67024
exiting operator or affiliated operator may submit additional 67025
information to the department not later than thirty days after the 67026
department issues the revised debt summary report. ~~The revised~~ 67027
~~debt summary report becomes the~~ A final debt summary report shall 67028
be issued thirty-one days after the department issues the revised 67029
debt summary report unless the exiting operator or affiliated 67030
operator timely submits additional information to the department. 67031

If the exiting operator or affiliated operator timely submits 67032
additional information to the department, the department shall 67033
consider the additional information and issue a final debt summary 67034
report not later than sixty days after the department issues the 67035
revised debt summary report unless the department and exiting 67036
operator or affiliated operator agree to a later date. 67037

Each debt summary report the department issues under this 67038
section shall include the department's findings and the amount of 67039
debt the department determines the exiting operator owes the 67040
department ~~and United States centers for medicare and medicaid~~ 67041
~~services~~ under the medicaid program. The department shall explain 67042
its findings and determination in each debt summary report. 67043

The exiting operator, and an affiliated operator who executes 67044
a successor liability agreement under section 5165.521 of the 67045
Revised Code, may request, in accordance with Chapter 119. of the 67046
Revised Code, an adjudication regarding a finding in a final debt 67047
summary report that pertains to an audit or alleged overpayment 67048
made under the medicaid program to the exiting operator. The 67049
adjudication shall be consolidated with any other uncompleted 67050
adjudication that concerns a matter addressed in the final debt 67051
summary report. 67052

Sec. 5165.526. The department of medicaid shall release the 67053
actual amount withheld under division (A) of section 5165.521 of 67054
the Revised Code, less any amount the exiting operator owes the 67055
department ~~and United States centers for medicare and medicaid~~ 67056
~~services~~ under the medicaid program, as follows: 67057

(A) Unless the department issues the initial debt summary 67058
report required by section 5165.525 of the Revised Code not later 67059
than sixty days after the date the exiting operator files the 67060
properly completed cost report required by section 5165.522 of the 67061
Revised Code, sixty-one days after the date the exiting operator 67062

files the properly completed cost report; 67063

(B) If the department issues the initial debt summary report 67064
required by section 5165.525 of the Revised Code not later than 67065
sixty days after the date the exiting operator files a properly 67066
completed cost report required by section 5165.522 of the Revised 67067
Code, not later than the following: 67068

(1) Thirty days after the deadline for requesting an 67069
adjudication under section 5165.525 of the Revised Code regarding 67070
the final debt summary report if the exiting operator, and an 67071
affiliated operator who executes a successor liability agreement 67072
under section 5165.521 of the Revised Code, fail to request the 67073
adjudication on or before the deadline; 67074

(2) Thirty days after the completion of an adjudication of 67075
the final debt summary report if the exiting operator, or an 67076
affiliated operator who executes a successor liability agreement 67077
under section 5165.521 of the Revised Code, requests the 67078
adjudication on or before the deadline for requesting the 67079
adjudication. 67080

(C) Unless the department issues the initial debt summary 67081
report required by section 5165.525 of the Revised Code not later 67082
than sixty days after the date the department waives the cost 67083
report requirement of section 5165.522 of the Revised Code, 67084
sixty-one days after the date the department waives the cost 67085
report requirement; 67086

(D) If the department issues the initial debt summary report 67087
required by section 5165.525 of the Revised Code not later than 67088
sixty days after the date the department waives the cost report 67089
requirement of section 5165.522 of the Revised Code, not later 67090
than the following: 67091

(1) Thirty days after the deadline for requesting an 67092
adjudication under section 5165.525 of the Revised Code regarding 67093

the final debt summary report if the exiting operator, and an 67094
affiliated operator who executes a successor liability agreement 67095
under section 5165.521 of the Revised Code, fail to request the 67096
adjudication on or before the deadline; 67097

(2) Thirty days after the completion of an adjudication of 67098
the final debt summary report if the exiting operator, or an 67099
affiliated operator who executes a successor liability agreement 67100
under section 5165.521 of the Revised Code, requests the 67101
adjudication on or before the deadline for requesting the 67102
adjudication. 67103

Sec. 5165.528. (A) All amounts withheld under section 67104
5165.521 of the Revised Code from payment due an exiting operator 67105
under the medicaid program shall be deposited into the medicaid 67106
payment withholding fund created by the controlling board pursuant 67107
to section 131.35 of the Revised Code. Money in the fund shall be 67108
used as follows: 67109

(1) To pay an exiting operator when a withholding is released 67110
to the exiting operator under section 5165.526 or 5165.527 of the 67111
Revised Code; 67112

(2) To pay the department of medicaid ~~and United States~~ 67113
~~centers for medicare and medicaid services~~ the amount an exiting 67114
operator owes the department ~~and United States centers~~ under the 67115
medicaid program. 67116

(B) Amounts paid from the medicaid payment withholding fund 67117
pursuant to division (A)(2) of this section shall be deposited 67118
into the appropriate department fund. 67119

Sec. 5165.771. (A) As used in this section: 67120

(1) ~~"SFF list" means the list of nursing facilities that the~~ 67121
~~United States department of health and human services creates~~ 67122
~~under the special focus facility program.~~ 67123

~~(2) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10).~~ 67124
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~~(3) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list.~~ 67128
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~~(4) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved.~~ 67131
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~~(5) "Table C" means the table included in the SFF list that identifies nursing facilities that have shown improvement.~~ 67133
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~~(6) "Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from~~ 67135
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(2) "Standard health surveys" mean the comprehensive on-site inspections conducted by the department of health on behalf of the United States centers for medicare and medicaid services every six months to evaluate the safety and quality of care provided by a nursing facility as required under the special focus facility program. 67137
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(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if ~~any~~ either of the following apply: 67143
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~~(1) The nursing facility is placed in table A or table B and fails to be placed in table C not later than twelve months after the facility is placed in table A or table B.~~ 67146
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~~(2) The nursing facility is placed in table A, table B, or table C and fails to be placed in table D not later than twenty four months after the facility is placed in table A, table B, or table C.~~ 67149
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~~(3) The nursing facility is placed in table A and fails to be~~ 67153

~~placed in table C not later than twelve months after the nursing facility is placed in table A graduate from the special focus facility program after two standard health surveys while in the program.~~ 67154
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~~(4)(2) The nursing facility is placed in table A and fails to be placed in table D not later than twenty four months after the nursing facility is placed in table A terminated from participation in the medicare or medicaid program by the United States centers for medicare and medicaid services or voluntarily chooses not to continue participation in either of those programs.~~ 67158
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~~(C) A Except as provided division (C)(1) or (2) of this section, a nursing facility may appeal, under Chapter 119. of the Revised Code, the length of time the facility is listed in a table as described a termination order issued by the department under division (B) of this section. ~~The~~~~ 67164
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~~(1) A nursing facility shall not appeal to the department of medicaid any standard health survey findings that form the basis, in whole or in part, for an order issued pursuant to division (B) of this section terminating a nursing facility's participation in the medicaid program. Any challenges to standard health survey findings shall be made to the department of health.~~ 67169
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~~(2) A nursing facility shall not appeal to the department of medicaid a determination by the United States centers for medicare and medicaid services to terminate a nursing facility's participation in the medicare or medicaid program. Any challenge to such a determination shall be made to the centers for medicare and medicaid services.~~ 67175
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~~(3) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to provide for an appeal under this division. Notwithstanding the timeframes listed in section 119.07 of the Revised Code, the rules may provide for an~~ 67181
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expedited appeal under this division. 67185

(D) A nursing facility shall take all steps necessary to 67186
improve its quality of care to avoid having its participation in 67187
the medicaid program terminated pursuant to division (B) of this 67188
section. Technical assistance and quality improvement initiatives 67189
to help a nursing facility avoid having its participation in the 67190
medicaid program terminated pursuant to division (B) of this 67191
section are available through the nursing home quality initiative 67192
established under section 173.60 of the Revised Code or 67193
initiatives offered through a quality improvement organization 67194
under contract with the United States secretary of health and 67195
human services to carry out in this state the functions described 67196
in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3. 67197

Sec. 5165.87. (A) Except as provided in division (B) of this 67198
section, the following remedies are subject to appeal under 67199
Chapter 119. of the Revised Code: 67200

(1) An order issued under section 5165.71, 5165.72, 5165.77, 67201
or 5165.85 of the Revised Code terminating a nursing facility's 67202
participation in the medicaid program; 67203

(2) Appointment of a temporary manager of a facility under 67204
division (A)(1)(b) or (2)(b) of section 5165.72, or division 67205
(A)(1)(d) of section 5165.77 of the Revised Code; 67206

(3) An order issued under section 5165.72, 5165.73, 5165.74, 67207
5165.77, or 5165.84 of the Revised Code denying medicaid payments 67208
to a facility for all medicaid eligible residents admitted after 67209
the effective date of the order; 67210

(4) An order issued under section 5165.72, 5165.73, or 67211
5165.74 of the Revised Code denying medicaid payments to a 67212
facility for medicaid eligible residents admitted after the 67213
effective date of the order who have certain diagnoses or special 67214

care needs specified by the department or agency; 67215

(5) A fine imposed under section 5165.72, 5165.73, or 5165.74 67216
of the Revised Code. 67217

(B) The department of medicaid or contracting agency may do 67218
any of the following prior to or during the pendency of any 67219
proceeding under Chapter 119. of the Revised Code: 67220

(1) Issue and execute an order under section 5165.72, 67221
5165.77, or 5165.85 of the Revised Code terminating a nursing 67222
facility's participation in the medicaid program; 67223

(2) Appoint a temporary manager under division (A)(1)(b) or 67224
(2)(b) of section 5165.72 or division (A)(1)(d) of section 5165.77 67225
of the Revised Code; 67226

(3) Issue and execute an order under section 5165.72, 67227
5165.73, 5165.77, or 5165.84 of the Revised Code denying medicaid 67228
payments to a facility for all medicaid eligible residents 67229
admitted after the effective date of the order; 67230

(4) Issue and execute an order under section 5165.72 or 67231
5165.73 or division (A), (B), or (C) of section 5165.74 of the 67232
Revised Code denying medicaid payments to a facility for medicaid 67233
eligible residents admitted after the effective date of the order 67234
who have specified diagnoses or special care needs. 67235

(C) Whenever the department or agency imposes a remedy listed 67236
in division (B) of this section prior to or during the pendency of 67237
a proceeding, all of the following apply: 67238

(1) The provider against whom the action is taken shall have 67239
ten days after the date the facility actually ~~receives the notice~~ 67240
specified is served in section accordance with sections 119.05 and 67241
119.07 of the Revised Code to request a hearing. 67242

(2) The Notwithstanding the time within which a hearing must 67243
be held under section 119.07 of the Revised Code, the hearing 67244

shall commence within thirty days after the date the department or agency receives the provider's request for a hearing. 67245
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(3) The hearing shall continue uninterrupted from day to day, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the department or agency. 67247
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(4) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations within ten days after the close of the hearing. 67251
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(5) The provider shall have five days after the date the hearing officer files the report and recommendations within which to file objections to the report and recommendations. 67254
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(6) Not later than fifteen days after the date the hearing officer files the report and recommendations, the medicaid director or the director of the contracting agency shall issue an order approving, modifying, or disapproving the report and recommendations of the hearing examiner. 67257
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(D) If the department or agency imposes more than one remedy as the result of deficiencies cited in a single survey, the proceedings for all of the remedies shall be consolidated. If any of the remedies are imposed during the pendency of a hearing, as permitted by division (B) of this section, the consolidated hearing shall be conducted in accordance with division (C) of this section. The consolidation of the remedies for purposes of a hearing does not affect the effective dates prescribed in sections 5165.60 to 2165.85 of the Revised Code. 67262
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(E) If a contracting agency conducts administrative proceedings pertaining to remedies imposed under sections 5165.60 to 5165.89 of the Revised Code, the department of medicaid shall not be considered a party to the proceedings. 67271
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Sec. 5166.01. As used in this chapter:	67275
"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.	67276 67277 67278 67279 67280
"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.	67281 67282 67283 67284 67285 67286
"Care management system" has the same meaning as in section 5167.01 of the Revised Code.	67287 67288
"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	67289 67290
"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.	67291 67292
"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.	67293 67294
"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	67295 67296
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	67297 67298 67299 67300
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	67301 67302
"Hospital long-term care unit" has the same meaning as in	67303

section 5168.40 of the Revised Code. 67304

"ICDS participant" has the same meaning as in section 5164.01 67305
of the Revised Code. 67306

"ICF/IID" and "ICF/IID services" have the same meanings as in 67307
section 5124.01 of the Revised Code. 67308

"Integrated care delivery system" and "ICDS" have the same 67309
meanings as in section 5164.01 of the Revised Code. 67310

"Level of care determination" means a determination of 67311
whether an individual needs the level of care provided by a 67312
hospital, nursing facility, or ICF/IID and whether the individual, 67313
if determined to need that level of care, would receive hospital 67314
services, nursing facility services, or ICF/IID services if not 67315
for a home and community-based services medicaid waiver component. 67316

"Medicaid buy-in for workers with disabilities program" has 67317
the same meaning as in section 5163.01 of the Revised Code. 67318

"Medicaid MCO plan" has the same meaning as in section 67319
5167.01 of the Revised Code. 67320

"Medicaid provider" has the same meaning as in section 67321
5164.01 of the Revised Code. 67322

"Medicaid services" has the same meaning as in section 67323
5164.01 of the Revised Code. 67324

"Medicaid waiver component" means a component of the medicaid 67325
program authorized by a waiver granted by the United States 67326
department of health and human services under section 1115 or 1915 67327
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 67328
waiver component" does not include the care management system or 67329
services delivered under a prepaid inpatient health plan, as 67330
defined in 42 C.F.R. 438.2. 67331

"Medically fragile child" means an individual who is under 67332
eighteen years of age, has intensive health care needs, and is 67333

considered blind or disabled under section 1614(a)(2) or (3) of 67334
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 67335

"Nursing facility" and "nursing facility services" have the 67336
same meanings as in section 5165.01 of the Revised Code. 67337

"Ohio home care waiver program" means the home and 67338
community-based services medicaid waiver component that is known 67339
as Ohio home care and was created pursuant to section 5166.11 of 67340
the Revised Code. 67341

"Provider agreement" has the same meaning as in section 67342
5164.01 of the Revised Code. 67343

"Residential treatment facility" means a residential facility 67344
licensed by the department of mental health and addiction services 67345
under section 5119.34 of the Revised Code, or an institution 67346
certified by the department of job and family services under 67347
section 5103.03 of the Revised Code, that serves children and 67348
either has more than sixteen beds or is part of a campus of 67349
multiple facilities or institutions that, combined, have a total 67350
of more than sixteen beds. 67351

"Skilled nursing facility" has the same meaning as in section 67352
5165.01 of the Revised Code. 67353

~~"Unified long term services and support medicaid waiver 67354
component" means the medicaid waiver component authorized by 67355
section 5166.14 of the Revised Code. 67356~~

Sec. 5166.02. (A) The medicaid director shall adopt rules in 67357
accordance with Chapter 119. of the Revised Code governing 67358
medicaid waiver components. The rules may establish all of the 67359
following: 67360

(1) Eligibility requirements for the medicaid waiver 67361
components; 67362

(2) The type, amount, duration, and scope of medicaid 67363

services the medicaid waiver components cover;	67364
(3) The conditions under which the medicaid waiver components cover medicaid services;	67365 67366
(4) The amounts the medicaid waiver components pay for medicaid services or the methods by which the amounts are determined;	67367 67368 67369
(5) The manners in which the medicaid waiver components pay for medicaid services;	67370 67371
(6) Safeguards for the health and welfare of medicaid recipients receiving medicaid services under a medicaid waiver component;	67372 67373 67374
(7) Procedures for prioritizing and approving for enrollment individuals who are eligible for a home and community-based services medicaid waiver component and choose to be enrolled in the component;	67375 67376 67377 67378
(8) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating provider agreements. The procedures shall include due process protections.	67379 67380 67381 67382 67383 67384
(9) Other policies necessary for the efficient administration of the medicaid waiver components.	67385 67386
(B) The director may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component.	67387 67388 67389
(C) The following apply to procedures established under division (A)(7) of this section:	67390 67391
(1) Any such procedures established for the medicaid-funded component of the PASSPORT program shall be consistent with section	67392 67393

173.521 of the Revised Code. 67394

(2) Any such procedures established for the medicaid-funded 67395
component of the assisted living program shall be consistent with 67396
section 173.542 of the Revised Code. 67397

(3) Any such procedures established for the Ohio home care 67398
waiver program shall be consistent with section 5166.121 of the 67399
Revised Code. 67400

~~(4) Any such procedures established for the unified long term 67401
services and support medicaid waiver program shall be consistent 67402
with section 5166.141 of the Revised Code. 67403~~

Sec. 5166.16. (A) As used in this section and section 67404
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 67405
component" means all of the following: 67406

(1) The medicaid-funded component of the PASSPORT program, 67407
~~unless it is terminated pursuant to division (C) of section 173.52 67408
of the Revised Code;~~ 67409

(2) The medicaid-funded component of the assisted living 67410
program, ~~unless it is terminated pursuant to division (C) of 67411
section 173.54 of the Revised Code;~~ 67412

(3) The Ohio home care waiver program, ~~unless it is 67413
terminated pursuant to section 5166.12 of the Revised Code. 67414~~

(B) The medicaid director may create a home and 67415
community-based services medicaid waiver component as part of the 67416
integrated care delivery system. If the ICDS medicaid waiver 67417
component is created, both of the following apply: 67418

(1) The department of medicaid shall administer it; 67419

(2) When it begins to accept enrollments, no ICDS participant 67420
who is eligible for the ICDS medicaid waiver component shall be 67421
enrolled in an ODA or MCD medicaid waiver component regardless of 67422

whether the participant prefers to remain or be enrolled in an ODA 67423
or MCD medicaid waiver component. 67424

(C) A dual eligible individual who is eligible for an ODA or 67425
MCD medicaid waiver component may enroll in the component before 67426
the individual becomes an ICDS participant. The dual eligible 67427
individual shall disenroll from the ODA or MCD medicaid waiver 67428
component and enroll in the ICDS medicaid waiver component once 67429
the individual becomes an ICDS participant and it is possible to 67430
enroll the individual in the ICDS medicaid waiver component. The 67431
disenrollment from the ODA or MCD medicaid waiver component and 67432
enrollment into the ICDS medicaid waiver component shall occur 67433
regardless of whether the individual prefers to remain enrolled in 67434
the ODA or MCD medicaid waiver component. 67435

(D) An ICDS participant's disenrollment from an ODA or MCD 67436
medicaid waiver component and enrollment in the ICDS medicaid 67437
waiver component resulting from division (B)(2) or (C) of this 67438
section shall be accomplished without a disruption in the 67439
participant's services under the components. 67440

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of 67441
the Revised Code: 67442

(1) "Adult" means an individual at least eighteen years of 67443
age. 67444

(2) "Appropriate director" means the following: 67445

(a) The medicaid director in the context of both of the 67446
following: 67447

(i) The Ohio home care waiver program, ~~unless it is~~ 67448
~~terminated pursuant to section 5166.12 of the Revised Code;~~ 67449

(ii) The integrated care delivery system medicaid waiver 67450
component authorized by section 5166.16 of the Revised Code. 67451

(b) The director of aging in the context of the 67452

medicaid-funded component of the PASSPORT program, ~~unless it is~~ 67453
~~terminated pursuant to division (C) of section 173.52 of the~~ 67454
~~Revised Code.~~ 67455

(3) "Authorized representative" means the following: 67456

(a) In the case of a consumer who is a minor, the consumer's 67457
parent, custodian, or guardian; 67458

(b) In the case of a consumer who is an adult, an individual 67459
selected by the consumer pursuant to section 5166.3010 of the 67460
Revised Code to act on the consumer's behalf for purposes 67461
regarding home care attendant services. 67462

(4) "Authorizing health care professional" means a health 67463
care professional who, pursuant to section 5166.307 of the Revised 67464
Code, authorizes a home care attendant to assist a consumer with 67465
self-administration of medication, nursing tasks, or both. 67466

(5) "Consumer" means an individual to whom all of the 67467
following apply: 67468

(a) The individual is enrolled in a participating medicaid 67469
waiver component. 67470

(b) The individual has a medically determinable physical 67471
impairment to which both of the following apply: 67472

(i) It is expected to last for a continuous period of not 67473
less than twelve months. 67474

(ii) It causes the individual to require assistance with 67475
activities of daily living, self-care, and mobility, including 67476
either assistance with self-administration of medication or the 67477
performance of nursing tasks, or both. 67478

(c) In the case of an individual who is an adult, the 67479
individual is mentally alert and is, or has an authorized 67480
representative who is, capable of selecting, directing the actions 67481
of, and dismissing a home care attendant. 67482

- (d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant. 67483
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- (6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 67487
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- (7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code. 67489
67490
- (8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 67491
67492
- (9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 67493
67494
- (10) "Health care professional" means a physician or registered nurse. 67495
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- (11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 67497
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- (12) "Home care attendant services" means all of the following as provided by a home care attendant: 67501
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- (a) Personal care aide services; 67503
 - (b) Assistance with the self-administration of medication; 67504
 - (c) Assistance with nursing tasks. 67505
- (13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 67506
67507
- (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 67508
67509
- (15) "Minor" means an individual under eighteen years of age. 67510
- (16) "Participating medicaid waiver component" means all of 67511

the following: 67512

(a) The medicaid-funded component of the PASSPORT program, 67513
~~unless it is terminated pursuant to division (C) of section 173.52~~ 67514
~~of the Revised Code;~~ 67515

(b) The Ohio home care waiver program, ~~unless it is~~ 67516
~~terminated pursuant to section 5166.12 of the Revised Code;~~ 67517

(c) The integrated care delivery system medicaid waiver 67518
component authorized by section 5166.16 of the Revised Code. 67519

(17) "Physician" means an individual authorized under Chapter 67520
4731. of the Revised Code to practice medicine and surgery or 67521
osteopathic medicine and surgery. 67522

(18) "Practice of nursing as a registered nurse," "practice 67523
of nursing as a licensed practical nurse," and "registered nurse" 67524
have the same meanings as in section 4723.01 of the Revised Code. 67525
"Registered nurse" includes an advanced practice registered nurse, 67526
as defined in section 4723.01 of the Revised Code. 67527

(19) "Schedule II," "schedule III," "schedule IV," and 67528
"schedule V" have the same meanings as in section 3719.01 of the 67529
Revised Code. 67530

(B) Participating medicaid waiver components may cover home 67531
care attendant services in accordance with sections 5166.30 to 67532
5166.3010 of the Revised Code and rules adopted under section 67533
5166.02 of the Revised Code. 67534

Sec. 5166.32. If the department of medicaid terminates the 67535
209(b) option, the department shall establish a medicaid waiver 67536
component under which an individual who has cystic fibrosis and is 67537
enrolled in the program for ~~medically handicapped~~ children and 67538
youth with special health care needs administered by the 67539
department of health under section 3701.023 of the Revised Code or 67540
the program the department of health administers pursuant to 67541

division (G) of that section may qualify for medicaid under the 67542
same type of spenddown process that is part of the 209(b) option. 67543

Sec. 5167.12. If prescribed drugs are included in the care 67544
management system: 67545

(A) Medicaid MCO plans may include strategies for the 67546
management of drug utilization, but any such strategies are 67547
subject to the limitations and requirements of this section and 67548
the approval of the department of medicaid. 67549

(B) A medicaid MCO plan shall not impose a prior 67550
authorization requirement in the case of a drug to which all of 67551
the following apply: 67552

(1) The drug is an antidepressant or antipsychotic. 67553

(2) The drug is administered or dispensed in a standard 67554
tablet or capsule form, except that in the case of an 67555
antipsychotic, the drug also may be administered or dispensed in a 67556
long-acting injectable form. 67557

(3) The drug is prescribed by any of the following: 67558

(a) A physician ~~whom the medicaid managed care organization~~ 67559
~~that offers the plan allows to provide care as a psychiatrist~~ 67560
~~through its credentialing process who has registered the~~ 67561
physician's psychiatric specialty with the department; 67562

(b) A psychiatrist who is practicing at a location on behalf 67563
of a community mental health services provider whose mental health 67564
services are certified by the department of mental health and 67565
addiction services under section 5119.36 of the Revised Code; 67566

(c) A certified nurse practitioner, as defined in section 67567
4723.01 of the Revised Code, who is certified in psychiatric 67568
mental health by a national certifying organization approved by 67569
the board of nursing under section 4723.46 of the Revised Code; 67570

(d) A clinical nurse specialist, as defined in section 67571
4723.01 of the Revised Code, who is certified in psychiatric 67572
mental health by a national certifying organization approved by 67573
the board of nursing under section 4723.46 of the Revised Code. 67574

(4) The drug is prescribed for a use that is indicated on the 67575
drug's labeling, as approved by the federal food and drug 67576
administration. 67577

(C) The department shall authorize a medicaid MCO plan to 67578
include a pharmacy utilization management program under which 67579
prior authorization through the program is established as a 67580
condition of obtaining a controlled substance pursuant to a 67581
prescription. 67582

(D) Each medicaid managed care organization and medicaid MCO 67583
plan shall comply with sections 5164.091, 5164.10, 5164.7511, 67584
5164.7512, and 5164.7514 of the Revised Code as if the 67585
organization were the department and the plan were the medicaid 67586
program. 67587

Sec. 5168.02. (A) The medicaid director shall adopt rules in 67588
accordance with Chapter 119. of the Revised Code for the purpose 67589
of administering sections 5168.01 to 5168.14 of the Revised Code, 67590
including rules that do all of the following: 67591

(1) Define as a "disproportionate share hospital" any 67592
hospital included under the "Social Security Act," section 67593
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 67594
determines appropriate; 67595

(2) Prescribe the form for submission of cost reports under 67596
section 5168.05 of the Revised Code; 67597

(3) Establish, in accordance with division (A) of section 67598
5168.06 of the Revised Code, the assessment rate or rates to be 67599
applied to hospitals under that section; 67600

(4) Establish schedules for hospitals to pay installments on their assessments under section 5168.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5168.07 of the Revised Code;

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment;

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;

(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section.

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Medicaid recipients;

(2) Recipients of the program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code;

(3) Medicare beneficiaries;

(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;

(5) Any other category of costs deemed appropriate by the

director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title. 67631
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Sec. 5168.14. (A) Each hospital that receives funds 67634
distributed under sections 5168.01 to 5168.14 of the Revised Code 67635
shall provide, without charge to the individual, basic, medically 67636
necessary hospital-level services to individuals who are residents 67637
of this state, are not medicaid recipients, and whose income is at 67638
or below the federal poverty line. The medicaid director shall 67639
adopt rules under section 5168.02 of the Revised Code specifying 67640
the hospital services to be provided under this section. 67641

(B) Nothing in this section shall be construed to prevent a 67642
hospital from requiring an individual to apply for the medicaid 67643
program before the hospital processes an application under this 67644
section. Hospitals may bill any third-party payer for services 67645
rendered under this section. Hospitals may bill the medicaid 67646
program, in accordance with state statutes governing the medicaid 67647
program and rules adopted under those statutes, for medicaid 67648
services rendered under this section if the individual becomes a 67649
medicaid recipient. Hospitals may bill individuals for services 67650
under this section if all of the following apply: 67651

(1) The hospital has an established post-billing procedure 67652
for determining the individual's income and canceling the charges 67653
if the individual is found to qualify for services under this 67654
section. 67655

(2) The initial bill, and at least the first follow-up bill, 67656
is accompanied by a written statement that does all of the 67657
following: 67658

(a) Explains that individuals with income at or below the 67659
federal poverty line are eligible for services without charge; 67660

(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent; 67661
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(c) Describes the procedure required by division (C)(1) of this section. 67663
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(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 67665
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Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 67667
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 67672
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law. 67676
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Sec. 5168.26. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code. 67685
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(B) The rules adopted under this section may do the following: 67691
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(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following: 67693
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(a) A hospital's costs associated with providing care to recipients of any of the following: 67696
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(i) The medicaid program; 67698

(ii) The medicare program; 67699

(iii) The program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code; 67700
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(iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq. 67703
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(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program. 67706
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(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals. 67709
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(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly. 67712
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Sec. 5168.90. (A) At least ~~quarterly~~ semiannually, the 67719

medicaid director shall report to the members of the joint 67720
medicaid oversight committee and the executive director of the 67721
joint medicaid oversight committee both of the following: 67722

(1) The fee rates and the aggregate total of the fees 67723
assessed for each of the following: 67724

(a) The hospital assessment established under section 5168.21 67725
of the Revised Code; 67726

(b) The nursing home and hospital long-term care unit 67727
franchise permit fee under section 5168.41 of the Revised Code; 67728

(c) The ICF/IID franchise permit fee under section 5168.61 of 67729
the Revised Code; 67730

(d) The health insuring corporation franchise fee under 67731
section 5168.76 of the Revised Code. 67732

(2) If there is a rate increase for any of the fee rates 67733
listed under division (A)(1) of this section pending before the 67734
centers for medicare and medicaid services. 67735

(B) The director may adopt rules under section 5162.02 of the 67736
Revised Code to compile and submit the reports required under this 67737
section, including rules, as authorized under section 5162.021 of 67738
the Revised Code, that specify the information that must be 67739
submitted to the director by the department of developmental 67740
disabilities regarding the ICF/IID franchise permit fee. 67741

Sec. 5301.90. (A) An environmental covenant may be amended or 67742
terminated by consent only if the amendment or termination is 67743
signed by all of the following: 67744

(1) The applicable agency; 67745

(2) Unless waived by that agency, the current owner of the 67746
fee simple of the real property that is subject to the 67747
environmental covenant; 67748

(3) Each person that originally signed the environmental covenant unless ~~the~~ one or more of the following apply:

(a) The person waived in a signed record the right to consent
~~or a~~

(b) A court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence;

(c) The applicable agency finds that the signature of the person is not necessary.

(4) Except as otherwise provided in division (D)(2) of this section, each holder.

(B) If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the environmental covenant unless the current owner of the interest consents in writing to the amendment or has waived in a signed record the right to consent to amendments.

(C) Except for an assignment undertaken pursuant to a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment of the environmental covenant.

(D) Except as otherwise provided in an environmental covenant, both of the following apply:

(1) A holder may not assign its interest without consent of the other parties to the environmental covenant specified in division (A) of this section.

(2) A holder may be removed and replaced by agreement of the other parties specified in division (A) of this section.

(E) A court of competent jurisdiction may fill a vacancy in the position of holder.

Sec. 5301.91. (A) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by any of the following:

(1) A party to the environmental covenant specified in division (A) of section 5301.90 of the Revised Code that is not otherwise specified in divisions (A)(2) to ~~(6)~~(7) of this section;

(2) The environmental protection agency;

(3) The applicable agency if it is other than the environmental protection agency;

(4) Any person to whom the environmental covenant expressly grants the authority to maintain such an action;

(5) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the environmental covenant;

(6) A unit of local government in which the real property that is subject to the environmental covenant is located;

(7) An original signatory of the environmental covenant who is no longer an owner of the real property that is subject to the environmental covenant in fee simple.

(B) Sections 5301.80 to 5301.92 of the Revised Code do not limit the regulatory authority of the applicable agency or the environmental protection agency if it is not the applicable agency under any law other than sections 5301.80 to 5301.92 of the Revised Code with respect to an environmental response project.

(C) A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant.

Sec. 5321.01. As used in this chapter:

(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.

(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	67837 67838 67839
(7) Dwelling units subject to sections 3733.41 to 3733.49 <u>Chapter 3733.</u> of the Revised Code;	67840 67841
(8) Occupancy by an owner of a condominium unit;	67842
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	67843 67844 67845 67846 67847 67848 67849
(a) The occupancy is for a period of less than sixty days.	67850
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	67851 67852 67853 67854
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	67855 67856 67857 67858 67859
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	67860 67861
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic	67862 67863 67864 67865 67866

violence, and juvenile runaways. 67867

(D) "Rental agreement" means any agreement or lease, written 67868
or oral, which establishes or modifies the terms, conditions, 67869
rules, amount of rent charged or paid, or any other provisions 67870
concerning the use and occupancy of residential premises by one of 67871
the parties. 67872

(E) "Security deposit" means any deposit of money or property 67873
to secure performance by the tenant under a rental agreement. 67874

(F) "Dwelling unit" means a structure or the part of a 67875
structure that is used as a home, residence, or sleeping place by 67876
one person who maintains a household or by two or more persons who 67877
maintain a common household. 67878

(G) "Controlled substance" has the same meaning as in section 67879
3719.01 of the Revised Code. 67880

(H) "Student tenant" means a person who occupies a dwelling 67881
unit owned or operated by the college or university at which the 67882
person is a student, and who has a rental agreement that is 67883
contingent upon the person's status as a student. 67884

(I) "Recreational vehicle park," "recreation camp," "combined 67885
park-camp," and "temporary park-camp" have the same meanings as in 67886
section 3729.01 of the Revised Code. 67887

(J) "Community control sanction" has the same meaning as in 67888
section 2929.01 of the Revised Code. 67889

(K) "Post-release control sanction" has the same meaning as 67890
in section 2967.01 of the Revised Code. 67891

(L) "School premises" has the same meaning as in section 67892
2925.01 of the Revised Code. 67893

(M) "Sexually oriented offense" and "child-victim oriented 67894
offense" have the same meanings as in section 2950.01 of the 67895
Revised Code. 67896

(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code. 67897
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(O) "Rent control" means requiring below-market rents for residential premises or controlling rental rates for residential premises in any manner, including by prohibiting rent increases, regulating rental rate changes between tenancies, limiting rental rate increases, regulating the rental rates of residential premises based on income or wealth of tenants, and other forms of restraint or limitation of rental rates. 67899
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(P) "Rent stabilization" means allowing rent increases for residential premises of a fixed amount or on a fixed schedule as set by a political subdivision. 67906
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(Q) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 67909
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Sec. 5502.251. (A) As used in this section: 67913

(1) "Eligible applicant" means any state agency or a municipal corporation, township, county, school district, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 67914
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(2) "State agency" has the same meaning as in section 1.60 of the Revised Code. 67919
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(B) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules to establish and administer a state hazard mitigation grant program for the purposes of providing grants to eligible applicants to undertake actions that reduce the impact to people and property from hazards and disasters. 67921
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<u>(C) The rules shall establish all of the following regarding</u>	67927
<u>the state hazard mitigation grant program:</u>	67928
<u>(1) A list of hazards and disasters for which grants may be</u>	67929
<u>issued;</u>	67930
<u>(2) Priorities for grant funding, including giving priority</u>	67931
<u>to applicants that intend to use grant money for both of the</u>	67932
<u>following:</u>	67933
<u>(a) To mitigate hazards and disasters that constitute the</u>	67934
<u>highest risk based on the state's hazard mitigation plan;</u>	67935
<u>(b) To undertake actions that mitigate risk during the</u>	67936
<u>recovery period following a disaster.</u>	67937
<u>(3) Eligibility requirements for applicants to receive a</u>	67938
<u>grant, including a requirement that all applicants have, at the</u>	67939
<u>time a grant is awarded, a current hazard mitigation plan approved</u>	67940
<u>by the federal emergency management agency;</u>	67941
<u>(4) A minimum percentage for nonstate matching funds to be</u>	67942
<u>provided by applicants;</u>	67943
<u>(5) Grant application forms and procedures for submitting the</u>	67944
<u>forms;</u>	67945
<u>(6) A requirement that mitigation projects be cost effective;</u>	67946
<u>(7) If grant money is to be used for purposes of acquisition</u>	67947
<u>of property and demolition actions at the property, a requirement</u>	67948
<u>that the property acquired must be deed restricted as open space</u>	67949
<u>in perpetuity;</u>	67950
<u>(8) Any other requirements or procedures necessary to</u>	67951
<u>administer the program.</u>	67952
<u>(D) Notwithstanding any provision of section 121.95 of the</u>	67953
<u>Revised Code to the contrary, a regulatory restriction contained</u>	67954
<u>in a rule adopted under this section is not subject to sections</u>	67955
<u>121.95 to 121.953 of the Revised Code.</u>	67956

Sec. 5502.262. (A) As used in this section:	67957
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	67958 67959 67960
(a) A city, exempted village, local, or joint vocational school district;	67961 67962
(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;	67963 67964 67965
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	67966 67967 67968
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	67969 67970
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	67971 67972 67973
(f) A chartered nonpublic school;	67974
(g) An educational service center;	67975
(h) A preschool program or school-age child care program licensed by the department of education;	67976 67977
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.	67978 67979 67980
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	67981 67982 67983
(3) "Building" means any school, school building, facility, program, or center.	67984 67985

(4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.

(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator may involve the regional mobile training officer in the development of the plan. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and surrounding property; 68017
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(iii) An emergency contact information sheet. 68019

(c) A threat assessment plan developed as prescribed in section 5502.263 of the Revised Code. A building may use the model plan developed by the department of public safety under that section; 68020
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(d) A protocol for school threat assessment teams established under section 3313.669 of the Revised Code. 68024
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(3) Each protocol described in division (B) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. 68026
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Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol. 68033
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(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place. 68037
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(C)(1) The administrator shall submit to the director of public safety, in accordance with rules adopted pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires changes in the procedures outlined in the plan, and whenever information on the emergency contact information sheet changes. 68040
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(2) The administrator also shall file a copy of the plan with each law enforcement agency that has jurisdiction over the school building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision in which the building is located;

(b) The emergency medical service organization that serves the political subdivision in which the building is located;

(c) The county emergency management agency for the county in which the building is located;

(d) The regional mobile training officer.

(3) Upon receipt of an emergency management plan, the director shall post the information on the contact and information management system and submit the information in accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D)(1) Not later than the first day of ~~July~~ September of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section.

(E) Each administrator shall do both of the following: 68078

(1) Prepare and conduct at least one annual emergency 68079
management test, as defined in division (A)(2) of this section, in 68080
accordance with rules adopted pursuant to division (F) of this 68081
section; 68082

(2) Grant access to each building under the control of the 68083
administrator to law enforcement personnel and to entities 68084
described in division (C)(2) of this section, to enable the 68085
personnel and entities to hold training sessions for responding to 68086
threats and emergency events affecting the building, provided that 68087
the access occurs outside of student instructional hours and the 68088
administrator, or the administrator's designee, is present in the 68089
building during the training sessions. 68090

(F) The director of public safety, in consultation with 68091
representatives from the education community and in accordance 68092
with Chapter 119. of the Revised Code, shall adopt rules regarding 68093
emergency management plans under this section, including the 68094
content of the plans and procedures for filing the plans. The 68095
rules shall specify that plans and information required under 68096
division (B) of this section be submitted on standardized forms 68097
developed by the director for such purpose. The rules shall also 68098
specify the requirements and procedures for emergency management 68099
tests conducted pursuant to division (E)(1) of this section. 68100
Failure to comply with the rules may result in discipline pursuant 68101
to section 3319.31 of the Revised Code or any other action against 68102
the administrator as prescribed by rule. 68103

(G) Division (B) of section 3319.31 of the Revised Code 68104
applies to any administrator who is subject to the requirements of 68105
this section and is not exempt under division (H) of this section 68106
and who is an applicant for a license or holds a license from the 68107
state board of education pursuant to section 3319.22 of the 68108
Revised Code. 68109

(H)(1) The director may exempt any administrator from the requirements of this section, if the director determines that the requirements do not otherwise apply to a building or buildings under the control of that administrator.

(2) The director shall exempt from the requirements of this section the administrator of an online learning school, established under section 3302.42 of the Revised Code, unless students of that school participate in in-person instruction or assessments at a location that is not covered by an existing emergency management plan, developed under this section as of December 14, 2021.

(I) Copies of the emergency management plan, including all records related to the plan, emergency management tests, and information required under division (B) of this section are security records and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C)(3)(b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.

Sec. 5502.69. (A) There is hereby created the Ohio narcotics intelligence center in the department of public safety. The center shall operate as a division within the department.

(B) The director of public safety shall appoint an executive director of the center. The executive director shall serve at the discretion of the director of public safety. The executive director shall advise the governor and the director of public

safety on matters pertaining to illegal drug activities. To carry 68141
out the duties assigned under this section, the executive 68142
director, subject to the direction and control of the director of 68143
public safety, may appoint and maintain necessary staff and may 68144
enter into any necessary agreements. 68145

(C) The center shall do all of the following: 68146

(1) Coordinate law enforcement response to illegal drug 68147
activities for state agencies and act as a liaison between state 68148
agencies and local entities for the purposes of communicating 68149
counter-drug policy initiatives; 68150

(2) Collect, analyze, maintain, and disseminate information 68151
to support local, state, and federal law enforcement agencies, 68152
other government agencies, and private organizations in detecting, 68153
detering, preventing, preparing for, prosecuting, and responding 68154
to illegal drug activities. The records received and created are 68155
confidential law enforcement investigatory records pursuant to 68156
section 149.43 of the Revised Code. 68157

(3) Develop and coordinate policies, protocols, and 68158
strategies that may be used by local, state, and private 68159
organizations to detect, deter, prevent, prepare for, prosecute, 68160
and respond to illegal drug activities; 68161

(4) Develop, update, and coordinate the implementation of an 68162
Ohio drug control strategy to guide state and local governments 68163
and public agencies. 68164

Sec. 5503.04. Forty-five per cent of the fines collected from 68165
or moneys arising from bail forfeited by persons apprehended or 68166
arrested by state highway patrol troopers shall be paid into the 68167
state treasury to be credited to the general revenue fund, five 68168
per cent shall be paid into the state treasury to be credited to 68169
the trauma and emergency medical services fund created by section 68170

4513.263 of the Revised Code, and fifty per cent shall be paid 68171
into the treasury of the municipal corporation where the case is 68172
prosecuted, if in a mayor's court. If the prosecution is in a 68173
trial court outside a municipal corporation, or outside the 68174
territorial jurisdiction of a municipal court, the fifty per cent 68175
of the fines and moneys that is not paid into the state treasury 68176
shall be paid into the treasury of the county where the case is 68177
prosecuted. The fines and moneys paid into a county treasury and 68178
the fines and moneys paid into the treasury of a municipal 68179
corporation shall be deposited one-half to the same fund and 68180
expended in the same manner as is the revenue received from the 68181
registration of motor vehicles, and one-half to the general fund 68182
of such county or municipal corporation. 68183

If the prosecution is in a municipal court, forty-five per 68184
cent of the fines and moneys shall be paid into the state treasury 68185
to be credited to the general revenue fund, five per cent shall be 68186
paid into the state treasury to be credited to the trauma and 68187
emergency medical services fund created by ~~division (E) of~~ section 68188
4513.263 of the Revised Code, ten per cent shall be paid into the 68189
county treasury to be credited to the general fund of the county, 68190
and forty per cent shall be paid into the municipal treasury to be 68191
credited to the general fund of the municipal corporation. In the 68192
Auglaize county, Clermont county, Crawford county, Hocking county, 68193
Jackson county, Lawrence county, Madison county, Miami county, 68194
Ottawa county, Portage county, and Wayne county municipal courts, 68195
that portion of money otherwise paid into the municipal treasury 68196
shall be paid into the county treasury. 68197

The trial court shall make remittance of the fines and moneys 68198
as prescribed in this section, and at the same time as the 68199
remittance is made of the state's portion to the state treasury, 68200
the trial court shall notify the superintendent of the state 68201
highway patrol of the case and the amount covered by the 68202

remittance. 68203

This section does not apply to fines for violations of 68204
division (B) of section 4513.263 of the Revised Code, or for 68205
violations of any municipal ordinance that is substantively 68206
comparable to that division, all of which shall be delivered to 68207
the treasurer of state as provided in ~~division (E)~~ of section 68208
4513.263 of the Revised Code. 68209

Sec. 5537.17. (A) Each turnpike project open to traffic shall 68210
be maintained and kept in good condition and repair by the Ohio 68211
turnpike and infrastructure commission. The Ohio turnpike system 68212
shall be policed and operated by a force of police, toll 68213
collectors, and other employees and agents that the commission 68214
employs or contracts for. 68215

(B) All public or private property damaged or destroyed in 68216
carrying out the powers granted by this chapter shall be restored 68217
or repaired and placed in its original condition, as nearly as 68218
practicable, or adequate compensation or consideration made 68219
therefor out of moneys provided under this chapter. 68220

(C) All governmental agencies may lease, lend, grant, or 68221
convey to the commission at its request, upon terms that the 68222
proper authorities of the governmental agencies consider 68223
reasonable and fair and without the necessity for an 68224
advertisement, order of court, or other action or formality, other 68225
than the regular and formal action of the authorities concerned, 68226
any property that is necessary or convenient to the effectuation 68227
of the purposes of the commission, including public roads and 68228
other property already devoted to public use. 68229

(D) Each bridge constituting part of a turnpike project shall 68230
be inspected at least once each year by a professional engineer 68231
employed or retained by the commission. 68232

(E) The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants approved by the auditor of state, and the cost thereof may be treated as a part of the cost of operations of the commission. Additionally, the auditor of state, at least once every other year, shall audit the accounts and transactions of the commission. On or before the first day of July in each year, the commission shall submit a an annual comprehensive ~~annual~~ financial report containing its audited financial statements for the preceding calendar year to the governor, the general assembly, and the director of budget and management. Each such report shall set forth a complete operating and financial statement covering the commission's operations and funding of any turnpike projects and infrastructure projects during the year.

(F) The commission shall submit a copy of ~~its~~ its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate standing committee or subcommittee of the senate and house of representatives that is primarily responsible for considering transportation budget matters, the commission shall appear at least one time before each committee or subcommittee during the period when that committee or subcommittee is considering the biennial appropriations for the department of transportation and shall provide testimony outlining its budgetary results for the last two calendar years, including a comparison of budget and actual revenue and expenditure amounts. The commission also shall address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before

adopting its annual budget, the commission shall submit a copy of 68265
its proposed annual budget to the governor, the presiding officers 68266
of each house of the general assembly, the director of budget and 68267
management, and the legislative service commission. The office of 68268
budget and management shall review the proposed budget and may 68269
provide recommendations to the commission for its consideration. 68270

Sec. 5703.056. (A) As used in any section of the Revised Code 68271
that ~~requires~~ permits the tax commissioner to use certified mail 68272
or personal service or that requires or permits a payment to be 68273
made or a document to be submitted to the tax commissioner or the 68274
board of tax appeals by mail or personal service, and as used in 68275
any section of Chapter 718., 3734., 3769., 4303., or 4305. or 68276
Title LVII of the Revised Code that requires or permits a payment 68277
to be made or a document to be submitted to the treasurer of state 68278
by mail: 68279

(1) "Certified mail," "express mail," "United States mail," 68280
"United States postal service," and similar terms include any 68281
delivery service authorized pursuant to division (B) of this 68282
section. 68283

(2) "Postmark date," "date of postmark," and similar terms 68284
include the date recorded and marked in the manner described in 68285
division (B)(3) of this section. 68286

(B) The tax commissioner may authorize the use of a delivery 68287
service for the delivery of any payment or document described in 68288
division (A) of this section if the commissioner finds that all of 68289
the following apply to the delivery service: 68290

(1) ~~It is~~ It is available to the general public~~;~~. 68291

(2) ~~It is~~ It is at least as timely and reliable on a regular 68292
basis as the United States postal service~~;~~. 68293

(3) ~~Records electronically to a database kept in the regular~~ 68294

~~course of its business, and marks on the cover in which the 68295
payment or document is enclosed, the date on which the payment or 68296
document was given to the delivery service for delivery; 68297~~

~~(4) Records electronically to a database kept in the regular 68298
course of its business the date on which the payment or document 68299
was given by the delivery service to the person who signed the 68300
receipt of delivery and the name of the person who signed the 68301
receipt; and 68302~~

~~(5) Meets It meets any other criteria that the tax 68303
commissioner may by rule prescribe. 68304~~

(C) In any section of the Revised Code referring to the date 68305
any payment or document is received by the tax commissioner by 68306
mail, personal service, or electronically or by a person receiving 68307
a document or payment from the tax commissioner by mail, the 68308
payment or document shall be considered to be received on one of 68309
the following dates, as applicable, except as provided in section 68310
5703.053 or 5703.37 of the Revised Code: 68311

(1) For a document or payment sent by certified mail, express 68312
mail, United States mail, foreign mail, or a delivery service 68313
authorized for use under division (B) of this section, the date of 68314
the postmark placed by the postal or delivery service on the 68315
sender's receipt or, if the sender was not issued a postmarked 68316
sender's receipt, the date of the postmark placed by the postal or 68317
delivery service on the package containing the payment or 68318
document. 68319

(2) For personal service to the tax commissioner, the date 68320
the payment or document is received in any of the tax 68321
commissioner's offices during business hours. 68322

(3) For a document filed or sent electronically or a payment 68323
made electronically, the date on the timestamp assigned by the 68324
first electronic system receiving that payment or document. 68325

(D) As used in divisions (A) and (C) of this section 68326
"electronically" includes by facsimile, if applicable. 68327

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 68328
of this section, no agent of the department of taxation, except in 68329
the agent's report to the department or when called on to testify 68330
in any court or proceeding, shall divulge any information acquired 68331
by the agent as to the transactions, property, or business of any 68332
person while acting or claiming to act under orders of the 68333
department. Whoever violates this provision shall thereafter be 68334
disqualified from acting as an officer or employee or in any other 68335
capacity under appointment or employment of the department. 68336

(B)(1) For purposes of an audit pursuant to section 117.15 of 68337
the Revised Code, or an audit of the department pursuant to 68338
Chapter 117. of the Revised Code, or an audit, pursuant to that 68339
chapter, the objective of which is to express an opinion on a 68340
financial report or statement prepared or issued pursuant to 68341
division (A)(7) or (9) of section 126.21 of the Revised Code, the 68342
officers and employees of the auditor of state charged with 68343
conducting the audit shall have access to and the right to examine 68344
any state tax returns and state tax return information in the 68345
possession of the department to the extent that the access and 68346
examination are necessary for purposes of the audit. Any 68347
information acquired as the result of that access and examination 68348
shall not be divulged for any purpose other than as required for 68349
the audit or unless the officers and employees are required to 68350
testify in a court or proceeding under compulsion of legal 68351
process. Whoever violates this provision shall thereafter be 68352
disqualified from acting as an officer or employee or in any other 68353
capacity under appointment or employment of the auditor of state. 68354

(2) For purposes of an internal audit pursuant to section 68355
126.45 of the Revised Code, the officers and employees of the 68356

office of internal audit in the office of budget and management 68357
charged with directing the internal audit shall have access to and 68358
the right to examine any state tax returns and state tax return 68359
information in the possession of the department to the extent that 68360
the access and examination are necessary for purposes of the 68361
internal audit. Any information acquired as the result of that 68362
access and examination shall not be divulged for any purpose other 68363
than as required for the internal audit or unless the officers and 68364
employees are required to testify in a court or proceeding under 68365
compulsion of legal process. Whoever violates this provision shall 68366
thereafter be disqualified from acting as an officer or employee 68367
or in any other capacity under appointment or employment of the 68368
office of internal audit. 68369

(3) As provided by section 6103(d)(2) of the Internal Revenue 68370
Code, any federal tax returns or federal tax information that the 68371
department has acquired from the internal revenue service, through 68372
federal and state statutory authority, may be disclosed to the 68373
auditor of state or the office of internal audit solely for 68374
purposes of an audit of the department. 68375

(4) For purposes of Chapter 3739. of the Revised Code, an 68376
agent of the department of taxation may share information with the 68377
division of state fire marshal that the agent finds during the 68378
course of an investigation. 68379

(C) Division (A) of this section does not prohibit any of the 68380
following: 68381

(1) Divulging information contained in applications, 68382
complaints, and related documents filed with the department under 68383
section 5715.27 of the Revised Code or in applications filed with 68384
the department under section 5715.39 of the Revised Code; 68385

~~(2) Providing information to the office of child support 68386
within the department of job and family services pursuant to 68387~~

section 3125.43 of the Revised Code;	68388
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	68389 68390 68391 68392 68393
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	68394 68395 68396
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	68397 68398 68399
(6)(3) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	68400 68401 68402 68403
(7)(4) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	68404 68405 68406 68407 68408 68409 68410 68411
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	68412 68413
(9)(5) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	68414 68415 68416 68417 68418

(10)(6) Providing to a county auditor a sales or use tax	68419
return or audit information under section 333.06 of the Revised	68420
Code;	68421
(11) Subject to section 4301.441 of the Revised Code,	68422
disclosing to the appropriate state agency information in the	68423
possession of the department of taxation that is necessary to	68424
verify a permit holder's gallonage or noncompliance with taxes	68425
levied under Chapter 4301. or 4305. of the Revised Code;	68426
(12) Disclosing to the department of natural resources	68427
information in the possession of the department of taxation that	68428
is necessary for the department of taxation to verify the	68429
taxpayer's compliance with section 5749.02 of the Revised Code or	68430
to allow the department of natural resources to enforce Chapter	68431
1509. of the Revised Code;	68432
(13) Disclosing to the department of job and family services,	68433
industrial commission, and bureau of workers' compensation	68434
information in the possession of the department of taxation solely	68435
for the purpose of identifying employers that misclassify	68436
employees as independent contractors or that fail to properly	68437
report and pay employer tax liabilities. The department of	68438
taxation shall disclose only such information that is necessary to	68439
verify employer compliance with law administered by those	68440
agencies.	68441
(14) Disclosing to the Ohio casino control commission	68442
information in the possession of the department of taxation that	68443
is necessary to verify a casino operator's or sports gaming	68444
proprietor's compliance with section 5747.063, 5753.02, or	68445
5753.021 of the Revised Code and sections related thereto;	68446
(15) Disclosing to the state lottery commission information	68447
in the possession of the department of taxation that is necessary	68448
to verify a lottery sales agent's compliance with section 5747.064	68449

~~of the Revised Code.~~ 68450

~~(16) Disclosing to the department of development information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the department of development for the purpose of evaluating potential tax credits, tax deductions, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the department of development shall disclose any information provided to the department of development by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, tax deductions, grants, or loans.~~ 68451
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~~(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the department of development and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.~~ 68466
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~~(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.~~ 68475
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~~(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether~~ 68479
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~~the family income of a student applying for or receiving a 68482
scholarship under the educational choice scholarship pilot program 68483
is equal to, less than, or greater than the income thresholds 68484
prescribed by section 3310.032 of the Revised Code. The department 68485
of education shall provide sufficient information about the 68486
student and the student's family to enable the department of 68487
taxation to make the verification. 68488~~

~~(20) Disclosing to the Ohio rail development commission 68489
information in the possession of the department of taxation that 68490
is necessary to ensure compliance with the laws of this state 68491
governing taxation and to verify information reported to the 68492
commission for the purpose of evaluating potential grants or 68493
loans. Such information shall not include information received 68494
from the internal revenue service the disclosure of which is 68495
prohibited by section 6103 of the Internal Revenue Code. No 68496
member, officer, employee, or agent of the Ohio rail development 68497
commission shall disclose any information provided to the 68498
commission by the department of taxation under division (C)(20) of 68499
this section except when disclosure of the information is 68500
necessary for, and made solely for the purpose of facilitating, 68501
the evaluation of potential grants or loans. 68502~~

~~(21) Disclosing to the state racing commission information in 68503
the possession of the department of taxation that is necessary for 68504
verification of compliance with and for enforcement and 68505
administration of the taxes levied by Chapter 3769. of the Revised 68506
Code. Such information shall include information that is necessary 68507
for the state racing commission to verify compliance with Chapter 68508
3769. of the Revised Code for the purposes of issuance, denial, 68509
suspension, or revocation of a permit pursuant to section 3769.03 68510
or 3769.06 of the Revised Code and related sections. Unless 68511
disclosure is otherwise authorized by law, information provided to 68512
the state racing commission under this section remains 68513~~

~~confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code.~~ 68514
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~~(22) Disclosing to the state fire marshal information in the possession of the department of taxation that is necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks or a licensed wholesaler of fireworks with section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division (C)(22) of this section.~~ 68516
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~~(23) Disclosing to the department of job and family services information in the possession of the department of taxation for either of the following purposes:~~ 68524
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~~(a) Making a determination under section 4141.28 of the Revised Code;~~ 68527
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~~(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.~~ 68529
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~~Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.~~ 68531
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(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure. 68534
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Sec. 5703.37. (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in 68542
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the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery.

(2) In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section or by ordinary mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The

certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of

this section, a person is associated with an address at the time 68607
the commissioner originally mailed the notice or order if, at that 68608
time, the person was residing, receiving legal documents, or 68609
conducting business at the address; or if, before that time, the 68610
person had conducted business at the address and, when the notice 68611
or order was mailed, the person's agent or the person's affiliate 68612
was conducting business at the address. For the purposes of this 68613
section, a person's affiliate is any other person that, at the 68614
time the notice or order was mailed, owned or controlled at least 68615
twenty per cent, as determined by voting rights, of the 68616
addressee's business. 68617

(2) If the person elects to protest an assessment certified 68618
to the attorney general for collection, the person must do so 68619
within sixty days after the attorney general's initial contact 68620
with the person. The attorney general may enter into a compromise 68621
with the person under sections 131.02 and 5703.06 of the Revised 68622
Code if the person does not file a petition for reassessment with 68623
the commissioner. 68624

(D) Nothing in this section prohibits the commissioner or the 68625
commissioner's designee from delivering a notice or order by 68626
personal service. 68627

(E) Collection actions taken pursuant to section 131.02 of 68628
the Revised Code upon any assessment being challenged under 68629
division (B)(1)(b) of this section shall be stayed upon the 68630
pendency of an appeal under this section. If a petition for 68631
reassessment is filed pursuant to this section on a claim that has 68632
been certified to the attorney general for collection, the claim 68633
shall be uncertified. 68634

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 68635
the person affected by the notice or order or that person's 68636
authorized representative through secure electronic means ~~only~~ 68637
~~with the person's consent~~ associated with the person's or 68638

representative's last known address. The commissioner must inform 68639
the recipient, electronically or by mail, that a notice or order 68640
is available for electronic review and provide instructions to 68641
access and print the notice or order. The types of electronic 68642
notification the commissioner may use include electronic mail, 68643
text message, or any other form of electronic communication. The 68644
recipient's electronic access of the notice or order satisfies the 68645
requirements for delivery under this section. If the recipient 68646
fails to access the notice or order electronically within ten 68647
business days, then the commissioner shall inform the recipient a 68648
second time, electronically or by mail, that a notice or order is 68649
available for electronic review and provide instructions to access 68650
and print the notice or order. If the recipient fails to access 68651
the notice or order electronically within ten business days of the 68652
second notification, the notice or order shall be served upon the 68653
person through the means provided in division (B)(2) of this 68654
section. 68655

(2) The tax commissioner shall establish a system to issue 68656
notification of assessments to taxpayers through secure electronic 68657
means. 68658

(G) As used in this section: 68659

(1) "Last known address" means the address the department has 68660
at the time the document is originally sent by certified mail, or 68661
any address the department can ascertain using reasonable means 68662
such as the use of a change of address service offered by the 68663
United States postal service or an authorized delivery service 68664
under section 5703.056 of the Revised Code. For documents sent by 68665
secure electronic means, "last known address" means an electronic 68666
mode of communication that is identified on a form prescribed by 68667
the commissioner for such purpose or that is associated with the 68668
person or the authorized representative of the person on the Ohio 68669
business gateway, as defined in section 718.01 of the Revised 68670

Code, as of the date the notification was sent. 68671

(2) "Undeliverable address" means an address to which the 68672
United States postal service or an authorized delivery service 68673
under section 5703.056 of the Revised Code is not able to deliver 68674
a notice or order, except when the reason for nondelivery is 68675
because the addressee fails to acknowledge or accept the notice or 68676
order. 68677

Sec. 5703.53. (A) An "opinion of the tax commissioner" means 68678
an opinion issued under this section with respect to prospective 68679
tax liability. It does not include ordinary correspondence of the 68680
commissioner or a final determination of the commissioner arising 68681
from a request for administrative review of an assessment, a claim 68682
for refund, or an application for a pollution control or other 68683
certificate. 68684

(B) If a taxpayer requests in writing an opinion from the tax 68685
commissioner as to whether or how certain property, income, source 68686
of income, or a certain activity or transaction will be taxed, the 68687
commissioner's written response shall be an "opinion of the tax 68688
commissioner" and shall bind the commissioner, in accordance with 68689
divisions (C), (G), and (H) of this section, provided all of the 68690
following conditions are satisfied: 68691

(1) The taxpayer's request fully describes the specific facts 68692
or circumstances relevant to a determination of the taxability of 68693
the property, income, source of income, activity, or transaction, 68694
and, if an activity or transaction, all parties involved in the 68695
activity or transaction are clearly identified by name, location, 68696
or other pertinent facts. 68697

(2) The request relates to a "tax" as defined in section 68698
5703.50 of the Revised Code. 68699

(3) The commissioner's response is signed by the commissioner 68700

and designated as an "opinion of the tax commissioner." 68701

(C) An opinion of the tax commissioner shall remain in effect 68702
and shall protect the taxpayer for whom the opinion was prepared 68703
and who reasonably relies on it from liability for any taxes, 68704
penalty, or interest otherwise chargeable on the activity or 68705
transaction specifically held by the commissioner's opinion to be 68706
taxable in a particular manner or not to be subject to taxation 68707
for any tax year that may be specified in the opinion, or until 68708
the earliest of the following dates: 68709

(1) The effective date of a written revocation by the 68710
commissioner sent to the taxpayer ~~by certified mail, return~~ 68711
~~receipt requested~~ in the manner provided in section 5703.37 of the 68712
Revised Code. The effective date of the revocation shall be the 68713
taxpayer's date of receipt or one year after the issuance of the 68714
opinion, whichever is later; 68715

(2) The effective date of any rule adopted by the 68716
commissioner under Chapter 119. of the Revised Code that is 68717
inconsistent with the opinion; 68718

(3) The effective date of any amendment or enactment of a 68719
relevant section of the Revised Code or uncodified law; 68720

(4) The date on which a court issues an opinion establishing 68721
or changing relevant case law with respect to the Revised Code, 68722
uncodified law, or rules of the tax commissioner; 68723

(5) If the opinion of the commissioner was based on the 68724
interpretation of federal law, the effective date of any change in 68725
the relevant federal statutes or regulations, or the date on which 68726
a court issues an opinion establishing or changing relevant case 68727
law with respect to federal statutes or regulations; 68728

(6) The effective date of any change in the taxpayer's 68729
material facts or circumstances; 68730

(7) The effective date of the expiration of the opinion, if 68731
specified, in the opinion. 68732

(D) A taxpayer is not relieved of liability for any activity 68733
or transaction related to a request for an opinion that contained 68734
any misrepresentation or omission of one or more material facts. 68735

(E) If the commissioner provides written advice under this 68736
section, the opinion shall include a statement that: 68737

(1) The tax consequences stated in the opinion may be subject 68738
to change for any of the reasons stated in division (C) of this 68739
section; 68740

(2) It is the duty of the taxpayer to be aware of such 68741
changes. 68742

(F) The commissioner may refuse to offer an opinion on any 68743
request received under this section. 68744

(G) This section binds the commissioner only with respect to 68745
opinions of the commissioner issued on or after January 1, 1990. 68746

(H) An opinion of the commissioner binds the commissioner 68747
only with respect to the taxpayer for whom the opinion was 68748
prepared. 68749

(I) The commissioner shall make available the text of all 68750
opinions issued under this section, except those opinions prepared 68751
for a taxpayer who has requested that the text of the opinion 68752
remain confidential. In no event shall the text of an opinion be 68753
made available until the commissioner has removed all information 68754
that identifies the taxpayer and any other parties involved in the 68755
activity or transaction. 68756

(J) An opinion of the commissioner issued under this section 68757
is not a final determination of the commissioner and may not be 68758
appealed to the board of tax appeals. 68759

Sec. 5711.29. If any corporation uses the rights and powers 68760
granted by its charter to prevent the assessment of the shares of 68761
its resident shareholders on the basis of income yield, as 68762
provided in sections 5711.01 to 5711.36 of the Revised Code, by 68763
permitting its gains and profits to accumulate instead of being 68764
distributed, or by paying exorbitant salaries to its officers and 68765
employees, the tax commissioner, upon finding such to be the fact, 68766
shall assess the amount representing the aggregate assessments of 68767
the shares of such resident shareholders in the names of such 68768
resident shareholders and certify such assessments, together with 68769
the penalty provided in such sections, to the proper county 68770
auditor who shall place the same on the classified tax list and 68771
duplicate in the names of such shareholders, as investments 68772
assessed on the basis of income yield for the year for which such 68773
assessments are made; and taxes shall be collected thereon the 68774
same as on other like assessments. The commissioner shall give 68775
notice of such assessment to the corporation ~~by personal service~~ 68776
~~or certified mail, in the manner provided in section 5703.37 of~~ 68777
the Revised Code, and such assessment shall be subject to a 68778
petition for reassessment and an appeal as provided in sections 68779
5711.31 and 5717.02 of the Revised Code. 68780

If any such corporation is a holding or investment company, 68781
or if the gains or profits are permitted to accumulate beyond the 68782
reasonable needs of the business, such fact shall be prima-facie 68783
evidence of a purpose to prevent the assessment of the shares of 68784
its resident stockholders on such basis. 68785

If any trust, under the terms of which the trustee is 68786
required or authorized to withhold and accumulate all or any part 68787
of the income, is created or used for the purpose of preventing 68788
the assessment of the equitable interests of the resident 68789
beneficiaries on the basis of income yield, as provided in 68790
sections 5711.01 to 5711.36 of the Revised Code, the commissioner, 68791

upon finding such to be the fact, shall assess the amount 68792
representing the aggregate assessment of such equitable shares in 68793
the manner provided in this section. If the creator of such trust 68794
reserved a power of revocation, or if the trustee has discretion 68795
to pay and distribute the income of the trust property to or for 68796
the benefit of such resident beneficiary, such fact shall be 68797
prima-facie evidence of a purpose to prevent the assessment of the 68798
equitable shares of the resident beneficiaries upon such basis. 68799

The assessment imposed by this action shall not be made 68800
against any resident shareholder of such corporation or 68801
beneficiary of such trust who in filing ~~his~~ the shareholder's or 68802
beneficiary's return lists as the income yield of ~~his~~ the shares 68803
or beneficial interest the entire distributive share or beneficial 68804
interest, whether distributed or not, of the net income of such 68805
corporation or trust for such year, in which event any subsequent 68806
distribution made by such corporation or trust out of the earnings 68807
or profits of such year shall, if distributed to any shareholder 68808
or beneficiary who has so included in the income yield of ~~his~~ the 68809
shareholder's or beneficiary's shares the distributive share 68810
thereof, be deducted from the income yield of such shares for the 68811
year in which the same is made. 68812

Sec. 5725.05. On or before the third day of December, 68813
annually, the tax commissioner shall fix the day as of which the 68814
taxable deposits in financial institutions shall be listed and 68815
assessed. The day fixed shall be between the first and the 68816
thirtieth day of November, and the action of the commissioner 68817
shall be taken not more than three days after the day fixed. 68818
Notice of such action by the commissioner shall be immediately 68819
given to each financial institution and to the county auditor of 68820
each county ~~by certified mail~~ in the manner provided in section 68821
5703.37 of the Revised Code, and the date fixed shall be printed 68822
or stamped on the forms of return to be made by all financial 68823

institutions. The commissioner shall also give immediate notice, 68824
by collect telegram, to those financial institutions or persons 68825
that have filed a request for this service with the commissioner. 68826
The dates fixed by this section for the action of the commissioner 68827
are directory, and if through inadvertence or mistake such action 68828
is not taken at the time prescribed, or the notice required to be 68829
given to a financial institution or a county auditor is not duly 68830
given, the remaining requirements of sections 5725.01 to 5725.26 68831
of the Revised Code, and the validity of any assessment made 68832
hereunder shall not be affected. 68833

Sec. 5725.36. (A) Terms used in this section have the same 68834
meanings as in section 175.16 of the Revised Code. 68835

(B) There is allowed a nonrefundable tax credit against the 68836
tax imposed by section 5725.18 of the Revised Code for a domestic 68837
insurance company that is allocated a credit issued by the 68838
executive director of the Ohio housing finance agency under 68839
section 175.16 of the Revised Code. The credit equals the amount 68840
allocated to such company for the calendar year and reported by 68841
the designated reporter on the form prescribed by division (I) of 68842
section 175.16 of the Revised Code. 68843

The credit authorized in this section shall be claimed in the 68844
order required under section 5725.98 of the Revised Code. If the 68845
amount of a credit exceeds the tax otherwise due under section 68846
5725.18 of the Revised Code after deducting all other credits 68847
preceding the credit in the order prescribed in section 5725.98 of 68848
the Revised Code, the excess may be carried forward for not more 68849
than five ensuing calendar years. The amount of the excess credit 68850
claimed in any such year shall be deducted from the balance 68851
carried forward to the next calendar year. 68852

No credit shall be claimed under this section to the extent 68853
the credit was claimed under section 5726.58, 5729.19, or 5747.83 68854

of the Revised Code. 68855

Sec. 5725.37. (A) Terms used in this section have the same 68856
meanings as in section 175.17 of the Revised Code. 68857

(B) There is allowed a nonrefundable tax credit against the 68858
tax imposed by section 5725.18 of the Revised Code for a domestic 68859
insurance company that is allocated a credit issued by the 68860
executive director of the Ohio housing finance agency under 68861
section 175.17 of the Revised Code. The credit shall equal the 68862
amount allocated to such company for the calendar year and 68863
reported by the designated reporter on the form prescribed by 68864
division (H) of section 175.17 of the Revised Code. 68865

The credit authorized in this section shall be claimed in the 68866
order required under section 5725.98 of the Revised Code. If the 68867
amount of a credit exceeds the tax otherwise due under section 68868
5725.18 of the Revised Code after deducting all other credits 68869
preceding the credit in the order prescribed in section 5725.98 of 68870
the Revised Code, the excess may be carried forward for not more 68871
than five ensuing calendar years. The amount of the excess credit 68872
claimed in any such year shall be deducted from the balance 68873
carried forward to the next calendar year. 68874

No credit shall be claimed under this section to the extent 68875
the credit was claimed under section 5726.59, 5729.20, or 5747.84 68876
of the Revised Code. 68877

Sec. 5725.98. (A) To provide a uniform procedure for 68878
calculating the amount of tax imposed by section 5725.18 of the 68879
Revised Code that is due under this chapter, a taxpayer shall 68880
claim any credits and offsets against tax liability to which it is 68881
entitled in the following order: 68882

The credit for an insurance company or insurance company 68883
group under section 5729.031 of the Revised Code; 68884

The credit for eligible employee training costs under section 5725.31 of the Revised Code;	68885 68886
The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;	68887 68888
The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;	68889 68890
The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	68891 68892
<u>The nonrefundable Ohio low-income housing tax credit under section 5725.36 of the Revised Code;</u>	68893 68894
<u>The nonrefundable affordable single-family home credit under section 5725.37 of the Revised Code;</u>	68895 68896
The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5725.35 of the Revised Code;	68897 68898 68899
The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	68900 68901 68902
The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code;	68903 68904
The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	68905 68906 68907 68908 68909
The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	68910 68911
The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	68912 68913 68914

(B) For any credit except the refundable credits enumerated 68915
in this section, the amount of the credit for a taxable year shall 68916
not exceed the tax due after allowing for any other credit that 68917
precedes it in the order required under this section. Any excess 68918
amount of a particular credit may be carried forward if authorized 68919
under the section creating that credit. Nothing in this chapter 68920
shall be construed to allow a taxpayer to claim, directly or 68921
indirectly, a credit more than once for a taxable year. 68922

Sec. 5726.01. As used in this chapter: 68923

(A) "Affiliated group" means a group of two or more persons 68924
with fifty per cent or greater of the value of each person's 68925
ownership interests owned or controlled directly, indirectly, or 68926
constructively through related interests by common owners during 68927
all or any portion of the taxable year, and the common owners. 68928
"Affiliated group" includes, but is not limited to, any person 68929
eligible to be included in a consolidated elected taxpayer group 68930
under section 5751.011 of the Revised Code or a combined taxpayer 68931
group under section 5751.012 of the Revised Code. 68932

(B) "Bank organization" means any of the following: 68933

(1) A national bank organized and operating as a national 68934
bank association pursuant to the "National Bank Act," 13 Stat. 100 68935
(1864), 12 U.S.C. 21, et seq.; 68936

(2) A federal savings association or federal savings bank 68937
chartered under 12 U.S.C. 1464; 68938

(3) A bank, banking association, trust company, savings and 68939
loan association, savings bank, or other banking institution that 68940
is organized or incorporated under the laws of the United States, 68941
any state, or a foreign country; 68942

(4) Any corporation organized and operating pursuant to 12 68943
U.S.C. 611, et seq.; 68944

(5) Any agency or branch of a foreign bank, as those terms
are defined in 12 U.S.C. 3101. 68945
68946

"Bank organization" does not include an institution organized 68947
under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a 68948
successor of such an institution, a company chartered under the 68949
"Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a 68950
company, an association formed pursuant to 12 U.S.C. 2279c-1, an 68951
insurance company, or a credit union. 68952

(C) "Call report" means the consolidated reports of condition 68953
and income prescribed by the federal financial institutions 68954
examination council that a person is required to file with a 68955
federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 68956
324, or 12 U.S.C. 1817. 68957

(D) "Captive finance company" means a person that derived at 68958
least seventy-five per cent of its gross income for the current 68959
taxable year and the two taxable years preceding the current 68960
taxable year from one or more of the following transactions: 68961

(1) Financing transactions with members of its affiliated 68962
group; 68963

(2) Financing transactions with or for customers of products 68964
manufactured or sold by a member of its affiliated group; 68965

(3) Financing transactions with or for a distributor or 68966
franchisee that sells, leases, or services a product manufactured 68967
or sold by a member of the person's affiliated group; 68968

(4) Financing transactions with or for a supplier to a member 68969
of the person's affiliated group in connection with the member's 68970
manufacturing business; 68971

(5) Issuing bonds or other publicly traded debt instruments 68972
for the benefit of the affiliated group; 68973

(6) Short-term or long-term investments whereby the person 68974

invests the cash reserves of the affiliated group and the 68975
affiliated group utilizes the proceeds from the investments. 68976

For the purposes of division (D) of this section, "financing 68977
transaction" means making or selling loans, extending credit, 68978
leasing, earning or receiving subvention, including interest 68979
supplements and other support costs related thereto, or acquiring, 68980
selling, or servicing accounts receivable, notes, loans, leases, 68981
debt, or installment obligations that arise from the sale or lease 68982
of tangible personal property or the performance of services, and 68983
"gross income" has the same meaning as in section 61 of the 68984
Internal Revenue Code and includes income from transactions 68985
between the captive finance company and other members of its 68986
affiliated group. 68987

A person that has not been in continuous existence for the 68988
two taxable years preceding the current taxable year qualifies as 68989
a "captive finance company" for purposes of division (D) of this 68990
section if the person derived at least seventy-five per cent of 68991
its gross income for the period of its existence from one or more 68992
of the transactions described in divisions (D)(1) to (6) of this 68993
section. 68994

"Captive finance company" does not include a small dollar 68995
lender. 68996

(E) "Credit union" means a nonprofit cooperative financial 68997
institution organized or chartered under the laws of this state, 68998
any other state, or the United States. 68999

(F) "Diversified savings and loan holding company" has the 69000
same meaning as in 12 U.S.C. 1467a, as that section existed on 69001
January 1, 2012. 69002

(G) "Document of creation" means the articles of 69003
incorporation of a corporation, articles of organization of a 69004
limited liability company, registration of a foreign limited 69005

liability company, certificate of limited partnership, 69006
registration of a foreign limited partnership, registration of a 69007
domestic or foreign limited liability partnership, or registration 69008
of a trade name. 69009

(H) "Financial institution" means a bank organization, a 69010
holding company of a bank organization, or a nonbank financial 69011
organization, except when one of the following applies: 69012

(1) If two or more such entities are consolidated for the 69013
purposes of filing an FR Y-9, "financial institution" means a 69014
group consisting of all entities that are ~~included~~ consolidated in 69015
the FR Y-9. 69016

(2) If two or more such entities are consolidated for the 69017
purposes of filing a call report, "financial institution" means a 69018
group consisting of all entities that are ~~included~~ consolidated in 69019
the call report and that are not included in a group described in 69020
division (H)(1) of this section. 69021

(3) If a bank organization is owned directly by a 69022
grandfathered unitary savings and loan holding company or directly 69023
or indirectly by an entity that was a grandfathered unitary 69024
savings and loan holding company on January 1, 2012, "financial 69025
institution" means a group consisting only of that bank 69026
organization and the entities ~~included~~ consolidated in that bank 69027
organization's call report, notwithstanding division (H)(1) or (2) 69028
of this section. 69029

"Financial institution" does not include a diversified 69030
savings and loan holding company, a grandfathered unitary savings 69031
and loan holding company, any entity that was a grandfathered 69032
unitary savings and loan holding company on January 1, 2012, or 69033
any entity that is not a bank organization or owned by a bank 69034
organization and that is owned directly or indirectly by an entity 69035
that was a grandfathered unitary savings and loan holding company 69036

on January 1, 2012. 69037

(I) "FR Y-9" means the consolidated or parent-only financial 69038
statements that a holding company is required to file with the 69039
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 69040
holding company required to file both consolidated and parent-only 69041
financial statements, "FR Y-9" means the consolidated financial 69042
statements that the holding company is required to file. For 69043
purposes of division (H)(1) of this section, if a holding company 69044
is required to file a parent-only financial statement and not a 69045
consolidated financial statement, "FR Y-9" means the consolidated 69046
financial statement the company would file if it were required to 69047
do so by the federal reserve board. 69048

(J) "Grandfathered unitary savings and loan holding company" 69049
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 69050
section existed on December 31, 1999. 69051

(K) "Gross receipts" means all items of income, without 69052
deduction for expenses. If the reporting person for a taxpayer is 69053
a holding company, "gross receipts" includes all items of income 69054
reported on the FR Y-9 filed by the holding company. If the 69055
reporting person for a taxpayer is a bank organization, "gross 69056
receipts" includes all items of income reported on the call report 69057
filed by the bank organization. If the reporting person for a 69058
taxpayer is a nonbank financial organization, "gross receipts" 69059
includes all items of income reported in accordance with generally 69060
accepted accounting principles. 69061

(L) "Insurance company" means every corporation, association, 69062
and society engaged in the business of insurance of any character, 69063
or engaged in the business of entering into contracts 69064
substantially amounting to insurance of any character, or of 69065
indemnifying or guaranteeing against loss or damage, or acting as 69066
surety on bonds or undertakings. "Insurance company" also includes 69067
any health insuring corporation as defined in section 1751.01 of 69068

the Revised Code. 69069

(M)(1) "Nonbank financial organization" means every person 69070
that is not a bank organization or a holding company of a bank 69071
organization and that engages in business primarily as a small 69072
dollar lender. "Nonbank financial organization" does not include 69073
an institution organized under the "Federal Farm Loan Act," 39 69074
Stat. 360 (1916), or a successor of such an institution, an 69075
insurance company, a captive finance company, a credit union, an 69076
institution organized and operated exclusively for charitable 69077
purposes within the meaning of section 501(c)(3) of the Internal 69078
Revenue Code, or a person that facilitates or services one or more 69079
securitizations for a bank organization, a holding company of a 69080
bank organization, a captive finance company, or any member of the 69081
person's affiliated group. 69082

(2) A person is engaged in business primarily as a small 69083
dollar lender if the person has, for the taxable year, gross 69084
income from the activities described in division (O) of this 69085
section that exceeds the person's gross income from all other 69086
activities. As used in division (M) of this section, "gross 69087
income" has the same meaning as in section 61 of the Internal 69088
Revenue Code, and income from transactions between the person and 69089
the other members of the affiliated group shall be eliminated, and 69090
any sales, exchanges, and other dispositions of commercial paper 69091
to persons outside the affiliated group produces gross income only 69092
to the extent the proceeds from such transactions exceed the 69093
affiliated group's basis in such commercial paper. 69094

(N) "Reporting person" means one of the following: 69095

(1) In the case of a financial institution described in 69096
division (H)(1) of this section, the top-tier holding company 69097
required to file an FR Y-9. 69098

(2) In the case of a financial institution described in 69099

division (H)(2) or (3) of this section, the bank organization 69100
required to file the call report. 69101

(3) In the case of a bank organization or nonbank financial 69102
organization that is not included in a group described in division 69103
(H)(1) or (2) of this section, the bank organization or nonbank 69104
financial organization. 69105

(O) "Small dollar lender" means any person engaged primarily 69106
in the business of loaning money to individuals, provided that the 69107
loan amounts do not exceed five thousand dollars and the duration 69108
of the loans do not exceed twelve months. A "small dollar lender" 69109
does not include a bank organization, credit union, or captive 69110
finance company. 69111

(P) "Tax year" means the calendar year for which the tax 69112
levied under section 5726.02 of the Revised Code is required to be 69113
paid. 69114

(Q) "Taxable year" means the calendar year preceding the year 69115
in which an annual report is required to be filed under section 69116
5726.03 of the Revised Code. 69117

(R) "Taxpayer" means a financial institution subject to the 69118
tax levied under section 5726.02 of the Revised Code. 69119

(S) "Total equity capital" means the sum of the common stock 69120
at par value, perpetual preferred stock and related surplus, other 69121
surplus not related to perpetual preferred stock, retained 69122
earnings, accumulated other comprehensive income, treasury stock, 69123
unearned employee stock ownership plan shares, and other equity 69124
components of a financial institution. "Total equity capital" 69125
shall not include any noncontrolling (minority) interests as 69126
reported on an FR Y-9 or call report, unless such interests are in 69127
a bank organization or a bank holding company. 69128

(T) "Total Ohio equity capital" means the portion of the 69129
total equity capital of a financial institution apportioned to 69130

Ohio pursuant to section 5726.05 of the Revised Code. 69131

(U) "Holding company" does not include a diversified savings 69132
and loan holding company, a grandfathered unitary savings and loan 69133
holding company, any entity that was a grandfathered unitary 69134
savings and loan holding company on January 1, 2012, or any entity 69135
that is not a bank organization or owned by a bank organization 69136
and that is owned directly or indirectly by an entity that was a 69137
grandfathered unitary savings and loan holding company on January 69138
1, 2012. 69139

(V) "Securitization" means transferring one or more assets to 69140
one or more persons and subsequently issuing securities backed by 69141
the right to receive payment from the asset or assets so 69142
transferred. 69143

(W) "De novo bank organization" means a bank organization 69144
that first began operations in the taxable year preceding the 69145
current tax year or in either of the two immediately preceding 69146
taxable years. For the purposes of this division, a bank 69147
organization "first began operations" on the day the bank 69148
organization was issued a charter, a certificate of authority to 69149
commence business, or the equivalent document enabling the bank 69150
organization to begin conducting business as a bank organization. 69151
A "de novo bank organization" does not include a bank organization 69152
formed by, acquired by, merged with, or converted by a taxpayer 69153
that filed and paid the tax under this chapter in any preceding 69154
calendar year. 69155

Sec. 5726.04. (A)(1) The tax levied on a financial 69156
institution other than a de novo bank organization under this 69157
chapter shall be the greater of the following: 69158

(a) A minimum tax equal to one thousand dollars; 69159

(b) The product of the total Ohio equity capital of the 69160

financial institution, as determined under this section, 69161
multiplied by eight mills for each dollar of the first two hundred 69162
million dollars of total Ohio equity capital, by four mills for 69163
each dollar of total Ohio equity capital greater than two hundred 69164
million and less than one billion three hundred million dollars, 69165
and by two and one-half mills for each dollar of total Ohio equity 69166
capital equal to or greater than one billion three hundred million 69167
dollars. 69168

(2) The tax levied on a de novo bank organization under this 69169
chapter shall equal the difference obtained by subtracting one 69170
million dollars from the amount of tax that would be calculated 69171
for the de novo bank organization under division (A)(1)(b) of this 69172
section, provided that if that difference is equal to or less than 69173
zero, no tax shall be due for the taxable year. 69174

A de novo bank organization with no tax due for a taxable 69175
year pursuant to this division shall be considered a financial 69176
institution that "paid the tax imposed by section 5726.02 of the 69177
Revised Code based on" that taxable year for the purposes of 69178
division (E)(3) of section 5751.01 of the Revised Code. 69179

(B) If the reporting person for a financial institution files 69180
an FR Y-9 or call report, the total equity capital of the 69181
financial institution shall equal the total equity capital shown 69182
on the reporting person's FR Y-9 or call report as of the end of 69183
the taxable year. The total equity capital of all other financial 69184
institutions shall be reported as of the end of the taxable year 69185
in accordance with generally accepted accounting principles. 69186

(C) For the purposes of this section: 69187

(1) "Total Ohio equity capital" means the product of (a) the 69188
total equity capital of a financial institution as of the end of a 69189
taxable year to the extent that the total equity capital does not 69190
exceed fourteen per cent of the financial institution's total 69191

assets multiplied by (b) the Ohio apportionment ratio calculated 69192
for the financial institution under section 5726.05 of the Revised 69193
Code, ~~except as provided in section 5726.041 of the Revised Code.~~ 69194

(2) "Total assets" means: 69195

(a) In the case of a financial institution described in 69196
division (H)(1) of section 5726.01 of the Revised Code, the total 69197
consolidated assets as shown on the reporting person's FR Y-9 as 69198
of the end of the taxable year; 69199

(b) In the case of a financial institution described in 69200
division (H)(2) or (3) of section 5726.01 of the Revised Code, the 69201
total consolidated assets as shown on the reporting person's call 69202
report as of the end of the taxable year; 69203

(c) In the case of all other financial institutions, the 69204
total consolidated assets of the financial institution as of the 69205
end of the taxable year in accordance with generally accepted 69206
accounting principles. 69207

The tax commissioner may audit a reporting person's total 69208
assets to confirm the financial institution's actual total 69209
consolidated assets and may make any adjustments necessary. 69210

(D) All payments received from the tax levied under this 69211
chapter shall be credited to the general revenue fund. 69212

(E) The commissioner may adopt rules to provide additional 69213
guidance for the application of this section. 69214

Sec. 5726.56. (A) As used in this section, "qualified 69215
research expenses" has the same meaning as in section 41 of the 69216
Internal Revenue Code. 69217

(B) A taxpayer may claim a nonrefundable credit against the 69218
tax imposed under this chapter equal to seven per cent of the 69219
excess of (1) the qualified research expenses incurred by the 69220
taxpayer in this state in a taxable year over (2) the average 69221

annual qualified research expenses incurred by the taxpayer in 69222
this state in the three previous taxable years. For the purposes 69223
of this division, "qualified research expenses incurred by the 69224
taxpayer" includes the qualified research expenses incurred by all 69225
persons included in the annual report of the taxpayer and by any 69226
insurance company subject to the tax levied under section 5725.18 69227
or Chapter 5729. of the Revised Code that has more than fifty per 69228
cent of its ownership interests directly or indirectly owned or 69229
controlled by a person included in the annual report of the 69230
taxpayer, even though such an insurance company is not subject to 69231
the tax imposed under this chapter. 69232

(C) A taxpayer shall claim the credit allowed under this 69233
section in the order prescribed by section 5726.98 of the Revised 69234
Code. If the amount of the credit exceeds the amount of tax 69235
otherwise due after deducting all other credits preceding the 69236
credit in the order prescribed in section 5726.98 of the Revised 69237
Code, the excess may be carried forward for not more than seven 69238
ensuing tax years. The amount of the excess credit claimed in any 69239
such year shall be deducted from the balance carried forward to 69240
the next tax year. 69241

(D) A taxpayer may claim against the tax imposed under this 69242
chapter any unused portion of a credit authorized under section 69243
5733.351 of the Revised Code but only to the extent of the 69244
remaining portion of the seven-year carry-forward period 69245
authorized by that section. 69246

(E) In the case of a taxpayer that includes more than one 69247
person, each person in the financial institution group shall 69248
separately calculate the credit claimed under this section using 69249
the qualified research expenses incurred by that person on a form 69250
prescribed by the tax commissioner, which shall be used by the 69251
taxpayer to claim the credit. 69252

A taxpayer may only claim the credit with respect to persons 69253

included in the financial institution group as of the thirty-first 69254
day of December of the taxable year in which the qualified 69255
research expenses are incurred. A taxpayer may only claim any 69256
excess credit carried forward under division (C) of this section 69257
with respect to persons included in that group as of the last day 69258
of the taxable year for which the return claiming the credit is 69259
filed. 69260

(F) A taxpayer that claims a credit under this section shall 69261
retain records to substantiate the claim. Required records include 69262
those relating to any expenses used in calculating the credit and 69263
incurred in the current taxable year and in the three preceding 69264
taxable years. 69265

The taxpayer shall retain the required records until the date 69266
that is four years after the due date for the return on which the 69267
credit was claimed or four years after the date the return was 69268
actually filed, whichever is later. 69269

(G) The tax commissioner may audit a sample of the taxpayer's 69270
qualified research expenses over a representative period to 69271
ascertain the amount of tax credit the taxpayer may claim under 69272
this section and may issue an assessment under section 5726.20 of 69273
the Revised Code based on the audit. The commissioner shall make a 69274
good faith effort to reach an agreement with the taxpayer in 69275
selecting a representative sample. The commissioner is not, 69276
however, precluded from proceeding under this division if an 69277
agreement is not made. 69278

Sec. 5726.58. (A) Terms used in this section have the same 69279
meanings as in section 175.16 of the Revised Code. 69280

(B) A taxpayer may claim a nonrefundable tax credit against 69281
the tax imposed under this chapter for each person included in the 69282
annual report of the taxpayer that is allocated a credit issued by 69283
the executive director of the Ohio housing finance agency under 69284

section 175.16 of the Revised Code. The credit equals the amount 69285
allocated to such person for the tax year and reported by the 69286
designated reporter on the form prescribed by division (I) of 69287
section 175.16 of the Revised Code. 69288

The credit authorized in this section shall be claimed in the 69289
order required under section 5726.98 of the Revised Code. If the 69290
amount of a credit exceeds the tax otherwise due under section 69291
5726.02 of the Revised Code after deducting all other credits 69292
preceding the credit in the order prescribed in section 5726.98 of 69293
the Revised Code, the excess may be carried forward for not more 69294
than five ensuing tax years. The amount of the excess credit 69295
claimed in any such year shall be deducted from the balance 69296
carried forward to the next tax year. 69297

No credit shall be claimed under this section to the extent 69298
the credit was claimed under section 5725.36, 5729.19, or 5747.83 69299
of the Revised Code. 69300

Sec. 5726.59. (A) Terms used in this section have the same 69301
meanings as in section 175.17 of the Revised Code. 69302

(B) A taxpayer may claim a nonrefundable tax credit against 69303
the tax imposed under this chapter for each person included in the 69304
annual report of the taxpayer that is allocated a credit issued by 69305
the executive director of the Ohio housing finance agency under 69306
section 175.17 of the Revised Code. The credit equals the amount 69307
allocated to such person for the taxable year as provided by the 69308
designated reporter on the form prescribed by division (H) of 69309
section 175.17 of the Revised Code. 69310

The credit authorized in this section shall be claimed in the 69311
order required under section 5726.98 of the Revised Code. If the 69312
amount of a credit exceeds the tax otherwise due under section 69313
5726.02 of the Revised Code after deducting all other credits 69314
preceding the credit in the order prescribed in section 5726.98 of 69315

the Revised Code, the excess may be carried forward for not more 69316
than five ensuing tax years. The amount of the excess credit 69317
claimed in any such year shall be deducted from the balance 69318
carried forward to the next tax year. 69319

No credit shall be claimed under this section to the extent 69320
the credit was claimed under section 5725.37, 5729.20, or 5747.84 69321
of the Revised Code. 69322

Sec. 5726.98. (A) To provide a uniform procedure for 69323
calculating the amount of tax due under section 5726.02 of the 69324
Revised Code, a taxpayer shall claim any credits to which the 69325
taxpayer is entitled under this chapter in the following order: 69326

The nonrefundable job retention credit under division (B) of 69327
section 5726.50 of the Revised Code; 69328

The nonrefundable credit for purchases of qualified 69329
low-income community investments under section 5726.54 of the 69330
Revised Code; 69331

The nonrefundable credit for qualified research expenses 69332
under section 5726.56 of the Revised Code; 69333

The nonrefundable credit for qualifying dealer in intangibles 69334
taxes under section 5726.57 of the Revised Code; 69335

The nonrefundable Ohio low-income housing tax credit under 69336
section 5726.58 of the Revised Code; 69337

The nonrefundable affordable single-family home credit under 69338
section 5726.59 of the Revised Code; 69339

The refundable credit for rehabilitating an historic building 69340
under section 5726.52 of the Revised Code; 69341

The refundable job retention or job creation credit under 69342
division (A) of section 5726.50 of the Revised Code; 69343

The refundable credit under section 5726.53 of the Revised 69344

Code for losses on loans made under the Ohio venture capital 69345
program under sections 150.01 to 150.10 of the Revised Code; 69346

The refundable motion picture and Broadway theatrical 69347
production credit under section 5726.55 of the Revised Code. 69348

(B) For any credit except the refundable credits enumerated 69349
in this section, the amount of the credit for a taxable year shall 69350
not exceed the tax due after allowing for any other credit that 69351
precedes it in the order required under this section. Any excess 69352
amount of a particular credit may be carried forward if authorized 69353
under the section creating that credit. Nothing in this chapter 69354
shall be construed to allow a taxpayer to claim, directly or 69355
indirectly, a credit more than once for a taxable year. 69356

Sec. 5727.28. (A) The tax commissioner shall refund to a 69357
natural gas company or combined company subject to the tax imposed 69358
by section 5727.24 of the Revised Code, the amount of tax paid 69359
illegally or erroneously, or paid on an illegal or erroneous 69360
assessment. Applications for a refund shall be filed with the tax 69361
commissioner, on a form prescribed by the commissioner, within 69362
four years of the illegal or erroneous payment of the tax. 69363

On the filing of the application, the commissioner shall 69364
determine the amount of refund to which the applicant is entitled. 69365
If the amount is not less than that claimed, the commissioner 69366
shall ~~notify the director of budget and management and~~ issue the 69367
refund from the tax refund fund under section 5703.052 of the 69368
Revised Code. If the amount is less than that claimed, the 69369
commissioner shall proceed in accordance with section 5703.70 of 69370
the Revised Code. 69371

If the application for refund is for taxes paid on an illegal 69372
or erroneous assessment, the commissioner shall include in the 69373
certified amount interest calculated at the rate per annum 69374
prescribed by section 5703.47 of the Revised Code from the date of 69375

overpayment to the date of the commissioner's certification. 69376

(B) If a natural gas company or combined company entitled to 69377
a refund of taxes under this section, or section 5703.70 of the 69378
Revised Code, is indebted to the state for any tax or fee 69379
administered by the tax commissioner that is paid to the state, or 69380
any charge, penalty, or interest arising from such a tax or fee, 69381
the amount refundable may be applied in satisfaction of that debt. 69382
If the amount refundable is less than the amount of the debt, it 69383
may be applied in partial satisfaction of the debt. If the amount 69384
refundable is greater than the amount of the debt, the amount 69385
remaining after satisfaction of the debt shall be refunded. 69386

(C) In lieu of granting a refund under division (A) or (B) of 69387
this section, the tax commissioner may allow a natural gas company 69388
or combined company to claim a credit of the amount of the tax 69389
refund on the return for the period during which the tax became 69390
refundable. The commissioner may require the company to submit 69391
information to support a claim for a credit under this division, 69392
and the commissioner may disallow the credit if the information is 69393
not provided. 69394

Sec. 5727.42. (A) The treasurer of state shall notify the tax 69395
commissioner of any payment of the excise tax imposed by section 69396
5727.30 of the Revised Code. The commissioner shall collect and 69397
the taxpayer shall pay all taxes and any penalties thereon. 69398
Payments of the tax may be made by mail, in person, by electronic 69399
funds transfer if required to do so by section 5727.311 of the 69400
Revised Code, or by any other means authorized by the 69401
commissioner. The commissioner may adopt rules concerning the 69402
methods and timeliness of payment. 69403

(B) Each tax assessment issued pursuant to this section shall 69404
separately reflect the taxes and any penalty due, and any other 69405
information considered necessary. The commissioner shall mail the 69406

assessment to the taxpayer, and the mailing of it shall be 69407
prima-facie evidence of receipt thereof by the taxpayer. 69408

(C) The commissioner shall refund taxes levied and payments 69409
made for the tax imposed by section 5727.30 of the Revised Code as 69410
provided in this section, but no refund shall be made to a 69411
taxpayer having a delinquent claim certified pursuant to this 69412
section that remains unpaid. The commissioner may consult the 69413
attorney general regarding such claims. 69414

(D) After receiving any excise tax annual statement for the 69415
tax imposed by section 5727.30 of the Revised Code, the 69416
commissioner shall: 69417

(1) Ascertain the difference between the total taxes owed and 69418
the sum of all payments made for that year. 69419

(2) If the difference is a deficiency, the commissioner shall 69420
issue an assessment. 69421

(3) If the difference is an excess, the commissioner shall 69422
~~notify the director of budget and management and~~ issue a refund of 69423
that amount to the taxpayer. If the amount of the refund is less 69424
than that claimed by the taxpayer, the taxpayer, within sixty days 69425
of the issuance of the refund, may provide to the commissioner 69426
additional information to support the claim or may request a 69427
hearing. Upon receiving such information or request within that 69428
time, the commissioner shall follow the same procedures set forth 69429
in divisions (C) and (D) of section 5703.70 of the Revised Code 69430
for the determination of refund applications. 69431

If the taxpayer has a deficiency for one tax year and an 69432
excess for another tax year, or any combination thereof for more 69433
than two years, the commissioner may determine the net result and, 69434
depending on such result, proceed to issue an assessment or 69435
certify a refund. 69436

(E) If a taxpayer fails to pay the amount of taxes required 69437

to be paid, or fails to make an estimated payment on or before the 69438
due date prescribed in division (B) of section 5727.31 of the 69439
Revised Code, the commissioner shall impose a penalty in the 69440
amount of fifteen per cent of the unpaid amount, and the 69441
commissioner shall issue an assessment for the unpaid amount and 69442
penalty. Unless a timely petition for reassessment is filed under 69443
section 5727.47 of the Revised Code, the attorney general shall 69444
proceed to collect the delinquent taxes and penalties thereon in 69445
the manner prescribed by law and notify the commissioner of all 69446
collections. 69447

Sec. 5727.47. (A) Notice of each assessment certified or 69448
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 69449
shall be mailed to the public utility, and its mailing shall be 69450
prima-facie evidence of its receipt by the public utility to which 69451
it is addressed. With the notice, the tax commissioner shall 69452
provide instructions on how to petition for reassessment and 69453
request a hearing on the petition. If a public utility objects to 69454
such an assessment, it may file with the commissioner, either 69455
personally or by certified mail, within sixty days after the 69456
mailing of the notice of assessment a written petition for 69457
reassessment signed by the utility's authorized agent having 69458
knowledge of the facts. The date the commissioner receives the 69459
petition shall be considered the date of filing. The petition 69460
shall indicate the utility's objections, but additional objections 69461
may be raised in writing if received by the commissioner prior to 69462
the date shown on the final determination. 69463

In the case of a petition seeking a reduction in taxable 69464
value filed with respect to an assessment certified under section 69465
5727.23 of the Revised Code, the petitioner shall state in the 69466
petition the total amount of reduction in taxable value sought by 69467
the petitioner. If the petitioner objects to the percentage of 69468
true value at which taxable property is assessed by the 69469

commissioner, the petitioner shall state in the petition the total 69470
amount of reduction in taxable value sought both with and without 69471
regard to the objection pertaining to the percentage of true value 69472
at which its taxable property is assessed. If a petitioner objects 69473
to the commissioner's apportionment of the taxable value of the 69474
petitioner's taxable property, the petitioner shall distinctly 69475
state in the petition that the petitioner objects to the 69476
commissioner's apportionment, and, within forty-five days after 69477
filing the petition for reassessment, shall submit the 69478
petitioner's proposed apportionment of the taxable value of its 69479
taxable property among taxing districts. If a petitioner that 69480
objects to the commissioner's apportionment fails to state its 69481
objections to that apportionment in its petition for reassessment 69482
or fails to submit its proposed apportionment within forty-five 69483
days after filing the petition for reassessment, the commissioner 69484
shall dismiss the petitioner's objection to the commissioner's 69485
apportionment, and the taxable value of the petitioner's taxable 69486
property, subject to any adjustment to taxable value pursuant to 69487
the petition or appeal, shall be apportioned in the manner used by 69488
the commissioner in the preliminary or amended preliminary 69489
assessment certified under section 5727.23 of the Revised Code. 69490

If an additional objection seeking a reduction in taxable 69491
value in excess of the reduction stated in the original petition 69492
is properly and timely raised with respect to an assessment issued 69493
under section 5727.23 of the Revised Code, the petitioner shall 69494
state the total amount of the reduction in taxable value sought in 69495
the additional objection both with and without regard to any 69496
reduction in taxable value pertaining to the percentage of true 69497
value at which taxable property is assessed. If a petitioner fails 69498
to state the reduction in taxable value sought in the original 69499
petition or in additional objections properly raised after the 69500
petition is filed, the commissioner shall notify the petitioner of 69501
the failure ~~by certified mail~~ in the manner provided in section 69502

5703.37 of the Revised Code. If the petitioner fails to notify the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought.

(B)(1) Subject to divisions (B)(2) and (3) of this section, a public utility filing a petition for reassessment regarding an assessment certified or issued under section 5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the treasurer of state, tax commissioner, or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court.

(2) If a public utility properly and timely files a petition for reassessment regarding an assessment certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B)(2)(a), (b), and (c) of this section:

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B)(2)(c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B)(2)(c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner, apportioned taxable value to a taxing district to which the

commissioner did not apportion the petitioner's taxable value, the 69535
petitioner shall pay the tax due on the taxable value that the 69536
petitioner has apportioned to the taxing district, subject to 69537
division (B)(2)(c) of this section. 69538

(c) If a petitioner objects to the percentage of true value 69539
at which taxable property is assessed by the commissioner, the 69540
petitioner shall pay the tax due on the basis of the percentage of 69541
true value at which the public utility's taxable property is 69542
assessed by the commissioner. In any case, the petitioner's 69543
payment of tax shall not be less than the amount of tax due based 69544
on the taxable value reflected on the last appeal notice issued by 69545
the commissioner under division (C) of this section. Until the 69546
county auditor receives notification under division (E) of this 69547
section and proceeds under section 5727.471 of the Revised Code to 69548
issue any refund that is found to be due, the county auditor shall 69549
not issue a refund for any increase in the reduction in taxable 69550
value that is sought by a petitioner later than forty-five days 69551
after the petitioner files the original petition as required under 69552
division (A) of this section. 69553

(3) Any part of the tax that, under division (B)(2)(a) or (b) 69554
of this section, is not paid shall be collected upon receipt of 69555
the notification as provided in section 5727.471 of the Revised 69556
Code with interest thereon computed in the same manner as interest 69557
is computed under division (E) of section 5715.19 of the Revised 69558
Code, subject to any correction of the assessment by the 69559
commissioner under division (E) of this section or the final 69560
judgment of the board of tax appeals or a court to which the 69561
board's final judgment is appealed. The penalty imposed under 69562
section 323.121 of the Revised Code shall apply only to the unpaid 69563
portion of the tax if the petitioner's tax payment is less than 69564
the amount of tax due based on the taxable value reflected on the 69565
last appeal notice issued by the commissioner under division (C) 69566

of this section. 69567

(C) Upon receipt of a properly filed petition for 69568
reassessment with respect to an assessment certified under section 69569
5727.23 of the Revised Code, the tax commissioner shall notify the 69570
treasurer of state or the auditor of each county to which the 69571
assessment objected to has been certified. In the case of a 69572
petition with respect to an assessment certified under section 69573
5727.23 of the Revised Code, the commissioner shall issue an 69574
appeal notice within thirty days after receiving the amount of the 69575
taxable value reduction and apportionment changes sought by the 69576
petitioner in the original petition or in any additional 69577
objections properly and timely raised by the petitioner. The 69578
appeal notice shall indicate the amount of the reduction in 69579
taxable value sought in the petition or in the additional 69580
objections and the extent to which the reduction in taxable value 69581
and any change in apportionment requested by the petitioner would 69582
affect the commissioner's apportionment of the taxable value among 69583
taxing districts in the county as shown in the assessment. If a 69584
petitioner is seeking a reduction in taxable value on the basis of 69585
a lower percentage of true value than the percentage at which the 69586
commissioner assessed the petitioner's taxable property, the 69587
appeal notice shall indicate the reduction in taxable value sought 69588
by the petitioner without regard to the reduction sought on the 69589
basis of the lower percentage and shall indicate that the 69590
petitioner is required to pay tax on the reduced taxable value 69591
determined without regard to the reduction sought on the basis of 69592
a lower percentage of true value, as provided under division 69593
(B)(2)(c) of this section. The appeal notice shall include a 69594
statement that the reduced taxable value and the apportionment 69595
indicated in the notice are not final and are subject to 69596
adjustment by the commissioner or by the board of tax appeals or a 69597
court on appeal. If the commissioner finds an error in the appeal 69598
notice, the commissioner may amend the notice, but the notice is 69599

only for informational and tax payment purposes; the notice is not 69600
subject to appeal by any person. The commissioner also shall mail 69601
a copy of the appeal notice to the petitioner. Upon the request of 69602
a taxing authority, the county auditor may disclose to the taxing 69603
authority the extent to which a reduction in taxable value sought 69604
by a petitioner would affect the apportionment of taxable value to 69605
the taxing district or districts under the taxing authority's 69606
jurisdiction, but such a disclosure does not constitute a notice 69607
required by law to be given for the purpose of section 5717.02 of 69608
the Revised Code. 69609

(D) If the petitioner requests a hearing on the petition, the 69610
tax commissioner shall assign a time and place for the hearing on 69611
the petition and notify the petitioner of such time and place, but 69612
the commissioner may continue the hearing from time to time as 69613
necessary. 69614

(E) The tax commissioner may make corrections to the 69615
assessment as the commissioner finds proper. The commissioner 69616
shall serve a copy of the commissioner's final determination on 69617
the petitioner in the manner provided in section 5703.37 of the 69618
Revised Code. The commissioner's decision in the matter shall be 69619
final, subject to appeal under section 5717.02 of the Revised 69620
Code. With respect to a final determination issued for an 69621
assessment certified under section 5727.23 of the Revised Code, 69622
the commissioner also shall transmit a copy of the final 69623
determination to the applicable county auditor. In the absence of 69624
any further appeal, or when a decision of the board of tax appeals 69625
or of any court to which the decision has been appealed becomes 69626
final, the commissioner shall notify the public utility and, as 69627
appropriate, shall proceed under section 5727.42 of the Revised 69628
Code, or notify the applicable county auditor, who shall proceed 69629
under section 5727.471 of the Revised Code. 69630

The notification made under this division is not subject to 69631

further appeal. 69632

(F) On appeal, no adjustment shall be made in the tax 69633
commissioner's assessment certified under section 5727.23 of the 69634
Revised Code that reduces the taxable value of a petitioner's 69635
taxable property by an amount that exceeds the reduction sought by 69636
the petitioner in its petition for reassessment or in any 69637
additional objections properly and timely raised after the 69638
petition is filed with the commissioner. 69639

Sec. 5727.91. (A) The treasurer of state shall refund the 69640
amount of tax paid under section 5727.81 or 5727.811 of the 69641
Revised Code that was paid illegally or erroneously, or paid on an 69642
illegal or erroneous assessment. A natural gas distribution 69643
company, an electric distribution company, or a self-assessing 69644
purchaser shall file an application for a refund with the tax 69645
commissioner on a form prescribed by the commissioner, within four 69646
years of the illegal or erroneous payment of the tax. 69647

On the filing of the application, the commissioner shall 69648
determine the amount of refund to which the applicant is entitled. 69649
If the amount is not less than that claimed, the commissioner 69650
shall certify that amount to ~~the director of budget and management~~ 69651
~~and~~ the treasurer of state for payment from the tax refund fund 69652
under section 5703.052 of the Revised Code. If the amount is less 69653
than that claimed, the commissioner shall proceed in accordance 69654
with section 5703.70 of the Revised Code. 69655

The commissioner shall include in the certified amount 69656
interest calculated at the rate per annum prescribed by section 69657
5703.47 of the Revised Code from the date of overpayment to the 69658
date of the commissioner's certification. 69659

(B) If a natural gas distribution company or an electric 69660
distribution company entitled to a refund of taxes under this 69661
section, or section 5703.70 of the Revised Code, is indebted to 69662

the state for any tax or fee administered by the tax commissioner 69663
that is paid to the state, or any charge, penalty, or interest 69664
arising from such a tax or fee, the amount refundable may be 69665
applied in satisfaction of the debt. If the amount refundable is 69666
less than the amount of the debt, it may be applied in partial 69667
satisfaction of the debt. If the amount refundable is greater than 69668
the amount of the debt, the amount remaining after satisfaction of 69669
the debt shall be refunded. If the natural gas distribution 69670
company or electric distribution company has more than one such 69671
debt, any debt subject to section 5739.33 or division (G) of 69672
section 5747.07 of the Revised Code shall be satisfied first. This 69673
section applies only to debts that have become final. 69674

(C)(1) Any electric distribution company that can 69675
substantiate to the tax commissioner that the tax imposed by 69676
section 5727.81 of the Revised Code was paid on electricity 69677
distributed via wires and consumed at a location outside of this 69678
state may claim a refund in the manner and within the time period 69679
prescribed in division (A) of this section. 69680

(2) Any natural gas distribution company that can 69681
substantiate to the tax commissioner that the tax imposed by 69682
section 5727.811 of the Revised Code was paid on natural gas 69683
distributed via its facilities and consumed at a location outside 69684
of this state may claim a refund in the manner and within the time 69685
period prescribed in division (A) of this section. 69686

(3) If the commissioner certifies a refund based on an 69687
application filed under division (C)(1) or (2) of this section, 69688
the commissioner shall include in the certified amount interest 69689
calculated at the rate per annum prescribed by section 5703.47 of 69690
the Revised Code from the date of overpayment to the date of the 69691
commissioner's certification. 69692

(D) Before a refund is issued under this section or section 69693
5703.70 of the Revised Code, a natural gas company or an electric 69694

distribution company shall certify, as prescribed by the tax commissioner, that it either did not include the tax imposed by section 5727.81 of the Revised Code in the case of an electric distribution company, or the tax imposed by section 5727.811 of the Revised Code in the case of a natural gas distribution company, in its distribution charge to its customer upon which a refund of the tax is claimed, or it has refunded or credited to the customer the excess distribution charge related to the tax that was erroneously included in the customer's distribution charge.

Sec. 5728.16. (A)(1) If any person, regardless of organizational form, required to file reports and remit taxes imposed under this chapter fails for any reason to file such reports or remit such taxes, any employees of the person having control or supervision of, or charged with the responsibility of, filing reports and making payments, or any officers or trustees of the person responsible for the execution of the person's fiscal responsibilities, shall be personally liable for the failure.

(2) The dissolution, termination, or bankruptcy of a person shall not discharge a responsible officer's, shareholder's, member's, manager's, employee's, or trustee's liability for failure of the person to file reports or remit taxes. The sum due for the liability may be collected by assessment as provided in section 5728.10 of the Revised Code.

(B) If more than one individual is personally liable under this section for the unpaid tax of a person, then the liability of all such individuals shall be joint and several.

Sec. 5729.19. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the

tax imposed by section 5729.03 or 5729.06 of the Revised Code for 69725
a foreign insurance company that is allocated a credit issued by 69726
the executive director of the Ohio housing finance agency under 69727
section 175.16 of the Revised Code. The credit equals the amount 69728
allocated to such company for the calendar year and reported by 69729
the designated reporter on the form prescribed by division (I) of 69730
section 175.16 of the Revised Code. 69731

The credit authorized in this section shall be claimed in the 69732
order required under section 5729.98 of the Revised Code. If the 69733
amount of a credit exceeds the tax otherwise due under section 69734
5729.03 or 5729.06 of the Revised Code after deducting all other 69735
credits preceding the credit in the order prescribed in section 69736
5725.98 of the Revised Code, the excess may be carried forward for 69737
not more than five ensuing calendar years. The amount of the 69738
excess credit claimed in any such year shall be deducted from the 69739
balance carried forward to the next calendar year. 69740

No credit shall be claimed under this section to the extent 69741
the credit was claimed under section 5725.36, 5726.58, or 5747.83 69742
of the Revised Code. 69743

Sec. 5729.20. (A) Terms used in this section have the same 69744
meanings as in section 175.17 of the Revised Code. 69745

(B) There is allowed a nonrefundable tax credit against the 69746
tax imposed by section 5729.03 or 5729.06 of the Revised Code for 69747
a foreign insurance company that is allocated a credit issued by 69748
the executive director of the Ohio housing finance agency under 69749
section 175.17 of the Revised Code. The credit equals the amount 69750
allocated to such company for the calendar year and reported by 69751
the designated reporter on the form prescribed by division (H) of 69752
section 175.17 of the Revised Code. 69753

The credit authorized in this section shall be claimed in the 69754
order required under section 5729.98 of the Revised Code. If the 69755

amount of a credit exceeds the tax otherwise due under section 69756
5729.03 or 5729.06 of the Revised Code after deducting all other 69757
credits preceding the credit in the order prescribed in section 69758
5725.98 of the Revised Code, the excess may be carried forward for 69759
not more than five ensuing calendar years. The amount of the 69760
excess credit claimed in any such year shall be deducted from the 69761
balance carried forward to the next calendar year. 69762

No credit shall be claimed under this section to the extent 69763
the credit was claimed under section 5725.37, 5726.59, or 5747.84 69764
of the Revised Code. 69765

A foreign insurance company shall not be required to pay any 69766
additional tax levied under section 5729.06 of the Revised Code as 69767
a result of claiming the tax credit authorized under this section. 69768

Sec. 5729.98. (A) To provide a uniform procedure for 69769
calculating the amount of tax due under this chapter, a taxpayer 69770
shall claim any credits and offsets against tax liability to which 69771
it is entitled in the following order: 69772

The credit for an insurance company or insurance company 69773
group under section 5729.031 of the Revised Code; 69774

The credit for eligible employee training costs under section 69775
5729.07 of the Revised Code; 69776

The credit for purchases of qualified low-income community 69777
investments under section 5729.16 of the Revised Code; 69778

The nonrefundable job retention credit under division (B) of 69779
section 122.171 of the Revised Code; 69780

The nonrefundable credit for investments in rural business 69781
growth funds under section 122.152 of the Revised Code; 69782

The nonrefundable Ohio low-income housing tax credit under 69783
section 5729.19 of the Revised Code; 69784

<u>The nonrefundable affordable single-family home credit under section 5729.20 of the Revised Code;</u>	69785 69786
The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5729.18 of the Revised Code;	69787 69788 69789
The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	69790 69791 69792
The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code;	69793 69794
The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	69795 69796 69797 69798 69799
The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	69800 69801
The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	69802 69803 69804
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	69805 69806 69807 69808 69809 69810 69811 69812
Sec. 5731.27. (A) The tax commissioner shall, if he <u>determines after determining</u> that a return indicating that a tax	69813 69814

is due is correct as filed, issue a certificate of determination 69815
of final estate tax liability showing the amount of such 69816
liability, if any, in triplicate, one copy of which shall be sent 69817
by regular mail to the person filing the return, one copy of which 69818
shall be sent to the county auditor for the county in which the 69819
return was filed, and one copy of which shall be sent to the 69820
probate court of the county in which the return was filed if there 69821
is an administration of or other proceedings in the decedent's 69822
estate. 69823

(B) The tax commissioner, ~~if he determines~~ after determining 69824
that a deficiency or refund of tax or penalty addition to tax, 69825
shall issue ~~his~~ a certificate of determination stating the 69826
adjusted amount of the tax due and the amount of any refund, 69827
deficiency, or penalty. Such certificate also shall state whether 69828
or not any portion of the tax liability has been reserved for 69829
later determination in accordance with division (C) of section 69830
5731.26 of the Revised Code. Such certificate shall be issued in 69831
triplicate, one copy of which shall be sent ~~by certified mail,~~ 69832
~~return receipt requested,~~ in the manner provided in section 69833
5703.37 of the Revised Code to the person filing the return, or to 69834
the person required to file the return if no such return was 69835
filed, one copy of which shall be sent to the county auditor for 69836
the county in which the return was filed or was required to be 69837
filed, and one copy of which shall be sent to the probate court 69838
for the county in which the return was filed or required to be 69839
filed if there will be an administration of or other proceedings 69840
in the decedent's estate. The person required to file the return, 69841
or any interested party, shall have sixty days from the date of 69842
receipt of such certificate by the person required to file the 69843
return within which to file exceptions to such determination as 69844
provided in section 5731.30 of the Revised Code. 69845

(C) The county auditor, if no exceptions have been filed 69846

within the time specified in division (B) of this section, or if 69847
the right to file exceptions has been waived by all interested 69848
parties by written waivers filed with the county auditor, shall: 69849

(1) If the certificate of determination is for a refund, draw 69850
~~his~~ a warrant for the proper amount of the refund and interest on 69851
it, which warrant shall be paid by the county treasurer out of any 69852
money in ~~his~~ the treasurer's possession to the credit of estate 69853
taxes; 69854

(2) If the certificate of determination is for a deficiency 69855
or penalty, make a charge based upon such determination, and 69856
certify a duplicate of it to the county treasurer, who shall 69857
collect, subject to division (A) of section 5731.25 of the Revised 69858
Code or any other statute extending the time for payment of an 69859
estate tax, the deficiency or penalty so charged. 69860

Sec. 5733.031. (A) A corporation's taxable year is a period 69861
ending on the date immediately preceding the date of commencement 69862
of the corporation's annual accounting period that includes the 69863
first day of January of the tax year. Except as otherwise 69864
provided, a corporation's taxable year is the same as the 69865
corporation's taxable year for federal income tax purposes. If a 69866
corporation's taxable year is changed for federal income tax 69867
purposes, the taxable year for purposes of this chapter is changed 69868
accordingly but may consist of an aggregation of more than one 69869
taxable year for federal income tax purposes. The tax commissioner 69870
may prescribe by rule, an appropriate period as the taxable year 69871
for a corporation that has had a change of its taxable year for 69872
federal income tax purposes, for a corporation that has two or 69873
more short taxable years for federal income tax purposes as the 69874
result of a change of ownership, or for a new taxpayer that would 69875
otherwise have no taxable year. 69876

(B) A corporation's method of accounting for the base 69877

calculated under division (B) of section 5733.05 of the Revised Code shall be the same as its method of accounting for federal income tax purposes. In the absence of any method of accounting for federal income tax purposes, income shall be computed under such method as in the opinion of the tax commissioner clearly reflects income.

If a corporation's method of accounting is changed for federal income tax purposes, its method of accounting for purposes of this chapter shall be changed accordingly.

~~(C) If~~ Except as provided in division (C)(3) of this section, any of the facts, figures, computations, or attachments required in a corporation's annual report to determine the tax imposed by section 5733.06 of the Revised Code must be altered as the result of an adjustment to the corporation's federal income tax return, whether the adjustment is initiated by the corporation or the internal revenue service, and such alteration affects the corporation's liability for the tax imposed by section 5733.06 of the Revised Code, the corporation shall file an amended report with the tax commissioner in such form as the commissioner requires. The amended report shall be filed not later than one year after the adjustment has been agreed to or finally determined for federal income tax purposes or any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first.

(1) In the case of an underpayment, the amended report shall be accompanied by payment of an additional tax and interest due and is a report subject to assessment under section 5733.11 of the Revised Code for the purpose of assessing any additional tax due under this division, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed report no longer subject to assessment that are not affected, either directly or indirectly,

by the adjustment to the corporation's federal income tax return. 69910

(2) In the case of an overpayment, an application for refund 69911
may be filed under this division within the one-year period 69912
prescribed for filing the amended report even if it is filed 69913
beyond the period prescribed in division (B) of section 5733.12 of 69914
the Revised Code if it otherwise conforms to the requirements of 69915
such section. An application filed under this division shall claim 69916
refund of overpayments resulting from alterations to only those 69917
facts, figures, computations, or attachments required in the 69918
corporation's annual report that are affected, either directly or 69919
indirectly, by the adjustment to the corporation's federal income 69920
tax return unless it is also filed within the time prescribed in 69921
division (B) of section 5733.12 of the Revised Code. It shall not 69922
reopen those facts, figures, computations, or attachments that are 69923
not affected, either directly or indirectly, by the adjustment to 69924
the corporation's federal income tax return. 69925

(3) A taxpayer is not required to file an amended report, and 69926
is not permitted to file an application for refund, under this 69927
section on or after January 1, 2024. 69928

Sec. 5735.024. (A) No aviation fuel dealer shall purchase 69929
aviation fuel for resale in this state without first being 69930
licensed as an aviation fuel dealer by the tax commissioner to 69931
engage in such activities. 69932

(B) The failure to register with the commissioner as an 69933
aviation fuel dealer does not relieve a person from the 69934
requirement to file returns under this title. 69935

(C) No person shall make a false or fraudulent statement on 69936
the application required by this section. 69937

(D) Each aviation fuel dealer shall file a report with the 69938
commissioner on or before the last day of each month for the 69939

preceding month. The commissioner shall adopt rules pursuant to 69940
Chapter 119. of the Revised Code specifying the information that 69941
shall be required to be included in the report. 69942

(E) If an aviation fuel dealer files a false monthly report 69943
of the information required by the commissioner or fails to file a 69944
monthly report as required by this section, the commissioner may 69945
revoke the license of the aviation fuel dealer and notify the 69946
aviation fuel dealer in writing of such revocation ~~by certified~~ 69947
~~mail~~ in the manner provided in section 5703.37 of the Revised 69948
Code. 69949

Sec. 5735.04. If a motor fuel dealer files a false monthly 69950
report of the information required under section 5735.06 of the 69951
Revised Code, fails to file a monthly report as required by that 69952
section or section 5735.024 of the Revised Code, or fails to pay 69953
the full amount of the tax as required by the motor fuel laws of 69954
the state or as may be agreed upon by the tax commissioner and the 69955
motor fuel dealer, the commissioner may revoke the license of the 69956
motor fuel dealer, and notify the motor fuel dealer in writing of 69957
such revocation ~~by certified mail~~ in the manner provided in 69958
section 5703.37 of the Revised Code. 69959

The commissioner may cancel any license issued to any motor 69960
fuel dealer, and the cancellation shall become effective at the 69961
time that may be determined by the commissioner. The commissioner 69962
also may cancel the license of any motor fuel dealer upon sixty 69963
days' notice mailed to the last known address of the motor fuel 69964
dealer if the commissioner, upon investigation, finds that the 69965
person to whom the license has been issued is no longer engaged in 69966
the receipt, use, or sale of motor fuel as a motor fuel dealer, 69967
and has not been so engaged for the period of six months prior to 69968
the cancellation. No license shall be canceled upon the request of 69969
any motor fuel dealer unless the motor fuel dealer, prior to the 69970

date of cancellation, has paid to the state all motor fuel taxes 69971
payable or assumed by the motor fuel dealer under the laws of the 69972
state, together with all penalties and fines accruing by reason of 69973
any failure of the motor fuel dealer to make accurate reports of 69974
receipts of motor fuel or to pay the taxes and penalties. 69975

If the license of any motor fuel dealer is canceled by the 69976
commissioner as provided in this section, and if the motor fuel 69977
dealer has paid to the state all motor fuel taxes due and payable 69978
by the motor fuel dealer under the laws of the state, or assumed 69979
by the motor fuel dealer upon the receipt, sale, or use of motor 69980
fuel, together with all penalties accruing by reason of any 69981
failure on the part of the motor fuel dealer to make accurate 69982
reports or to pay the tax and penalties, then the commissioner 69983
shall cancel and surrender the bond theretofore filed by the motor 69984
fuel dealer. 69985

Sec. 5735.041. (A) The tax commissioner may revoke the 69986
license of a retail dealer in the following circumstances: 69987

(1) The retail dealer sells or attempts to sell any motor 69988
fuel upon which any motor fuel tax imposed by this chapter has not 69989
been paid; 69990

(2) The retail dealer attempts to evade any motor fuel tax 69991
imposed by this chapter; 69992

(3) The retail dealer violates any provision of this chapter. 69993

(B) The commissioner shall notify the retail dealer in 69994
writing of the revocation ~~by certified mail~~ in the manner provided 69995
in section 5703.37 of the Revised Code. 69996

Sec. 5735.042. (A) The tax commissioner may revoke an 69997
exporter's license in the following circumstances: 69998

(1) An exporter licensed under section 5735.026 of the 69999

Revised Code purchases, for export, motor fuel in this state 70000
exclusive of the motor fuel tax, and subsequently diverts or 70001
causes the motor fuel to be diverted to a destination in this 70002
state or any state other than the originally designated state; 70003

(2) The exporter is no longer the holder of a valid license 70004
to purchase motor fuel tax free in the specified destination state 70005
or states for which the license is issued. 70006

(B) The commissioner shall notify the exporter in writing of 70007
such revocation ~~by certified mail~~ in the manner provided in 70008
section 5703.37 of the Revised Code. 70009

Sec. 5735.043. If a terminal operator files a false monthly 70010
report of the information required under section 5735.063 of the 70011
Revised Code, or fails to file the monthly report required by 70012
section 5735.063 of the Revised Code, the tax commissioner may 70013
revoke the license of the terminal operator. The commissioner 70014
shall notify the terminal operator in writing of such revocation 70015
~~by certified mail~~ in the manner provided in section 5703.37 of the 70016
Revised Code. 70017

The commissioner also may cancel the license of any terminal 70018
operator upon sixty days' notice mailed to the last known address 70019
of the terminal operator if the commissioner finds that the person 70020
to whom the license has been issued is no longer engaged as a 70021
terminal operator in this state, and has not been so engaged for 70022
at least six months prior to cancellation. 70023

Sec. 5735.044. If a permissive motor fuel dealer files a 70024
false monthly report of the information required under section 70025
5735.06 of the Revised Code, fails to file the monthly report as 70026
required by section 5735.06 of the Revised Code, or fails to pay 70027
the full amount of the tax as required by this chapter or as may 70028
be agreed upon by the tax commissioner and the permissive motor 70029

fuel dealer, the commissioner may revoke the license of the 70030
permissive motor fuel dealer. The commissioner shall notify the 70031
permissive motor fuel dealer in writing of the revocation ~~by~~ 70032
~~certified mail~~ in the manner provided in section 5703.37 of the 70033
Revised Code. 70034

The commissioner may cancel any license issued to any 70035
permissive motor fuel dealer and the cancellation shall become 70036
effective at the time that the commissioner determines. No license 70037
shall be canceled upon the request of any permissive motor fuel 70038
dealer unless the permissive motor fuel dealer, prior to the date 70039
of cancellation, has paid to the state all motor fuel taxes 70040
payable or assumed by the dealer under the laws of the state, 70041
together with all penalties, fines, and interest accruing by 70042
reason of any failure of the permissive motor fuel dealer to make 70043
accurate reports of sales of motor fuel or to pay the taxes, 70044
penalties, and interest. 70045

If the license of any permissive motor fuel dealer is 70046
canceled by the commissioner under this section, and the 70047
permissive motor fuel dealer has paid to the state all motor fuel 70048
taxes due and payable by the permissive motor fuel dealer under 70049
the laws of this state or assumed by the permissive motor fuel 70050
dealer upon the sale of motor fuel, together with all penalties 70051
and interest accruing by reason of any failure on the part of the 70052
permissive motor fuel dealer to make accurate reports or to pay 70053
the tax, penalties, and interest, then the commissioner shall 70054
cancel and surrender the bond previously filed by the permissive 70055
motor fuel dealer. 70056

Sec. 5736.07. (A) If a taxpayer files a false return, fails 70057
to file a return as required by section 5736.04 of the Revised 70058
Code, or fails to pay the full amount of tax due with a return, 70059
the tax commissioner may revoke the supplier's license issued to 70060

the taxpayer under section 5736.06 of the Revised Code by 70061
notifying the taxpayer in writing of such revocation ~~by certified~~ 70062
~~mail~~ in the manner provided in section 5703.37 of the Revised 70063
Code. 70064

(B) Upon the request of a person that is no longer subject to 70065
the tax imposed by this chapter, the tax commissioner may cancel 70066
the supplier's license issued to the person under section 5736.06 70067
of the Revised Code. The cancellation shall become effective at 70068
the time determined by the commissioner. No license shall be 70069
canceled upon the request of any person unless, prior to the date 70070
of cancellation, the person has paid to the state all taxes 70071
payable by such person under the laws of the state, together with 70072
any interest and penalties. 70073

Sec. 5739.01. As used in this chapter: 70074

(A) "Person" includes individuals, receivers, assignees, 70075
trustees in bankruptcy, estates, firms, partnerships, 70076
associations, joint-stock companies, joint ventures, clubs, 70077
societies, corporations, the state and its political subdivisions, 70078
and combinations of individuals of any form. 70079

(B) "Sale" and "selling" include all of the following 70080
transactions for a consideration in any manner, whether absolutely 70081
or conditionally, whether for a price or rental, in money or by 70082
exchange, and by any means whatsoever: 70083

(1) All transactions by which title or possession, or both, 70084
of tangible personal property, is or is to be transferred, or a 70085
license to use or consume tangible personal property is or is to 70086
be granted; 70087

(2) All transactions by which lodging by a hotel is or is to 70088
be furnished to transient guests; 70089

(3) All transactions by which: 70090

- (a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code; 70091
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- (b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service; 70094
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- (c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 70100
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- (d) Laundry and dry cleaning services are or are to be provided; 70102
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- (e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights. 70104
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- (f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, 70120
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is or is to be provided, but not including coin-operated telephone service; 70122
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(g) Landscaping and lawn care service is or is to be provided; 70124
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(h) Private investigation and security service is or is to be provided; 70126
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(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call; 70128
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(j) Building maintenance and janitorial service is or is to be provided; 70130
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(k) Exterminating service is or is to be provided; 70132

(l) Physical fitness facility service is or is to be provided; 70133
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(m) Recreation and sports club service is or is to be provided; 70135
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(n) Satellite broadcasting service is or is to be provided; 70137

(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. 70138
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(p) The transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public 70146
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convenience and necessity issued under 49 U.S.C. 41102; 70152

(q) Motor vehicle towing service is or is to be provided. As 70153
used in this division, "motor vehicle towing service" means the 70154
towing or conveyance of a wrecked, disabled, or illegally parked 70155
motor vehicle. 70156

(r) Snow removal service is or is to be provided. As used in 70157
this division, "snow removal service" means the removal of snow by 70158
any mechanized means, but does not include the providing of such 70159
service by a person that has less than five thousand dollars in 70160
sales of such service during the calendar year. 70161

(s) Electronic publishing service is or is to be provided to 70162
a consumer for use in business, except that such transactions 70163
occurring between members of an affiliated group, as defined in 70164
division (B)(3)(e) of this section, are not sales. 70165

(4) All transactions by which printed, imprinted, 70166
overprinted, lithographic, multilithic, blueprinted, photostatic, 70167
or other productions or reproductions of written or graphic matter 70168
are or are to be furnished or transferred; 70169

(5) The production or fabrication of tangible personal 70170
property for a consideration for consumers who furnish either 70171
directly or indirectly the materials used in the production of 70172
fabrication work; and include the furnishing, preparing, or 70173
serving for a consideration of any tangible personal property 70174
consumed on the premises of the person furnishing, preparing, or 70175
serving such tangible personal property. Except as provided in 70176
section 5739.03 of the Revised Code, a construction contract 70177
pursuant to which tangible personal property is or is to be 70178
incorporated into a structure or improvement on and becoming a 70179
part of real property is not a sale of such tangible personal 70180
property. The construction contractor is the consumer of such 70181
tangible personal property, provided that the sale and 70182

installation of carpeting, the sale and installation of 70183
agricultural land tile, the sale and erection or installation of 70184
portable grain bins, or the provision of landscaping and lawn care 70185
service and the transfer of property as part of such service is 70186
never a construction contract. 70187

As used in division (B)(5) of this section: 70188

(a) "Agricultural land tile" means fired clay or concrete 70189
tile, or flexible or rigid perforated plastic pipe or tubing, 70190
incorporated or to be incorporated into a subsurface drainage 70191
system appurtenant to land used or to be used primarily in 70192
production by farming, agriculture, horticulture, or floriculture. 70193
The term does not include such materials when they are or are to 70194
be incorporated into a drainage system appurtenant to a building 70195
or structure even if the building or structure is used or to be 70196
used in such production. 70197

(b) "Portable grain bin" means a structure that is used or to 70198
be used by a person engaged in farming or agriculture to shelter 70199
the person's grain and that is designed to be disassembled without 70200
significant damage to its component parts. 70201

(6) All transactions in which all of the shares of stock of a 70202
closely held corporation are transferred, or an ownership interest 70203
in a pass-through entity, as defined in section 5733.04 of the 70204
Revised Code, is transferred, if the corporation or pass-through 70205
entity is not engaging in business and its entire assets consist 70206
of boats, planes, motor vehicles, or other tangible personal 70207
property operated primarily for the use and enjoyment of the 70208
shareholders or owners; 70209

(7) All transactions in which a warranty, maintenance or 70210
service contract, or similar agreement by which the vendor of the 70211
warranty, contract, or agreement agrees to repair or maintain the 70212
tangible personal property of the consumer is or is to be 70213

provided; 70214

(8) The transfer of copyrighted motion picture films used 70215
solely for advertising purposes, except that the transfer of such 70216
films for exhibition purposes is not a sale; 70217

(9) All transactions by which tangible personal property is 70218
or is to be stored, except such property that the consumer of the 70219
storage holds for sale in the regular course of business; 70220

(10) All transactions in which "guaranteed auto protection" 70221
is provided whereby a person promises to pay to the consumer the 70222
difference between the amount the consumer receives from motor 70223
vehicle insurance and the amount the consumer owes to a person 70224
holding title to or a lien on the consumer's motor vehicle in the 70225
event the consumer's motor vehicle suffers a total loss under the 70226
terms of the motor vehicle insurance policy or is stolen and not 70227
recovered, if the protection and its price are included in the 70228
purchase or lease agreement; 70229

(11)(a) Except as provided in division (B)(11)(b) of this 70230
section, all transactions by which health care services are paid 70231
for, reimbursed, provided, delivered, arranged for, or otherwise 70232
made available by a medicaid health insuring corporation pursuant 70233
to the corporation's contract with the state. 70234

(b) If the centers for medicare and medicaid services of the 70235
United States department of health and human services determines 70236
that the taxation of transactions described in division (B)(11)(a) 70237
of this section constitutes an impermissible health care-related 70238
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 70239
1396b(w), and regulations adopted thereunder, the medicaid 70240
director shall notify the tax commissioner of that determination. 70241
Beginning with the first day of the month following that 70242
notification, the transactions described in division (B)(11)(a) of 70243
this section are not sales for the purposes of this chapter or 70244

Chapter 5741. of the Revised Code. The tax commissioner shall 70245
order that the collection of taxes under sections 5739.02, 70246
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 70247
5741.023 of the Revised Code shall cease for transactions 70248
occurring on or after that date. 70249

(12) All transactions by which a specified digital product is 70250
provided for permanent use or less than permanent use, regardless 70251
of whether continued payment is required. 70252

Except as provided in this section, "sale" and "selling" do 70253
not include transfers of interest in leased property where the 70254
original lessee and the terms of the original lease agreement 70255
remain unchanged, or professional, insurance, or personal service 70256
transactions that involve the transfer of tangible personal 70257
property as an inconsequential element, for which no separate 70258
charges are made. 70259

(C) "Vendor" means the person providing the service or by 70260
whom the transfer effected or license given by a sale is or is to 70261
be made or given and, for sales described in division (B)(3)(i) of 70262
this section, the telecommunications service vendor that provides 70263
the nine hundred telephone service; if two or more persons are 70264
engaged in business at the same place of business under a single 70265
trade name in which all collections on account of sales by each 70266
are made, such persons shall constitute a single vendor. 70267

Physicians, dentists, hospitals, and veterinarians who are 70268
engaged in selling tangible personal property as received from 70269
others, such as eyeglasses, mouthwashes, dentifrices, or similar 70270
articles, are vendors. Veterinarians who are engaged in 70271
transferring to others for a consideration drugs, the dispensing 70272
of which does not require an order of a licensed veterinarian or 70273
physician under federal law, are vendors. 70274

The operator of any peer-to-peer car sharing program shall be 70275

considered to be the vendor. 70276

(D)(1) "Consumer" means the person for whom the service is 70277
provided, to whom the transfer effected or license given by a sale 70278
is or is to be made or given, to whom the service described in 70279
division (B)(3)(f) or (i) of this section is charged, or to whom 70280
the admission is granted. 70281

(2) Physicians, dentists, hospitals, and blood banks operated 70282
by nonprofit institutions and persons licensed to practice 70283
veterinary medicine, surgery, and dentistry are consumers of all 70284
tangible personal property and services purchased by them in 70285
connection with the practice of medicine, dentistry, the rendition 70286
of hospital or blood bank service, or the practice of veterinary 70287
medicine, surgery, and dentistry. In addition to being consumers 70288
of drugs administered by them or by their assistants according to 70289
their direction, veterinarians also are consumers of drugs that 70290
under federal law may be dispensed only by or upon the order of a 70291
licensed veterinarian or physician, when transferred by them to 70292
others for a consideration to provide treatment to animals as 70293
directed by the veterinarian. 70294

(3) A person who performs a facility management, or similar 70295
service contract for a contractee is a consumer of all tangible 70296
personal property and services purchased for use in connection 70297
with the performance of such contract, regardless of whether title 70298
to any such property vests in the contractee. The purchase of such 70299
property and services is not subject to the exception for resale 70300
under division (E) of this section. 70301

(4)(a) In the case of a person who purchases printed matter 70302
for the purpose of distributing it or having it distributed to the 70303
public or to a designated segment of the public, free of charge, 70304
that person is the consumer of that printed matter, and the 70305
purchase of that printed matter for that purpose is a sale. 70306

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service.

(7) In the case of a transaction for health care services under division (B)(11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E) of this section or to the exemptions provided under divisions (B)(12), (18), (19), and (22) of section 5739.02 of the Revised Code.

(E) "Retail sale" and "sales at retail" include all sales, 70339
except those in which the purpose of the consumer is to resell the 70340
thing transferred or benefit of the service provided, by a person 70341
engaging in business, in the form in which the same is, or is to 70342
be, received by the person. 70343

(F) "Business" includes any activity engaged in by any person 70344
with the object of gain, benefit, or advantage, either direct or 70345
indirect. "Business" does not include the activity of a person in 70346
managing and investing the person's own funds. 70347

(G) "Engaging in business" means commencing, conducting, or 70348
continuing in business, and liquidating a business when the 70349
liquidator thereof holds itself out to the public as conducting 70350
such business. Making a casual sale is not engaging in business. 70351

(H)(1)(a) "Price," except as provided in divisions (H)(2), 70352
(3), and (4) of this section, means the total amount of 70353
consideration, including cash, credit, property, and services, for 70354
which tangible personal property or services are sold, leased, or 70355
rented, valued in money, whether received in money or otherwise, 70356
without any deduction for any of the following: 70357

(i) The vendor's cost of the property sold; 70358

(ii) The cost of materials used, labor or service costs, 70359
interest, losses, all costs of transportation to the vendor, all 70360
taxes imposed on the vendor, including the tax imposed under 70361
Chapter 5751. of the Revised Code, and any other expense of the 70362
vendor; 70363

(iii) Charges by the vendor for any services necessary to 70364
complete the sale; 70365

(iv) Delivery charges. As used in this division, "delivery 70366
charges" means charges by the vendor for preparation and delivery 70367
to a location designated by the consumer of tangible personal 70368
property or a service, including transportation, shipping, 70369

postage, handling, crating, and packing. 70370

(v) Installation charges; 70371

(vi) Credit for any trade-in. 70372

(b) "Price" includes consideration received by the vendor 70373
from a third party, if the vendor actually receives the 70374
consideration from a party other than the consumer, and the 70375
consideration is directly related to a price reduction or discount 70376
on the sale; the vendor has an obligation to pass the price 70377
reduction or discount through to the consumer; the amount of the 70378
consideration attributable to the sale is fixed and determinable 70379
by the vendor at the time of the sale of the item to the consumer; 70380
and one of the following criteria is met: 70381

(i) The consumer presents a coupon, certificate, or other 70382
document to the vendor to claim a price reduction or discount 70383
where the coupon, certificate, or document is authorized, 70384
distributed, or granted by a third party with the understanding 70385
that the third party will reimburse any vendor to whom the coupon, 70386
certificate, or document is presented; 70387

(ii) The consumer identifies the consumer's self to the 70388
seller as a member of a group or organization entitled to a price 70389
reduction or discount. A preferred customer card that is available 70390
to any patron does not constitute membership in such a group or 70391
organization. 70392

(iii) The price reduction or discount is identified as a 70393
third party price reduction or discount on the invoice received by 70394
the consumer, or on a coupon, certificate, or other document 70395
presented by the consumer. 70396

(c) "Price" does not include any of the following: 70397

(i) Discounts, including cash, term, or coupons that are not 70398
reimbursed by a third party that are allowed by a vendor and taken 70399

by a consumer on a sale; 70400

(ii) Interest, financing, and carrying charges from credit 70401
extended on the sale of tangible personal property or services, if 70402
the amount is separately stated on the invoice, bill of sale, or 70403
similar document given to the purchaser; 70404

(iii) Any taxes legally imposed directly on the consumer that 70405
are separately stated on the invoice, bill of sale, or similar 70406
document given to the consumer. For the purpose of this division, 70407
the tax imposed under Chapter 5751. of the Revised Code is not a 70408
tax directly on the consumer, even if the tax or a portion thereof 70409
is separately stated. 70410

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 70411
section, any discount allowed by an automobile manufacturer to its 70412
employee, or to the employee of a supplier, on the purchase of a 70413
new motor vehicle from a new motor vehicle dealer in this state. 70414

(v) The dollar value of a gift card that is not sold by a 70415
vendor or purchased by a consumer and that is redeemed by the 70416
consumer in purchasing tangible personal property or services if 70417
the vendor is not reimbursed and does not receive compensation 70418
from a third party to cover all or part of the gift card value. 70419
For the purposes of this division, a gift card is not sold by a 70420
vendor or purchased by a consumer if it is distributed pursuant to 70421
an awards, loyalty, or promotional program. Past and present 70422
purchases of tangible personal property or services by the 70423
consumer shall not be treated as consideration exchanged for a 70424
gift card. 70425

(2) In the case of a sale of any new motor vehicle by a new 70426
motor vehicle dealer, as defined in section 4517.01 of the Revised 70427
Code, in which another motor vehicle is accepted by the dealer as 70428
part of the consideration received, "price" has the same meaning 70429
as in division (H)(1) of this section, reduced by the credit 70430

afforded the consumer by the dealer for the motor vehicle received 70431
in trade. 70432

(3) In the case of a sale of any watercraft or outboard motor 70433
by a watercraft dealer licensed in accordance with section 70434
1547.543 of the Revised Code, in which another watercraft, 70435
watercraft and trailer, or outboard motor is accepted by the 70436
dealer as part of the consideration received, "price" has the same 70437
meaning as in division (H)(1) of this section, reduced by the 70438
credit afforded the consumer by the dealer for the watercraft, 70439
watercraft and trailer, or outboard motor received in trade. As 70440
used in this division, "watercraft" includes an outdrive unit 70441
attached to the watercraft. 70442

(4) In the case of transactions for health care services 70443
under division (B)(11) of this section, "price" means the amount 70444
of managed care premiums received each month by a medicaid health 70445
insuring corporation. 70446

(I) "Receipts" means the total amount of the prices of the 70447
sales of vendors, provided that the dollar value of gift cards 70448
distributed pursuant to an awards, loyalty, or promotional 70449
program, and cash discounts allowed and taken on sales at the time 70450
they are consummated are not included, minus any amount deducted 70451
as a bad debt pursuant to section 5739.121 of the Revised Code. 70452
"Receipts" does not include the sale price of property returned or 70453
services rejected by consumers when the full sale price and tax 70454
are refunded either in cash or by credit. 70455

(J) "Place of business" means any location at which a person 70456
engages in business. 70457

(K) "Premises" includes any real property or portion thereof 70458
upon which any person engages in selling tangible personal 70459
property at retail or making retail sales and also includes any 70460
real property or portion thereof designated for, or devoted to, 70461

use in conjunction with the business engaged in by such person. 70462

(L) "Casual sale" means a sale of an item of tangible 70463
personal property that was obtained by the person making the sale, 70464
through purchase or otherwise, for the person's own use and was 70465
previously subject to any state's taxing jurisdiction on its sale 70466
or use, and includes such items acquired for the seller's use that 70467
are sold by an auctioneer employed directly by the person for such 70468
purpose, provided the location of such sales is not the 70469
auctioneer's permanent place of business. As used in this 70470
division, "permanent place of business" includes any location 70471
where such auctioneer has conducted more than two auctions during 70472
the year. 70473

(M) "Hotel" means every establishment kept, used, maintained, 70474
advertised, or held out to the public to be a place where sleeping 70475
accommodations are offered to guests, in which five or more rooms 70476
are used for the accommodation of such guests, whether the rooms 70477
are in one or several structures, except as otherwise provided in 70478
section 5739.091 of the Revised Code. 70479

(N) "Transient guests" means persons occupying a room or 70480
rooms for sleeping accommodations for less than thirty consecutive 70481
days. 70482

(O) "Making retail sales" means the effecting of transactions 70483
wherein one party is obligated to pay the price and the other 70484
party is obligated to provide a service or to transfer title to or 70485
possession of the item sold. "Making retail sales" does not 70486
include the preliminary acts of promoting or soliciting the retail 70487
sales, other than the distribution of printed matter which 70488
displays or describes and prices the item offered for sale, nor 70489
does it include delivery of a predetermined quantity of tangible 70490
personal property or transportation of property or personnel to or 70491
from a place where a service is performed. 70492

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal

officer of the county transit board if one is appointed pursuant 70525
to section 306.03 of the Revised Code or the county auditor if the 70526
board of county commissioners operates the county transit system. 70527

(U) "Transit authority" means a regional transit authority 70528
created pursuant to section 306.31 of the Revised Code or a county 70529
in which a county transit system is created pursuant to section 70530
306.01 of the Revised Code. For the purposes of this chapter, a 70531
transit authority must extend to at least the entire area of a 70532
single county. A transit authority that includes territory in more 70533
than one county must include all the area of the most populous 70534
county that is a part of such transit authority. County population 70535
shall be measured by the most recent census taken by the United 70536
States census bureau. 70537

(V) "Legislative authority" means, with respect to a regional 70538
transit authority, the board of trustees thereof, and with respect 70539
to a county that is a transit authority, the board of county 70540
commissioners. 70541

(W) "Territory of the transit authority" means all of the 70542
area included within the territorial boundaries of a transit 70543
authority as they from time to time exist. Such territorial 70544
boundaries must at all times include all the area of a single 70545
county or all the area of the most populous county that is a part 70546
of such transit authority. County population shall be measured by 70547
the most recent census taken by the United States census bureau. 70548

(X) "Providing a service" means providing or furnishing 70549
anything described in division (B)(3) of this section for 70550
consideration. 70551

(Y)(1)(a) "Automatic data processing" means processing of 70552
others' data, including keypunching or similar data entry services 70553
together with verification thereof, or providing access to 70554
computer equipment for the purpose of processing data. 70555

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

"Electronic information services" does not include electronic publishing.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical

analysis of existing or potential computer hardware or software needs and alternatives; 70586
70587

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management; 70588
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70590
70591

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled; 70592
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(g) Testing of business procedures; 70595

(h) Training personnel in business procedure applications; 70596

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium; 70597
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(j) Providing debt collection services by any oral, written, graphic, or electronic means; 70603
70604

(k) Providing digital advertising services. 70605

The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services. 70606
70607

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following: 70608
70609
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(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare; 70611
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(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third

parties; 70647

(f) Internet access service; 70648

(g) Radio and television audio and video programming 70649
services, regardless of the medium, including the furnishing of 70650
transmission, conveyance, and routing of such services by the 70651
programming service provider. Radio and television audio and video 70652
programming services include, but are not limited to, cable 70653
service, as defined in 47 U.S.C. 522(6), and audio and video 70654
programming services delivered by commercial mobile radio service 70655
providers, as defined in 47 C.F.R. 20.3; 70656

(h) Ancillary service; 70657

(i) Digital products delivered electronically, including 70658
software, music, video, reading materials, or ring tones. 70659

(2) "Ancillary service" means a service that is associated 70660
with or incidental to the provision of telecommunications service, 70661
including conference bridging service, detailed telecommunications 70662
billing service, directory assistance, vertical service, and voice 70663
mail service. As used in this division: 70664

(a) "Conference bridging service" means an ancillary service 70665
that links two or more participants of an audio or video 70666
conference call, including providing a telephone number. 70667
"Conference bridging service" does not include telecommunications 70668
services used to reach the conference bridge. 70669

(b) "Detailed telecommunications billing service" means an 70670
ancillary service of separately stating information pertaining to 70671
individual calls on a customer's billing statement. 70672

(c) "Directory assistance" means an ancillary service of 70673
providing telephone number or address information. 70674

(d) "Vertical service" means an ancillary service that is 70675
offered in connection with one or more telecommunications 70676

services, which offers advanced calling features that allow 70677
customers to identify callers and manage multiple calls and call 70678
connections, including conference bridging service. 70679

(e) "Voice mail service" means an ancillary service that 70680
enables the customer to store, send, or receive recorded messages. 70681
"Voice mail service" does not include any vertical services that 70682
the customer may be required to have in order to utilize the voice 70683
mail service. 70684

(3) "900 service" means an inbound toll telecommunications 70685
service purchased by a subscriber that allows the subscriber's 70686
customers to call in to the subscriber's prerecorded announcement 70687
or live service, and which is typically marketed under the name 70688
"900 service" and any subsequent numbers designated by the federal 70689
communications commission. "900 service" does not include the 70690
charge for collection services provided by the seller of the 70691
telecommunications service to the subscriber, or services or 70692
products sold by the subscriber to the subscriber's customer. 70693

(4) "Prepaid calling service" means the right to access 70694
exclusively telecommunications services, which must be paid for in 70695
advance and which enables the origination of calls using an access 70696
number or authorization code, whether manually or electronically 70697
dialed, and that is sold in predetermined units or dollars of 70698
which the number declines with use in a known amount. 70699

(5) "Prepaid wireless calling service" means a 70700
telecommunications service that provides the right to utilize 70701
mobile telecommunications service as well as other 70702
non-telecommunications services, including the download of digital 70703
products delivered electronically, and content and ancillary 70704
services, that must be paid for in advance and that is sold in 70705
predetermined units or dollars of which the number declines with 70706
use in a known amount. 70707

(6) "Value-added non-voice data service" means a 70708
telecommunications service in which computer processing 70709
applications are used to act on the form, content, code, or 70710
protocol of the information or data primarily for a purpose other 70711
than transmission, conveyance, or routing. 70712

(7) "Coin-operated telephone service" means a 70713
telecommunications service paid for by inserting money into a 70714
telephone accepting direct deposits of money to operate. 70715

(8) "Customer" has the same meaning as in section 5739.034 of 70716
the Revised Code. 70717

(BB) "Laundry and dry cleaning services" means removing soil 70718
or dirt from towels, linens, articles of clothing, or other fabric 70719
items that belong to others and supplying towels, linens, articles 70720
of clothing, or other fabric items. "Laundry and dry cleaning 70721
services" does not include the provision of self-service 70722
facilities for use by consumers to remove soil or dirt from 70723
towels, linens, articles of clothing, or other fabric items. 70724

(CC) "Magazines distributed as controlled circulation 70725
publications" means magazines containing at least twenty-four 70726
pages, at least twenty-five per cent editorial content, issued at 70727
regular intervals four or more times a year, and circulated 70728
without charge to the recipient, provided that such magazines are 70729
not owned or controlled by individuals or business concerns which 70730
conduct such publications as an auxiliary to, and essentially for 70731
the advancement of the main business or calling of, those who own 70732
or control them. 70733

(DD) "Landscaping and lawn care service" means the services 70734
of planting, seeding, sodding, removing, cutting, trimming, 70735
pruning, mulching, aerating, applying chemicals, watering, 70736
fertilizing, and providing similar services to establish, promote, 70737
or control the growth of trees, shrubs, flowers, grass, ground 70738

cover, and other flora, or otherwise maintaining a lawn or 70739
landscape grown or maintained by the owner for ornamentation or 70740
other nonagricultural purpose. However, "landscaping and lawn care 70741
service" does not include the providing of such services by a 70742
person who has less than five thousand dollars in sales of such 70743
services during the calendar year. 70744

(EE) "Private investigation and security service" means the 70745
performance of any activity for which the provider of such service 70746
is required to be licensed pursuant to Chapter 4749. of the 70747
Revised Code, or would be required to be so licensed in performing 70748
such services in this state, and also includes the services of 70749
conducting polygraph examinations and of monitoring or overseeing 70750
the activities on or in, or the condition of, the consumer's home, 70751
business, or other facility by means of electronic or similar 70752
monitoring devices. "Private investigation and security service" 70753
does not include special duty services provided by off-duty police 70754
officers, deputy sheriffs, and other peace officers regularly 70755
employed by the state or a political subdivision. 70756

(FF) "Information services" means providing conversation, 70757
giving consultation or advice, playing or making a voice or other 70758
recording, making or keeping a record of the number of callers, 70759
and any other service provided to a consumer by means of a nine 70760
hundred telephone call, except when the nine hundred telephone 70761
call is the means by which the consumer makes a contribution to a 70762
recognized charity. 70763

(GG) "Research and development" means designing, creating, or 70764
formulating new or enhanced products, equipment, or manufacturing 70765
processes, and also means conducting scientific or technological 70766
inquiry and experimentation in the physical sciences with the goal 70767
of increasing scientific knowledge which may reveal the bases for 70768
new or enhanced products, equipment, or manufacturing processes. 70769

(HH) "Qualified research and development equipment" means 70770

either of the following: 70771

(1) Capitalized tangible personal property, and leased 70772
personal property that would be capitalized if purchased, used by 70773
a person primarily to perform research and development; 70774

(2) Any tangible personal property used by a megaproject 70775
operator primarily to perform research and development at the site 70776
of a megaproject that satisfies the criteria described in division 70777
(A)(11)(a)(ii) of section 122.17 of the Revised Code during the 70778
period that the megaproject operator has an agreement for such 70779
megaproject with the tax credit authority under division (D) of 70780
that section that remains in effect and has not expired or been 70781
terminated. 70782

"Qualified research and development equipment" does not 70783
include tangible personal property primarily used in testing, as 70784
defined in division (A)(4) of section 5739.011 of the Revised 70785
Code, or used for recording or storing test results, unless such 70786
property is primarily used by the consumer in testing the product, 70787
equipment, or manufacturing process being created, designed, or 70788
formulated by the consumer in the research and development 70789
activity or in recording or storing such test results. 70790

(II) "Building maintenance and janitorial service" means 70791
cleaning the interior or exterior of a building and any tangible 70792
personal property located therein or thereon, including any 70793
services incidental to such cleaning for which no separate charge 70794
is made. However, "building maintenance and janitorial service" 70795
does not include the providing of such service by a person who has 70796
less than five thousand dollars in sales of such service during 70797
the calendar year. As used in this division, "cleaning" does not 70798
include sanitation services necessary for an establishment 70799
described in 21 U.S.C. 608 to comply with rules and regulations 70800
adopted pursuant to that section. 70801

(JJ) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(KK) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

(LL) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(MM) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(NN) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of

livestock, and includes feed storage or handling structures and 70834
structures for livestock waste handling. 70835

(OO) "Horticulture" means the growing, cultivation, and 70836
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 70837
and nursery stock. As used in this division, "nursery stock" has 70838
the same meaning as in section 927.51 of the Revised Code. 70839

(PP) "Horticulture structure" means a building or structure 70840
used exclusively for the commercial growing, raising, or 70841
overwintering of horticultural products, and includes the area 70842
used for stocking, storing, and packing horticultural products 70843
when done in conjunction with the production of those products. 70844

(QQ) "Newspaper" means an unbound publication bearing a title 70845
or name that is regularly published, at least as frequently as 70846
biweekly, and distributed from a fixed place of business to the 70847
public in a specific geographic area, and that contains a 70848
substantial amount of news matter of international, national, or 70849
local events of interest to the general public. 70850

(RR)(1) "Feminine hygiene products" means tampons, panty 70851
liners, menstrual cups, sanitary napkins, and other similar 70852
tangible personal property designed for feminine hygiene in 70853
connection with the human menstrual cycle, but does not include 70854
grooming and hygiene products. 70855

(2) "Grooming and hygiene products" means soaps and cleaning 70856
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 70857
sun tan lotions and screens, regardless of whether any of these 70858
products are over-the-counter drugs. 70859

(3) "Over-the-counter drugs" means a drug that contains a 70860
label that identifies the product as a drug as required by 21 70861
C.F.R. 201.66, which label includes a drug facts panel or a 70862
statement of the active ingredients with a list of those 70863
ingredients contained in the compound, substance, or preparation. 70864

(SS)(1) "Lease" or "rental" means any transfer of the 70865
possession or control of tangible personal property for a fixed or 70866
indefinite term, for consideration. "Lease" or "rental" includes 70867
future options to purchase or extend, and agreements described in 70868
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 70869
the amount of consideration may be increased or decreased by 70870
reference to the amount realized upon the sale or disposition of 70871
the property. "Lease" or "rental" does not include: 70872

(a) A transfer of possession or control of tangible personal 70873
property under a security agreement or a deferred payment plan 70874
that requires the transfer of title upon completion of the 70875
required payments; 70876

(b) A transfer of possession or control of tangible personal 70877
property under an agreement that requires the transfer of title 70878
upon completion of required payments and payment of an option 70879
price that does not exceed the greater of one hundred dollars or 70880
one per cent of the total required payments; 70881

(c) Providing tangible personal property along with an 70882
operator for a fixed or indefinite period of time, if the operator 70883
is necessary for the property to perform as designed. For purposes 70884
of this division, the operator must do more than maintain, 70885
inspect, or set up the tangible personal property. 70886

(2) "Lease" and "rental," as defined in division (SS) of this 70887
section, shall not apply to leases or rentals that exist before 70888
June 26, 2003. 70889

(3) "Lease" and "rental" have the same meaning as in division 70890
(SS)(1) of this section regardless of whether a transaction is 70891
characterized as a lease or rental under generally accepted 70892
accounting principles, the Internal Revenue Code, Title XIII of 70893
the Revised Code, or other federal, state, or local laws. 70894

(TT) "Mobile telecommunications service" has the same meaning 70895

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 70896
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 70897
on and after August 1, 2003, includes related fees and ancillary 70898
services, including universal service fees, detailed billing 70899
service, directory assistance, service initiation, voice mail 70900
service, and vertical services, such as caller ID and three-way 70901
calling. 70902

(UU) "Certified service provider" has the same meaning as in 70903
section 5740.01 of the Revised Code. 70904

(VV) "Satellite broadcasting service" means the distribution 70905
or broadcasting of programming or services by satellite directly 70906
to the subscriber's receiving equipment without the use of ground 70907
receiving or distribution equipment, except the subscriber's 70908
receiving equipment or equipment used in the uplink process to the 70909
satellite, and includes all service and rental charges, premium 70910
channels or other special services, installation and repair 70911
service charges, and any other charges having any connection with 70912
the provision of the satellite broadcasting service. 70913

(WW) "Tangible personal property" means personal property 70914
that can be seen, weighed, measured, felt, or touched, or that is 70915
in any other manner perceptible to the senses. For purposes of 70916
this chapter and Chapter 5741. of the Revised Code, "tangible 70917
personal property" includes motor vehicles, electricity, water, 70918
gas, steam, and prewritten computer software. 70919

(XX) "Municipal gas utility" means a municipal corporation 70920
that owns or operates a system for the distribution of natural 70921
gas. 70922

(YY) "Computer" means an electronic device that accepts 70923
information in digital or similar form and manipulates it for a 70924
result based on a sequence of instructions. 70925

(ZZ) "Computer software" means a set of coded instructions 70926

designed to cause a computer or automatic data processing 70927
equipment to perform a task. 70928

(AAA) "Delivered electronically" means delivery of computer 70929
software from the seller to the purchaser by means other than 70930
tangible storage media. 70931

(BBB) "Prewritten computer software" means computer software, 70932
including prewritten upgrades, that is not designed and developed 70933
by the author or other creator to the specifications of a specific 70934
purchaser. The combining of two or more prewritten computer 70935
software programs or prewritten portions thereof does not cause 70936
the combination to be other than prewritten computer software. 70937
"Prewritten computer software" includes software designed and 70938
developed by the author or other creator to the specifications of 70939
a specific purchaser when it is sold to a person other than the 70940
purchaser. If a person modifies or enhances computer software of 70941
which the person is not the author or creator, the person shall be 70942
deemed to be the author or creator only of such person's 70943
modifications or enhancements. Prewritten computer software or a 70944
prewritten portion thereof that is modified or enhanced to any 70945
degree, where such modification or enhancement is designed and 70946
developed to the specifications of a specific purchaser, remains 70947
prewritten computer software; provided, however, that where there 70948
is a reasonable, separately stated charge or an invoice or other 70949
statement of the price given to the purchaser for the modification 70950
or enhancement, the modification or enhancement shall not 70951
constitute prewritten computer software. 70952

(CCC)(1) "Food" means substances, whether in liquid, 70953
concentrated, solid, frozen, dried, or dehydrated form, that are 70954
sold for ingestion or chewing by humans and are consumed for their 70955
taste or nutritional value. "Food" does not include alcoholic 70956
beverages, dietary supplements, soft drinks, or tobacco. 70957

(2) As used in division (CCC)(1) of this section: 70958

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (CCC)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than

food, dietary supplements, or alcoholic beverages that is 70989
recognized in the official United States pharmacopoeia, official 70990
homeopathic pharmacopoeia of the United States, or official 70991
national formulary, and supplements to them; is intended for use 70992
in the diagnosis, cure, mitigation, treatment, or prevention of 70993
disease; or is intended to affect the structure or any function of 70994
the body. 70995

(EEE) "Prescription" means an order, formula, or recipe 70996
issued in any form of oral, written, electronic, or other means of 70997
transmission by a duly licensed practitioner authorized by the 70998
laws of this state to issue a prescription. 70999

(FFF) "Durable medical equipment" means equipment, including 71000
repair and replacement parts for such equipment, that can 71001
withstand repeated use, is primarily and customarily used to serve 71002
a medical purpose, generally is not useful to a person in the 71003
absence of illness or injury, and is not worn in or on the body. 71004
"Durable medical equipment" does not include mobility enhancing 71005
equipment. 71006

(GGG) "Mobility enhancing equipment" means equipment, 71007
including repair and replacement parts for such equipment, that is 71008
primarily and customarily used to provide or increase the ability 71009
to move from one place to another and is appropriate for use 71010
either in a home or a motor vehicle, that is not generally used by 71011
persons with normal mobility, and that does not include any motor 71012
vehicle or equipment on a motor vehicle normally provided by a 71013
motor vehicle manufacturer. "Mobility enhancing equipment" does 71014
not include durable medical equipment. 71015

(HHH) "Prosthetic device" means a replacement, corrective, or 71016
supportive device, including repair and replacement parts for the 71017
device, worn on or in the human body to artificially replace a 71018
missing portion of the body, prevent or correct physical deformity 71019
or malfunction, or support a weak or deformed portion of the body. 71020

As used in this division, before July 1, 2019, "prosthetic device" 71021
does not include corrective eyeglasses, contact lenses, or dental 71022
prosthesis. On or after July 1, 2019, "prosthetic device" does not 71023
include dental prosthesis but does include corrective eyeglasses 71024
or contact lenses. 71025

(III)(1) "Fractional aircraft ownership program" means a 71026
program in which persons within an affiliated group sell and 71027
manage fractional ownership program aircraft, provided that at 71028
least one hundred airworthy aircraft are operated in the program 71029
and the program meets all of the following criteria: 71030

(a) Management services are provided by at least one program 71031
manager within an affiliated group on behalf of the fractional 71032
owners. 71033

(b) Each program aircraft is owned or possessed by at least 71034
one fractional owner. 71035

(c) Each fractional owner owns or possesses at least a 71036
one-sixteenth interest in at least one fixed-wing program 71037
aircraft. 71038

(d) A dry-lease aircraft interchange arrangement is in effect 71039
among all of the fractional owners. 71040

(e) Multi-year program agreements are in effect regarding the 71041
fractional ownership, management services, and dry-lease aircraft 71042
interchange arrangement aspects of the program. 71043

(2) As used in division (III)(1) of this section: 71044

(a) "Affiliated group" has the same meaning as in division 71045
(B)(3)(e) of this section. 71046

(b) "Fractional owner" means a person that owns or possesses 71047
at least a one-sixteenth interest in a program aircraft and has 71048
entered into the agreements described in division (III)(1)(e) of 71049
this section. 71050

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (III)(1)(e) of this section.

(JJJ) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary

materials; or other similar information which has been gathered 71083
and made available by the provider to the consumer in an 71084
electronic format. Providing electronic publishing includes the 71085
functions necessary for the acquisition, formatting, editing, 71086
storage, and dissemination of data or information that is the 71087
subject of a sale. 71088

(KKK) "Medicaid health insuring corporation" means a health 71089
insuring corporation that holds a certificate of authority under 71090
Chapter 1751. of the Revised Code and is under contract with the 71091
department of medicaid pursuant to section 5167.10 of the Revised 71092
Code. 71093

(LLL) "Managed care premium" means any premium, capitation, 71094
or other payment a medicaid health insuring corporation receives 71095
for providing or arranging for the provision of health care 71096
services to its members or enrollees residing in this state. 71097

(MMM) "Captive deer" means deer and other cervidae that have 71098
been legally acquired, or their offspring, that are privately 71099
owned for agricultural or farming purposes. 71100

(NNN) "Gift card" means a document, card, certificate, or 71101
other record, whether tangible or intangible, that may be redeemed 71102
by a consumer for a dollar value when making a purchase of 71103
tangible personal property or services. 71104

(OOO) "Specified digital product" means an electronically 71105
transferred digital audiovisual work, digital audio work, or 71106
digital book. 71107

As used in division (OOO) of this section: 71108

(1) "Digital audiovisual work" means a series of related 71109
images that, when shown in succession, impart an impression of 71110
motion, together with accompanying sounds, if any. 71111

(2) "Digital audio work" means a work that results from the 71112

fixation of a series of musical, spoken, or other sounds, 71113
including digitized sound files that are downloaded onto a device 71114
and that may be used to alert the customer with respect to a 71115
communication. 71116

(3) "Digital book" means a work that is generally recognized 71117
in the ordinary and usual sense as a book. 71118

(4) "Electronically transferred" means obtained by the 71119
purchaser by means other than tangible storage media. 71120

(PPP) "Digital advertising services" means providing access, 71121
by means of telecommunications equipment, to computer equipment 71122
that is used to enter, upload, download, review, manipulate, 71123
store, add, or delete data for the purpose of electronically 71124
displaying, delivering, placing, or transferring promotional 71125
advertisements to potential customers about products or services 71126
or about industry or business brands. 71127

(QQQ) "Peer-to-peer car sharing program" has the same meaning 71128
as in section 4516.01 of the Revised Code. 71129

(RRR) "Megaproject" and "megaproject operator" have the same 71130
meanings as in section 122.17 of the Revised Code. 71131

(SSS)(1) "Diaper" means an absorbent garment worn by humans 71132
who are incapable of, or have difficulty, controlling their 71133
bladder or bowel movements. 71134

(2) "Children's diaper" means a diaper marketed to be worn by 71135
children. 71136

(3) "Adult diaper" means a diaper other than a children's 71137
diaper. 71138

Sec. 5739.02. For the purpose of providing revenue with which 71139
to meet the needs of the state, for the use of the general revenue 71140
fund of the state, for the purpose of securing a thorough and 71141
efficient system of common schools throughout the state, for the 71142

purpose of affording revenues, in addition to those from general 71143
property taxes, permitted under constitutional limitations, and 71144
from other sources, for the support of local governmental 71145
functions, and for the purpose of reimbursing the state for the 71146
expense of administering this chapter, an excise tax is hereby 71147
levied on each retail sale made in this state. 71148

(A)(1) The tax shall be collected as provided in section 71149
5739.025 of the Revised Code. The rate of the tax shall be five 71150
and three-fourths per cent. The tax applies and is collectible 71151
when the sale is made, regardless of the time when the price is 71152
paid or delivered. 71153

(2) In the case of the lease or rental, with a fixed term of 71154
more than thirty days or an indefinite term with a minimum period 71155
of more than thirty days, of any motor vehicles designed by the 71156
manufacturer to carry a load of not more than one ton, watercraft, 71157
outboard motor, or aircraft, or of any tangible personal property, 71158
other than motor vehicles designed by the manufacturer to carry a 71159
load of more than one ton, to be used by the lessee or renter 71160
primarily for business purposes, the tax shall be collected by the 71161
vendor at the time the lease or rental is consummated and shall be 71162
calculated by the vendor on the basis of the total amount to be 71163
paid by the lessee or renter under the lease agreement. If the 71164
total amount of the consideration for the lease or rental includes 71165
amounts that are not calculated at the time the lease or rental is 71166
executed, the tax shall be calculated and collected by the vendor 71167
at the time such amounts are billed to the lessee or renter. In 71168
the case of an open-end lease or rental, the tax shall be 71169
calculated by the vendor on the basis of the total amount to be 71170
paid during the initial fixed term of the lease or rental, and for 71171
each subsequent renewal period as it comes due. As used in this 71172
division, "motor vehicle" has the same meaning as in section 71173
4501.01 of the Revised Code, and "watercraft" includes an outdrive 71174

unit attached to the watercraft. 71175

A lease with a renewal clause and a termination penalty or 71176
similar provision that applies if the renewal clause is not 71177
exercised is presumed to be a sham transaction. In such a case, 71178
the tax shall be calculated and paid on the basis of the entire 71179
length of the lease period, including any renewal periods, until 71180
the termination penalty or similar provision no longer applies. 71181
The taxpayer shall bear the burden, by a preponderance of the 71182
evidence, that the transaction or series of transactions is not a 71183
sham transaction. 71184

(3) Except as provided in division (A)(2) of this section, in 71185
the case of a sale, the price of which consists in whole or in 71186
part of the lease or rental of tangible personal property, the tax 71187
shall be measured by the installments of that lease or rental. 71188

(4) In the case of a sale of a physical fitness facility 71189
service or recreation and sports club service, the price of which 71190
consists in whole or in part of a membership for the receipt of 71191
the benefit of the service, the tax applicable to the sale shall 71192
be measured by the installments thereof. 71193

(B) The tax does not apply to the following: 71194

(1) Sales to the state or any of its political subdivisions, 71195
or to any other state or its political subdivisions if the laws of 71196
that state exempt from taxation sales made to this state and its 71197
political subdivisions; 71198

(2) Sales of food for human consumption off the premises 71199
where sold; 71200

(3) Sales of food sold to students only in a cafeteria, 71201
dormitory, fraternity, or sorority maintained in a private, 71202
public, or parochial school, college, or university; 71203

(4) Sales of newspapers and sales or transfers of magazines 71204

distributed as controlled circulation publications; 71205

(5) The furnishing, preparing, or serving of meals without 71206
charge by an employer to an employee provided the employer records 71207
the meals as part compensation for services performed or work 71208
done; 71209

(6)(a) Sales of motor fuel upon receipt, use, distribution, 71210
or sale of which in this state a tax is imposed by the law of this 71211
state, but this exemption shall not apply to the sale of motor 71212
fuel on which a refund of the tax is allowable under division (A) 71213
of section 5735.14 of the Revised Code; and the tax commissioner 71214
may deduct the amount of tax levied by this section applicable to 71215
the price of motor fuel when granting a refund of motor fuel tax 71216
pursuant to division (A) of section 5735.14 of the Revised Code 71217
and shall cause the amount deducted to be paid into the general 71218
revenue fund of this state; 71219

(b) Sales of motor fuel other than that described in division 71220
(B)(6)(a) of this section and used for powering a refrigeration 71221
unit on a vehicle other than one used primarily to provide comfort 71222
to the operator or occupants of the vehicle. 71223

(7) Sales of natural gas by a natural gas company or 71224
municipal gas utility, of water by a water-works company, or of 71225
steam by a heating company, if in each case the thing sold is 71226
delivered to consumers through pipes or conduits, and all sales of 71227
communications services by a telegraph company, all terms as 71228
defined in section 5727.01 of the Revised Code, and sales of 71229
electricity delivered through wires; 71230

(8) Casual sales by a person, or auctioneer employed directly 71231
by the person to conduct such sales, except as to such sales of 71232
motor vehicles, watercraft or outboard motors required to be 71233
titled under section 1548.06 of the Revised Code, watercraft 71234
documented with the United States coast guard, snowmobiles, and 71235

all-purpose vehicles as defined in section 4519.01 of the Revised Code; 71236
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(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization. 71238
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(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school. 71254
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(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station. 71261
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(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state; 71264
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(11) Except for transactions that are sales under division 71267
(B)(3)(p) of section 5739.01 of the Revised Code, the 71268
transportation of persons or property, unless the transportation 71269
is by a private investigation and security service; 71270

(12) Sales of tangible personal property or services to 71271
churches, to organizations exempt from taxation under section 71272
501(c)(3) of the Internal Revenue Code of 1986, and to any other 71273
nonprofit organizations operated exclusively for charitable 71274
purposes in this state, no part of the net income of which inures 71275
to the benefit of any private shareholder or individual, and no 71276
substantial part of the activities of which consists of carrying 71277
on propaganda or otherwise attempting to influence legislation; 71278
sales to offices administering one or more homes for the aged or 71279
one or more hospital facilities exempt under section 140.08 of the 71280
Revised Code; and sales to organizations described in division (D) 71281
of section 5709.12 of the Revised Code. 71282

"Charitable purposes" means the relief of poverty; the 71283
improvement of health through the alleviation of illness, disease, 71284
or injury; the operation of an organization exclusively for the 71285
provision of professional, laundry, printing, and purchasing 71286
services to hospitals or charitable institutions; the operation of 71287
a home for the aged, as defined in section 5701.13 of the Revised 71288
Code; the operation of a radio or television broadcasting station 71289
that is licensed by the federal communications commission as a 71290
noncommercial educational radio or television station; the 71291
operation of a nonprofit animal adoption service or a county 71292
humane society; the promotion of education by an institution of 71293
learning that maintains a faculty of qualified instructors, 71294
teaches regular continuous courses of study, and confers a 71295
recognized diploma upon completion of a specific curriculum; the 71296
operation of a parent-teacher association, booster group, or 71297
similar organization primarily engaged in the promotion and 71298

support of the curricular or extracurricular activities of a 71299
primary or secondary school; the operation of a community or area 71300
center in which presentations in music, dramatics, the arts, and 71301
related fields are made in order to foster public interest and 71302
education therein; the production of performances in music, 71303
dramatics, and the arts; or the promotion of education by an 71304
organization engaged in carrying on research in, or the 71305
dissemination of, scientific and technological knowledge and 71306
information primarily for the public. 71307

Nothing in this division shall be deemed to exempt sales to 71308
any organization for use in the operation or carrying on of a 71309
trade or business, or sales to a home for the aged for use in the 71310
operation of independent living facilities as defined in division 71311
(A) of section 5709.12 of the Revised Code. 71312

(13) Building and construction materials and services sold to 71313
construction contractors for incorporation into a structure or 71314
improvement to real property under a construction contract with 71315
this state or a political subdivision of this state, or with the 71316
United States government or any of its agencies; building and 71317
construction materials and services sold to construction 71318
contractors for incorporation into a structure or improvement to 71319
real property that are accepted for ownership by this state or any 71320
of its political subdivisions, or by the United States government 71321
or any of its agencies at the time of completion of the structures 71322
or improvements; building and construction materials sold to 71323
construction contractors for incorporation into a horticulture 71324
structure or livestock structure for a person engaged in the 71325
business of horticulture or producing livestock; building 71326
materials and services sold to a construction contractor for 71327
incorporation into a house of public worship or religious 71328
education, or a building used exclusively for charitable purposes 71329
under a construction contract with an organization whose purpose 71330

is as described in division (B)(12) of this section; building 71331
materials and services sold to a construction contractor for 71332
incorporation into a building under a construction contract with 71333
an organization exempt from taxation under section 501(c)(3) of 71334
the Internal Revenue Code of 1986 when the building is to be used 71335
exclusively for the organization's exempt purposes; building and 71336
construction materials sold for incorporation into the original 71337
construction of a sports facility under section 307.696 of the 71338
Revised Code; building and construction materials and services 71339
sold to a construction contractor for incorporation into real 71340
property outside this state if such materials and services, when 71341
sold to a construction contractor in the state in which the real 71342
property is located for incorporation into real property in that 71343
state, would be exempt from a tax on sales levied by that state; 71344
building and construction materials for incorporation into a 71345
transportation facility pursuant to a public-private agreement 71346
entered into under sections 5501.70 to 5501.83 of the Revised 71347
Code; until one calendar year after the construction of a 71348
convention center that qualifies for property tax exemption under 71349
section 5709.084 of the Revised Code is completed, building and 71350
construction materials and services sold to a construction 71351
contractor for incorporation into the real property comprising 71352
that convention center; and building and construction materials 71353
sold for incorporation into a structure or improvement to real 71354
property that is used primarily as, or primarily in support of, a 71355
manufacturing facility or research and development facility and 71356
that is to be owned by a megaproject operator upon completion and 71357
located at the site of a megaproject that satisfies the criteria 71358
described in division (A)(11)(a)(ii) of section 122.17 of the 71359
Revised Code, provided that the sale occurs during the period that 71360
the megaproject operator has an agreement for such megaproject 71361
with the tax credit authority under division (D) of section 122.17 71362
of the Revised Code that remains in effect and has not expired or 71363

been terminated. 71364

(14) Sales of ships or vessels or rail rolling stock used or 71365
to be used principally in interstate or foreign commerce, and 71366
repairs, alterations, fuel, and lubricants for such ships or 71367
vessels or rail rolling stock; 71368

(15) Sales to persons primarily engaged in any of the 71369
activities mentioned in division (B)(42)(a), (g), or (h) of this 71370
section, to persons engaged in making retail sales, or to persons 71371
who purchase for sale from a manufacturer tangible personal 71372
property that was produced by the manufacturer in accordance with 71373
specific designs provided by the purchaser, of packages, including 71374
material, labels, and parts for packages, and of machinery, 71375
equipment, and material for use primarily in packaging tangible 71376
personal property produced for sale, including any machinery, 71377
equipment, and supplies used to make labels or packages, to 71378
prepare packages or products for labeling, or to label packages or 71379
products, by or on the order of the person doing the packaging, or 71380
sold at retail. "Packages" includes bags, baskets, cartons, 71381
crates, boxes, cans, bottles, bindings, wrappings, and other 71382
similar devices and containers, but does not include motor 71383
vehicles or bulk tanks, trailers, or similar devices attached to 71384
motor vehicles. "Packaging" means placing in a package. Division 71385
(B)(15) of this section does not apply to persons engaged in 71386
highway transportation for hire. 71387

(16) Sales of food to persons using supplemental nutrition 71388
assistance program benefits to purchase the food. As used in this 71389
division, "food" has the same meaning as in 7 U.S.C. 2012 and 71390
federal regulations adopted pursuant to the Food and Nutrition Act 71391
of 2008. 71392

(17) Sales to persons engaged in farming, agriculture, 71393
horticulture, or floriculture, of tangible personal property for 71394
use or consumption primarily in the production by farming, 71395

agriculture, horticulture, or floriculture of other tangible 71396
personal property for use or consumption primarily in the 71397
production of tangible personal property for sale by farming, 71398
agriculture, horticulture, or floriculture; or material and parts 71399
for incorporation into any such tangible personal property for use 71400
or consumption in production; and of tangible personal property 71401
for such use or consumption in the conditioning or holding of 71402
products produced by and for such use, consumption, or sale by 71403
persons engaged in farming, agriculture, horticulture, or 71404
floriculture, except where such property is incorporated into real 71405
property; 71406

(18) Sales of drugs for a human being that may be dispensed 71407
only pursuant to a prescription; insulin as recognized in the 71408
official United States pharmacopoeia; urine and blood testing 71409
materials when used by diabetics or persons with hypoglycemia to 71410
test for glucose or acetone; hypodermic syringes and needles when 71411
used by diabetics for insulin injections; epoetin alfa when 71412
purchased for use in the treatment of persons with medical 71413
disease; hospital beds when purchased by hospitals, nursing homes, 71414
or other medical facilities; and medical oxygen and medical 71415
oxygen-dispensing equipment when purchased by hospitals, nursing 71416
homes, or other medical facilities; 71417

(19) Sales of prosthetic devices, durable medical equipment 71418
for home use, or mobility enhancing equipment, when made pursuant 71419
to a prescription and when such devices or equipment are for use 71420
by a human being. 71421

(20) Sales of emergency and fire protection vehicles and 71422
equipment to nonprofit organizations for use solely in providing 71423
fire protection and emergency services, including trauma care and 71424
emergency medical services, for political subdivisions of the 71425
state; 71426

(21) Sales of tangible personal property manufactured in this 71427

state, if sold by the manufacturer in this state to a retailer for 71428
use in the retail business of the retailer outside of this state 71429
and if possession is taken from the manufacturer by the purchaser 71430
within this state for the sole purpose of immediately removing the 71431
same from this state in a vehicle owned by the purchaser; 71432

(22) Sales of services provided by the state or any of its 71433
political subdivisions, agencies, instrumentalities, institutions, 71434
or authorities, or by governmental entities of the state or any of 71435
its political subdivisions, agencies, instrumentalities, 71436
institutions, or authorities; 71437

(23) Sales of motor vehicles to nonresidents of this state 71438
under the circumstances described in division (B) of section 71439
5739.029 of the Revised Code; 71440

(24) Sales to persons engaged in the preparation of eggs for 71441
sale of tangible personal property used or consumed directly in 71442
such preparation, including such tangible personal property used 71443
for cleaning, sanitizing, preserving, grading, sorting, and 71444
classifying by size; packages, including material and parts for 71445
packages, and machinery, equipment, and material for use in 71446
packaging eggs for sale; and handling and transportation equipment 71447
and parts therefor, except motor vehicles licensed to operate on 71448
public highways, used in intraplant or interplant transfers or 71449
shipment of eggs in the process of preparation for sale, when the 71450
plant or plants within or between which such transfers or 71451
shipments occur are operated by the same person. "Packages" 71452
includes containers, cases, baskets, flats, fillers, filler flats, 71453
cartons, closure materials, labels, and labeling materials, and 71454
"packaging" means placing therein. 71455

(25)(a) Sales of water to a consumer for residential use; 71456

(b) Sales of water by a nonprofit corporation engaged 71457
exclusively in the treatment, distribution, and sale of water to 71458

consumers, if such water is delivered to consumers through pipes	71459
or tubing.	71460
(26) Fees charged for inspection or reinspection of motor	71461
vehicles under section 3704.14 of the Revised Code;	71462
(27) Sales to persons licensed to conduct a food service	71463
operation pursuant to section 3717.43 of the Revised Code, of	71464
tangible personal property primarily used directly for the	71465
following:	71466
(a) To prepare food for human consumption for sale;	71467
(b) To preserve food that has been or will be prepared for	71468
human consumption for sale by the food service operator, not	71469
including tangible personal property used to display food for	71470
selection by the consumer;	71471
(c) To clean tangible personal property used to prepare or	71472
serve food for human consumption for sale.	71473
(28) Sales of animals by nonprofit animal adoption services	71474
or county humane societies;	71475
(29) Sales of services to a corporation described in division	71476
(A) of section 5709.72 of the Revised Code, and sales of tangible	71477
personal property that qualifies for exemption from taxation under	71478
section 5709.72 of the Revised Code;	71479
(30) Sales and installation of agricultural land tile, as	71480
defined in division (B)(5)(a) of section 5739.01 of the Revised	71481
Code;	71482
(31) Sales and erection or installation of portable grain	71483
bins, as defined in division (B)(5)(b) of section 5739.01 of the	71484
Revised Code;	71485
(32) The sale, lease, repair, and maintenance of, parts for,	71486
or items attached to or incorporated in, motor vehicles that are	71487
primarily used for transporting tangible personal property	71488

belonging to others by a person engaged in highway transportation 71489
for hire, except for packages and packaging used for the 71490
transportation of tangible personal property; 71491

(33) Sales to the state headquarters of any veterans' 71492
organization in this state that is either incorporated and issued 71493
a charter by the congress of the United States or is recognized by 71494
the United States veterans administration, for use by the 71495
headquarters; 71496

(34) Sales to a telecommunications service vendor, mobile 71497
telecommunications service vendor, or satellite broadcasting 71498
service vendor of tangible personal property and services used 71499
directly and primarily in transmitting, receiving, switching, or 71500
recording any interactive, one- or two-way electromagnetic 71501
communications, including voice, image, data, and information, 71502
through the use of any medium, including, but not limited to, 71503
poles, wires, cables, switching equipment, computers, and record 71504
storage devices and media, and component parts for the tangible 71505
personal property. The exemption provided in this division shall 71506
be in lieu of all other exemptions under division (B)(42)(a) or 71507
(n) of this section to which the vendor may otherwise be entitled, 71508
based upon the use of the thing purchased in providing the 71509
telecommunications, mobile telecommunications, or satellite 71510
broadcasting service. 71511

(35)(a) Sales where the purpose of the consumer is to use or 71512
consume the things transferred in making retail sales and 71513
consisting of newspaper inserts, catalogues, coupons, flyers, gift 71514
certificates, or other advertising material that prices and 71515
describes tangible personal property offered for retail sale. 71516

(b) Sales to direct marketing vendors of preliminary 71517
materials such as photographs, artwork, and typesetting that will 71518
be used in printing advertising material; and of printed matter 71519
that offers free merchandise or chances to win sweepstake prizes 71520

and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section; 71521
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(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales. 71523
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(d) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer. 71526
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For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier. 71529
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(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure; 71537
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(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students; 71540
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(38) Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in this state that is not a related member of the purchaser, is physically present in this state for the sole purpose of temporary storage and package consolidation, and is subsequently delivered to the 71545
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purchaser at a delivery address in a foreign nation. As used in 71552
division (B)(38) of this section, "related member" has the same 71553
meaning as in section 5733.042 of the Revised Code, and "temporary 71554
storage" means the storage of tangible personal property for a 71555
period of not more than sixty days. 71556

(39) Sales of used manufactured homes and used mobile homes, 71557
as defined in section 5739.0210 of the Revised Code, made on or 71558
after January 1, 2000; 71559

(40) Sales of tangible personal property and services to a 71560
provider of electricity used or consumed directly and primarily in 71561
generating, transmitting, or distributing electricity for use by 71562
others, including property that is or is to be incorporated into 71563
and will become a part of the consumer's production, transmission, 71564
or distribution system and that retains its classification as 71565
tangible personal property after incorporation; fuel or power used 71566
in the production, transmission, or distribution of electricity; 71567
energy conversion equipment as defined in section 5727.01 of the 71568
Revised Code; and tangible personal property and services used in 71569
the repair and maintenance of the production, transmission, or 71570
distribution system, including only those motor vehicles as are 71571
specially designed and equipped for such use. The exemption 71572
provided in this division shall be in lieu of all other exemptions 71573
in division (B)(42)(a) or (n) of this section to which a provider 71574
of electricity may otherwise be entitled based on the use of the 71575
tangible personal property or service purchased in generating, 71576
transmitting, or distributing electricity. 71577

(41) Sales to a person providing services under division 71578
(B)(3)(p) of section 5739.01 of the Revised Code of tangible 71579
personal property and services used directly and primarily in 71580
providing taxable services under that section. 71581

(42) Sales where the purpose of the purchaser is to do any of 71582
the following: 71583

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service

listed in division (B)(3) of section 5739.01 of the Revised Code, 71646
if the property is or is to be permanently transferred to the 71647
consumer of the service as an integral part of the performance of 71648
the service; 71649

(n) To use or consume the thing transferred primarily in 71650
producing tangible personal property for sale by farming, 71651
agriculture, horticulture, or floriculture. Persons engaged in 71652
rendering farming, agriculture, horticulture, or floriculture 71653
services for others are deemed engaged primarily in farming, 71654
agriculture, horticulture, or floriculture. This paragraph does 71655
not exempt from "retail sale" or "sales at retail" the sale of 71656
tangible personal property that is to be incorporated into a 71657
structure or improvement to real property. 71658

(o) To use or consume the thing transferred in acquiring, 71659
formatting, editing, storing, and disseminating data or 71660
information by electronic publishing; 71661

(p) To provide the thing transferred to the owner or lessee 71662
of a motor vehicle that is being repaired or serviced, if the 71663
thing transferred is a rented motor vehicle and the purchaser is 71664
reimbursed for the cost of the rented motor vehicle by a 71665
manufacturer, warrantor, or provider of a maintenance, service, or 71666
other similar contract or agreement, with respect to the motor 71667
vehicle that is being repaired or serviced; 71668

(q) To use or consume the thing transferred directly in 71669
production of crude oil and natural gas for sale. Persons engaged 71670
in rendering production services for others are deemed engaged in 71671
production. 71672

As used in division (B)(42)(q) of this section, "production" 71673
means operations and tangible personal property directly used to 71674
expose and evaluate an underground reservoir that may contain 71675
hydrocarbon resources, prepare the wellbore for production, and 71676

lift and control all substances yielded by the reservoir to the surface of the earth. 71677
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(i) For the purposes of division (B)(42)(q) of this section, 71679
the "thing transferred" includes, but is not limited to, any of 71680
the following: 71681

(I) Services provided in the construction of permanent access 71682
roads, services provided in the construction of the well site, and 71683
services provided in the construction of temporary impoundments; 71684

(II) Equipment and rigging used for the specific purpose of 71685
creating with integrity a wellbore pathway to underground 71686
reservoirs; 71687

(III) Drilling and workover services used to work within a 71688
subsurface wellbore, and tangible personal property directly used 71689
in providing such services; 71690

(IV) Casing, tubulars, and float and centralizing equipment; 71691

(V) Trailers to which production equipment is attached; 71692

(VI) Well completion services, including cementing of casing, 71693
and tangible personal property directly used in providing such 71694
services; 71695

(VII) Wireline evaluation, mud logging, and perforation 71696
services, and tangible personal property directly used in 71697
providing such services; 71698

(VIII) Reservoir stimulation, hydraulic fracturing, and 71699
acidizing services, and tangible personal property directly used 71700
in providing such services, including all material pumped 71701
downhole; 71702

(IX) Pressure pumping equipment; 71703

(X) Artificial lift systems equipment; 71704

(XI) Wellhead equipment and well site equipment used to 71705

separate, stabilize, and control hydrocarbon phases and produced water;	71706 71707
(XII) Tangible personal property directly used to control production equipment.	71708 71709
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	71710 71711
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	71712 71713 71714
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	71715 71716 71717
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	71718 71719 71720
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	71721 71722 71723 71724
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	71725 71726 71727 71728
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	71729 71730
(VII) Well site fencing, lighting, or security systems;	71731
(VIII) Communication devices or services;	71732
(IX) Office supplies;	71733
(X) Trailers used as offices or lodging;	71734

(XI) Motor vehicles of any kind;	71735
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	71736 71737
(XIII) Tangible personal property used primarily as a safety device;	71738 71739
(XIV) Data collection or monitoring devices;	71740
(XV) Access ladders, stairs, or platforms attached to storage tanks.	71741 71742
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	71743 71744 71745 71746 71747
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.	71748 71749 71750 71751
As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	71752 71753 71754
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	71755 71756 71757 71758 71759 71760 71761
(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and	71762 71763 71764

sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48) Sales of feminine hygiene products.

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of

a specific type, or make, model, and series of aircraft cockpit. 71796
It includes the assemblage of equipment and computer programs 71797
necessary to represent aircraft operations in ground and flight 71798
conditions, a visual system providing an out-of-the-cockpit view, 71799
and a system that provides cues at least equivalent to those of a 71800
three-degree-of-freedom motion system, and has the full range of 71801
capabilities of the systems installed in the device as described 71802
in appendices A and B of part 60 of chapter 1 of title 14 of the 71803
Code of Federal Regulations. 71804

(51) Any transfer or lease of tangible personal property 71805
between the state and JobsOhio in accordance with section 4313.02 71806
of the Revised Code. 71807

(52)(a) Sales to a qualifying corporation. 71808

(b) As used in division (B)(52) of this section: 71809

(i) "Qualifying corporation" means a nonprofit corporation 71810
organized in this state that leases from an eligible county land, 71811
buildings, structures, fixtures, and improvements to the land that 71812
are part of or used in a public recreational facility used by a 71813
major league professional athletic team or a class A to class AAA 71814
minor league affiliate of a major league professional athletic 71815
team for a significant portion of the team's home schedule, 71816
provided the following apply: 71817

(I) The facility is leased from the eligible county pursuant 71818
to a lease that requires substantially all of the revenue from the 71819
operation of the business or activity conducted by the nonprofit 71820
corporation at the facility in excess of operating costs, capital 71821
expenditures, and reserves to be paid to the eligible county at 71822
least once per calendar year. 71823

(II) Upon dissolution and liquidation of the nonprofit 71824
corporation, all of its net assets are distributable to the board 71825
of commissioners of the eligible county from which the corporation 71826

leases the facility. 71827

(ii) "Eligible county" has the same meaning as in section 71828
307.695 of the Revised Code. 71829

(53) Sales to or by a cable service provider, video service 71830
provider, or radio or television broadcast station regulated by 71831
the federal government of cable service or programming, video 71832
service or programming, audio service or programming, or 71833
electronically transferred digital audiovisual or audio work. As 71834
used in division (B)(53) of this section, "cable service" and 71835
"cable service provider" have the same meanings as in section 71836
1332.01 of the Revised Code, and "video service," "video service 71837
provider," and "video programming" have the same meanings as in 71838
section 1332.21 of the Revised Code. 71839

(54) Sales of a digital audio work electronically transferred 71840
for delivery through use of a machine, such as a juke box, that 71841
does all of the following: 71842

(a) Accepts direct payments to operate; 71843

(b) Automatically plays a selected digital audio work for a 71844
single play upon receipt of a payment described in division 71845
(B)(54)(a) of this section; 71846

(c) Operates exclusively for the purpose of playing digital 71847
audio works in a commercial establishment. 71848

(55)(a) Sales of the following occurring on the first Friday 71849
of August and the following Saturday and Sunday of each year, 71850
beginning in 2018: 71851

(i) An item of clothing, the price of which is seventy-five 71852
dollars or less; 71853

(ii) An item of school supplies, the price of which is twenty 71854
dollars or less; 71855

(iii) An item of school instructional material, the price of 71856

which is twenty dollars or less. 71857

(b) As used in division (B)(55) of this section: 71858

(i) "Clothing" means all human wearing apparel suitable for 71859
general use. "Clothing" includes, but is not limited to, aprons, 71860
household and shop; athletic supporters; baby receiving blankets; 71861
bathing suits and caps; beach capes and coats; belts and 71862
suspenders; boots; coats and jackets; costumes; adult diapers, 71863
~~children and adult~~, including disposable diapers; earmuffs; 71864
footlets; formal wear; garters and garter belts; girdles; gloves 71865
and mittens for general use; hats and caps; hosiery; insoles for 71866
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber 71867
pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; 71868
socks and stockings; steel-toed shoes; underwear; uniforms, 71869
athletic and nonathletic; and wedding apparel. "Clothing" does not 71870
include items purchased for use in a trade or business; clothing 71871
accessories or equipment; protective equipment; sports or 71872
recreational equipment; belt buckles sold separately; costume 71873
masks sold separately; patches and emblems sold separately; sewing 71874
equipment and supplies including, but not limited to, knitting 71875
needles, patterns, pins, scissors, sewing machines, sewing 71876
needles, tape measures, and thimbles; and sewing materials that 71877
become part of "clothing" including, but not limited to, buttons, 71878
fabric, lace, thread, yarn, and zippers. 71879

(ii) "School supplies" means items commonly used by a student 71880
in a course of study. "School supplies" includes only the 71881
following items: binders; book bags; calculators; cellophane tape; 71882
blackboard chalk; compasses; composition books; crayons; erasers; 71883
folders, expandable, pocket, plastic, and manila; glue, paste, and 71884
paste sticks; highlighters; index cards; index card boxes; legal 71885
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 71886
notebook paper, copy paper, graph paper, tracing paper, manila 71887
paper, colored paper, poster board, and construction paper; pencil 71888

boxes and other school supply boxes; pencil sharpeners; pencils; 71889
pens; protractors; rulers; scissors; and writing tablets. "School 71890
supplies" does not include any item purchased for use in a trade 71891
or business. 71892

(iii) "School instructional material" means written material 71893
commonly used by a student in a course of study as a reference and 71894
to learn the subject being taught. "School instructional material" 71895
includes only the following items: reference books, reference maps 71896
and globes, textbooks, and workbooks. "School instructional 71897
material" does not include any material purchased for use in a 71898
trade or business. 71899

(56)(a) Sales of adult diapers or incontinence underpads sold 71900
pursuant to a prescription, for the benefit of a medicaid 71901
recipient with a diagnosis of incontinence, and by a medicaid 71902
provider that maintains a valid provider agreement under section 71903
5164.30 of the Revised Code with the department of medicaid, 71904
provided that the medicaid program covers diapers or incontinence 71905
underpads as an incontinence garment. 71906

(b) As used in division (B)(56)(a) of this section+ 71907

~~(i) "Diaper" means an absorbent garment worn by humans who 71908
are incapable of, or have difficulty, controlling their bladder or 71909
bowel movements. 71910~~

~~(ii) "Incontinence, "incontinence underpad" means an 71911
absorbent product, not worn on the body, designed to protect 71912
furniture or other tangible personal property from soiling or 71913
damage due to human incontinence. 71914~~

(57) Sales of investment metal bullion and investment coins. 71915
"Investment metal bullion" means any bullion described in section 71916
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 71917
that bullion is in the physical possession of a trustee. 71918
"Investment coin" means any coin composed primarily of gold, 71919

silver, platinum, or palladium. 71920

(58) Sales of tangible personal property used primarily for 71921
any of the following purposes by a megaproject operator at the 71922
site of a megaproject that satisfies the criteria described in 71923
division (A)(11)(a)(ii) of section 122.17 of the Revised Code, 71924
provided that the sale occurs during the period that the 71925
megaproject operator has an agreement for such megaproject with 71926
the tax credit authority under division (D) of section 122.17 of 71927
the Revised Code that remains in effect and has not expired or 71928
been terminated: 71929

(a) To store, transmit, convey, distribute, recycle, 71930
circulate, or clean water, steam, or other gases used in or 71931
produced as a result of manufacturing activity, including items 71932
that support or aid in the operation of such property; 71933

(b) To clean or prepare inventory, at any stage of storage or 71934
production, or equipment used in a manufacturing activity, 71935
including chemicals, solvents, catalysts, soaps, and other items 71936
that support or aid in the operation of property; 71937

(c) To regulate, treat, filter, condition, improve, clean, 71938
maintain, or monitor environmental conditions within areas where 71939
manufacturing activities take place; 71940

(d) To handle, transport, or convey inventory during 71941
production or manufacturing. 71942

(59) Sales of children's diapers. 71943

(60) Sales of therapeutic or preventative creams and wipes 71944
marketed primarily for use on the skin of children. 71945

(61) Sales of a child restraint device or booster seat that 71946
meets the national highway traffic safety administration standard 71947
for child restraint systems under 49 C.F.R. 571.213. 71948

(62) Sales of cribs intended to provide sleeping 71949

accommodations for children that comply with the United States 71950
consumer product safety commission's safety standard for full-size 71951
baby cribs under 16 C.F.R. 1219 or the commission's safety 71952
standard for non-full-size baby cribs under 16 C.F.R. 1220. 71953

(63) Sales of strollers meant for transporting children from 71954
infancy to about thirty-six months of age that meet the United 71955
States consumer product safety commission safety standard for 71956
carriages and strollers under 16 C.F.R. 1227.2. 71957

(C) For the purpose of the proper administration of this 71958
chapter, and to prevent the evasion of the tax, it is presumed 71959
that all sales made in this state are subject to the tax until the 71960
contrary is established. 71961

(D) The tax collected by the vendor from the consumer under 71962
this chapter is not part of the price, but is a tax collection for 71963
the benefit of the state, and of counties levying an additional 71964
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 71965
Code and of transit authorities levying an additional sales tax 71966
pursuant to section 5739.023 of the Revised Code. Except for the 71967
discount authorized under section 5739.12 of the Revised Code and 71968
the effects of any rounding pursuant to section 5703.055 of the 71969
Revised Code, no person other than the state or such a county or 71970
transit authority shall derive any benefit from the collection or 71971
payment of the tax levied by this section or section 5739.021, 71972
5739.023, or 5739.026 of the Revised Code. 71973

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 71974
administer sections 5739.01 to 5739.31 of the Revised Code, which 71975
are hereby declared to be sections which the commissioner is 71976
required to administer within the meaning of sections 5703.17 to 71977
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 71978
commissioner may adopt and promulgate, in accordance with sections 71979
119.01 to 119.13 of the Revised Code, such rules as the 71980

commissioner deems necessary to administer sections 5739.01 to 71981
5739.31 of the Revised Code. 71982

(2) On or before the first day of May of each year, the 71983
commissioner shall make available to vendors a notice explaining 71984
the three-day exemption period required under division (B)(55) of 71985
section 5739.02 of the Revised Code. 71986

(B) Upon application, the commissioner may authorize a vendor 71987
to pay on a predetermined basis the tax levied by or pursuant to 71988
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 71989
Code upon sales of things produced or distributed or services 71990
provided by such vendor, and the commissioner may waive the 71991
collection of the tax from the consumer. The commissioner shall 71992
not grant such authority unless the commissioner finds that the 71993
granting of the authority would improve compliance and increase 71994
the efficiency of the administration of the tax. The person to 71995
whom such authority is granted shall post a notice, if required by 71996
the commissioner, at the location where the product is offered for 71997
sale that the tax is included in the selling price. The 71998
commissioner may adopt rules to administer this division. 71999

(C) Upon application, the commissioner may authorize a vendor 72000
to remit, on the basis of a prearranged agreement under this 72001
division, the tax levied by section 5739.02 or pursuant to section 72002
5739.021, 5739.023, or 5739.026 of the Revised Code. The 72003
proportions and ratios in a prearranged agreement shall be 72004
determined either by a test check conducted by the commissioner 72005
under terms and conditions agreed to by the commissioner and the 72006
vendor or by any other method agreed upon by the vendor and the 72007
commissioner. If the parties are unable to agree to the terms and 72008
conditions of the test check or other method, the application 72009
shall be denied. 72010

If used, the test check shall determine the proportion that 72011

taxable retail sales bear to all of the vendor's retail sales and 72012
the ratio which the tax required to be collected under sections 72013
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 72014
bears to the receipts from the vendor's taxable retail sales. 72015

The vendor's liability for remitting the tax shall be based 72016
solely upon the proportions and ratios established in the 72017
agreement until such time that the vendor or the commissioner 72018
believes that the nature of the vendor's business has so changed 72019
as to make the agreement no longer representative. The 72020
commissioner may give notice to the vendor at any time that the 72021
authorization is revoked or the vendor may notify the commissioner 72022
that the vendor no longer elects to report under the 72023
authorization. Such notice shall be delivered to the other party 72024
~~or~~ in the manner provided in section 5703.37 of the Revised Code. 72025
The revocation or cancellation is effective the last day of the 72026
month in which the vendor or the commissioner receives the notice. 72027

Sec. 5739.19. The tax commissioner may revoke any retail 72028
vendor's license upon ascertaining that the vendor has no need for 72029
the license because the vendor is not engaged in making taxable 72030
retail sales. Notice of the revocation shall be delivered to the 72031
vendor ~~personally or by certified mail or by an alternative~~ 72032
~~delivery service as authorized under~~ in the manner provided in 72033
section 5703.37 of the Revised Code. The revocation shall be 72034
effective on the first day of the month following the expiration 72035
of fifteen days after the vendor received the notice of the 72036
revocation. 72037

The revocation of the vendor's license shall be stayed if, 72038
within fifteen days after receiving notice of the revocation, the 72039
vendor objects, in writing, to the revocation. The commissioner 72040
shall consider the written objections of the vendor and issue a 72041
final determination on the revocation of the vendor's license. The 72042

commissioner's final determination may be appealed to the board of 72043
tax appeals pursuant to section 5717.02 of the Revised Code. The 72044
revocation shall be effective on the first day of the month 72045
following the expiration of all time limits for appeal. 72046

Sec. 5739.30. (A) No person, including any officer, employee, 72047
or trustee of a corporation or business trust, shall fail to file 72048
any return or report required to be filed by this chapter, or file 72049
or cause to be filed any incomplete, false or fraudulent return, 72050
report, or statement, or aid or abet another in the filing of any 72051
false or fraudulent return, report, or statement. 72052

(B) If any vendor required to file monthly returns under 72054
section 5739.12 of the Revised Code fails, on two consecutive 72055
months or on three or more months within a twelve-month period, to 72056
file such returns when due or to pay the tax thereon, or if any 72057
vendor authorized by the tax commissioner to file semiannual 72058
returns fails on two or more occasions within a twenty-four month 72059
period, to file such returns when due or to pay the tax due 72060
thereon, the commissioner may do any of the following: 72061

(1) Require the vendor to furnish security in an amount equal 72062
to the average tax liability of the vendor for a period of one 72063
year, as determined by the commissioner from a review of returns 72064
or other information pertaining to the vendor, which amount shall 72065
in no event be less than one thousand dollars. The security may be 72066
in the form of a corporate surety bond, satisfactory to the 72067
commissioner, conditioned upon payment of the tax due with the 72068
returns from the vendor. The security shall be filed within ten 72069
days following the vendor's receipt of the notice from the 72070
commissioner of its requirements. 72071

(2) Suspend the license issued to the vendor pursuant to 72072
section 5739.17 of the Revised Code. The suspension shall be 72073

effective ten days after service of written notice to the vendor 72074
of the commissioner's intention to do so. The notice shall be 72075
served upon the vendor ~~personally, by certified mail, or by an~~ 72076
~~alternative delivery service as authorized under~~ in the manner 72077
provided in section 5703.37 of the Revised Code. On the first day 72078
of the suspension, the commissioner shall cause to be posted, at 72079
every public entrance of the vendor's premises, a notice 72080
identifying the vendor and the location and informing the public 72081
that the vendor's license is under suspension and that no retail 72082
sales may be transacted at that location. No person, other than 72083
the commissioner or the commissioner's agent or employee, shall 72084
remove, cover, or deface the posted notice. No license which has 72085
been suspended under this section shall be reinstated, and no 72086
posted notice shall be removed, until the vendor has filed 72087
complete and correct returns under this chapter and section 72088
5747.07 of the Revised Code for all periods in which no return had 72089
been filed and has paid the full amount of the tax, penalties, or 72090
other charges due. 72091

A corporate surety bond filed under this section shall be 72092
returned to the vendor if, for a period of twelve consecutive 72093
months following the date the bond was filed, the vendor has filed 72094
all returns and remitted payment with them within the time 72095
prescribed in section 5739.12 of the Revised Code. 72096

(C) The tax commissioner may suspend a license issued to a 72097
vendor pursuant to section 5739.17 of the Revised Code if the 72098
vendor is required, as an employer, to file returns or make 72099
payments under section 5747.07 of the Revised Code and the vendor 72100
fails to do either of the following: 72101

(1) File such returns when due on two consecutive occasions 72102
or on three or more occasions within a twelve-month period; 72103

(2) Pay the undeposited taxes when due on two consecutive 72104
occasions or on three or more occasions within a twelve-month 72105

period. 72106

Any such suspension shall comply with the provisions of 72107
division (B)(2) of this section. 72108

(D) If a vendor whose license has been suspended under 72109
division (B)(2) of this section fails to file returns or make 72110
payments under section 5747.07 of the Revised Code during such 72111
suspension, the license may not be reinstated, and the notice 72112
required by that division shall not be removed, until the vendor 72113
files complete and correct returns and pays the amounts due, plus 72114
any penalties and other related charges, under section 5747.07 of 72115
the Revised Code for all periods for which the vendor failed to 72116
file such returns and make such payments. 72117

Sec. 5739.31. (A)(1) No person shall engage in the business 72118
of selling at retail or sell at retail incidental to any other 72119
regularly conducted business without having a license therefor, as 72120
required by sections 5739.01 to 5739.31 of the Revised Code. 72121

(2) No person shall engage in the business of selling at 72122
retail as a transient vendor, as defined in section 5739.17 of the 72123
Revised Code, without first having obtained a license as required 72124
by that section. 72125

(B) No person shall continue to engage in the business of 72126
selling at retail or sell at retail incidental to any other 72127
regularly conducted business after the license issued to that 72128
person pursuant to section 5739.17 of the Revised Code has been 72129
suspended by the tax commissioner under division (B)(2) of section 72130
5739.30 of the Revised Code, nor shall any person obtain a new 72131
license from ~~the~~ any county auditor or the tax commissioner while 72132
such suspension is in effect. If a corporation's license has been 72133
suspended, none of its officers, or employees having control or 72134
supervision of or charged with the responsibility of filing 72135
returns and making payments of tax due, shall obtain a license 72136

from ~~the~~ any county auditor or the tax commissioner during the 72137
period of such suspension. 72138

(C) The tax commissioner may cancel any license obtained in 72139
violation of division (B) of this section or obtained by any 72140
person who violates division (A)(1) of this section more than 72141
once. 72142

Sec. 5739.99. (A) Whoever negligently violates section 72143
5739.26 or 5739.29 of the Revised Code ~~shall be fined not less~~ 72144
~~than twenty five nor more than one hundred dollars~~ is guilty of a 72145
minor misdemeanor for a first offense; for each subsequent offense 72146
such person ~~shall, if a corporation, be fined not less than one~~ 72147
~~hundred nor more than five hundred dollars, or if an individual,~~ 72148
~~or a member of a partnership, firm, or association, be fined not~~ 72149
~~less than twenty five nor more than one hundred dollars, or~~ 72150
~~imprisoned not more than sixty days, or both~~ is guilty of a 72151
misdemeanor of the third degree. 72152

(B) Whoever negligently violates division (A) of section 72153
5739.30 of the Revised Code ~~shall be fined not less than one~~ 72154
~~hundred nor more than one thousand dollars, or imprisoned not more~~ 72155
~~than sixty days, or both~~ is guilty of a misdemeanor of the third 72156
degree. 72157

(C)(1) Whoever negligently violates division (A)(1) of 72158
section 5739.31 of the Revised Code ~~shall be fined not less than~~ 72159
~~twenty five nor more than one hundred dollars~~ is guilty of a minor 72160
misdemeanor on the first offense. If the offender previously has 72161
been convicted of an offense under division (C)(1) of this 72162
section, the offender is guilty of a misdemeanor of the first 72163
degree. If the offender ~~previously has been convicted of two or~~ 72164
~~more previous convictions for~~ a violation of division (A)(1) of 72165
section 5739.31 of the Revised Code, the offender is guilty of a 72166
felony of the fourth degree. 72167

(2) Whoever negligently violates division (A)(2) of section 72168
5739.31 of the Revised Code ~~shall be fined not less than one~~ 72169
~~hundred dollars nor more than five hundred dollars, or imprisoned~~ 72170
~~for not more than ten days, or both, is guilty of a minor~~ 72171
misdemeanor for the first offense; for each subsequent offense, 72172
each such person ~~shall be fined not less than one thousand dollars~~ 72173
~~nor more than twenty five hundred dollars, or imprisoned not more~~ 72174
~~than thirty days, or both is guilty of a misdemeanor of the fourth~~ 72175
degree. The motor vehicles and goods of any person charged with 72176
violating division (A)(2) of section 5739.31 of the Revised Code 72177
may be impounded and held pending the disposition of the charge, 72178
and may be sold at auction by the county sheriff in the manner 72179
prescribed by law to satisfy any fine imposed by this division. 72180

(3) Whoever negligently violates division (B) of section 72181
5739.31 of the Revised Code is guilty of a misdemeanor of the 72182
first degree on the first offense; on each subsequent offense, the 72183
person is guilty of a felony of the fourth degree. Each day that 72184
business is conducted while a vendor's license is suspended 72185
constitutes a separate offense. 72186

(D) Except as otherwise provided in this section, whoever 72187
violates sections 5739.01 to 5739.31 of the Revised Code, or any 72188
lawful rule promulgated by the department of taxation under 72189
authority of such sections, shall be fined not less than 72190
twenty-five nor more than one hundred dollars. 72191

(E) Whoever violates section 5739.12 of the Revised Code by 72192
failing to remit to the state the tax collected under section 72193
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is 72194
guilty of a felony of the fourth degree and shall suffer the loss 72195
of the person's vendor's license as required by section 5739.17 of 72196
the Revised Code. A person shall not be eligible for a vendor's 72197
license for two years following conviction. 72198

(F) Whoever violates division (E) of section 5739.17 of the 72199

Revised Code is guilty of failure to display a transient vendor's license, a minor misdemeanor. A sheriff or police officer in a municipal corporation may enforce this division. The prosecuting attorney of a county shall inform the tax commissioner of any instance when a complaint is brought against a transient vendor pursuant to this division.

(G) Whoever violates section 5739.103 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of violating that section, the offender is guilty of a felony of the fourth degree.

(H) The penalties provided in this section are in addition to any penalties imposed by the tax commissioner under section 5739.133 of the Revised Code.

Sec. 5741.11. (A) Except as otherwise provided in divisions (B) and (C) of this section, if any seller who is required or authorized to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code fails to do so, the seller shall be liable personally for such amount as the seller failed to collect. If any seller collects the tax imposed by or pursuant to any such section and fails to remit the same to the state as prescribed, the seller shall be personally liable for any amount collected that the seller failed to remit. The tax commissioner may make an assessment against such seller, based upon any information within the commissioner's possession. The commissioner shall give to the seller written notice of such assessment. Such notice ~~may~~ shall be served upon the seller ~~personally or by certified mail in the manner provided in section 5703.37 of the Revised Code.~~

(B) A marketplace facilitator is relieved of all liability under division (A) of this section for failure to collect the tax

imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 72231
5741.023 of the Revised Code on a sale facilitated by the 72232
marketplace facilitator on behalf of an unaffiliated marketplace 72233
seller if it is demonstrated to the satisfaction of the 72234
commissioner that the marketplace facilitator made a reasonable 72235
effort to obtain sufficient and accurate information about the 72236
sale from the marketplace seller and that the marketplace 72237
facilitator failed to collect the correct amount of tax because of 72238
insufficient or incorrect information provided by the marketplace 72239
seller. 72240

If a marketplace facilitator is relieved of liability under 72241
this division, the marketplace seller for which the sale was 72242
facilitated and the purchaser are personally liable for any amount 72243
of tax that is not properly collected, paid, or remitted. 72244

(C) Division (B) of this section does not absolve a 72245
marketplace facilitator, marketplace seller, or any other person 72246
from personal liability for collecting but failing to remit the 72247
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 72248
or 5741.023 of the Revised Code. 72249

(D) No class action may be brought against a marketplace 72250
facilitator in any court of this state on behalf of consumers 72251
arising from or in any way related to an overpayment of the tax 72252
imposed by or pursuant to ~~sections~~ section 5741.02, 5741.021, 72253
5741.022, or 5741.023 of the Revised Code on sales facilitated by 72254
the marketplace facilitator, regardless of whether the claim is 72255
characterized as a tax refund claim. 72256

Sec. 5743.15. (A) Except as otherwise provided in this 72257
division, no person shall engage in this state in the wholesale or 72258
retail business of trafficking in cigarettes or in the business of 72259
a manufacturer or importer of cigarettes without having a license 72260
to conduct each such activity issued by a county auditor under 72261

division (B) of this section or the tax commissioner under 72262
divisions (C) and (F) of this section. On dissolution of a 72263
partnership by death, the surviving partner may operate under the 72264
license of the partnership until expiration of the license, and 72265
the heirs or legal representatives of deceased persons, and 72266
receivers and trustees in bankruptcy appointed by any competent 72267
authority, may operate under the license of the person succeeded 72268
in possession by such heir, representative, receiver, or trustee 72269
in bankruptcy if the partner or successor notifies the issuer of 72270
the license of the dissolution or succession within thirty days 72271
after the dissolution or succession. 72272

(B)(1) Each applicant for a license to engage in the retail 72273
business of trafficking in cigarettes under this section, 72274
annually, on or before the ~~fourth Monday of May~~ first day of June, 72275
shall make and deliver to the county auditor of the county in 72276
which the applicant desires to engage in the retail business of 72277
trafficking in cigarettes, upon a blank form furnished by such 72278
auditor for that purpose, a statement showing the name of the 72279
applicant, each physical place in the county where the applicant's 72280
business is conducted, the nature of the business, and any other 72281
information the tax commissioner requires in the form of statement 72282
prescribed by the commissioner. If the applicant is a firm, 72283
partnership, or association other than a corporation, the 72284
application shall state the name and address of each of its 72285
members. If the applicant is a corporation, the application shall 72286
state the name and address of each of its officers. At the time of 72287
making the application required by this section, every person 72288
desiring to engage in the retail business of trafficking in 72289
cigarettes shall pay an application fee in the sum of one hundred 72290
twenty-five dollars for each physical place where the person 72291
proposes to carry on such business. Each place of business shall 72292
be deemed such space, under lease or license to, or under the 72293
control of, or under the supervision of the applicant, as is 72294

contained in one or more contiguous, adjacent, or adjoining 72295
buildings constituting an industrial plant or a place of business 72296
operated by, or under the control of, one person, or under one 72297
roof and connected by doors, halls, stairways, or elevators, which 72298
space may contain any number of points at which cigarettes are 72299
offered for sale, provided that each additional point at which 72300
cigarettes are offered for sale shall be listed in the 72301
application. 72302

(2) Upon receipt of the application and exhibition of the 72303
county treasurer's receipt showing the payment of the application 72304
fee, the county auditor shall issue to the applicant a license for 72305
each place of business designated in the application, authorizing 72306
the applicant to engage in such business at such place for one 72307
year commencing on the ~~fourth Monday of May~~ first day of June. The 72308
form of the license shall be prescribed by the commissioner. A 72309
duplicate license may be obtained from the county auditor upon 72310
payment of a five-dollar fee if the original license is lost, 72311
destroyed, or defaced. When an application is filed after the 72312
~~fourth Monday of May~~ first day of June, the application fee 72313
required to be paid shall be proportioned in amount to the 72314
remainder of the license year, except that it shall not be less 72315
than twenty-five dollars in any one year. 72316

(3) The holder of a retail dealer's cigarette license may 72317
transfer the license to a place of business within the same county 72318
other than that designated on the license on condition that the 72319
licensee's ownership interest and business structure remain 72320
unchanged, and that the licensee applies to the county auditor 72321
therefor, upon forms approved by the commissioner and the payment 72322
of a fee of five dollars into the county treasury. 72323

(C)(1) Each applicant for a license to engage in the 72324
wholesale business of trafficking in cigarettes under this 72325
section, annually, on or before the ~~fourth Monday in May~~ first day 72326

of June, shall make and deliver to the tax commissioner, upon a 72327
blank form furnished by the commissioner for that purpose, a 72328
statement showing the name of the applicant, physical street 72329
address where the applicant's business is conducted, the nature of 72330
the business, and any other information required by the 72331
commissioner. If the applicant is a firm, partnership, or 72332
association other than a corporation, the applicant shall state 72333
the name and address of each of its members. If the applicant is a 72334
corporation, the applicant shall state the name and address of 72335
each of its officers. At the time of making the application 72336
required by this section, every person desiring to engage in the 72337
wholesale business of trafficking in cigarettes shall pay an 72338
application fee of one thousand dollars for each physical place 72339
where the person proposes to carry on such business. Each place of 72340
business shall be deemed such space, under lease or license to, or 72341
under the control of, or under the supervision of the applicant, 72342
as is contained in one or more contiguous, adjacent, or adjoining 72343
buildings constituting an industrial plant or a place of business 72344
operated by, or under the control of, one person, or under one 72345
roof and connected by doors, halls, stairways, or elevators. A 72346
duplicate license may be obtained from the commissioner upon 72347
payment of a twenty-five-dollar fee if the original license is 72348
lost, destroyed, or defaced. 72349

(2) Upon receipt of the application and payment of any 72350
application fee required by this section, the commissioner shall 72351
verify that the applicant is not in violation of any provision of 72352
Chapter 1346. or Title LVII of the Revised Code. The commissioner 72353
shall also verify that the applicant has filed any returns, 72354
submitted any information, and paid any outstanding taxes, 72355
charges, or fees as required for any tax, charge, or fee 72356
administered by the commissioner, to the extent that the 72357
commissioner is aware of the returns, information, or payments at 72358
the time of the application. Upon approval, the commissioner shall 72359

issue to the applicant a license for each physical place of 72360
business designated in the application authorizing the applicant 72361
to engage in business at that location for one year commencing on 72362
the ~~fourth Monday in May~~ first day of June. For licenses issued 72363
after the ~~fourth Monday in May~~ first day of June, the application 72364
fee shall be reduced proportionately by the remainder of the 72365
twelve-month period for which the license is issued, except that 72366
the application fee required to be paid under this section shall 72367
be not less than two hundred dollars in any one year. 72368

(3) The holder of a wholesale dealer cigarette license may 72369
transfer the license to a place of business other than that 72370
designated on the license on condition that the licensee's 72371
ownership or business structure remains unchanged, and that the 72372
licensee applies to the commissioner for such a transfer upon a 72373
form promulgated by the commissioner and pays a fee of twenty-five 72374
dollars, which shall be deposited into the cigarette tax 72375
enforcement fund created in division (E) of this section. 72376

(D)(1) The wholesale cigarette license application fees 72377
collected under this section shall be paid into the cigarette tax 72378
enforcement fund. 72379

(2) The retail cigarette license application fees collected 72380
under this section shall be distributed as follows: 72381

(a) Thirty per cent shall be paid upon the warrant of the 72382
county auditor into the treasury of the municipal corporation or 72383
township in which the places of business for which the tax revenue 72384
was received are located; 72385

(b) Ten per cent shall be credited to the general fund of the 72386
county; 72387

(c) Sixty per cent shall be paid into the cigarette tax 72388
enforcement fund. 72389

(3) The remainder of the revenues and fines collected under 72390

this section and the penal laws relating to cigarettes shall be 72391
distributed as follows: 72392

(a) Three-fourths shall be paid upon the warrant of the 72393
county auditor into the treasury of the municipal corporation or 72394
township in which the place of business, on account of which the 72395
revenues and fines were received, is located; 72396

(b) One-fourth shall be credited to the general fund of the 72397
county. 72398

(E) There is hereby created within the state treasury the 72399
cigarette tax enforcement fund for the purpose of providing funds 72400
to assist in paying the costs of enforcing sections 1333.11 to 72401
1333.21 and Chapter 5743. of the Revised Code. 72402

The portion of cigarette license application fees received by 72403
a county auditor during the annual application period that ends on 72404
the ~~fourth Monday in May~~ first day of June and that is required to 72405
be deposited in the cigarette tax enforcement fund shall be sent 72406
to the treasurer of state by the thirtieth day of June each year 72407
accompanied by the form prescribed by the tax commissioner. The 72408
portion of cigarette license application fees received by each 72409
county auditor after the ~~fourth Monday in May~~ first day of June 72410
and that is required to be deposited in the cigarette tax 72411
enforcement fund shall be sent to the treasurer of state by the 72412
last day of the month following the month in which such fees were 72413
collected. 72414

(F)(1) Every person who desires to engage in the business of 72415
a manufacturer or importer of cigarettes shall, annually, on or 72416
before the ~~fourth Monday of May~~ first day of June, make and 72417
deliver to the tax commissioner, upon a blank form furnished by 72418
the commissioner for that purpose, a statement showing the name of 72419
the applicant, the nature of the applicant's business, and any 72420
other information required by the commissioner. If the applicant 72421

is a firm, partnership, or association other than a corporation, 72422
the applicant shall state the name and address of each of its 72423
members. If the applicant is a corporation, the applicant shall 72424
state the name and address of each of its officers. 72425

(2) Upon receipt of the application required under this 72426
section, the commissioner shall verify that the applicant is not 72427
in violation of any provision of Chapter 1346. of the Revised 72428
Code. The commissioner shall also verify that the applicant has 72429
filed any returns, submitted any information, and paid any 72430
outstanding taxes, charges, or fees as required for any tax, 72431
charge, or fee administered by the commissioner, to the extent 72432
that the commissioner is aware of the returns, information, taxes, 72433
charges, or fees at the time of the application. Upon approval, 72434
the commissioner shall issue to the applicant a license 72435
authorizing the applicant to engage in the business of 72436
manufacturer or importer, whichever the case may be, for one year 72437
commencing on the ~~fourth Monday of May~~ first day of June. 72438

(3) The issuing of a license under division (F)(1) of this 72439
section to a manufacturer does not excuse a manufacturer from the 72440
certification process required under section 1346.05 of the 72441
Revised Code. A manufacturer who is issued a license under 72442
division (F)(1) of this section and who is not listed on the 72443
directory required under section 1346.05 of the Revised Code shall 72444
not be permitted to sell cigarettes in this state other than to a 72445
licensed cigarette wholesaler for sale outside this state. Such a 72446
manufacturer shall provide documentation to the commissioner 72447
evidencing that the cigarettes are legal for sale in another 72448
state. 72449

(G) The tax commissioner may adopt rules necessary to 72450
administer this section. 72451

Sec. 5743.61. (A)(1) No distributor or vapor distributor 72452

shall engage in the business of distributing tobacco products, 72453
vapor products, or both within this state without having a license 72454
issued by the department of taxation to engage in that business. 72455

(2) On the dissolution of a partnership by death, the 72456
surviving partner may operate under the license of the partnership 72457
until the expiration of the license, and the heirs or legal 72458
representatives of deceased persons, and receivers and trustees in 72459
bankruptcy appointed by any competent authority, may operate under 72460
the license of the person succeeded in possession by the heir, 72461
representative, receiver, or trustee in bankruptcy if the partner 72462
or successor notifies the department of taxation of the 72463
dissolution or succession within thirty days after the dissolution 72464
or succession. 72465

(B)(1) Each applicant for a license described by division 72466
(A)(1) of this section, annually, on or before the first day of 72467
February, shall make and deliver to the tax commissioner, upon a 72468
form furnished by the commissioner for that purpose, a statement 72469
showing the name of the applicant, each physical place from which 72470
the applicant distributes to distributors, vapor distributors, 72471
retail dealers, or wholesale dealers, and any other information 72472
the commissioner considers necessary for the administration of 72473
sections 5743.51 to 5743.66 of the Revised Code. 72474

(2) At the time of making the application for a license to 72475
engage either in the business of distributing tobacco products or 72476
in the business of distributing both tobacco products and vapor 72477
products, the applicant shall pay an application fee of one 72478
thousand dollars for each place listed on the application where 72479
the applicant proposes to carry on that business. The application 72480
fee for a license to engage solely in the business of distributing 72481
vapor products shall be one hundred twenty-five dollars for each 72482
place listed on the application where the applicant proposes to 72483
carry on that business. The fee charged for the application shall 72484

accompany the application and shall be made payable to the 72485
treasurer of state for deposit into the cigarette tax enforcement 72486
fund. 72487

(3) Upon receipt of the application and payment of any 72488
licensing fee required by this section, the commissioner shall 72489
verify that the applicant has filed all returns, submitted all 72490
information, and paid all outstanding taxes, charges, or fees as 72491
required for any taxes, charges, or fees administered by the 72492
commissioner, to the extent the commissioner is aware of the 72493
returns, information, taxes, charges, or fees at the time of the 72494
application. Upon approval, the commissioner shall issue to the 72495
applicant a license for each place of distribution designated in 72496
the application authorizing the applicant to engage in business at 72497
that location for one year commencing on the first day of 72498
February. For licenses issued after the first day of February, the 72499
license application fee shall be reduced proportionately by the 72500
remainder of the twelve-month period for which the license is 72501
issued, except that the application fee required to be paid under 72502
this section shall be not less than two hundred dollars. If the 72503
original license is lost, destroyed, or defaced, a duplicate 72504
license may be obtained from the commissioner upon payment of a 72505
license replacement fee of twenty-five dollars. 72506

(C) The holder of a tobacco or vapor products license may 72507
transfer the license to a place of business on condition that the 72508
licensee's ownership and business structure remains unchanged and 72509
the licensee applies to the commissioner for the transfer on a 72510
form issued by the commissioner, and pays a transfer fee of 72511
twenty-five dollars. 72512

(D) If a distributor or vapor distributor fails to file forms 72513
as required under Chapter 1346. or section 5743.52 of the Revised 72514
Code or pay the tax due for two consecutive periods or three 72515
periods during any twelve-month period, the commissioner may 72516

suspend the license issued to the distributor or vapor distributor 72517
under this section. The suspension is effective ten days after the 72518
commissioner notifies the distributor or vapor distributor of the 72519
suspension in writing ~~personally or by certified mail~~ in the 72520
manner provided in section 5703.37 of the Revised Code. The 72521
commissioner shall lift the suspension when the distributor or 72522
vapor distributor files the delinquent forms and pays the tax due, 72523
including any penalties, interest, and additional charges. The 72524
commissioner may refuse to issue the annual renewal of the license 72525
required by this section and may refuse to issue a new license for 72526
a location of the distributor until all delinquent forms are filed 72527
and outstanding taxes are paid. This division does not apply to 72528
any unpaid or underpaid tax liability that is the subject of a 72529
petition or appeal filed pursuant to section 5743.56, 5717.02, or 72530
5717.04 of the Revised Code. 72531

(E)(1) The tax commissioner may impose a penalty of up to one 72532
thousand dollars on any person found to be engaging in the 72533
business of distributing tobacco products or vapor products 72534
without a license as required by this section. 72535

(2) Any person engaging in the business of distributing 72536
tobacco products or vapor products without a license as required 72537
by this section shall comply with divisions (B)(1) and (2) of this 72538
section within ten days after being notified of the requirement to 72539
do so. Failure to comply with division (E)(2) of this section 72540
subjects a person to penalties imposed under section 5743.99 of 72541
the Revised Code. 72542

Sec. 5747.025. (A) ~~The~~ Except as provided in division (B) of 72543
this section, the personal exemption for the taxpayer, the 72544
taxpayer's spouse, and each dependent shall be one of the 72545
following amounts: 72546

(1) Two thousand ~~three~~ four hundred ~~fifty~~ dollars if the 72547

taxpayer's modified adjusted gross income for the taxable year as 72548
shown on an individual or joint annual return is less than or 72549
equal to forty thousand dollars; 72550

(2) Two thousand one hundred fifty dollars if the taxpayer's 72551
modified adjusted gross income for the taxable year as shown on an 72552
individual or joint annual return is greater than forty thousand 72553
dollars but less than or equal to eighty thousand dollars; 72554

(3) One thousand ~~eight~~ nine hundred ~~fifty~~ dollars if the 72555
taxpayer's modified adjusted gross income for the taxable year as 72556
shown on an individual or joint annual return is greater than 72557
eighty thousand dollars. 72558

(B) For taxable years beginning in 2023 and thereafter, the 72559
personal exemption amount for each dependent prescribed in 72560
division (A) of this section shall be increased by two thousand 72561
five hundred dollars, provided the dependent is under the age of 72562
eighteen on the last day of the taxable year. 72563

(C) For taxable years beginning in ~~2020~~ 2023 and thereafter, 72564
the personal exemption amounts prescribed in division (A) of this 72565
section, but not the additional amount prescribed in division (B) 72566
of this section, shall be adjusted each year in the manner 72567
prescribed in division ~~(C)~~(D) of this section. In the case of an 72568
individual with respect to whom an exemption under section 5747.02 72569
of the Revised Code is allowable to another taxpayer for a taxable 72570
year beginning in the calendar year in which the individual's 72571
taxable year begins, the exemption amount applicable to such 72572
individual for such individual's taxable year shall be zero. 72573

~~(C)~~(D) Except as otherwise provided in this division, in 72574
August of each year, the tax commissioner shall determine the 72575
percentage increase in the gross domestic product deflator 72576
determined by the bureau of economic analysis of the United States 72577
department of commerce from the first day of January of the 72578

preceding calendar year to the last day of December of the 72579
preceding year, and make a new adjustment to the personal 72580
exemption amount for taxable years beginning in the current 72581
calendar year by multiplying that amount by the percentage 72582
increase in the gross domestic product deflator for that period; 72583
adding the resulting product to the personal exemption amount for 72584
taxable years beginning in the preceding calendar year; and 72585
rounding the resulting sum upward to the nearest multiple of fifty 72586
dollars. The adjusted amount applies to taxable years beginning in 72587
the calendar year in which the adjustment is made and to taxable 72588
years beginning in each ensuing calendar year until a calendar 72589
year in which a new adjustment is made pursuant to this division. 72590
The commissioner shall not make a new adjustment in any calendar 72591
year in which the amount resulting from the adjustment would be 72592
less than the amount resulting from the adjustment in the 72593
preceding calendar year. 72594

Sec. 5747.07. (A) As used in this section: 72595

(1) "Partial weekly withholding period" means a period during 72596
which an employer directly, indirectly, or constructively pays 72597
compensation to, or credits compensation to the benefit of, an 72598
employee, and that consists of a consecutive Saturday, Sunday, 72599
Monday, and Tuesday or a consecutive Wednesday, Thursday, and 72600
Friday. There are two partial weekly withholding periods each 72601
week, except that a partial weekly withholding period cannot 72602
extend from one calendar year into the next calendar year; if the 72603
first day of January falls on a day other than Saturday or 72604
Wednesday, the partial weekly withholding period ends on the 72605
thirty-first day of December and there are three partial weekly 72606
withholding periods during that week. 72607

(2) "Undeposited taxes" means the taxes an employer is 72608
required to deduct and withhold from an employee's compensation 72609

pursuant to section 5747.06 of the Revised Code that have not been 72610
remitted to the tax commissioner pursuant to this section or to 72611
the treasurer of state pursuant to section 5747.072 of the Revised 72612
Code. 72613

(3) A "week" begins on Saturday and concludes at the end of 72614
the following Friday. 72615

(4) "Professional employer organization," "professional 72616
employer organization agreement," and "professional employer 72617
organization reporting entity" have the same meanings as in 72618
section 4125.01 of the Revised Code. 72619

(5) "Alternate employer organization" and "alternate employer 72620
organization agreement" have the same meanings as in section 72621
4133.01 of the Revised Code. 72622

(6) "Client employer" has the same meaning as in section 72623
4125.01 of the Revised Code in the context of a professional 72624
employer organization or a professional employer organization 72625
reporting entity, or the same meaning as in section 4133.01 of the 72626
Revised Code in the context of an alternate employer organization. 72627

(B) Except as provided in divisions (C) and (D) of this 72628
section and in division (A) of section 5747.072 of the Revised 72629
Code, every employer required to deduct and withhold any amount 72630
under section 5747.06 of the Revised Code shall file a return and 72631
shall pay the amount required by law as follows: 72632

(1) An employer who accumulates or is required to accumulate 72633
undeposited taxes of one hundred thousand dollars or more during a 72634
partial weekly withholding period shall make the payment of the 72635
undeposited taxes by the close of the first banking day after the 72636
day on which the accumulation reaches one hundred thousand 72637
dollars. If required under division (I) of this section, the 72638
payment shall be made by electronic funds transfer under section 72639
5747.072 of the Revised Code. 72640

(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within three banking days after the close of a partial weekly withholding period during which the employer was required to deduct and withhold any amount under this chapter. If required under division (I) of this section, the payment shall be made by electronic funds transfer under section 5747.072 of the Revised Code.

(3) Except as required by divisions (B)(1) and (2) of this section, if an employer's actual or required payments were more than two thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year, the employer shall make the payment of undeposited taxes for each month during which they were required to be withheld no later than fifteen days following the last day of that month. The employer shall file the return prescribed by the tax commissioner with the payment.

(4) Except as required by divisions (B)(1), (2), and (3) of this section, an employer shall make the payment of undeposited taxes for each calendar quarter during which they were required to be withheld no later than the last day of the month following the last day of March, June, September, and December each year. The employer shall file the return prescribed by the tax commissioner with the payment.

(C) The return and payment schedules prescribed by divisions (B)(1) and (2) of this section do not apply to the return and payment of undeposited school district income taxes arising from taxes levied pursuant to Chapter 5748. of the Revised Code. Undeposited school district income taxes shall be returned and paid pursuant to divisions (B)(3) and (4) of this section, as

applicable. 72673

(D)(1) The requirements of division (B) of this section are 72674
met if the amount paid is not less than ninety-five per cent of 72675
the actual tax withheld or required to be withheld for the prior 72676
quarterly, monthly, or partial weekly withholding period, and the 72677
underpayment is not due to willful neglect. Any underpayment of 72678
withheld tax shall be paid within thirty days of the date on which 72679
the withheld tax was due without regard to division (D)(1) of this 72680
section. An employer described in division (B)(1) or (2) of this 72681
section shall make the payment by electronic funds transfer under 72682
section 5747.072 of the Revised Code. 72683

(2) If the tax commissioner believes that quarterly or 72684
monthly payments would result in a delay that might jeopardize the 72685
remittance of withholding payments, the commissioner may order 72686
that the payments be made weekly, or more frequently if necessary, 72687
and the payments shall be made no later than three banking days 72688
following the close of the period for which the jeopardy order is 72689
made. An order requiring weekly or more frequent payments shall be 72690
delivered to the employer ~~personally or by certified mail~~ in the 72691
manner provided in section 5703.37 of the Revised Code and remains 72692
in effect until the commissioner notifies the employer to the 72693
contrary. 72694

(3) If compelling circumstances exist concerning the 72695
remittance of undeposited taxes, the commissioner may order the 72696
employer to make payments under any of the payment schedules under 72697
division (B) of this section. The order shall be delivered to the 72698
employer ~~personally or by certified mail~~ in the manner provided in 72699
section 5703.37 of the Revised Code and shall remain in effect 72700
until the commissioner notifies the employer to the contrary. For 72701
purposes of division (D)(3) of this section, "compelling 72702
circumstances" exist if either or both of the following are true: 72703

(a) Based upon annualization of payments made or required to 72704

be made during the preceding calendar year and during the current 72705
calendar year, the employer would be required for the next 72706
calendar year to make payments under division (B)(2) of this 72707
section. 72708

(b) Based upon annualization of payments made or required to 72709
be made during the current calendar year, the employer would be 72710
required for the next calendar year to make payments under 72711
division (B)(2) of this section. 72712

~~(E)(1) An employer described in division (B)(1) or (2) of 72713
this section shall file, not later than the last day of the month 72714
following the end of each calendar quarter, a return covering, but 72715
not limited to, both the actual amount deducted and withheld and 72716
the amount required to be deducted and withheld for the tax 72717
imposed under section 5747.02 of the Revised Code during each 72718
partial weekly withholding period or portion of a partial weekly 72719
withholding period during that quarter. The employer shall file 72720
the quarterly return even if the aggregate amount required to be 72721
deducted and withheld for the quarter is zero dollars. At the time 72722
of filing the return, the employer shall pay any amounts of 72723
undeposited taxes for the quarter, whether actually deducted and 72724
withheld or required to be deducted and withheld, that have not 72725
been previously paid. If required under division (I) of this 72726
section, the payment shall be made by electronic funds transfer. 72727
The tax commissioner shall prescribe the form and other 72728
requirements of the quarterly return. 72729~~

~~(2) In addition to other returns required to be filed and 72730
payments required to be made under this section, every employer 72731
required to deduct and withhold taxes shall file, not later than 72732
the thirty-first day of January of each year, an annual return 72733
covering, but not limited to, both the aggregate amount deducted 72734
and withheld and the aggregate amount required to be deducted and 72735
withheld during the entire preceding year for the tax imposed 72736~~

under section 5747.02 of the Revised Code and for each tax imposed 72737
under Chapter 5748. of the Revised Code. At the time of filing 72738
that return, the employer shall pay over any amounts of 72739
undeposited taxes for the preceding year, whether actually 72740
deducted and withheld or required to be deducted and withheld, 72741
that have not been previously paid. The employer shall make the 72742
annual report, to each employee and to the tax commissioner, of 72743
the compensation paid and each tax withheld, as the commissioner 72744
by rule may prescribe. 72745

(2) Each employer required to deduct and withhold any tax is 72746
liable for the payment of that amount required to be deducted and 72747
withheld, whether or not the tax has in fact been withheld, unless 72748
the failure to withhold was based upon the employer's good faith 72749
in reliance upon the statement of the employee as to liability, 72750
and the amount shall be deemed to be a special fund in trust for 72751
the general revenue fund. 72752

(F) Each employer shall file with the employer's annual 72753
return the following items of information on employees for whom 72754
withholding is required under section 5747.06 of the Revised Code: 72755

(1) The full name of each employee, the employee's address, 72756
the employee's school district of residence, and in the case of a 72757
nonresident employee, the employee's principal county of 72758
employment; 72759

(2) The social security number of each employee; 72760

(3) The total amount of compensation paid before any 72761
deductions to each employee for the period for which the annual 72762
return is made; 72763

(4) The amount of the tax imposed by section 5747.02 of the 72764
Revised Code and the amount of each tax imposed under Chapter 72765
5748. of the Revised Code withheld from the compensation of the 72766
employee for the period for which the annual return is made. The 72767

commissioner may extend upon good cause the period for filing any 72768
notice or return required to be filed under this section and may 72769
adopt rules relating to extensions of time. If the extension 72770
results in an extension of time for the payment of the amounts 72771
withheld with respect to which the return is filed, the employer 72772
shall pay, at the time the amount withheld is paid, an amount of 72773
interest computed at the rate per annum prescribed by section 72774
5703.47 of the Revised Code on that amount withheld, from the day 72775
that amount was originally required to be paid to the day of 72776
actual payment or to the day an assessment is issued under section 72777
5747.13 of the Revised Code, whichever occurs first. 72778

(5) In addition to all other interest charges and penalties 72779
imposed, all amounts of taxes withheld or required to be withheld 72780
and remaining unpaid after the day the amounts are required to be 72781
paid shall bear interest from the date prescribed for payment at 72782
the rate per annum prescribed by section 5703.47 of the Revised 72783
Code on the amount unpaid, in addition to the amount withheld, 72784
until paid or until the day an assessment is issued under section 72785
5747.13 of the Revised Code, whichever occurs first. 72786

(G) An employee of a corporation, limited liability company, 72787
or business trust having control or supervision of or charged with 72788
the responsibility of filing the report and making payment, or an 72789
officer, member, manager, or trustee of a corporation, limited 72790
liability company, or business trust who is responsible for the 72791
execution of the corporation's, limited liability company's, or 72792
business trust's fiscal responsibilities, shall be personally 72793
liable for failure to file the report or pay the tax due as 72794
required by this section. The dissolution, termination, or 72795
bankruptcy of a corporation, limited liability company, or 72796
business trust does not discharge a responsible officer's, 72797
member's, manager's, employee's, or trustee's liability for a 72798
failure of the corporation, limited liability company, or business 72799

trust to file returns or pay tax due. 72800

(H) If an employer required to deduct and withhold income tax 72801
from compensation and to pay that tax to the state under sections 72802
5747.06 and 5747.07 of the Revised Code sells the employer's 72803
business or stock of merchandise or quits the employer's business, 72804
the taxes required to be deducted and withheld and paid to the 72805
state pursuant to those sections prior to that time, together with 72806
any interest and penalties imposed on those taxes, become due and 72807
payable immediately, and that person shall make a final return 72808
within fifteen days after the date of selling or quitting 72809
business. The employer's successor shall withhold a sufficient 72810
amount of the purchase money to cover the amount of the taxes, 72811
interest, and penalties due and unpaid, until the former owner 72812
produces a receipt from the tax commissioner showing that the 72813
taxes, interest, and penalties have been paid or a certificate 72814
indicating that no such taxes are due. If the purchaser of the 72815
business or stock of merchandise fails to withhold purchase money, 72816
the purchaser shall be personally liable for the payment of the 72817
taxes, interest, and penalties accrued and unpaid during the 72818
operation of the business by the former owner. If the amount of 72819
taxes, interest, and penalties outstanding at the time of the 72820
purchase exceeds the total purchase money, the tax commissioner in 72821
the commissioner's discretion may adjust the liability of the 72822
seller or the responsibility of the purchaser to pay that 72823
liability to maximize the collection of withholding tax revenue. 72824

(I) An employer whose actual or required payments under this 72825
section exceeded eighty-four thousand dollars during the 72826
twelve-month period ending on the thirtieth day of June of the 72827
preceding calendar year shall make all payments required by this 72828
section for the year by electronic funds transfer under section 72829
5747.072 of the Revised Code. 72830

(J)(1) Every professional employer organization, professional 72831

employer organization reporting entity, and alternate employer 72832
organization shall file a report with the tax commissioner within 72833
thirty days after commencing business in this state that includes 72834
all of the following information: 72835

(a) The name, address, number the employer receives from the 72836
secretary of state to do business in this state, if applicable, 72837
and federal employer identification number of each client employer 72838
of the organization or entity; 72839

(b) The date that each client employer became a client of the 72840
organization or entity; 72841

(c) The names and mailing addresses of the chief executive 72842
officer and the chief financial officer of each client employer 72843
for taxation of the client employer. 72844

(2) Beginning with the calendar quarter ending after a 72845
professional employer organization, professional employer 72846
organization reporting entity, or alternate employer organization 72847
files the report required under division (J)(1) of this section, 72848
and every calendar quarter thereafter, the organization or entity 72849
shall file an updated report with the tax commissioner. The 72850
organization or entity shall file the updated report not later 72851
than the last day of the month following the end of the calendar 72852
quarter and shall include all of the following information in the 72853
report: 72854

(a) If an entity became a client employer of the professional 72855
employer organization, professional employer organization 72856
reporting entity, or alternate employer organization at any time 72857
during the calendar quarter, all of the information required under 72858
division (J)(1) of this section for each new client employer; 72859

(b) If an entity terminated the professional employer 72860
organization agreement or the alternate employer organization 72861
agreement between the entity and the professional employer 72862

organization, professional employer organization reporting entity, 72863
or alternate employer organization, as applicable, at any time 72864
during the calendar quarter, the information described in division 72865
(J)(1)(a) of this section for that entity, the date during the 72866
calendar quarter that the entity ceased being a client of the 72867
organization or reporting entity, if applicable, or the date the 72868
entity ceased business operations in this state, if applicable; 72869

(c) If the name or mailing address of the chief executive 72870
officer or the chief financial officer of a client employer has 72871
changed since the professional employer organization, professional 72872
employer organization reporting entity, or alternate employer 72873
organization previously submitted a report under division (J)(1) 72874
or (2) of this section, the updated name or mailing address, or 72875
both, of the chief executive officer or the chief financial 72876
officer, as applicable; 72877

(d) If none of the events described in divisions (J)(2)(a) to 72878
(c) of this section occurred during the calendar quarter, a 72879
statement of that fact. 72880

Sec. 5747.072. (A) Any employer required by section 5747.07 72881
of the Revised Code to remit undeposited taxes by electronic funds 72882
transfer shall do so in the manner prescribed by rules adopted by 72883
the treasurer of state under section 113.061 of the Revised Code 72884
and on or before the dates specified under that division. The tax 72885
commissioner shall notify each such employer of the employer's 72886
obligation to remit undeposited taxes by electronic funds 72887
transfer, shall maintain an updated list of those employers, and 72888
shall provide the list and any additions thereto or deletions 72889
therefrom to the treasurer of state. Failure by the tax 72890
commissioner to notify an employer subject to this section to 72891
remit taxes by electronic funds transfer does not relieve the 72892
employer of its obligation to remit taxes by electronic funds 72893

transfer. 72894

Except as otherwise provided in this paragraph, the payment 72895
of taxes by electronic funds transfer does not affect an 72896
employer's obligation to file the ~~quarterly return as required~~ 72897
~~under division (E)(1) of section 5747.07 of the Revised Code or~~ 72898
~~the annual return as required under divisions (E)(2)(E) and (F) of~~ 72899
~~that section 5747.07 of the Revised Code.~~ If the employer remits 72900
estimated tax payments in a manner, designated by the treasurer of 72901
state, that permits the inclusion of all information necessary for 72902
the treasurer of state to process the tax payment, the employer 72903
need not file the return required under division (B) of section 72904
5747.07 of the Revised Code. The treasurer of state, in 72905
consultation with the tax commissioner, may adopt rules governing 72906
the format for filing the returns under section 5747.07 of the 72907
Revised Code by employers who remit undeposited taxes by 72908
electronic funds transfer. The rules may permit the filing of 72909
returns at less frequent intervals than required by that division 72910
if the treasurer of state and the tax commissioner determine that 72911
remittance by electronic funds transfer warrants less frequent 72912
filing of returns. 72913

An employer required by this section to remit taxes by 72914
electronic funds transfer may apply to the treasurer of state to 72915
be excused from that requirement. The treasurer of state may 72916
excuse the employer from remittance by electronic funds transfer 72917
for good cause shown for the period of time requested by the 72918
employer or a portion of that period. The treasurer shall notify 72919
the tax commissioner and the employer of the treasurer's decision 72920
as soon as is practicable. 72921

(B) If an employer required by this section to remit 72922
undeposited taxes by electronic funds transfer remits those taxes 72923
by some means other than electronic funds transfer as prescribed 72924
by the rules adopted by the treasurer of state, and the treasurer 72925

determines that such failure was not due to reasonable cause or 72926
was due to willful neglect, the treasurer shall notify the tax 72927
commissioner of the failure to remit by electronic funds transfer 72928
and shall provide the commissioner with any information used in 72929
making that determination. The tax commissioner may collect an 72930
additional charge by assessment in the manner prescribed by 72931
section 5747.13 of the Revised Code. The additional charge shall 72932
equal five per cent of the amount of the undeposited taxes, but 72933
shall not exceed five thousand dollars. Any additional charge 72934
assessed under this section is in addition to any other penalty or 72935
charge imposed by this chapter, and shall be considered as revenue 72936
arising from the taxes imposed by this chapter. The tax 72937
commissioner may remit all or a portion of such a charge and may 72938
adopt rules governing such remission. 72939

No additional charge shall be assessed under this division 72940
against an employer that has been notified of its obligation to 72941
remit taxes under this section and that remits its first two tax 72942
payments after such notification by some means other than 72943
electronic funds transfer. The additional charge may be assessed 72944
upon the remittance of any subsequent tax payment that the 72945
employer remits by some means other than electronic funds 72946
transfer. 72947

Sec. 5747.83. (A) Terms used in this section have the same 72948
meanings as in section 175.16 of the Revised Code. 72949

(B) There is hereby allowed a nonrefundable credit against a 72950
taxpayer's aggregate tax liability under section 5747.02 of the 72951
Revised Code for a taxpayer that is allocated a credit issued by 72952
the executive director of the Ohio housing finance agency under 72953
section 175.16 of the Revised Code. The credit equals the amount 72954
allocated to such taxpayer for the taxable year that begins in the 72955
calendar year for which the designated reporter files the form 72956

prescribed by division (I) of section 175.16 of the Revised Code. 72957

The credit shall be claimed in the order required under 72958
section 5747.98 of the Revised Code. If the credit exceeds the 72959
taxpayer's aggregate tax due under section 5747.02 of the Revised 72960
Code for that taxable year after allowing for credits that precede 72961
the credit under this section in that order, such excess shall be 72962
allowed as a credit in each of the ensuing five taxable years, but 72963
the amount of any excess credit allowed in any such taxable year 72964
shall be deducted from the balance carried forward to the ensuing 72965
taxable year. 72966

No credit shall be claimed under this section to the extent 72967
the credit was claimed under section 5725.36, 5726.58, or 5729.19 72968
of the Revised Code. 72969

Sec. 5747.84. (A) Terms used in this section have the same 72970
meanings as in section 175.17 of the Revised Code. 72971

(B) There is allowed a nonrefundable credit against a 72972
taxpayer's aggregate tax liability under section 5747.02 of the 72973
Revised Code for a taxpayer that is allocated a credit issued by 72974
the executive director of the Ohio housing finance agency under 72975
section 175.17 of the Revised Code. The credit equals the amount 72976
allocated to such taxpayer for the taxable year that begins in the 72977
calendar year for which the designated reporter files the form 72978
prescribed by division (H) of section 175.17 of the Revised Code 72979
that allocates the credit to the taxpayer. 72980

The credit shall be claimed in the order required under 72981
section 5747.98 of the Revised Code. If the credit exceeds the 72982
taxpayer's aggregate tax due under section 5747.02 of the Revised 72983
Code for that taxable year after allowing for credits that precede 72984
the credit under this section in that order, such excess shall be 72985
allowed as a credit in each of the ensuing five taxable years, but 72986
the amount of any excess credit allowed in any such taxable year 72987

shall be deducted from the balance carried forward to the ensuing taxable year. 72988
72989

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.37, 5726.59, or 5729.20 of the Revised Code. 72990
72991
72992

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order: 72993
72994
72995
72996

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section; 72997
72998
72999

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section; 73000
73001
73002

The dependent care credit under section 5747.054 of the Revised Code; 73003
73004

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code; 73005
73006

The campaign contribution credit under section 5747.29 of the Revised Code; 73007
73008

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code; 73009
73010

The joint filing credit under division (G) of section 5747.05 of the Revised Code; 73011
73012

The earned income credit under section 5747.71 of the Revised Code; 73013
73014

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code; 73015
73016

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	73017 73018
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	73019 73020
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	73021 73022
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	73023 73024
The enterprise zone credit under section 5709.66 of the Revised Code;	73025 73026
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	73027 73028 73029
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	73030 73031
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	73032 73033 73034
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	73035 73036
The small business investment credit under section 5747.81 of the Revised Code;	73037 73038
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	73039 73040
The opportunity zone investment credit under section 122.84 of the Revised Code;	73041 73042
The enterprise zone credits under section 5709.65 of the Revised Code;	73043 73044
The research and development credit under section 5747.331 of	73045

the Revised Code;	73046
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	73047 73048
<u>The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;</u>	73049 73050
<u>The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;</u>	73051 73052
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	73053 73054
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	73055 73056
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	73057 73058
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	73059 73060
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	73061 73062
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	73063 73064 73065
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	73066 73067 73068
The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	73069 73070
The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.	73071 73072 73073
(B) For any credit, except the refundable credits enumerated	73074

in this section and the credit granted under division (H) of 73075
section 5747.08 of the Revised Code, the amount of the credit for 73076
a taxable year shall not exceed the taxpayer's aggregate amount of 73077
tax due under section 5747.02 of the Revised Code, after allowing 73078
for any other credit that precedes it in the order required under 73079
this section. Any excess amount of a particular credit may be 73080
carried forward if authorized under the section creating that 73081
credit. Nothing in this chapter shall be construed to allow a 73082
taxpayer to claim, directly or indirectly, a credit more than once 73083
for a taxable year. 73084

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 73085
by section 5749.02 of the Revised Code and each severer or owner 73086
liable for the amounts due under section 1509.50 of the Revised 73087
Code, except for any amount due under division (B)(2) of that 73088
section, shall make and file returns with the tax commissioner in 73089
the prescribed form and at the prescribed times, computing and 73090
reflecting therein the tax as required by this chapter and amounts 73091
due under section 1509.50 of the Revised Code. 73092

(2) The returns shall be filed for every calendar quarter, as 73093
required by this section, unless a different return period is 73094
prescribed for a taxpayer by the commissioner. 73095

(B)(1) A separate return shall be filed for each calendar 73096
quarter, or other period, or any part thereof, during which the 73097
severer holds a permit or has registered as provided by section 73098
5749.04 of the Revised Code, or is required to hold the permit or 73099
registration, or during which an owner is required to file a 73100
return. The return shall be filed on or before the fifteenth day 73101
of the second month following the end of each return period. The 73102
tax due is payable along with the return. All such returns shall 73103
contain such information as the commissioner may require to fairly 73104
administer the tax. 73105

(2) All returns shall be signed by the severer or owner, as applicable, shall contain the full and complete information requested, and shall be made under penalty of perjury.

(C) If the commissioner believes that quarterly payments of tax would result in a delay that might jeopardize the collection of such tax payments, the commissioner may order that such payments be made weekly, or more frequently if necessary, such payments to be made not later than seven days following the close of the period for which the jeopardy payment is required. Such an order shall be delivered to the taxpayer ~~personally or by certified mail~~ in the manner provided in section 5703.37 of the Revised Code and shall remain in effect until the commissioner notifies the taxpayer to the contrary.

(D) Upon good cause the commissioner may extend for thirty days the period for filing any notice or return required to be filed under this section, and may remit all or a part of penalties that may become due under this chapter.

(E) Any tax and any amount due under section 1509.50 of the Revised Code not paid by the day the tax or amount is due shall bear interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount due from the day that the amount was originally required to be paid to the day of actual payment or to the day an assessment was issued under section 5749.07 or 5749.10 of the Revised Code, whichever occurs first.

(F) A severer or owner, as applicable, that fails to file a complete return or pay the full amount due under this chapter within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount due for the period.

(G)(1) A severer or owner, as applicable, shall remit

payments electronically and, if required by the commissioner, file 73137
each return electronically. The commissioner may require that the 73138
severer or owner use the Ohio business gateway, as defined in 73139
section 718.01 of the Revised Code, or another electronic means to 73140
file returns and remit payments electronically. 73141

(2) A severer or owner that is required to remit payments 73142
electronically under this section may apply to the commissioner, 73143
in the manner prescribed by the commissioner, to be excused from 73144
that requirement. The commissioner may excuse a severer or owner 73145
from the requirements of division (G) of this section for good 73146
cause. 73147

(3) If a severer or owner that is required to remit payments 73148
or file returns electronically under this section fails to do so, 73149
the commissioner may impose a penalty on the severer or owner not 73150
to exceed the following: 73151

(a) For the first or second payment or return the severer or 73152
owner fails to remit or file electronically, the greater of five 73153
per cent of the amount of the payment that was required to be 73154
remitted or twenty-five dollars; 73155

(b) For every payment or return after the second that the 73156
severer or owner fails to remit or file electronically, the 73157
greater of ten per cent of the amount of the payment that was 73158
required to be remitted or fifty dollars. 73159

(H)(1) All amounts that the commissioner receives under this 73160
section shall be deemed to be revenue from taxes imposed under 73161
this chapter or from the amount due under section 1509.50 of the 73162
Revised Code, as applicable, and shall be deposited in the 73163
severance tax receipts fund, which is hereby created in the state 73164
treasury. 73165

(2) The director of budget and management shall transfer from 73166
the severance tax receipts fund, as necessary, to the tax refund 73167

fund amounts equal to the refunds certified by the commissioner 73168
under section 5749.08 of the Revised Code. Any amount transferred 73169
under division (H)(2) of this section shall be derived from 73170
receipts of the same tax or other amount from which the refund 73171
arose. 73172

(3) After the director of budget and management makes any 73173
transfer required by division (H)(2) of this section, but not 73174
later than the twenty-fifth day of each month, the commissioner 73175
shall certify to the director the total amount remaining in the 73176
severance tax receipts fund organized according to the amount 73177
attributable to each natural resource and according to the amount 73178
attributable to a tax imposed by this chapter and the amounts due 73179
under section 1509.50 of the Revised Code, and shall provide for 73180
payment to the funds specified in division (B) of section 5749.02 73181
of the Revised Code. 73182

(I) Penalties imposed under this section are in addition to 73183
any other penalty imposed under this chapter and shall be 73184
considered as revenue arising from the tax levied under this 73185
chapter or the amount due under section 1509.50 of the Revised 73186
Code, as applicable. The commissioner may collect any penalty or 73187
interest imposed under this section in the same manner as provided 73188
for the making of an assessment in section 5749.07 of the Revised 73189
Code. The commissioner may abate all or a portion of such interest 73190
or penalties and may adopt rules governing such abatements. 73191

Sec. 5749.17. Any information provided to the department of 73192
natural resources by the department of taxation in accordance with 73193
~~division (C)(12) of~~ section 5703.21 of the Revised Code shall not 73194
be disclosed publicly by the department of natural resources. 73195
However the department of natural resources may provide such 73196
information to the attorney general for purposes of enforcement of 73197
Chapter 1509. of the Revised Code. 73198

Sec. 5751.033. For the purposes of this chapter, gross receipts shall be sitused to this state as follows:

(A) Gross rents and royalties from real property located in this state shall be sitused to this state.

(B) Gross rents and royalties from tangible personal property shall be sitused to this state to the extent the tangible personal property is located or used in this state.

(C) Gross receipts from the sale of electricity and electric transmission and distribution services shall be sitused to this state in the manner provided under section 5733.059 of the Revised Code.

(D) Gross receipts from the sale of real property located in this state shall be sitused to this state.

(E) Gross receipts from the sale of tangible personal property shall be sitused to this state if the property is received in this state by the purchaser. In the case of delivery of tangible personal property by ~~motor~~ common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered the place where the purchaser receives the property. For purposes of this section, the phrase "delivery of tangible personal property by ~~motor~~ common carrier or by other means of transportation" includes the situation in which a purchaser accepts the property in this state and then transports the property directly or by other means to a location outside this state. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of

sale. 73230

(F) Gross receipts from the sale, exchange, disposition, or 73231
other grant of the right to use trademarks, trade names, patents, 73232
copyrights, and similar intellectual property shall be sitused to 73233
this state to the extent that the receipts are based on the amount 73234
of use of the property in this state. If the receipts are not 73235
based on the amount of use of the property, but rather on the 73236
right to use the property, and the payor has the right to use the 73237
property in this state, then the receipts from the sale, exchange, 73238
disposition, or other grant of the right to use such property 73239
shall be sitused to this state to the extent the receipts are 73240
based on the right to use the property in this state. 73241

(G) Gross receipts from the sale of transportation services 73242
by a ~~meter~~ common or contract carrier shall be sitused to this 73243
state in proportion to the mileage traveled by the carrier during 73244
the tax period on roadways, waterways, airways, and railways in 73245
this state to the mileage traveled by the carrier during the tax 73246
period on roadways, waterways, airways, and railways everywhere. 73247
With prior written approval of the tax commissioner, a ~~meter~~ 73248
common or contract carrier may use an alternative situsing 73249
procedure for transportation services. 73250

(H) Gross receipts from dividends, interest, and other 73251
sources of income from financial instruments described in 73252
divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 73253
section 5733.056 of the Revised Code shall be sitused to this 73254
state in accordance with the situsing provisions set forth in 73255
those divisions. When applying the provisions of divisions (F)(6), 73256
(8), and (13) of section 5733.056 of the Revised Code, "gross 73257
receipts" shall be substituted for "net gains" wherever "net 73258
gains" appears in those divisions. Nothing in this division limits 73259
or modifies the exclusions enumerated in divisions (E) and (F)(2) 73260
of section 5751.01 of the Revised Code. The tax commissioner may 73261

promulgate rules to further specify the manner in which to situs 73262
gross receipts subject to this division. 73263

(I) Gross receipts from the sale of all other services, and 73264
all other gross receipts not otherwise situated under this section, 73265
shall be situated to this state in the proportion that the 73266
purchaser's benefit in this state with respect to what was 73267
purchased bears to the purchaser's benefit everywhere with respect 73268
to what was purchased. The physical location where the purchaser 73269
ultimately uses or receives the benefit of what was purchased 73270
shall be paramount in determining the proportion of the benefit in 73271
this state to the benefit everywhere. If a taxpayer's records do 73272
not allow the taxpayer to determine that location, the taxpayer 73273
may use an alternative method to situs gross receipts under this 73274
division if the alternative method is reasonable, is consistently 73275
and uniformly applied, and is supported by the taxpayer's records 73276
as the records exist when the service is provided or within a 73277
reasonable period of time thereafter. 73278

(J) If the situsing provisions of divisions (A) to (H) of 73279
this section do not fairly represent the extent of a person's 73280
activity in this state, the person may request, or the tax 73281
commissioner may require or permit, an alternative method. Such 73282
request by a person must be made within the applicable statute of 73283
limitations set forth in this chapter. 73284

(K) The tax commissioner may adopt rules to provide 73285
additional guidance to the application of this section, and 73286
provide alternative methods of situsing gross receipts that apply 73287
to all persons, or subset of persons, that are engaged in similar 73288
business or trade activities. 73289

~~(L) As used in this section, "motor carrier" has the same 73290
meaning as in section 4923.01 of the Revised Code. 73291~~

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 73292

pay the full amount of the tax due within the period prescribed 73293
therefor under this chapter shall pay a penalty in an amount not 73294
exceeding the greater of fifty dollars or ten per cent of the tax 73295
required to be paid for the tax period. 73296

(B)(1) If any additional tax is found to be due, the tax 73297
commissioner may impose an additional penalty of up to fifteen per 73298
cent on the additional tax found to be due. 73299

(2) Any delinquent payments of the tax made after a taxpayer 73300
is notified of an audit or a tax discrepancy by the commissioner 73301
is subject to the penalty imposed by division (B) of this section. 73302
If an assessment is issued under section 5751.09 of the Revised 73303
Code in connection with such delinquent payments, the payments 73304
shall be credited to the assessment. 73305

(C) After calendar year 2008, the tax commissioner may impose 73306
an additional penalty against a taxpayer that fails to switch to 73307
being a calendar quarter taxpayer at the time it had over two 73308
million in taxable gross receipts in the calendar year, as 73309
required under section 5751.04 of the Revised Code. The penalty 73310
may be imposed in an amount not to exceed ten per cent of the tax 73311
due above two million dollars in taxable gross receipts for the 73312
calendar year. Any penalty imposed under this division is in 73313
addition to any other penalties imposed under this section. 73314

(D) If the tax commissioner notifies a person required to 73315
register under section 5751.05 of the Revised Code of such 73316
requirement and of the requirement to remit the tax due under this 73317
chapter, and the person fails to so register and remit the tax 73318
within sixty days after such notice, the tax commissioner may 73319
impose an additional penalty of up to thirty-five per cent of the 73320
tax due. The penalty imposed under this division is in addition to 73321
any other penalties imposed under this section. 73322

(E) The tax commissioner may collect any penalty or interest 73323

imposed by this section in the same manner as the tax imposed 73324
under this chapter. Penalties and interest so collected shall be 73325
considered as revenue arising from the tax imposed under this 73326
chapter. 73327

(F) The tax commissioner may abate all or a portion of any 73328
penalties imposed under this section and may adopt rules governing 73329
such abatements. 73330

(G) If any tax due is not timely paid in accordance with this 73331
chapter, the taxpayer shall pay interest, calculated at the rate 73332
per annum prescribed by section 5703.47 of the Revised Code, from 73333
the date the tax payment was due to the date of payment or to the 73334
date an assessment was issued, whichever occurs first. 73335

(H) The tax commissioner may impose a penalty of up to ten 73336
per cent for any additional tax that is due under division 73337
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 73338
incorrectly reporting its taxable gross receipts. 73339

(I) If the tax commissioner discovers that a taxpayer has 73340
billed or invoiced another person for the tax imposed under this 73341
chapter in violation of division (B) of section 5751.02 of the 73342
Revised Code, the tax commissioner shall notify the taxpayer of 73343
the violation ~~by certified mail~~ in the manner provided in section 73344
5703.37 of the Revised Code and may impose a penalty of up to five 73345
hundred dollars. If the taxpayer subsequently bills or invoices a 73346
person for the tax imposed under this chapter, the tax 73347
commissioner shall impose a penalty of five hundred dollars. 73348

Sec. 5751.51. (A) As used in this section, "qualified 73349
research expenses" has the same meaning as in section 41 of the 73350
Internal Revenue Code. 73351

(B)(1) For calendar years beginning on or after January 1, 73352
2008, a nonrefundable credit may be claimed under this chapter 73353

equal to seven per cent of the excess of (a) qualified research 73354
expenses incurred in this state by the taxpayer in the calendar 73355
year for which the credit is claimed over (b) the taxpayer's 73356
average annual qualified research expenses incurred in this state 73357
for the three preceding calendar years. 73358

(2) The taxpayer shall claim the credit allowed under 73359
division (B)(1) of this section in the order required by section 73360
5751.98 of the Revised Code. A credit claimed in calendar year 73361
2008 may not be applied against the tax otherwise due under this 73362
chapter for a tax period beginning before July 1, 2008. Any credit 73363
amount in excess of the tax due under section 5751.03 of the 73364
Revised Code, after allowing for any other credits that precede 73365
the credit under this section in the order required under that 73366
section, may be carried forward for seven years, but the amount of 73367
the excess credit claimed against the tax for any tax period shall 73368
be deducted from the balance carried forward to the next tax 73369
period. 73370

(3) No credit shall be allowed under this chapter if the 73371
credit was available against the tax imposed by section 5733.06 of 73372
the Revised Code, except to the extent the credit was not applied 73373
against such tax. 73374

(C) In the case of a taxpayer that is a consolidated elected 73375
taxpayer or combined taxpayer, each person in the taxpayer's group 73376
shall separately calculate the credit claimed under this section 73377
using the qualified research expenses incurred by that person on a 73378
form prescribed by the tax commissioner, which shall be used by 73379
the taxpayer to claim the credit. 73380

Such a taxpayer may only claim the credit with respect to 73381
persons included in the taxpayer's group as of the thirty-first 73382
day of December of the calendar year in which the qualified 73383
research expenses are incurred. Such a taxpayer may only claim any 73384
excess credit carried forward under division (B)(2) of this 73385

section with respect to persons included in that group as of the 73386
last day of the tax period for which the return claiming the 73387
credit is filed. 73388

(D) A taxpayer that claims a credit under this section shall 73389
retain records to substantiate the claim. Required records include 73390
those relating to any expenses used in calculating the credit and 73391
incurred in the current calendar year and in the three preceding 73392
calendar years. 73393

The taxpayer shall retain the required records until the date 73394
that is four years after the due date for the return on which the 73395
credit was claimed or four years after the date the return was 73396
actually filed, whichever is later. 73397

(E) The tax commissioner may audit a sample of the taxpayer's 73398
qualified research expenses over a representative period to 73399
ascertain the amount of tax credit the taxpayer may claim under 73400
this section and may issue an assessment under section 5751.09 of 73401
the Revised Code based on the audit. The commissioner shall make a 73402
good faith effort to reach an agreement with the taxpayer in 73403
selecting a representative sample. The commissioner is not, 73404
however, precluded from proceeding under this division if an 73405
agreement is not made. 73406

Sec. 5751.53. (A) As used in this section: 73407

(1) "Net income" and "taxable year" have the same meanings as 73408
in section 5733.04 of the Revised Code. 73409

(2) "Franchise tax year" means "tax year" as defined in 73410
section 5733.04 of the Revised Code. 73411

(3) "Deductible temporary differences" and "taxable temporary 73412
differences" have the same meanings as those terms have for 73413
purposes of paragraph 13 of the statement of financial accounting 73414
standards, number 109. 73415

(4) "Qualifying taxpayer" means a taxpayer under this chapter 73416
that has a qualifying Ohio net operating loss carryforward equal 73417
to or greater than the qualifying amount. 73418

(5) "Qualifying Ohio net operating loss carryforward" means 73419
an Ohio net operating loss carryforward that the taxpayer could 73420
deduct in whole or in part for franchise tax year 2006 under 73421
section 5733.04 of the Revised Code but for the application of 73422
division (H) of this section. A qualifying Ohio net operating loss 73423
carryforward shall not exceed the amount of loss carryforward from 73424
franchise tax year 2005 as reported by the taxpayer either on a 73425
franchise tax report for franchise tax year 2005 pursuant to 73426
section 5733.02 of the Revised Code or on an amended franchise tax 73427
report prepared in good faith for such year and filed before July 73428
1, 2006. 73429

(6) "Disallowed Ohio net operating loss carryforward" means 73430
the lesser of the amounts described in division (A)(6)(a) or (b) 73431
of this section, but the amounts described in divisions (A)(6)(a) 73432
and (b) of this section shall each be reduced by the qualifying 73433
amount. 73434

(a) The qualifying taxpayer's qualifying Ohio net operating 73435
loss carryforward; 73436

(b) The Ohio net operating loss carryforward amount that the 73437
qualifying taxpayer used to compute the related deferred tax asset 73438
reflected on its books and records on the last day of its taxable 73439
year ending in 2004, adjusted for return to accrual, but this 73440
amount shall be reduced by the qualifying related valuation 73441
allowance amount. For the purposes of this section, the 73442
"qualifying related valuation allowance amount" is the amount of 73443
Ohio net operating loss reflected in the qualifying taxpayer's 73444
computation of the valuation allowance account, as shown on its 73445
books and records on the last day of its taxable year ending in 73446
2004, with respect to the deferred tax asset relating to its Ohio 73447

net operating loss carryforward amount. 73448

(7) "Other net deferred tax items apportioned to this state" 73449
is the product of (a) the amount of other net deferred tax items 73450
and (b) the fraction described in division (B)(2) of section 73451
5733.05 for the qualifying taxpayer's franchise tax year 2005. 73452

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, 73453
the "amount of other net deferred tax items" is the difference 73454
between (i) the qualifying taxpayer's deductible temporary 73455
differences, net of related valuation allowance amounts, shown on 73456
the qualifying taxpayer's books and records on the last day of its 73457
taxable year ending in 2004, and (ii) the qualifying taxpayer's 73458
taxable temporary differences as shown on those books and records 73459
on that date. The amount of other net deferred tax items may be 73460
less than zero. 73461

(b) For the purposes of computing the amount of the 73462
qualifying taxpayer's other net deferred tax items described in 73463
division (A)(8)(a) of this section, any credit carryforward 73464
allowed under Chapter 5733. of the Revised Code shall be excluded 73465
from the amount of deductible temporary differences to the extent 73466
such credit carryforward amount, net of any related valuation 73467
allowance amount, is otherwise included in the qualifying 73468
taxpayer's deductible temporary differences, net of related 73469
valuation allowance amounts, shown on the qualifying taxpayer's 73470
books and records on the last day of the qualifying taxpayer's 73471
taxable year ending in 2004. 73472

(c) No portion of the disallowed Ohio net operating loss 73473
carryforward shall be included in the computation of the amount of 73474
the qualifying taxpayer's other net deferred tax items described 73475
in division (A)(8)(a) of this section. 73476

(d) In no event shall the amount of other net deferred tax 73477
items apportioned to this state exceed twenty-five per cent of the 73478

qualifying Ohio net operating loss carryforward. 73479

(9) "Amortizable amount" means: 73480

(a) If the qualifying taxpayer's other net deferred tax items 73481
apportioned to this state is equal to or greater than zero, eight 73482
per cent of the sum of the qualifying taxpayer's disallowed Ohio 73483
net operating loss carryforward and the qualifying taxpayer's 73484
other net deferred tax items apportioned to this state; 73485

(b) If the amount of the qualifying taxpayer's other net 73486
deferred tax items apportioned to this state is less than zero and 73487
if the absolute value of the amount of qualifying taxpayer's other 73488
net deferred tax items apportioned to this state is less than the 73489
qualifying taxpayer's disallowed net operating loss, eight per 73490
cent of the difference between the qualifying taxpayer's 73491
disallowed net operating loss carryforward and the absolute value 73492
of the qualifying taxpayer's other net deferred tax items 73493
apportioned to this state; 73494

(c) If the amount of the qualifying taxpayer's other net 73495
deferred tax items apportioned to this state is less than zero and 73496
if the absolute value of the amount of qualifying taxpayer's other 73497
net deferred tax items apportioned to this state is equal to or 73498
greater than the qualifying taxpayer's disallowed net operating 73499
loss, zero. 73500

(10) "Books and records" means the qualifying taxpayer's 73501
books, records, and all other information, all of which the 73502
qualifying taxpayer maintains and uses to prepare and issue its 73503
financial statements in accordance with generally accepted 73504
accounting principles. 73505

(11)(a) Except as modified by division (A)(11)(b) of this 73506
section, "qualifying amount" means fifty million dollars per 73507
person. 73508

(b) If for franchise tax year 2005 the person was a member of 73509

a combined franchise tax report, as provided by section 5733.052 73510
of the Revised Code, the "qualifying amount" is, in the aggregate, 73511
fifty million dollars for all members of that combined franchise 73512
tax report, and for purposes of divisions (A)(6)(a) and (b) of 73513
this section, those members shall allocate to each member any 73514
portion of the fifty million dollar amount. The total amount 73515
allocated to the members who are qualifying taxpayers shall equal 73516
fifty million dollars. 73517

(B) For each calendar period beginning prior to January 1, 73518
~~2030~~ 2040, there is hereby allowed a nonrefundable tax credit 73519
against the tax levied each year by this chapter on each 73520
qualifying taxpayer, on each consolidated elected taxpayer having 73521
one or more qualifying taxpayers as a member, and on each combined 73522
taxpayer having one or more qualifying taxpayers as a member. The 73523
credit shall be claimed in the order specified in section 5751.98 73524
of the Revised Code and is allowed only to reduce the first 73525
one-half of any tax remaining after allowance of the credits that 73526
precede it in section 5751.98 of the Revised Code. No credit under 73527
division (B) of this section shall be allowed against the second 73528
one-half of such remaining tax. 73529

Except as otherwise limited by divisions (C) and (D) of this 73530
section, the maximum amount of the nonrefundable credit that may 73531
be used against the first one-half of the remaining tax for each 73532
calendar year is as follows: 73533

(1) For calendar year 2010, ten per cent of the amortizable 73534
amount; 73535

(2) For calendar year 2011, twenty per cent of the 73536
amortizable amount, less all amounts previously used; 73537

(3) For calendar year 2012, thirty per cent of the 73538
amortizable amount, less all amounts previously used; 73539

(4) For calendar year 2013, forty per cent of the amortizable 73540

amount, less all amounts previously used; 73541

(5) For calendar year 2014, fifty per cent of the amortizable amount, less all amounts previously used; 73542
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(6) For calendar year 2015, sixty per cent of the amortizable amount, less all amounts previously used; 73544
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(7) For calendar year 2016, seventy per cent of the amortizable amount, less all amounts previously used; 73546
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(8) For calendar year 2017, eighty per cent of the amortizable amount, less all amounts previously used; 73548
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(9) For calendar year 2018, ninety per cent of the amortizable amount, less all amounts previously used; 73550
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(10) For each of calendar years 2019 through ~~2029~~ 2039, one hundred per cent of the amortizable amount, less all amounts used in all previous years. 73552
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In no event shall the cumulative credit used for calendar years 2010 through ~~2029~~ 2039 exceed one hundred per cent of the amortizable amount. 73555
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(C)(1) Except as otherwise set forth in division (C)(2) of this section, a refundable credit is allowed in calendar year ~~2030~~ 2040 for any portion of the qualifying taxpayer's amortizable amount that is not used in accordance with division (B) of this section against the tax levied by this chapter on all taxpayers. 73558
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(2) Division (C)(1) of this section shall not apply and no refundable credit shall be available to any person if during any portion of the calendar year ~~2030~~ 2040 the person is not subject to the tax imposed by this chapter. 73563
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(D) Not later than June 30, 2006, each qualifying taxpayer, consolidated elected taxpayer, or combined taxpayer that will claim for any year the credit allowed in divisions (B) and (C) of this section shall file with the tax commissioner a report setting 73567
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forth the amortizable amount available to such taxpayer and all 73571
other related information that the commissioner, by rule, 73572
requires. If the taxpayer does not timely file the report or fails 73573
to provide timely all information required by this division, the 73574
taxpayer is precluded from claiming any credit amounts described 73575
in divisions (B) and (C) of this section. Unless extended by 73576
mutual consent, the tax commissioner may, until June 30, 2010, 73577
audit the accuracy of the amortizable amount available to each 73578
taxpayer that will claim the credit, and adjust the amortizable 73579
amount or, if appropriate, issue any assessment or final 73580
determination, as applicable, necessary to correct any errors 73581
found upon audit. 73582

(E) For the purpose of calculating the amortizable amount, if 73583
the tax commissioner ascertains that any portion of that amount is 73584
the result of a sham transaction as described in section 5703.56 73585
of the Revised Code, the commissioner shall reduce the amortizable 73586
amount by two times the adjustment. 73587

(F) If one entity transfers all or a portion of its assets 73588
and equity to another entity as part of an entity organization or 73589
reorganization or subsequent entity organization or reorganization 73590
for which no gain or loss is recognized in whole or in part for 73591
federal income tax purposes under the Internal Revenue Code, the 73592
credits allowed by this section shall be computed in a manner 73593
consistent with that used to compute the portion, if any, of 73594
federal net operating losses allowed to the respective entities 73595
under the Internal Revenue Code. The tax commissioner may 73596
prescribe forms or rules for making the computations required by 73597
this division. 73598

(G)(1) Except as provided in division (F) of this section, no 73599
person shall pledge, collateralize, hypothecate, assign, convey, 73600
sell, exchange, or otherwise dispose of any or all tax credits, or 73601
any portion of any or all tax credits allowed under this section. 73602

(2) No credit allowed under this section is subject to 73603
execution, attachment, lien, levy, or other judicial proceeding. 73604

(H)(1)(a) Except as set forth in division (H)(1)(b) of this 73605
section and notwithstanding division (I)(1) of section 5733.04 of 73606
the Revised Code to the contrary, each person timely and fully 73607
complying with the reporting requirements set forth in division 73608
(D) of this section shall not claim, and shall not be entitled to 73609
claim, any deduction or adjustment for any Ohio net operating loss 73610
carried forward to any one or more franchise tax years after 73611
franchise tax year 2005. 73612

(b) Division (H)(1)(a) of this section applies only to the 73613
portion of the Ohio net operating loss represented by the 73614
disallowed Ohio net operating loss carryforward. 73615

(2) Notwithstanding division (I) of section 5733.04 of the 73616
Revised Code to the contrary, with respect to all franchise tax 73617
years after franchise tax year 2005, each person timely and fully 73618
complying with the reporting requirements set forth in division 73619
(D) of this section shall not claim, and shall not be entitled to 73620
claim, any deduction, exclusion, or adjustment with respect to 73621
deductible temporary differences reflected on the person's books 73622
and records on the last day of its taxable year ending in 2004. 73623

(3)(a) Except as set forth in division (H)(3)(b) of this 73624
section and notwithstanding division (I) of section 5733.04 of the 73625
Revised Code to the contrary, with respect to all franchise tax 73626
years after franchise tax year 2005, each person timely and fully 73627
complying with the reporting requirements set forth in division 73628
(D) of this section shall exclude from Ohio net income all taxable 73629
temporary differences reflected on the person's books and records 73630
on the last day of its taxable year ending in 2004. 73631

(b) In no event shall the exclusion provided by division 73632
(H)(3)(a) of this section for any franchise tax year exceed the 73633

amount of the taxable temporary differences otherwise included in 73634
Ohio net income for that year. 73635

(4) Divisions (H)(2) and (3) of this section shall apply only 73636
to the extent such items were used in the calculations of the 73637
credit provided by this section. 73638

Sec. 5751.98. (A) To provide a uniform procedure for 73639
calculating the amount of tax due under this chapter, a taxpayer 73640
shall claim any credits to which it is entitled in the following 73641
order: 73642

The nonrefundable jobs retention credit under division (B) of 73643
section 5751.50 of the Revised Code; 73644

The nonrefundable credit for qualified research expenses 73645
under division (B) of section 5751.51 of the Revised Code; 73646

The nonrefundable credit for a borrower's qualified research 73647
and development loan payments under division (B) of section 73648
5751.52 of the Revised Code; 73649

The nonrefundable credit for calendar years 2010 to ~~2029~~ 2039 73650
for unused net operating losses under division (B) of section 73651
5751.53 of the Revised Code; 73652

The refundable motion picture and Broadway theatrical 73653
production credit under section 5751.54 of the Revised Code; 73654

The refundable jobs creation credit or job retention credit 73655
under division (A) of section 5751.50 of the Revised Code; 73656

The refundable credit for calendar year ~~2030~~ 2040 for unused 73657
net operating losses under division (C) of section 5751.53 of the 73658
Revised Code. 73659

(B) For any credit except the refundable credits enumerated 73660
in this section, the amount of the credit for a tax period shall 73661
not exceed the tax due after allowing for any other credit that 73662

precedes it in the order required under this section. Any excess 73663
amount of a particular credit may be carried forward if authorized 73664
under the section creating the credit. 73665

Sec. 5753.021. For the purposes of funding the education 73666
needs of this state, funding interscholastic athletics and other 73667
extracurricular activities for youth, funding efforts to alleviate 73668
problem sports gaming, and defraying the costs of enforcing and 73669
administering the law governing sports gaming and the tax levied 73670
by this section, a tax is hereby levied on the sports gaming 73671
receipts of a sports gaming proprietor at the rate of ~~ten~~ twenty 73672
per cent of the sports gaming receipts received by the proprietor 73673
from the operation of sports gaming in this state. 73674

The tax imposed under this section is in addition to any 73675
other taxes or fees imposed under the Revised Code. 73676

Sec. 5910.01. As used in this chapter and section 5919.34 of 73677
the Revised Code: 73678

(A) "Child" includes natural and adopted children and 73679
stepchildren who have not been legally adopted by the veteran 73680
parent provided that the relationship between the stepchild and 73681
the veteran parent meets the following criteria: 73682

(1) The veteran parent is married to the child's natural or 73683
adoptive parent at the time application for a scholarship granted 73684
under this chapter is made; or if the veteran parent is deceased, 73685
the child's natural or adoptive parent was married to the veteran 73686
parent at the time of the veteran parent's death; 73687

(2) The child resided with the veteran parent for a period of 73688
not less than ten consecutive years immediately prior to making 73689
application for the scholarship; or if the veteran parent is 73690
deceased, the child resided with the veteran parent for a period 73691
of not less than ten consecutive years immediately prior to the 73692

veteran parent's death; 73693

(3) The child received financial support from the veteran 73694
parent for a period of not less than ten consecutive years 73695
immediately prior to making application for the scholarship; or if 73696
the veteran parent is deceased, the child received financial 73697
support from the veteran parent for a period of not less than ten 73698
consecutive years immediately prior to the veteran parent's death. 73699

(B) "Veteran" includes any of the following: 73700

(1) Any person who was a member of the armed services of the 73701
United States for a period of ninety days or more, or who was 73702
discharged from the armed services due to a disability incurred 73703
while a member with less than ninety days' service, or who died 73704
while a member of the armed services; provided that such service, 73705
disability, or death occurred during one of the following periods: 73706
~~April 6, 1917, to November 11, 1918;~~ December 7, 1941, to December 73707
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 73708
May 7, 1975; August 2, 1990, to the end of operations conducted as 73709
a result of the invasion of Kuwait by Iraq, including support for 73710
operation desert shield and operation desert storm, as declared by 73711
the president of the United States or the congress; October 7, 73712
2001, to the end of operation enduring freedom as declared by the 73713
president of the United States or the congress; March 20, 2003, to 73714
the end of operation Iraqi freedom as declared by the president of 73715
the United States or the congress; or any other period of conflict 73716
established by the United States department of veterans affairs 73717
for pension purposes; 73718

(2) Any person who was a member of the armed services of the 73719
United States and participated in an operation for which the armed 73720
forces expeditionary medal was awarded; 73721

(3) Any person who served as a member of the United States 73722
merchant marine and to whom either of the following applies: 73723

(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215. 73724
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(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service. 73726
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(C) "Armed services of the United States" or "United States armed forces" includes the army, air force, navy, marine corps, coast guard, and such other military service branch as may be designated by congress as a part of the armed forces of the United States. 73730
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(D) "Board" means the Ohio war orphans and severely disabled veterans' children scholarship board created by section 5910.02 of the Revised Code. 73735
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(E) "Disabled" means having a sixty per cent or greater service-connected disability or receiving benefits for permanent and total nonservice-connected disability, as determined by the United States department of veterans affairs. 73738
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(F) "United States merchant marine" includes the United States army transport service and the United States naval transport service. 73742
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Sec. 5913.01. (A) The adjutant general is the commander and administrative head of the Ohio organized militia, as described in section 5923.01 of the Revised Code. The adjutant general shall: 73745
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(1) Be provided offices and shall keep them open during usual business hours; 73748
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(2) Manage the recruitment of individuals for service in the Ohio organized militia; 73750
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(3) Have and maintain custody of all military records, correspondence, and other documents of the Ohio organized militia; 73752
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~~(3)~~(4) Superintend the preparation of all returns and reports required by the United States from the state on military matters; 73754
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~~(4)~~(5) Keep a roster of all officers of the Ohio organized militia, including retired officers; 73756
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~~(5)~~(6) Whenever necessary, cause the military provisions of the Revised Code and the orders, regulations, pamphlets, circulars, and memorandums of the adjutant general's department to be printed and distributed to the organizations of the Ohio organized militia; 73758
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~~(6)~~(7) Prepare and issue all necessary Ohio organized militia forms and attest to all commissions issued to officers of the Ohio organized militia; 73763
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~~(7)~~(8) Have a seal, and all copies of orders, records, and papers in the adjutant general's office certified and authenticated with that seal shall be competent evidence in like manner as if the originals were produced. All orders issued from the adjutant general's office shall bear a duplicate of the seal. 73766
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~~(8)~~(9) Keep and preserve the arms, ordnance, equipment, and all other military property belonging to the state or issued to the state by the federal government and issue any regulations necessary to keep, preserve, and repair the property as conditions demand; 73771
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~~(9)~~(10) Issue adjutant general's property to the units of the Ohio organized militia as the necessity of the service or organizational or allowance tables requires; 73776
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~~(10)~~(11) Submit an annual report to the governor at such time as the governor requires of the transaction of the adjutant general's department, setting forth the strength and condition of the Ohio organized militia and other matters that the adjutant general chooses; 73779
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~~(11)~~(12) Designate members of the Ohio national guard, who 73784
are participating in duties related to remotely piloted aircraft, 73785
including, but not limited to, pilots, sensor operators, and 73786
mission intelligence personnel, duties related to special forces 73787
operations, or duties related to cybersecurity, as designated 73788
public service workers under section 149.43 of the Revised Code; 73789

~~(12)~~(13) Command the joint force headquarters of the Ohio 73790
national guard. 73791

(B) The adjutant general shall issue and distribute all 73792
orders issued in the name of the governor as the commander in 73793
chief of the Ohio organized militia and perform the duties that 73794
the governor directs and other duties prescribed by law. 73795

(C) The adjutant general may enter into cooperative 73796
agreements, contractual arrangements, or agreements for the 73797
acceptance of grants with the United States or any agency or 73798
department of the United States, other states, any department or 73799
political subdivision of this state, or any person or body 73800
politic, to accomplish the purposes of the adjutant general's 73801
department. The adjutant general shall cooperate with, and not 73802
infringe upon, the rights of other state departments, divisions, 73803
boards, commissions, and agencies, political subdivisions, and 73804
other public officials and public and private agencies when the 73805
interests of the adjutant general's department and those other 73806
entities overlap. 73807

The funds made available by the United States for the 73808
exclusive use of the department shall be expended only by the 73809
department and only for the purposes for which the federal funds 73810
were appropriated. In accepting federal funds, the department 73811
agrees to abide by the terms and conditions of the grant or 73812
cooperative agreement and further agrees to expend the federal 73813
funds in accordance with the laws and regulations of the United 73814
States. 73815

Sec. 5922.01. The governor shall organize and maintain within this state, on a reserve basis, civilian cyber security reserve forces capable of being expanded and trained to educate and protect state, county, and local government entities, critical infrastructure, including election systems, businesses, and citizens of this state from cyber attacks. In the case of an emergency proclaimed by the governor, or caused by illicit actors or imminent danger, the governor, as commander-in-chief, shall expand the reserve as the exigency of the occasion requires.

The reserve shall be a part of the Ohio organized militia under the adjutant general's department. The reserve shall be known as the Ohio cyber reserve. The adjutant general shall establish and may revise, in accordance with section 5923.12 of the Revised Code, the rates of pay for reserve members when called to state active duty. ~~While performing any drill or training, reserve members shall serve in an unpaid volunteer status.~~ When called to state active duty by the governor, reserve members shall function as civilian members of the Ohio organized militia and shall be paid at the rates established by the adjutant general.

The adjutant general may provide appropriate training to current and potential members of the Ohio cyber reserve. While performing any drill or training, current and potential reserve members shall serve in an unpaid volunteer status.

The adjutant general may pay from funds appropriated by the general assembly the actual and necessary expenses incurred by the Ohio cyber reserve for administration, training, and deployment of the Ohio cyber reserve, at the discretion of the adjutant general or the adjutant general's designee. Expenses for administration, training, and deployment may include, but are not limited to, permanent or temporary state employees or contractual internal or external administrative staff, travel and subsistence expenses,

the purchase or rental of equipment, hardware, and local 73847
operational support. 73848

Sec. 5923.12. When ordered to state active duty by the 73849
governor, for which duty federal basic pay and allowances are not 73850
authorized, members of the organized militia of Ohio shall receive 73851
the same pay and allowances for each day's service as is provided 73852
for commissioned officers, warrant officers, noncommissioned 73853
officers, and enlisted personnel of like grade and longevity in 73854
the armed forces of the United States, together with the necessary 73855
transportation, housing, and subsistence allowances as prescribed 73856
by the United States department of defense pay manual, or an 73857
amount not less than seventy-five dollars per day as base pay for 73858
each day's duty performed, whichever is greater. 73859

Notwithstanding any other provision of law, Ohio cyber 73860
reserve members shall receive a rate of pay determined and 73861
provided by rule by the adjutant general, in the name of the 73862
governor. The rule shall establish a rate of pay commensurate with 73863
those specified in pay schedules established by the director of 73864
administrative services for information technology employees of 73865
the state who have comparable training, experience, and 73866
professional qualifications. 73867

When ordered by the governor to perform training or duty 73868
under this section or section 5919.29 of the Revised Code, members 73869
of the Ohio national guard shall have the protections afforded to 73870
persons on federal active duty by "The Servicemembers Civil Relief 73871
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 73872

The death benefit payable by the adjutant general under 73873
section 5919.33 of the Revised Code to any active duty member of 73874
the Ohio national guard shall also be payable to any member of the 73875
Ohio naval militia, Ohio cyber reserve, and the Ohio military 73876
reserve ordered to state active duty by proclamation of the 73877

governor and who subsequently dies while performing said duty, if 73878
a beneficiary or beneficiaries has been designated in writing on a 73879
form prescribed by the adjutant general. 73880

Sec. 6131.43. (A) Upon the completion of the work and the 73881
approval of it by the county engineer, the board of county 73882
commissioners shall order the county auditor to reduce pro rata 73883
the assessments confirmed by it by the difference between the 73884
estimated cost of the construction and the final cost as certified 73885
by the county engineer. The assessments so reduced, including the 73886
cost of location, engineering, compensation, damages, and 73887
contingency and the assessment for maintenance for one year, shall 73888
be levied upon each parcel of land, each public corporation, and 73889
each department, office, or institution of the state as stated in 73890
the schedules as of the date of the order of the board approving 73891
the contracts and ordering the levying of the assessments. 73892

(B) The auditor shall notify the owners of all assessed lands 73893
of the amount of the actual assessment, which shall be not less 73894
than ten dollars, and of the payment plan for the collection of 73895
the assessments. The auditor shall immediately place the 73896
assessments so levied upon the duplicates of the county, and the 73897
assessments shall be a lien upon the several parcels of land 73898
respectively from and after the date of the order of the board 73899
approving and levying the assessments. The auditor shall be liable 73900
on the auditor's bond for any damages sustained by any person by 73901
reason of the auditor's failure to place promptly the assessments 73902
upon the proper duplicates of the county. 73903

(C) The county auditor shall transmit to the governing body 73904
of any political subdivision affected by an improvement the 73905
assessments levied against it. The governing body shall authorize 73906
payment to be made to the county treasurer of the county in which 73907
the improvement is located from the general fund of the political 73908

subdivision, except as otherwise provided by law. 73909

(D) The county auditor shall also transmit to the director of 73910
any department, office, or institution of the state, affected by 73911
an improvement the assessments levied against any department, 73912
office, or institution of the state. Payment shall be made to the 73913
county treasurer of the county in which the improvement is located 73914
~~from the drainage assessment fund in the manner provided by~~ 73915
~~section 6133.15 of the Revised Code. In presenting their proposed~~ 73916
~~expenses to the director of budget and management pursuant to~~ 73917
~~section 126.02 of the Revised Code, the directors of all~~ 73918
~~departments, offices, or institutions of the state shall list all~~ 73919
~~unpaid assessments received before the first day of October of the~~ 73920
~~year preceding the first regular session of the general assembly~~ 73921
~~for the state's proportionate share of the cost of any improvement~~ 73922
~~authorized or constructed under this chapter and Chapters 6133.~~ 73923
~~and 6135. of the Revised Code and all unpaid assessments for~~ 73924
~~maintenance as provided by Chapter 6137. of the Revised Code. The~~ 73925
~~assessments so listed shall be included in the state budget~~ 73926
~~estimates of revenues and expenditures for each state fund and~~ 73927
~~budget estimates for each state agency prepared and submitted to~~ 73928
~~the governor under section 126.02 of the Revised Code.~~ 73929

Section 101.02. That existing sections 101.38, 103.60, 73930
107.63, 109.57, 109.572, 109.71, 109.77, 111.15, 113.41, 113.60, 73931
117.34, 117.46, 117.47, 117.473, 119.01, 119.06, 119.062, 119.07, 73932
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5910.01, 5913.01, 5922.01, 5923.12, and 6131.43 of the Revised 74027
Code are hereby repealed. 74028

Section 105.01. That sections 117.471, 117.472, 121.371, 74029
121.372, 121.374, 123.14, 131.38, 173.05, 505.103, 717.21, 907.30, 74030
3107.018, 3111.40, 3121.46, 3318.50, 3318.52, 3325.14, 3333.12, 74031
3333.167, 3333.80, 3333.801, 3333.802, 3720.041, 3733.49, 74032
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5119.361, 5123.195, 5124.39, 5163.52, 5164.05, 5166.12, 5166.14, 74037
5166.141, 5167.102, 5726.041, 6133.15, and 6301.12 of the Revised 74038
Code are hereby repealed. 74039

Section 107.10. That Section 3 of S.B. 166 of the 134th 74040
General Assembly be amended and codified as section 4123.345 of 74041
the Revised Code to read as follows: 74042

Sec. 3 4123.345. (A) The ~~Employers Providing Work Based~~ 74043
~~Learning Pilot Program~~ employers providing work-based learning 74044
program is created. ~~The program expires two years after the~~ 74045
~~effective date of this section.~~ 74046

As soon as practicable after the effective date of this 74047
section, the ~~Administrator~~ administrator of ~~Workers' Compensation~~ 74048
workers' compensation, subject to the approval of the ~~Bureau~~ 74049
bureau of ~~Workers' Compensation Board~~ workers' compensation board 74050
of ~~Directors~~ directors, shall adopt a rule that prohibits, ~~for the~~ 74051
~~program's duration,~~ the ~~Administrator~~ administrator from charging 74052
any amount with respect to a claim for compensation or benefits 74053
under ~~Chapter~~ this chapter or Chapters 4121., ~~4123.,~~ 4127., or 74054
4131. of the Revised Code to an employer's experience if both of 74055
the following apply: 74056

(1) The employer provides work-based learning experiences for 74057
students enrolled in a ~~careertechnical~~ career-technical education 74058
program approved under section 3317.161 of the Revised Code. 74059

(2) The claim is based on a student's injury, occupational 74060
disease, or death sustained in the course of and arising out of 74061
the student's participation in the employer's work-based learning 74062
experience. 74063

(B) Pursuant to section 4109.06 of the Revised Code, the 74064

requirements of Chapter 4109. of the Revised Code do not apply to 74065
a student participating in a work-based learning experience 74066
described in division (A)(1) of this section. 74067

Section 107.11. That existing Section 3 of S.B. 166 of the 74068
134th General Assembly is hereby repealed. 74069

Section 110.10. That the versions of sections 111.15 and 74070
3711.14 of the Revised Code that are scheduled to take effect 74071
September 30, 2024, be amended to read as follows: 74072

Sec. 111.15. (A) As used in this section: 74073

(1) "Rule" includes any rule, regulation, bylaw, or standard 74074
having a general and uniform operation adopted by an agency under 74075
the authority of the laws governing the agency; any appendix to a 74076
rule; and any internal management rule. "Rule" does not include 74077
any guideline adopted pursuant to section 3301.0714 of the Revised 74078
Code, any order respecting the duties of employees, any finding, 74079
any determination of a question of law or fact in a matter 74080
presented to an agency, or any rule promulgated pursuant to 74081
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 74082
Revised Code. "Rule" includes any amendment or rescission of a 74083
rule. 74084

(2) "Agency" means any governmental entity of the state and 74085
includes, but is not limited to, any board, department, division, 74086
commission, bureau, society, council, or institution, ~~state~~ 74087
~~college or university, community college district, technical~~ 74088
~~college district, or state community college.~~ "Agency" does not 74089
include the general assembly, the controlling board, the adjutant 74090
general's department, a state college or university, a community 74091
college district, a technical college district, a state community 74092
college, or any court. 74093

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

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

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

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

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

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

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if

not exempted by that division. 74125

If a rule incorporates a text or other material by reference, 74126
the agency shall comply with sections 121.71 to 121.75 of the 74127
Revised Code. 74128

(2) A rule of an emergency nature necessary for the immediate 74129
preservation of the public peace, health, or safety shall state 74130
the reasons for the necessity. The emergency rule, in final form 74131
and in compliance with division (B)(3) of this section, shall be 74132
filed in electronic form with the secretary of state, the director 74133
of the legislative service commission, and the joint committee on 74134
agency rule review. The emergency rule is effective immediately 74135
upon completion of the latest filing, except that if the agency in 74136
adopting the emergency rule designates an effective date, or date 74137
and time of day, that is later than the effective date and time 74138
provided for by division (B)(2) of this section, the emergency 74139
rule if filed as required by such division shall become effective 74140
at the later date, or later date and time of day, designated by 74141
the agency. 74142

Except as provided in section 107.43 of the Revised Code, an 74143
emergency rule becomes invalid at the end of the one hundred 74144
twentieth day it is in effect. Prior to that date, the agency may 74145
file the emergency rule as a nonemergency rule in compliance with 74146
division (B)(1) of this section. The agency may not refile the 74147
emergency rule in compliance with division (B)(2) of this section 74148
so that, upon the emergency rule becoming invalid under such 74149
division, the emergency rule will continue in effect without 74150
interruption for another one hundred twenty-day period. 74151

The adoption of an emergency rule under division (B)(2) of 74152
this section in response to a state of emergency, as defined under 74153
section 107.42 of the Revised Code, may be invalidated by the 74154
general assembly, in whole or in part, by adopting a concurrent 74155
resolution in accordance with section 107.43 of the Revised Code. 74156

(3) An agency shall file a rule under division (B)(1) or (2) 74157
of this section in compliance with the following standards and 74158
procedures: 74159

(a) The rule shall be numbered in accordance with the 74160
numbering system devised by the director for the Ohio 74161
administrative code. 74162

(b) The rule shall be prepared and submitted in compliance 74163
with the rules of the legislative service commission. 74164

(c) The rule shall clearly state the date on which it is to 74165
be effective and the date on which it will expire, if known. 74166

(d) Each rule that amends or rescinds another rule shall 74167
clearly refer to the rule that is amended or rescinded. Each 74168
amendment shall fully restate the rule as amended. 74169

If the director of the legislative service commission or the 74170
director's designee gives an agency notice pursuant to section 74171
103.05 of the Revised Code that a rule filed by the agency is not 74172
in compliance with the rules of the legislative service 74173
commission, the agency shall within thirty days after receipt of 74174
the notice conform the rule to the rules of the commission as 74175
directed in the notice. 74176

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 74177
of this section shall be recorded by the secretary of state and 74178
the director under the title of the agency adopting the rule and 74179
shall be numbered according to the numbering system devised by the 74180
director. The secretary of state and the director shall preserve 74181
the rules in an accessible manner. Each such rule shall be a 74182
public record open to public inspection and may be transmitted to 74183
any law publishing company that wishes to reproduce it. 74184

(D) At least sixty-five days before a board, commission, 74185
department, division, or bureau of the government of the state 74186
files a rule under division (B)(1) of this section, it shall file 74187

the full text of the proposed rule in electronic form with the 74188
joint committee on agency rule review, and the proposed rule is 74189
subject to legislative review and invalidation under section 74190
106.021 of the Revised Code. If a state board, commission, 74191
department, division, or bureau makes a revision in a proposed 74192
rule after it is filed with the joint committee, the state board, 74193
commission, department, division, or bureau shall promptly file 74194
the full text of the proposed rule in its revised form in 74195
electronic form with the joint committee. A state board, 74196
commission, department, division, or bureau shall also file the 74197
rule summary and fiscal analysis prepared under section 106.024 of 74198
the Revised Code in electronic form along with a proposed rule, 74199
and along with a proposed rule in revised form, that is filed 74200
under this division. If a proposed rule has an adverse impact on 74201
businesses, the state board, commission, department, division, or 74202
bureau also shall file the business impact analysis, any 74203
recommendations received from the common sense initiative office, 74204
and the associated memorandum of response, if any, in electronic 74205
form along with the proposed rule, or the proposed rule in revised 74206
form, that is filed under this division. 74207

A proposed rule that is subject to legislative review under 74208
this division may not be adopted and filed in final form under 74209
division (B)(1) of this section unless the proposed rule has been 74210
filed with the joint committee on agency rule review under this 74211
division and the time for the joint committee to review the 74212
proposed rule has expired without recommendation of a concurrent 74213
resolution to invalidate the proposed rule. 74214

If a proposed rule that is subject to legislative review 74215
under this division implements a federal law or rule, the agency 74216
shall provide to the joint committee a citation to the federal law 74217
or rule the proposed rule implements and a statement as to whether 74218
the proposed rule implements the federal law or rule in a manner 74219

that is more or less stringent or burdensome than the federal law 74220
or rule requires. 74221

As used in this division, "commission" includes the public 74222
utilities commission when adopting rules under a federal or state 74223
statute. 74224

This division does not apply to any of the following: 74225

(1) A proposed rule of an emergency nature; 74226

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 74227
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 74228
4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 74229
Code; 74230

(3) A rule proposed by an agency other than a board, 74231
commission, department, division, or bureau of the government of 74232
the state; 74233

(4) A proposed internal management rule of a board, 74234
commission, department, division, or bureau of the government of 74235
the state; 74236

(5) Any proposed rule that must be adopted verbatim by an 74237
agency pursuant to federal law or rule, to become effective within 74238
sixty days of adoption, in order to continue the operation of a 74239
federally reimbursed program in this state, so long as the 74240
proposed rule contains both of the following: 74241

(a) A statement that it is proposed for the purpose of 74242
complying with a federal law or rule; 74243

(b) A citation to the federal law or rule that requires 74244
verbatim compliance. 74245

(6) An initial rule proposed by the director of health to 74246
impose quality standards on a health care facility as defined in 74247
section 3702.30 of the Revised Code; 74248

(7) A rule of the state lottery commission pertaining to 74249

instant game rules. 74250

If a rule is exempt from legislative review under division 74251
(D)(5) of this section, and if the federal law or rule pursuant to 74252
which the rule was adopted expires, is repealed or rescinded, or 74253
otherwise terminates, the rule is thereafter subject to 74254
legislative review under division (D) of this section. 74255

Whenever a state board, commission, department, division, or 74256
bureau files a proposed rule or a proposed rule in revised form 74257
under division (D) of this section, it shall also file the full 74258
text of the same proposed rule or proposed rule in revised form in 74259
electronic form with the secretary of state and the director of 74260
the legislative service commission. A state board, commission, 74261
department, division, or bureau shall file the rule summary and 74262
fiscal analysis prepared under section 106.024 of the Revised Code 74263
in electronic form along with a proposed rule or proposed rule in 74264
revised form that is filed with the secretary of state or the 74265
director of the legislative service commission. 74266

Sec. 3711.14. (A) In accordance with Chapter 119. of the 74267
Revised Code, the director of health may do any of the following: 74268

(1) Impose a civil penalty of not less than one thousand 74269
dollars and not more than two hundred fifty thousand dollars on a 74270
person who violates a provision of this chapter or the rules 74271
adopted under it; 74272

(2) Summarily suspend, in accordance with division (B) of 74273
this section, a license issued under this chapter if the director 74274
believes there is clear and convincing evidence that the continued 74275
operation of a maternity home presents a danger of immediate and 74276
serious harm to the public; 74277

(3) Revoke a license issued under this chapter if the 74278
director determines that a violation of a provision of this 74279

chapter or the rules adopted under it has occurred in such a 74280
manner as to pose an imminent threat of serious physical or 74281
life-threatening danger. 74282

(B) If the director suspends a license under division (A)(2) 74283
of this section, the director shall ~~issue~~ serve a written order of 74284
suspension ~~and cause it to be delivered by certified mail or in~~ 74285
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 74286
the Revised Code. The order shall not be subject to suspension by 74287
the court while an appeal filed under section 119.12 of the 74288
Revised Code is pending. If the individual subject to the 74289
suspension requests an adjudication, notwithstanding the time 74290
within which a hearing must be held under section 119.07 of the 74291
Revised Code, the date set for the adjudication shall be within 74292
fifteen days but not earlier than seven days after the individual 74293
makes the request, unless another date is agreed to by both the 74294
individual and the director. The summary suspension shall remain 74295
in effect, unless reversed by the director, until a final 74296
adjudication order issued by the director pursuant to this section 74297
and Chapter 119. of the Revised Code becomes effective. 74298

The director shall issue a final adjudication order not later 74299
than ninety days after completion of the adjudication. If the 74300
director does not issue a final order within the ninety-day 74301
period, the summary suspension shall be void, but any final 74302
adjudication order issued subsequent to the ninety-day period 74303
shall not be affected. 74304

(C) If the director issues an order revoking or suspending a 74305
license issued under this chapter and the license holder continues 74306
to operate a maternity home, the director may ask the attorney 74307
general to apply to the court of common pleas of the county in 74308
which the person is located for an order enjoining the person from 74309
operating the home. The court shall grant the order on a showing 74310
that the person is operating the home. 74311

Section 110.11. That the existing versions of sections 111.15 74312
and 3711.14 of the Revised Code that are scheduled to take effect 74313
September 30, 2024, are hereby repealed. 74314

Section 110.12. Sections 110.10 and 110.11 of this act take 74315
effect September 30, 2024. 74316

Section 110.20. That the version of section 109.77 of the 74317
Revised Code that is scheduled to take effect December 29, 2023, 74318
be amended to read as follows: 74319

Sec. 109.77. (A) As used in this section: 74320

(1) "Felony" has the same meaning as in section 109.511 of 74321
the Revised Code. 74322

(2) "Companion animal" has the same meaning as in section 74323
959.131 of the Revised Code. 74324

(B)(1) Notwithstanding any general, special, or local law or 74325
charter to the contrary, and except as otherwise provided in this 74326
section, no person shall receive an original appointment on a 74327
permanent basis as any of the following unless the person 74328
previously has been awarded a certificate by the executive 74329
director of the Ohio peace officer training commission attesting 74330
to the person's satisfactory completion of an approved state, 74331
county, municipal, or department of natural resources peace 74332
officer basic training program: 74333

(a) A peace officer of any county, township, municipal 74334
corporation, regional transit authority, or metropolitan housing 74335
authority; 74336

(b) A natural resources law enforcement staff officer, 74337
forest-fire investigator, wildlife officer, or natural resources 74338
officer of the department of natural resources; 74339

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	74340 74341
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	74342 74343
(e) A state university law enforcement officer;	74344
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	74345 74346 74347 74348
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	74349 74350 74351
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	74352 74353
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	74354 74355 74356 74357 74358 74359 74360 74361 74362
(j) A gaming agent employed under section 3772.03 of the Revised Code;	74363 74364
<u>(k) The inspector general or a deputy inspector general appointed pursuant to section 121.48 of the Revised Code.</u>	74365 74366
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the	74367 74368 74369

person previously has completed satisfactorily or, within the time 74370
prescribed by rules adopted by the attorney general pursuant to 74371
section 109.74 of the Revised Code, satisfactorily completes a 74372
state, county, municipal, or department of natural resources peace 74373
officer basic training program for temporary or probationary 74374
officers and is awarded a certificate by the director attesting to 74375
the satisfactory completion of the program: 74376

(a) A peace officer of any county, township, municipal 74377
corporation, regional transit authority, or metropolitan housing 74378
authority; 74379

(b) A natural resources law enforcement staff officer, park 74380
officer, forest officer, preserve officer, wildlife officer, or 74381
state watercraft officer of the department of natural resources; 74382

(c) An employee of a park district under section 511.232 or 74383
1545.13 of the Revised Code; 74384

(d) An employee of a conservancy district who is designated 74385
pursuant to section 6101.75 of the Revised Code; 74386

(e) A special police officer employed by the department of 74387
mental health and addiction services pursuant to section 5119.08 74388
of the Revised Code or the department of developmental 74389
disabilities pursuant to section 5123.13 of the Revised Code; 74390

(f) An enforcement agent of the department of public safety 74391
whom the director of public safety designates under section 74392
5502.14 of the Revised Code; 74393

(g) A special police officer employed by a port authority 74394
under section 4582.04 or 4582.28 of the Revised Code; 74395

(h) A special police officer employed by a municipal 74396
corporation at a municipal airport, or other municipal air 74397
navigation facility, that has scheduled operations, as defined in 74398
section 119.3 of Title 14 of the Code of Federal Regulations, 14 74399

C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training on companion animal encounters and companion animal behavior. The requirement to complete training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code does not apply to any person serving as a peace officer on March 27, 1979, and the requirement to complete training in crisis intervention does not apply to any person serving as a peace officer on April 4, 1985. Any person who is serving as a peace officer on April 4, 1985, who terminates that employment after that date, and who subsequently is hired as a peace officer by the same or another law enforcement agency shall complete training in crisis intervention as prescribed by rules adopted by the attorney general pursuant to section 109.742 of the Revised Code. No peace officer shall have employment as a peace officer terminated and then be reinstated with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person

serving on a permanent basis on March 28, 1985, as a park officer, 74432
forest officer, preserve officer, wildlife officer, or state 74433
watercraft officer of the department of natural resources or as an 74434
employee of a park district under section 511.232 or 1545.13 of 74435
the Revised Code, to any person serving on a permanent basis on 74436
March 6, 1986, as an employee of a conservancy district designated 74437
pursuant to section 6101.75 of the Revised Code, to any person 74438
serving on a permanent basis on January 10, 1991, as a preserve 74439
officer of the department of natural resources, to any person 74440
employed on a permanent basis on July 2, 1992, as a special police 74441
officer by the department of mental health and addiction services 74442
pursuant to section 5119.08 of the Revised Code or by the 74443
department of developmental disabilities pursuant to section 74444
5123.13 of the Revised Code, to any person serving on a permanent 74445
basis on May 17, 2000, as a special police officer employed by a 74446
port authority under section 4582.04 or 4582.28 of the Revised 74447
Code, to any person serving on a permanent basis on March 19, 74448
2003, as a special police officer employed by a municipal 74449
corporation at a municipal airport or other municipal air 74450
navigation facility described in division (A)(19) of section 74451
109.71 of the Revised Code, to any person serving on a permanent 74452
basis on June 19, 1978, as a state university law enforcement 74453
officer pursuant to section 3345.04 of the Revised Code and who, 74454
immediately prior to June 19, 1978, was serving as a special 74455
police officer designated under authority of that section, or to 74456
any person serving on a permanent basis on September 20, 1984, as 74457
a liquor control investigator, known after June 30, 1999, as an 74458
enforcement agent of the department of public safety, engaged in 74459
the enforcement of Chapters 4301. and 4303. of the Revised Code. 74460

(5) Division (B) of this section does not apply to any person 74461
who is appointed as a regional transit authority police officer 74462
pursuant to division (Y) of section 306.35 of the Revised Code if, 74463
on or before July 1, 1996, the person has completed satisfactorily 74464

an approved state, county, municipal, or department of natural 74465
resources peace officer basic training program and has been 74466
awarded a certificate by the executive director of the Ohio peace 74467
officer training commission attesting to the person's satisfactory 74468
completion of such an approved program and if, on July 1, 1996, 74469
the person is performing peace officer functions for a regional 74470
transit authority. 74471

(C) No person, after September 20, 1984, shall receive an 74472
original appointment on a permanent basis as a veterans' home 74473
police officer designated under section 5907.02 of the Revised 74474
Code unless the person previously has been awarded a certificate 74475
by the executive director of the Ohio peace officer training 74476
commission attesting to the person's satisfactory completion of an 74477
approved police officer basic training program. Every person who 74478
is appointed on a temporary basis or for a probationary term or on 74479
other than a permanent basis as a veterans' home police officer 74480
designated under section 5907.02 of the Revised Code shall forfeit 74481
that position unless the person previously has completed 74482
satisfactorily or, within one year from the time of appointment, 74483
satisfactorily completes an approved police officer basic training 74484
program. 74485

(D) No bailiff or deputy bailiff of a court of record of this 74486
state and no criminal investigator who is employed by the state 74487
public defender shall carry a firearm, as defined in section 74488
2923.11 of the Revised Code, while on duty unless the bailiff, 74489
deputy bailiff, or criminal investigator has done or received one 74490
of the following: 74491

(1) Has been awarded a certificate by the executive director 74492
of the Ohio peace officer training commission, which certificate 74493
attests to satisfactory completion of an approved state, county, 74494
or municipal basic training program for bailiffs and deputy 74495
bailiffs of courts of record and for criminal investigators 74496

employed by the state public defender that has been recommended by 74497
the Ohio peace officer training commission; 74498

(2) Has successfully completed a firearms training program 74499
approved by the Ohio peace officer training commission prior to 74500
employment as a bailiff, deputy bailiff, or criminal investigator; 74501

(3) Prior to June 6, 1986, was authorized to carry a firearm 74502
by the court that employed the bailiff or deputy bailiff or, in 74503
the case of a criminal investigator, by the state public defender 74504
and has received training in the use of firearms that the Ohio 74505
peace officer training commission determines is equivalent to the 74506
training that otherwise is required by division (D) of this 74507
section. 74508

(E)(1) Before a person seeking a certificate completes an 74509
approved peace officer basic training program, the executive 74510
director of the Ohio peace officer training commission shall 74511
request the person to disclose, and the person shall disclose, any 74512
previous criminal conviction of or plea of guilty of that person 74513
to a felony. 74514

(2) Before a person seeking a certificate completes an 74515
approved peace officer basic training program, the executive 74516
director shall request a criminal history records check on the 74517
person. The executive director shall submit the person's 74518
fingerprints to the bureau of criminal identification and 74519
investigation, which shall submit the fingerprints to the federal 74520
bureau of investigation for a national criminal history records 74521
check. 74522

Upon receipt of the executive director's request, the bureau 74523
of criminal identification and investigation and the federal 74524
bureau of investigation shall conduct a criminal history records 74525
check on the person and, upon completion of the check, shall 74526
provide a copy of the criminal history records check to the 74527

executive director. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, before completion of an approved peace officer basic training program, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend

any certificate that has been awarded to a person as prescribed in 74559
this section if the person is convicted, after trial, of a felony 74560
committed on or after January 1, 1997. The executive director 74561
shall suspend the certificate pursuant to division (F)(2) of this 74562
section pending the outcome of an appeal by the person from that 74563
conviction to the highest court to which the appeal is taken or 74564
until the expiration of the period in which an appeal is required 74565
to be filed. If the person files an appeal that results in that 74566
person's acquittal of the felony or conviction of a misdemeanor, 74567
or in the dismissal of the felony charge against that person, the 74568
executive director shall reinstate the certificate awarded to the 74569
person under this section. If the person files an appeal from that 74570
person's conviction of the felony and the conviction is upheld by 74571
the highest court to which the appeal is taken or if the person 74572
does not file a timely appeal, the executive director shall revoke 74573
the certificate awarded to the person under this section. 74574

(G)(1) If a person is awarded a certificate under this 74575
section and the certificate is revoked pursuant to division (E)(4) 74576
or (F) of this section, the person shall not be eligible to 74577
receive, at any time, a certificate attesting to the person's 74578
satisfactory completion of a peace officer basic training program. 74579

(2) The revocation or suspension of a certificate under 74580
division (E)(4) or (F) of this section shall be in accordance with 74581
Chapter 119. of the Revised Code. 74582

(H)(1) A person who was employed as a peace officer of a 74583
county, township, or municipal corporation of the state on January 74584
1, 1966, and who has completed at least sixteen years of full-time 74585
active service as such a peace officer, or equivalent service as 74586
determined by the executive director of the Ohio peace officer 74587
training commission, may receive an original appointment on a 74588
permanent basis and serve as a peace officer of a county, 74589
township, or municipal corporation, or as a state university law 74590

enforcement officer, without complying with the requirements of 74591
division (B) of this section. 74592

(2) Any person who held an appointment as a state highway 74593
trooper on January 1, 1966, may receive an original appointment on 74594
a permanent basis and serve as a peace officer of a county, 74595
township, or municipal corporation, or as a state university law 74596
enforcement officer, without complying with the requirements of 74597
division (B) of this section. 74598

(I) No person who is appointed as a peace officer of a 74599
county, township, or municipal corporation on or after April 9, 74600
1985, shall serve as a peace officer of that county, township, or 74601
municipal corporation unless the person has received training in 74602
the handling of missing children and child abuse and neglect cases 74603
from an approved state, county, township, or municipal police 74604
officer basic training program or receives the training within the 74605
time prescribed by rules adopted by the attorney general pursuant 74606
to section 109.741 of the Revised Code. 74607

(J) No part of any approved state, county, or municipal basic 74608
training program for bailiffs and deputy bailiffs of courts of 74609
record and no part of any approved state, county, or municipal 74610
basic training program for criminal investigators employed by the 74611
state public defender shall be used as credit toward the 74612
completion by a peace officer of any part of the approved state, 74613
county, or municipal peace officer basic training program that the 74614
peace officer is required by this section to complete 74615
satisfactorily. 74616

(K) This section does not apply to any member of the police 74617
department of a municipal corporation in an adjoining state 74618
serving in this state under a contract pursuant to section 737.04 74619
of the Revised Code. 74620

(L) The executive director of the commission shall issue a 74621

certificate of completion of a training program required under 74622
this section in accordance with Chapter 4796. of the Revised Code 74623
to an individual if either of the following applies: 74624

(1) The individual holds a certificate of completion of such 74625
a program in another state. 74626

(2) The individual has satisfactory work experience, a 74627
government certification, or a private certification as described 74628
in that chapter in the same profession, occupation, or 74629
occupational activity as the profession, occupation, or 74630
occupational activity for which the certificate is required in 74631
this state in a state that does not require completion of such a 74632
training program. 74633

Section 110.21. That the existing version of section 109.77 74634
of the Revised Code that is scheduled to take effect December 29, 74635
2023, is hereby repealed. 74636

Section 110.22. Sections 110.20 and 110.21 of this act take 74637
effect December 29, 2023. 74638

Section 130.10. That sections 121.02, 121.03, 121.35, 121.37, 74639
121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, 74640
and 5101.342 be amended and sections 5180.01 and 5180.02 of the 74641
Revised Code be enacted to read as follows: 74642

Sec. 121.02. The following administrative departments and 74643
their respective directors are hereby created: 74644

(A) The office of budget and management, which shall be 74645
administered by the director of budget and management; 74646

(B) The department of commerce, which shall be administered 74647
by the director of commerce; 74648

(C) The department of administrative services, which shall be 74649

administered by the director of administrative services; 74650

(D) The department of transportation, which shall be 74651
administered by the director of transportation; 74652

(E) The department of agriculture, which shall be 74653
administered by the director of agriculture; 74654

(F) The department of natural resources, which shall be 74655
administered by the director of natural resources; 74656

(G) The department of health, which shall be administered by 74657
the director of health; 74658

(H) The department of job and family services, which shall be 74659
administered by the director of job and family services; 74660

(I) ~~Until July 1, 1997, the~~ The department of ~~liquor control~~ 74661
~~children and youth~~, which shall be administered by the director of 74662
~~liquor control~~ children and youth; 74663

(J) The department of public safety, which shall be 74664
administered by the director of public safety; 74665

(K) The department of mental health and addiction services, 74666
which shall be administered by the director of mental health and 74667
addiction services; 74668

(L) The department of developmental disabilities, which shall 74669
be administered by the director of developmental disabilities; 74670

(M) The department of insurance, which shall be administered 74671
by the superintendent of insurance as director thereof; 74672

(N) The department of development, which shall be 74673
administered by the director of development; 74674

(O) The department of youth services, which shall be 74675
administered by the director of youth services; 74676

(P) The department of rehabilitation and correction, which 74677
shall be administered by the director of rehabilitation and 74678

correction;	74679
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	74680 74681
(R) The department of aging, which shall be administered by the director of aging;	74682 74683
(S) The department of veterans services, which shall be administered by the director of veterans services;	74684 74685
(T) The department of medicaid, which shall be administered by the medicaid director.	74686 74687
The director of each department shall exercise the powers and perform the duties vested by law in such department.	74688 74689
Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.	74690 74691 74692 74693 74694
(A) The director of budget and management;	74695
(B) The director of commerce;	74696
(C) The director of transportation;	74697
(D) The director of agriculture;	74698
(E) The director of job and family services;	74699
(F) Until July 1, 1997, the <u>The</u> director of liquor control <u>children and youth</u> ;	74700 74701
(G) The director of public safety;	74702
(H) The superintendent of insurance;	74703
(I) The director of development;	74704
(J) The tax commissioner;	74705

(K) The director of administrative services;	74706
(L) The director of natural resources;	74707
(M) The director of mental health and addiction services;	74708
(N) The director of developmental disabilities;	74709
(O) The director of health;	74710
(P) The director of youth services;	74711
(Q) The director of rehabilitation and correction;	74712
(R) The director of environmental protection;	74713
(S) The director of aging;	74714
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	74715 74716 74717
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	74718 74719
(V) The chancellor of higher education;	74720
(W) The medicaid director.	74721
Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	74722 74723 74724 74725 74726
(1) The department of aging;	74727
(2) The <u>department of</u> development services agency ;	74728
(3) The department of developmental disabilities;	74729
(4) The department of education;	74730
(5) The department of health;	74731
(6) The department of job and family services;	74732

- (7) The department of medicaid; 74733
- (8) The department of mental health and addiction services; 74734
- (9) The opportunities for Ohioans with disabilities agency; 74735
- (10) The department of children and youth. 74736

(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations. 74737
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Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging, rehabilitation and correction, children and youth, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal control and management. 74743
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The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children. 74754
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(2) In seeking to fulfill its purpose, the council may do any of the following: 74759
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(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children; 74761
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- (b) Advise and assess local governments on the coordination of service delivery to children; 74763
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- (c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law; 74765
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- (d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system; 74769
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- (e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 74772
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- (f) Enter into contracts with and apply for grants from federal agencies or private organizations; 74777
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- (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 74779
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- (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 74784
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- (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 74788
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- (j) Identify and disseminate publications regarding alleged 74792

or adjudicated unruly children and children who are at risk of 74793
being alleged or adjudicated unruly children and regarding 74794
programs serving those types of children; 74795

(k) Maintain an inventory of strategic planning facilitators 74796
for use by government or nonprofit entities that serve alleged or 74797
adjudicated unruly children or children who are at risk of being 74798
alleged or adjudicated unruly children. 74799

(3) The cabinet council shall provide for the following: 74800

(a) Reviews of service and treatment plans for children for 74801
which such reviews are requested; 74802

(b) Assistance as the council determines to be necessary to 74803
meet the needs of children referred by county family and children 74804
first councils; 74805

(c) Monitoring and supervision of a statewide, comprehensive, 74806
coordinated, multi-disciplinary, interagency system for infants 74807
and toddlers with developmental disabilities or delays and their 74808
families, as established pursuant to federal grants received and 74809
administered by the department of health for early intervention 74810
services under the "Individuals with Disabilities Education Act of 74811
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 74812

(4) The cabinet council shall develop and implement the 74813
following: 74814

(a) An interagency process to select the indicators that will 74815
be used to measure progress toward increasing child well-being in 74816
the state and to update the indicators on an annual basis. The 74817
indicators shall focus on expectant parents and newborns thriving; 74818
infants and toddlers thriving; children being ready for school; 74819
children and youth succeeding in school; youth choosing healthy 74820
behaviors; and youth successfully transitioning into adulthood. 74821

(b) An interagency system to offer guidance and monitor 74822

progress toward increasing child well-being in the state and in 74823
each county; 74824

(c) An annual plan that identifies state-level agency efforts 74825
taken to ensure progress towards increasing child well-being in 74826
the state. 74827

On an annual basis, the cabinet council shall submit to the 74828
governor and the general assembly a report on the status of 74829
efforts to increase child well-being in the state. This report 74830
shall be made available to any other person on request. 74831

(B)(1) Each board of county commissioners shall establish a 74832
county family and children first council. The board may invite any 74833
local public or private agency or group that funds, advocates, or 74834
provides services to children and families to have a 74835
representative become a permanent or temporary member of its 74836
county council. Each county council must include the following 74837
individuals: 74838

(a) At least three individuals who are not employed by an 74839
agency represented on the council and whose families are or have 74840
received services from an agency represented on the council or 74841
another county's council. Where possible, the number of members 74842
representing families shall be equal to twenty per cent of the 74843
council's membership. 74844

(b) The director of the board of alcohol, drug addiction, and 74845
mental health services that serves the county, or, in the case of 74846
a county that has a board of alcohol and drug addiction services 74847
and a community mental health board, the directors of both boards. 74848
If a board of alcohol, drug addiction, and mental health services 74849
covers more than one county, the director may designate a person 74850
to participate on the county's council. 74851

(c) The health commissioner, or the commissioner's designee, 74852
of the board of health of each city and general health district in 74853

the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.

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

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

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

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

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

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

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

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

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

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

Disabilities Education Act of 2004"; 74884

(n) A representative of a local nonprofit entity that funds, 74885
advocates, or provides services to children and families. 74886

Notwithstanding any other provision of law, the public 74887
members of a county council are not prohibited from serving on the 74888
council and making decisions regarding the duties of the council, 74889
including those involving the funding of joint projects and those 74890
outlined in the county's service coordination mechanism 74891
implemented pursuant to division (C) of this section. 74892

The cabinet council shall establish a state appeals process 74893
to resolve disputes among the members of a county council 74894
concerning whether reasonable responsibilities as members are 74895
being shared. The appeals process may be accessed only by a 74896
majority vote of the council members who are required to serve on 74897
the council. Upon appeal, the cabinet council may order that state 74898
funds for services to children and families be redirected to a 74899
county's board of county commissioners. 74900

The county's juvenile court judge senior in service or 74901
another judge of the juvenile court designated by the 74902
administrative judge or, where there is no administrative judge, 74903
by the judge senior in service shall serve as the judicial advisor 74904
to the county family and children first council. The judge may 74905
advise the county council on the court's utilization of resources, 74906
services, or programs provided by the entities represented by the 74907
members of the county council and how those resources, services, 74908
or programs assist the court in its administration of justice. 74909
Service of a judge as a judicial advisor pursuant to this section 74910
is a judicial function. 74911

(2) The purpose of the county council is to streamline and 74912
coordinate existing government services for families seeking 74913
services for their children. In seeking to fulfill its purpose, a 74914

county council shall provide for the following: 74915

(a) Referrals to the cabinet council of those children for 74916
whom the county council cannot provide adequate services; 74917

(b) Development and implementation of a process that annually 74918
evaluates and prioritizes services, fills service gaps where 74919
possible, and invents new approaches to achieve better results for 74920
families and children; 74921

(c) Participation in the development of a countywide, 74922
comprehensive, coordinated, multi-disciplinary, interagency system 74923
for infants and toddlers with developmental disabilities or delays 74924
and their families, as established pursuant to federal grants 74925
received and administered by the department of health for early 74926
intervention services under the "Individuals with Disabilities 74927
Education Act of 2004"; 74928

(d) Maintenance of an accountability system to monitor the 74929
county council's progress in achieving results for families and 74930
children; 74931

(e) Establishment of a mechanism to ensure ongoing input from 74932
a broad representation of families who are receiving services 74933
within the county system. 74934

(3) A county council shall develop and implement the 74935
following: 74936

(a) An interagency process to establish local indicators and 74937
monitor the county's progress toward increasing child well-being 74938
in the county; 74939

(b) An interagency process to identify local priorities to 74940
increase child well-being. The local priorities shall focus on 74941
expectant parents and newborns thriving; infants and toddlers 74942
thriving; children being ready for school; children and youth 74943
succeeding in school; youth choosing healthy behaviors; and youth 74944

successfully transitioning into adulthood and take into account 74945
the indicators established by the cabinet council under division 74946
(A)(4)(a) of this section. 74947

(c) An annual plan that identifies the county's interagency 74948
efforts to increase child well-being in the county. 74949

On an annual basis, the county council shall submit a report 74950
on the status of efforts by the county to increase child 74951
well-being in the county to the county's board of county 74952
commissioners and the cabinet council. This report shall be made 74953
available to any other person on request. 74954

(4)(a) Except as provided in division (B)(4)(b) of this 74955
section, a county council shall comply with the policies, 74956
procedures, and activities prescribed by the rules or interagency 74957
agreements of a state department participating on the cabinet 74958
council whenever the county council performs a function subject to 74959
those rules or agreements. 74960

(b) On application of a county council, the cabinet council 74961
may grant an exemption from any rules or interagency agreements of 74962
a state department participating on the council if an exemption is 74963
necessary for the council to implement an alternative program or 74964
approach for service delivery to families and children. The 74965
application shall describe the proposed program or approach and 74966
specify the rules or interagency agreements from which an 74967
exemption is necessary. The cabinet council shall approve or 74968
disapprove the application in accordance with standards and 74969
procedures it shall adopt. If an application is approved, the 74970
exemption is effective only while the program or approach is being 74971
implemented, including a reasonable period during which the 74972
program or approach is being evaluated for effectiveness. 74973

(5)(a) Each county council shall designate an administrative 74974
agent for the council from among the following public entities: 74975

the board of alcohol, drug addiction, and mental health services, 74976
including a board of alcohol and drug addiction or a community 74977
mental health board if the county is served by separate boards; 74978
the board of county commissioners; any board of health of the 74979
county's city and general health districts; the county department 74980
of job and family services; the county agency responsible for the 74981
administration of children services pursuant to section 5153.15 of 74982
the Revised Code; the county board of developmental disabilities; 74983
any of the county's boards of education or governing boards of 74984
educational service centers; or the county's juvenile court. Any 74985
of the foregoing public entities, other than the board of county 74986
commissioners, may decline to serve as the council's 74987
administrative agent. 74988

A county council's administrative agent shall serve as the 74989
council's appointing authority for any employees of the council. 74990
The council shall file an annual budget with its administrative 74991
agent, with copies filed with the county auditor and with the 74992
board of county commissioners, unless the board is serving as the 74993
council's administrative agent. The council's administrative agent 74994
shall ensure that all expenditures are handled in accordance with 74995
policies, procedures, and activities prescribed by state 74996
departments in rules or interagency agreements that are applicable 74997
to the council's functions. 74998

The administrative agent of a county council shall send 74999
notice of a member's absence if a member listed in division (B)(1) 75000
of this section has been absent from either three consecutive 75001
meetings of the county council or a county council subcommittee, 75002
or from one-quarter of such meetings in a calendar year, whichever 75003
is less. The notice shall be sent to the board of county 75004
commissioners that establishes the county council and, for the 75005
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 75006
section, to the governing board overseeing the respective entity; 75007

for the member listed in division (B)(1)(f) of this section, to 75008
the county board of developmental disabilities that employs the 75009
superintendent; for a member listed in division (B)(1)(g) or (h) 75010
of this section, to the school board that employs the 75011
superintendent; for the member listed in division (B)(1)(i) of 75012
this section, to the mayor of the municipal corporation; for the 75013
member listed in division (B)(1)(k) of this section, to the 75014
director of youth services; and for the member listed in division 75015
(B)(1)(n) of this section, to that member's board of trustees. 75016

The administrative agent for a county council may do any of 75017
the following on behalf of the council: 75018

(i) Enter into agreements or administer contracts with public 75019
or private entities to fulfill specific council business. Such 75020
agreements and contracts are exempt from the competitive bidding 75021
requirements of section 307.86 of the Revised Code if they have 75022
been approved by the county council and they are for the purchase 75023
of family and child welfare or child protection services or other 75024
social or job and family services for families and children. The 75025
approval of the county council is not required to exempt 75026
agreements or contracts entered into under section 5139.34, 75027
5139.41, or 5139.43 of the Revised Code from the competitive 75028
bidding requirements of section 307.86 of the Revised Code. 75029

(ii) As determined by the council, provide financial 75030
stipends, reimbursements, or both, to family representatives for 75031
expenses related to council activity; 75032

(iii) Receive by gift, grant, devise, or bequest any moneys, 75033
lands, or other property for the purposes for which the council is 75034
established. The agent shall hold, apply, and dispose of the 75035
moneys, lands, or other property according to the terms of the 75036
gift, grant, devise, or bequest. Any interest or earnings shall be 75037
treated in the same manner and are subject to the same terms as 75038
the gift, grant, devise, or bequest from which it accrues. 75039

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

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

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

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

members of the regional council. 75072

(7) A board of county commissioners may approve a resolution 75073
by a majority vote of the board's members that requires the county 75074
council to submit a statement to the board each time the council 75075
proposes to enter into an agreement, adopt a plan, or make a 75076
decision, other than a decision pursuant to section 121.38 of the 75077
Revised Code, that requires the expenditure of funds for two or 75078
more families. The statement shall describe the proposed 75079
agreement, plan, or decision. 75080

Not later than fifteen days after the board receives the 75081
statement, it shall, by resolution approved by a majority of its 75082
members, approve or disapprove the agreement, plan, or decision. 75083
Failure of the board to pass a resolution during that time period 75084
shall be considered approval of the agreement, plan, or decision. 75085

An agreement, plan, or decision for which a statement is 75086
required to be submitted to the board shall be implemented only if 75087
it is approved by the board. 75088

(C) Each county shall develop a county service coordination 75089
mechanism. The county service coordination mechanism shall serve 75090
as the guiding document for coordination of services in the 75091
county. For children who also receive services under the help me 75092
grow program, the service coordination mechanism shall be 75093
consistent with rules adopted by the department of health under 75094
section 3701.61 of the Revised Code. All family service 75095
coordination plans shall be developed in accordance with the 75096
county service coordination mechanism. The mechanism shall be 75097
developed and approved with the participation of the county 75098
entities representing child welfare; developmental disabilities; 75099
alcohol, drug addiction, and mental health services; health; 75100
juvenile judges; education; the county family and children first 75101
council; and the county early intervention collaborative 75102
established pursuant to the federal early intervention program 75103

operated under the "Individuals with Disabilities Education Act of 75104
2004." The county shall establish an implementation schedule for 75105
the mechanism. The cabinet council may monitor the implementation 75106
and administration of each county's service coordination 75107
mechanism. 75108

Each mechanism shall include all of the following: 75109

(1) A procedure for an agency, including a juvenile court, or 75110
a family voluntarily seeking service coordination, to refer the 75111
child and family to the county council for service coordination in 75112
accordance with the mechanism; 75113

(2) A procedure ensuring that a family and all appropriate 75114
staff from involved agencies, including a representative from the 75115
appropriate school district, are notified of and invited to 75116
participate in all family service coordination plan meetings; 75117

(3) A procedure that permits a family to initiate a meeting 75118
to develop or review the family's service coordination plan and 75119
allows the family to invite a family advocate, mentor, or support 75120
person of the family's choice to participate in any such meeting; 75121

(4) A procedure for ensuring that a family service 75122
coordination plan meeting is conducted for each child who receives 75123
service coordination under the mechanism and for whom an emergency 75124
out-of-home placement has been made or for whom a nonemergency 75125
out-of-home placement is being considered. The meeting shall be 75126
conducted within ten days of an emergency out-of-home placement. 75127
The meeting shall be conducted before a nonemergency out-of-home 75128
placement. The family service coordination plan shall outline how 75129
the county council members will jointly pay for services, where 75130
applicable, and provide services in the least restrictive 75131
environment. 75132

(5) A procedure for monitoring the progress and tracking the 75133
outcomes of each service coordination plan requested in the county 75134

including monitoring and tracking children in out-of-home 75135
placements to assure continued progress, appropriateness of 75136
placement, and continuity of care after discharge from placement 75137
with appropriate arrangements for housing, treatment, and 75138
education; 75139

(6) A procedure for protecting the confidentiality of all 75140
personal family information disclosed during service coordination 75141
meetings or contained in the comprehensive family service 75142
coordination plan; 75143

(7) A procedure for assessing the needs and strengths of any 75144
child or family that has been referred to the council for service 75145
coordination, including a child whose parent or custodian is 75146
voluntarily seeking services, and for ensuring that parents and 75147
custodians are afforded the opportunity to participate; 75148

(8) A procedure for development of a family service 75149
coordination plan described in division (D) of this section; 75150

(9) A local dispute resolution process to serve as the 75151
process that must be used first to resolve disputes among the 75152
agencies represented on the county council concerning the 75153
provision of services to children, including children who are 75154
abused, neglected, dependent, unruly, alleged unruly, or 75155
delinquent children and under the jurisdiction of the juvenile 75156
court and children whose parents or custodians are voluntarily 75157
seeking services. The local dispute resolution process shall 75158
comply with sections 121.38, 121.381, and 121.382 of the Revised 75159
Code. The local dispute resolution process shall be used to 75160
resolve disputes between a child's parents or custodians and the 75161
county council regarding service coordination. The county council 75162
shall inform the parents or custodians of their right to use the 75163
dispute resolution process. Parents or custodians shall use 75164
existing local agency grievance procedures to address disputes not 75165
involving service coordination. The dispute resolution process is 75166

in addition to and does not replace other rights or procedures 75167
that parents or custodians may have under other sections of the 75168
Revised Code. 75169

The cabinet council shall adopt rules in accordance with 75170
Chapter 119. of the Revised Code establishing an administrative 75171
review process to address problems that arise concerning the 75172
operation of a local dispute resolution process. 75173

Nothing in division (C)(4) of this section shall be 75174
interpreted as overriding or affecting decisions of a juvenile 75175
court regarding an out-of-home placement, long-term placement, or 75176
emergency out-of-home placement. 75177

(D) Each county shall develop a family service coordination 75178
plan that does all of the following: 75179

(1) Designates service responsibilities among the various 75180
state and local agencies that provide services to children and 75181
their families, including children who are abused, neglected, 75182
dependent, unruly, or delinquent children and under the 75183
jurisdiction of the juvenile court and children whose parents or 75184
custodians are voluntarily seeking services; 75185

(2) Designates an individual, approved by the family, to 75186
track the progress of the family service coordination plan, 75187
schedule reviews as necessary, and facilitate the family service 75188
coordination plan meeting process; 75189

(3) Ensures that assistance and services to be provided are 75190
responsive to the strengths and needs of the family, as well as 75191
the family's culture, race, and ethnic group, by allowing the 75192
family to offer information and suggestions and participate in 75193
decisions. Identified assistance and services shall be provided in 75194
the least restrictive environment possible. 75195

(4) Includes a process for dealing with a child who is 75196
alleged to be an unruly child. The process shall include methods 75197

to divert the child from the juvenile court system; 75198

(5) Includes timelines for completion of goals specified in 75199
the plan with regular reviews scheduled to monitor progress toward 75200
those goals; 75201

(6) Includes a plan for dealing with short-term crisis 75202
situations and safety concerns. 75203

(E)(1) The process provided for under division (D)(4) of this 75204
section may include, but is not limited to, the following: 75205

(a) Designation of the person or agency to conduct the 75206
assessment of the child and the child's family as described in 75207
division (C)(7) of this section and designation of the instrument 75208
or instruments to be used to conduct the assessment; 75209

(b) An emphasis on the personal responsibilities of the child 75210
and the parental responsibilities of the parents, guardian, or 75211
custodian of the child; 75212

(c) Involvement of local law enforcement agencies and 75213
officials. 75214

(2) The method to divert a child from the juvenile court 75215
system that must be included in the service coordination process 75216
may include, but is not limited to, the following: 75217

(a) The preparation of a complaint under section 2151.27 of 75218
the Revised Code alleging that the child is an unruly child and 75219
notifying the child and the parents, guardian, or custodian that 75220
the complaint has been prepared to encourage the child and the 75221
parents, guardian, or custodian to comply with other methods to 75222
divert the child from the juvenile court system; 75223

(b) Conducting a meeting with the child, the parents, 75224
guardian, or custodian, and other interested parties to determine 75225
the appropriate methods to divert the child from the juvenile 75226
court system; 75227

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

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

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

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

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

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

Sec. 121.40. (A) There is hereby created the Ohio commission on service and volunteerism consisting of nineteen voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include

educators, including teachers and administrators; representatives 75258
of youth organizations; students and parents; representatives of 75259
organizations engaged in volunteer program development and 75260
management throughout the state, including youth and conservation 75261
programs; and representatives of business, government, nonprofit 75262
organizations, social service agencies, veterans organizations, 75263
religious organizations, or philanthropies that support or 75264
encourage volunteerism within the state. The director of the 75265
governor's office of faith-based and community initiatives shall 75266
serve as a nonvoting ex officio member of the commission. Members 75267
of the commission shall receive no compensation, but shall be 75268
reimbursed for actual and necessary expenses incurred in the 75269
performance of their official duties. 75270

(B) The commission shall appoint an executive director for 75271
the commission, who shall be in the unclassified civil service. 75272
The governor shall be informed of the appointment of an executive 75273
director before such an appointment is made. The executive 75274
director shall supervise the commission's activities and report to 75275
the commission on the progress of those activities. The executive 75276
director shall do all things necessary for the efficient and 75277
effective implementation of the duties of the commission. 75278

The responsibilities assigned to the executive director do 75279
not relieve the members of the commission from final 75280
responsibility for the proper performance of the requirements of 75281
this section. 75282

(C) The commission or its designee shall do all of the 75283
following: 75284

(1) Employ, promote, supervise, and remove all employees as 75285
needed in connection with the performance of its duties under this 75286
section and may assign duties to those employees as necessary to 75287
achieve the most efficient performance of its functions, and to 75288
that end may establish, change, or abolish positions, and assign 75289

and reassign duties and responsibilities of any employee of the 75290
commission. Personnel employed by the commission who are subject 75291
to Chapter 4117. of the Revised Code shall retain all of their 75292
rights and benefits conferred pursuant to that chapter. Nothing in 75293
this chapter shall be construed as eliminating or interfering with 75294
Chapter 4117. of the Revised Code or the rights and benefits 75295
conferred under that chapter to public employees or to any 75296
bargaining unit. 75297

(2) Maintain its office in Columbus, and may hold sessions at 75298
any place within the state; 75299

(3) Acquire facilities, equipment, and supplies necessary to 75300
house the commission, its employees, and files and records under 75301
its control, and to discharge any duty imposed upon it by law. The 75302
expense of these acquisitions shall be audited and paid for in the 75303
same manner as other state expenses. For that purpose, the 75304
commission shall prepare and submit to the office of budget and 75305
management a budget for each biennium according to sections 75306
101.532 and 107.03 of the Revised Code. The budget submitted shall 75307
cover the costs of the commission and its staff in the discharge 75308
of any duty imposed upon the commission by law. The commission 75309
shall not delegate any authority to obligate funds. 75310

(4) Pay its own payroll and other operating expenses from 75311
line items designated by the general assembly; 75312

(5) Retain its fiduciary responsibility as appointing 75313
authority. Any transaction instructions shall be certified by the 75314
appointing authority or its designee. 75315

(6) Establish the overall policy and management of the 75316
commission in accordance with this chapter; 75317

(7) Assist in coordinating and preparing the state 75318
application for funds under sections 101 to 184 of the "National 75319
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 75320

U.S.C.A. 12411 to 12544, as amended, assist in administering and 75321
overseeing the "National and Community Service Trust Act of 1993," 75322
P.L. 103-82, 107 Stat. 785, and the americorps program in this 75323
state, and assist in developing objectives for a comprehensive 75324
strategy to encourage and expand community service programs 75325
throughout the state; 75326

(8) Assist the state board of education, school districts, 75327
the chancellor of higher education, and institutions of higher 75328
education in coordinating community service education programs 75329
through cooperative efforts between institutions and organizations 75330
in the public and private sectors; 75331

(9) Assist the departments of natural resources, youth 75332
services, aging, ~~and~~ job and family services, and children and 75333
youth in coordinating community service programs through 75334
cooperative efforts between institutions and organizations in the 75335
public and private sectors; 75336

(10) Suggest individuals and organizations that are available 75337
to assist school districts, institutions of higher education, and 75338
the departments of natural resources, youth services, aging, ~~and~~ 75339
job and family services, and children and youth in the 75340
establishment of community service programs and assist in 75341
investigating sources of funding for implementing these programs; 75342

(11) Assist in evaluating the state's efforts in providing 75343
community service programs using standards and methods that are 75344
consistent with any statewide objectives for these programs and 75345
provide information to the state board of education, school 75346
districts, the chancellor of higher education, institutions of 75347
higher education, and the departments of natural resources, youth 75348
services, aging, ~~and~~ job and family services, and children and 75349
youth to guide them in making decisions about these programs; 75350

(12) Assist the state board of education in complying with 75351

section 3301.70 of the Revised Code and the chancellor of higher 75352
education in complying with division (B)(2) of section 3333.043 of 75353
the Revised Code. 75354

(D) The commission shall in writing enter into an agreement 75355
with another state agency to serve as the commission's fiscal 75356
agent. Before entering into such an agreement, the commission 75357
shall inform the governor of the terms of the agreement and of the 75358
state agency designated to serve as the commission's fiscal agent. 75359
The fiscal agent shall be responsible for all the commission's 75360
fiscal matters and financial transactions, as specified in the 75361
agreement. Services to be provided by the fiscal agent include, 75362
but are not limited to, the following: 75363

(1) Preparing and processing payroll and other personnel 75364
documents that the commission executes as the appointing 75365
authority; 75366

(2) Maintaining ledgers of accounts and reports of account 75367
balances, and monitoring budgets and allotment plans in 75368
consultation with the commission; and 75369

(3) Performing other routine support services that the fiscal 75370
agent considers appropriate to achieve efficiency. 75371

(E)(1) The commission, in conjunction and consultation with 75372
the fiscal agent, has the following authority and responsibility 75373
relative to fiscal matters: 75374

(a) Sole authority to draw funds for any and all federal 75375
programs in which the commission is authorized to participate; 75376

(b) Sole authority to expend funds from their accounts for 75377
programs and any other necessary expenses the commission may incur 75378
and its subgrantees may incur; and 75379

(c) Responsibility to cooperate with and inform the fiscal 75380
agent fully of all financial transactions. 75381

(2) The commission shall follow all state procurement, 75382
fiscal, human resources, statutory, and administrative rule 75383
requirements. 75384

(3) The fiscal agent shall determine fees to be charged to 75385
the commission, which shall be in proportion to the services 75386
performed for the commission. 75387

(4) The commission shall pay fees owed to the fiscal agent 75388
from a general revenue fund of the commission or from any other 75389
fund from which the operating expenses of the commission are paid. 75390
Any amounts set aside for a fiscal year for the payment of these 75391
fees shall be used only for the services performed for the 75392
commission by the fiscal agent in that fiscal year. 75393

(F) The commission may accept and administer grants from any 75394
source, public or private, to carry out any of the commission's 75395
functions this section establishes. 75396

Sec. 3109.15. There is hereby created within the department 75397
of ~~job and family services~~ children and youth the children's trust 75398
fund board consisting of fifteen members. The directors of mental 75399
health and addiction services, health, and ~~job and family services~~ 75400
children and youth shall be members of the board. Eight public 75401
members shall be appointed by the governor. These members shall be 75402
persons with demonstrated knowledge in programs for children, 75403
shall be representative of the demographic composition of this 75404
state, and, to the extent practicable, shall be representative of 75405
the following categories: the educational community; the legal 75406
community; the social work community; the medical community; the 75407
voluntary sector; and professional providers of child abuse and 75408
child neglect services. Two members of the board shall be members 75409
of the house of representatives appointed by the speaker of the 75410
house of representatives and shall be members of two different 75411
political parties. Two members of the board shall be members of 75412

the senate appointed by the president of the senate and shall be 75413
members of two different political parties. All members of the 75414
board appointed by the speaker of the house of representatives or 75415
the president of the senate shall serve until the expiration of 75416
the sessions of the general assembly during which they were 75417
appointed. They may be reappointed to an unlimited number of 75418
successive terms of two years at the pleasure of the speaker of 75419
the house of representatives or president of the senate. Public 75420
members shall serve terms of three years. Each member shall serve 75421
until the member's successor is appointed, or until a period of 75422
sixty days has elapsed, whichever occurs first. No public member 75423
may serve more than two consecutive full terms. All vacancies on 75424
the board shall be filled for the balance of the unexpired term in 75425
the same manner as the original appointment. 75426

Any member of the board may be removed by the member's 75427
appointing authority for misconduct, incompetency, or neglect of 75428
duty after first being given the opportunity to be heard in the 75429
member's own behalf. Pursuant to section 3.17 of the Revised Code, 75430
a member, except a member of the general assembly or a judge of 75431
any court in the state, who fails to attend at least three-fifths 75432
of the regular and special meetings held by the board during any 75433
two-year period forfeits the member's position on the board. 75434

Each member of the board shall serve without compensation but 75435
shall be reimbursed for all actual and necessary expenses incurred 75436
in the performance of official duties. 75437

At the beginning of the first year of each even-numbered 75438
general assembly, the chairperson of the board shall be appointed 75439
by the speaker of the house of representatives from among members 75440
of the board who are members of the house of representatives. At 75441
the beginning of the first year of each odd-numbered general 75442
assembly, the chairperson of the board shall be appointed by the 75443
president of the senate from among the members of the board who 75444

are senate members. 75445

The board shall biennially select a vice-chair from among its 75446
nonlegislative members. 75447

Sec. 3109.16. (A) The children's trust fund board, upon the 75448
recommendation of the director of ~~job and family services~~ children 75449
and youth, shall approve the employment of an executive director 75450
who will administer the programs of the board. 75451

(B) The department of ~~job and family services~~ children and 75452
youth shall provide budgetary, procurement, accounting, and other 75453
related management functions for the board and may adopt rules in 75454
accordance with Chapter 119. of the Revised Code for these 75455
purposes. An amount not to exceed three per cent of the total 75456
amount of fees deposited in the children's trust fund in each 75457
fiscal year may be used for costs directly related to these 75458
administrative functions of the department. Each fiscal year, the 75459
board shall approve a budget for administrative expenditures for 75460
the next fiscal year. 75461

(C) The board may request that the department adopt rules the 75462
board considers necessary for the purpose of carrying out the 75463
board's responsibilities under this section, and the department 75464
may adopt those rules. The department may, after consultation with 75465
the board and the executive director, adopt any other rules to 75466
assist the board in carrying out its responsibilities under this 75467
section. In either case, the rules shall be adopted under Chapter 75468
119. of the Revised Code. 75469

(D) The board shall meet at least quarterly at the call of 75470
the chairperson to conduct its official business. All business 75471
transactions of the board shall be conducted in public meetings. 75472
Eight members of the board constitute a quorum. A majority of the 75473
quorum is required to make all decisions of the board. 75474

(E) With respect to funding, all of the following apply:	75475
(1) The board may apply for and accept federal and other funds for the purpose of funding child abuse and child neglect prevention programs.	75476 75477 75478
(2) The board may solicit and accept gifts, money, and other donations from any public or private source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments.	75479 75480 75481 75482
(3) The board may develop private-public partnerships to support the mission of the children's trust fund.	75483 75484
(4) The acceptance and use of federal and other funds shall not entail any commitment or pledge of state funds, nor obligate the general assembly to continue the programs or activities for which the federal and other funds are made available.	75485 75486 75487 75488
(5) All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code.	75489 75490 75491 75492
Sec. 3109.17. (A) The children's trust fund board shall establish a strategic plan for child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public.	75493 75494 75495 75496 75497 75498
(B) In developing and carrying out the strategic plan, the children's trust fund board shall, in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code, do all of the following:	75499 75500 75501 75502
(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons	75503 75504

throughout the state of various social and economic backgrounds; 75505

(2) Allocate funds to entities for the purpose of funding 75506
child abuse and child neglect prevention programs that have 75507
statewide significance and that have been approved by the 75508
children's trust fund board; 75509

(3) Provide for the monitoring of expenditures from the 75510
children's trust fund and of programs that receive money from the 75511
children's trust fund; 75512

(4) Establish reporting requirements for both of the 75513
following: 75514

(a) Regional child abuse and child neglect prevention 75515
councils, including deadlines for the submission of the progress 75516
and annual reports required under section 3107.172 of the Revised 75517
Code; 75518

(b) Children's advocacy centers, including deadlines for the 75519
submission of reports required under section 3107.178 of the 75520
Revised Code. 75521

(5) Collaborate with appropriate persons and government 75522
entities and facilitate the exchange of information among those 75523
persons and entities for the purpose of child abuse and child 75524
neglect prevention; 75525

(6) Provide for the education of the public and professionals 75526
for the purpose of child abuse and child neglect prevention. 75527

(C) The children's trust fund board shall prepare a report 75528
for each fiscal biennium that delineates the expenditure of money 75529
from the children's trust fund. On or before January 1, 2002, and 75530
on or before the first day of January of a year that follows the 75531
end of a fiscal biennium of this state, the board shall file a 75532
copy of the report with the governor, the president and minority 75533
leader of the senate, and the speaker and minority leader of the 75534

house of representatives. 75535

(D) The children's trust fund board shall develop a list of 75536
all state and federal sources of funding that might be available 75537
for establishing, operating, or establishing and operating a 75538
children's advocacy center under sections 2151.425 to 2151.428 of 75539
the Revised Code. The board periodically shall update the list as 75540
necessary. The board shall maintain, or provide for the 75541
maintenance of, the list at an appropriate location. That location 75542
may be the offices of the department of ~~job and family services~~ 75543
children and youth. The board shall provide the list upon request 75544
to any children's advocacy center or to any person or entity 75545
identified in section 2151.426 of the Revised Code as a person or 75546
entity that may participate in the establishment of a children's 75547
advocacy center. 75548

Sec. 3109.179. (A) The department of ~~job and family services~~ 75549
children and youth shall adopt rules in accordance with Chapter 75550
119. of the Revised Code regarding all of the following: 75551

(1) Operation requirements for child abuse and child neglect 75552
regional prevention councils; 75553

(2) The manner in which boards of county commissioners are to 75554
appoint council members; 75555

(3) The form and manner by which councils are to submit 75556
regional prevention plans. 75557

(B) The department may adopt rules in accordance with Chapter 75558
119. of the Revised Code regarding the following: 75559

(1) Duties of council members; 75560

(2) Duties of regional prevention coordinators; 75561

(3) Any other rules necessary to implement sections 3109.13 75562
to 3109.178 of the Revised Code. 75563

(C) The department shall consult with the children's trust fund board and the board's executive director regarding all rules adopted under this section.

Sec. 5101.34. (A) There is hereby created in the department of ~~job and family services~~ children and youth the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, ~~job and family services~~ children and youth, rehabilitation and correction, mental health and addiction services, and youth services and the superintendent of public instruction, or their designees;

(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed by

the governor. These members shall have extensive experience in 75594
issues related to fatherhood. 75595

~~(B) The appointing authorities of the Ohio commission on 75596
fatherhood shall make initial appointments to the commission 75597
within thirty days after September 29, 1999. Of the initial 75598
appointments to the commission made pursuant to divisions (A)(3), 75599
(5), and (6) of this section, three of the members shall serve a 75600
term of one year and four shall serve a term of two years. Members 75601
so appointed subsequently to the Ohio commission on fatherhood 75602
shall serve two-year terms. A member appointed pursuant to 75603
division (A)(1) of this section shall serve on the commission 75604
until the end of the general assembly from which the member was 75605
appointed or until the member ceases to serve in the chamber of 75606
the general assembly in which the member serves at the time of 75607
appointment, whichever occurs first. The governor or the 75608
governor's designee shall serve on the commission until the 75609
governor ceases to be governor. The directors and superintendent 75610
or their designees shall serve on the commission until they cease, 75611
or the director or superintendent a designee represents ceases, to 75612
be director or superintendent. Each member shall serve on the 75613
commission from the date of appointment until the end of the term 75614
for which the member was appointed. Members may be reappointed. 75615~~

Vacancies shall be filled in the manner provided for original 75616
appointments. Any member appointed to fill a vacancy occurring 75617
prior to the expiration date of the term for which the member's 75618
predecessor was appointed shall serve on the commission for the 75619
remainder of that term. A member shall continue to serve on the 75620
commission subsequent to the expiration date of the member's term 75621
until the member's successor is appointed or until a period of 75622
sixty days has elapsed, whichever occurs first. Members shall 75623
serve without compensation but shall be reimbursed for necessary 75624
expenses. 75625

Sec. 5101.341. (A) The Ohio commission on fatherhood shall 75626
elect a chairperson from among its members in every odd-numbered 75627
year. 75628

(B) The governor shall appoint an individual to serve as the 75629
commission's executive director. The executive director shall 75630
serve at the pleasure of the governor and shall report to the 75631
director of ~~job and family services~~ children and youth or the 75632
director's designee. 75633

The governor shall fix the executive director's salary on the 75634
basis of the executive director's experience and the executive 75635
director's responsibilities and duties. The executive director 75636
shall be in the unclassified civil service. 75637

The department of ~~job and family services~~ children and youth 75638
shall provide staff and other support services as necessary for 75639
the commission to fulfill its duties. 75640

(C) The commission may accept gifts, grants, donations, 75641
contributions, benefits, and other funds from any public agency or 75642
private source to carry out any or all of the commission's duties. 75643
The funds shall be deposited into the Ohio commission on 75644
fatherhood fund, which is hereby created in the state treasury. 75645
All gifts, grants, donations, contributions, benefits, and other 75646
funds received by the commission pursuant to this division shall 75647
be used solely to support the operations of the commission. 75648

Sec. 5101.342. The Ohio commission on fatherhood shall do 75649
both of the following: 75650

(A) Organize a state summit on fatherhood every four years; 75651

(B) Prepare a report each year that does the following: 75652

(1) Identifies resources available to fund fatherhood-related 75653
programs and explores the creation of initiatives to do the 75654

following: 75655

(a) Build the parenting skills of fathers; 75656

(b) Provide employment-related services for low-income, 75657
noncustodial fathers; 75658

(c) Prevent premature fatherhood; 75659

(d) Provide services to fathers who are inmates in or have 75660
just been released from imprisonment in a state correctional 75661
institution, as defined in section 2967.01 of the Revised Code, or 75662
in any other detention facility, as defined in section 2921.01 of 75663
the Revised Code, so that they are able to maintain or reestablish 75664
their relationships with their families; 75665

(e) Reconcile fathers with their families; 75666

(f) Increase public awareness of the critical role fathers 75667
play. 75668

(2) Describes the commission's expectations for the outcomes 75669
of fatherhood-related programs and initiatives and the methods the 75670
commission uses for conducting annual measures of those outcomes. 75671

(C) The portion of the report prepared pursuant to division 75672
(B)(2) of this section shall be prepared by the commission in 75673
collaboration with the director of ~~job and family services~~ 75674
children and youth. 75675

(D) The commission shall submit each report prepared pursuant 75676
to division (B) of this section to the president and minority 75677
leader of the senate, speaker and minority leader of the house of 75678
representatives, governor, and chief justice of the supreme court. 75679
The first report is due not later than one year after the last of 75680
the initial appointments to the commission is made under section 75681
5101.341 of the Revised Code. 75682

Sec. 5180.01. (A) The department of children and youth shall 75683

serve as the state's primary children's services agency and shall 75684
facilitate and coordinate the delivery of children's services in 75685
this state, including, but not limited to, those related to 75686
adoption, child care, child welfare, early childhood education, 75687
early intervention, foster care, home visiting, infant and early 75688
childhood mental consultation, and preschool special education. 75689

(B) For purposes of this chapter and in addition to the 75690
services described in division (A) of this section, children's 75691
services include, but are not limited to, one or more government 75692
programs focused on any of the following: 75693

(1) Adoption, child welfare, and foster care services; 75694

(2) Early identification and intervention regarding 75695
behavioral health, including, but not limited to, early 75696
intervention services, early childhood mental health initiatives, 75697
multi-system youth services, and family support services 75698
administered through the Ohio family children first cabinet 75699
council, Ohio commission on fatherhood, and children's trust fund 75700
board; 75701

(3) Early learning and education, including, but not limited 75702
to, child care and preschool licensing, early learning 75703
assessments, head start, preschool special education, publicly 75704
funded child care, and the step up to quality program; 75705

(4) Maternal and child physical health, including, but not 75706
limited to, infant vitality, home visiting, maternal and child 75707
health, maternal and infant support, and Medicaid-funded child 75708
health services. 75709

Sec. 5180.02. (A) The director of children and youth is the 75710
chief executive of and appointing authority for the department of 75711
children and youth. In this role, the director shall administer 75712
the department and implement the delivery in this state of 75713

children's services, including by doing all of the following: 75714

(1) Adopting as necessary rules in accordance with Chapter 119. of the Revised Code and section 111.15 of the Revised Code: 75715

(2) Approving and entering into contracts, agreements, and other business arrangements on behalf of the department; 75717

(3) Making as necessary appointments to the department and approving actions related to departmental employees and officers, including their hiring, promotion, termination, discipline, or investigation; 75719

(4) Administering the department and directing the performance of its employees and officers; 75720

(5) Applying for grants available under federal law or from other federal, state, or private sources and allocating, disbursing, or accounting for any funds awarded; 75721

(6) Any other action as necessary to carry out the purposes of this chapter. 75722

(B) Whenever by law a duty is imposed on or an action is required of the department, the director or director's designee shall fulfill the duty or perform the action. 75723

(C) The director may organize the department for its efficient operation, including by creating as necessary any divisions or offices within it. The director also may establish procedures for the governance of the department, the conduct of its employees and officers, the performance of its business, and the custody, use, and preservation of departmental books, documents, papers, property, and records. 75731

(D) If the director issues any directive governing the delivery in this state of children's services, each state and local agency involved in the delivery of those services shall comply with the directive and collaborate with the department. 75733

Section 130.11. That existing sections 121.02, 121.03, 75744
121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 75745
5101.34, 5101.341, and 5101.342 of the Revised Code are hereby 75746
repealed. 75747

Section 130.12. That sections 9.55, 103.60, 109.65, 109.746, 75748
121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 329.04, 75749
2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 2151.3519, 75750
2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 2151.413, 75751
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5153.36, 5153.38, 5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 75801
5164.15, 5166.01, and 5167.16 be amended; sections 3301.90 75802
(5104.50), 3701.61 (5180.21), 3701.611 (5180.22), 3701.612 75803
(5180.23), 3701.613 (5180.24), 3701.614 (5180.25), 3701.63 75804
(5180.14), 3701.64 (5180.15), 3701.66 (5180.16), 3701.67 75805
(5180.17), 3701.671 (5180.18), 3701.68 (5180.10), 3701.95 75806

(5180.20), 3701.951 (5180.11), 3701.952 (5180.19), 3701.953 75807
(5180.13), 3701.97 (5180.12), 5123.024 (5180.31), 5123.0421 75808
(5180.32), 5123.0422 (5180.34), and 5123.0423 (5180.33) be amended 75809
for the purpose of adopting new section numbers as indicated in 75810
parentheses; and sections 5104.51, 5104.52, and 5180.30 of the 75811
Revised Code be enacted to read as follows: 75812

Sec. 9.55. (A) As used in this section, "state agency" means 75813
the house of representatives, the senate, the governor, the 75814
secretary of state, the auditor of state, the treasurer of state, 75815
the attorney general, the department of job and family services, 75816
the department of commerce, the department of developmental 75817
disabilities, the department of education, the department of 75818
health, the department of aging, the department of children and 75819
youth, the governor's office of advocacy for disabled persons, and 75820
the civil rights commission. 75821

(B) Each state agency shall install in its offices at least 75822
one teletypewriter designed to receive printed messages from and 75823
transmit printed messages to deaf or hearing-impaired persons. 75824

Sec. 103.60. (A) As used in this section, "rare disease" 75825
means a disease or condition that affects fewer than 200,000 75826
people living in the United States. 75827

(B) There is hereby created the rare disease advisory 75828
council. The purpose of the council is to advise the general 75829
assembly regarding research, diagnosis, and treatment efforts 75830
related to rare diseases across the state. 75831

(C) The council shall consist of the following ~~thirty-one~~ 75832
thirty-two members: 75833

(1) The following members appointed by the governor: 75834

(a) One individual who is a medical researcher with 75835

experience researching rare diseases;	75836
(b) One individual who represents an academic research institution in this state that receives funding for rare disease research;	75837 75838 75839
(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;	75840 75841 75842 75843
(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;	75844 75845 75846
(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;	75847 75848 75849
(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;	75850 75851
(g) One representative of a national organization representing patients with a rare disease;	75852 75853
(h) One representative of a rare disease foundation operating in this state;	75854 75855
(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program;	75856 75857 75858
(j) One representative of the department of medicaid;	75859
(k) One representative of the department of insurance;	75860
(l) <u>One representative of the department of children and youth;</u>	75861 75862
<u>(m)</u> One representative of the commission on minority health;	75863
(m) <u>(n)</u> One representative of the Ohio hospital association;	75864

(n) (o) One representative of Ohio health insurers;	75865
(o) (p) One representative of bioOhio;	75866
(p) (q) One representative of the association of Ohio health commissioners;	75867 75868
(q) (r) One representative of the pharmaceutical research and manufacturers of America.	75869 75870
(2) The following members appointed by the president of the senate:	75871 75872
(a) Two members of the senate, one from the majority party and one from the minority party;	75873 75874
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	75875 75876
(3) The following members appointed by the speaker of the house of representatives:	75877 75878
(a) Two members of the house of representatives, one from the majority party and one from the minority party;	75879 75880
(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.	75881 75882
(4) The governor or the governor's designee.	75883
(D)(1) Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments	75884 75885
<u>Appointments</u> shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.	75886 75887 75888
(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.	75889 75890 75891 75892
(E) Prior to the expiration of each term, the council shall	75893

prepare and submit a report to the general assembly detailing the 75894
following: 75895

(1) The coordination of statewide efforts for studying the 75896
incidence of rare diseases in this state; 75897

(2) The council's findings and recommendations regarding rare 75898
disease research and care in this state; 75899

(3) Efforts to promote collaboration among rare disease 75900
organizations, clinicians, academic research institutions, and the 75901
general assembly to better understand the incidence of rare 75902
diseases in this state. 75903

(F) The council shall annually select from among its members 75904
a chairperson or co-chairpersons. 75905

(G) The council shall meet at the call of the chairperson, 75906
but not less than quarterly. A majority of the members of the 75907
council shall constitute a quorum. The chairperson shall provide 75908
members with at least five days written notice of all meetings. 75909

(H) Members shall serve without compensation except to the 75910
extent that serving on the council is considered part of the 75911
member's regular duties of employment. The council shall reimburse 75912
each member for actual and necessary expenses incurred in the 75913
performance of the member's official duties. 75914

Sec. 109.65. (A) As used in this section, "minor," "missing 75915
child," and "missing children" have the same meanings as in 75916
section 2901.30 of the Revised Code. 75917

(B) There is hereby created within the office of the attorney 75918
general the missing children clearinghouse. The attorney general 75919
shall administer the clearinghouse. The clearinghouse is 75920
established as a central repository of information to coordinate 75921
and improve the availability of information regarding missing 75922
children, which information shall be collected and disseminated by 75923

the clearinghouse to assist in the location of missing children. 75924
The clearinghouse shall act as an information repository separate 75925
from and in addition to law enforcement agencies within this 75926
state. 75927

(C) The missing children clearinghouse may perform any of the 75928
following functions: 75929

(1) The establishment of services to aid in the location of 75930
missing children that include, but are not limited to, any of the 75931
following services: 75932

(a) Assistance in the preparation and dissemination of flyers 75933
identifying and describing missing children and their abductors; 75934

(b) The development of informational forms for the reporting 75935
of missing children that may be used by parents, guardians, and 75936
law enforcement officials to facilitate the location of a missing 75937
child; 75938

(c) The provision of assistance to public and private 75939
organizations, boards of education, nonpublic schools, preschools, 75940
child care facilities, and law enforcement agencies in planning 75941
and implementing voluntary programs to fingerprint children. 75942

(2) The establishment and operation of a toll-free telephone 75943
line for supplemental reports of missing children and reports of 75944
sightings of missing children; 75945

(3) Upon the request of any person or entity and upon payment 75946
of any applicable fee established by the attorney general under 75947
division (H) of this section, the provision to the person or 75948
entity who makes the request of a copy of any information 75949
possessed by the clearinghouse that was acquired or prepared 75950
pursuant to division (E)(3) of this section; 75951

(4) The performance of liaison services between individuals 75952
and public and private agencies regarding procedures for handling 75953

and responding to missing children reports; 75954

(5) The participation as a member in any networks of other 75955
missing children centers or clearinghouses; 75956

(6) The creation and operation of an intrastate network of 75957
communication designed for the speedy collection and processing of 75958
information concerning missing children. 75959

(D) If a board of education is notified by school personnel 75960
that a missing child is attending any school under the board's 75961
jurisdiction, or if the principal or chief administrative officer 75962
of a nonpublic school is notified by school personnel that a 75963
missing child is attending that school, the board or the principal 75964
or chief administrative officer immediately shall give notice of 75965
that fact to the missing children clearinghouse and to the law 75966
enforcement agency with jurisdiction over the area where the 75967
missing child resides. 75968

(E)(1) The attorney general, in cooperation with the 75969
department of ~~job children~~ and ~~family services youth~~, shall 75970
establish a "missing child educational program" within the missing 75971
children clearinghouse that shall perform the functions specified 75972
in divisions (E)(1) to (3) of this section. The program shall 75973
operate under the supervision and control of the attorney general 75974
in accordance with procedures that the attorney general shall 75975
develop to implement divisions (E)(1) to (3) of this section. The 75976
attorney general shall cooperate with the department of education 75977
in developing and disseminating information acquired or prepared 75978
pursuant to division (E)(3) of this section. 75979

(2) Upon the request of any board of education in this state 75980
or any nonpublic school in this state, the missing child 75981
educational program shall provide to the board or school a 75982
reasonable number of copies of the information acquired or 75983
prepared pursuant to division (E)(3) of this section. 75984

Upon the request of any board of education in this state or 75985
any nonpublic school in this state that, pursuant to section 75986
3313.96 of the Revised Code, is developing an information program 75987
concerning missing children issues and matters, the missing child 75988
educational program shall provide to the board or nonpublic school 75989
assistance in developing the information program. The assistance 75990
may include, but is not limited to, the provision of any or all of 75991
the following: 75992

(a) If the requesting entity is a board of education of a 75993
school district, sample policies on missing and exploited children 75994
issues to assist the board in complying with section 3313.205 of 75995
the Revised Code; 75996

(b) Suggested safety curricula regarding missing children 75997
issues, including child safety and abduction prevention issues; 75998

(c) Assistance in developing, with local law enforcement 75999
agencies, prosecuting attorneys, boards of education, school 76000
districts, and nonpublic schools, cooperative programs for 76001
fingerprinting children; 76002

(d) Other assistance to further the goals of the program. 76003

(3) The missing child educational program shall acquire or 76004
prepare informational materials relating to missing children 76005
issues and matters. These issues and matters include, but are not 76006
limited to, the following: 76007

(a) The types of missing children; 76008

(b) The reasons why and how minors become missing children, 76009
the potential adverse consequences of a minor becoming a missing 76010
child, and, in the case of minors who are considering running away 76011
from home or from the care, custody, and control of their parents, 76012
parent who is the residential parent and legal custodian, 76013
guardian, legal custodian, or another person responsible for them, 76014
alternatives that may be available to address their concerns and 76015

problems;	76016
(c) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children;	76017 76018 76019
(d) Offenses under the Revised Code that could relate to missing children, including, but not limited to, kidnapping, abduction, unlawful restraint, child stealing, interference with custody, endangering children, domestic violence, abuse of a child and contributing to the dependency, neglect, unruliness, or delinquency of a child, sexual offenses, drug offenses, prostitution offenses, and obscenity offenses, and other provisions of the Revised Code that could relate to missing children;	76020 76021 76022 76023 76024 76025 76026 76027 76028
(e) Legislation being considered by the general assembly, legislatures of other states, the congress of the United States, and political subdivisions in this or any other state to address missing children issues;	76029 76030 76031 76032
(f) Sources of information on missing children issues;	76033
(g) State, local, federal, and private systems for locating and identifying missing children;	76034 76035
(h) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters;	76036 76037
(i) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations;	76038 76039 76040
(j) The identification of private organizations that, among their primary objectives, address missing children issues and matters;	76041 76042 76043
(k) How to avoid becoming a missing child and what to do if one becomes a missing child;	76044 76045

(1) Efforts that schools, parents, and members of a community 76046
can undertake to reduce the risk that a minor will become a 76047
missing child and to quickly locate or identify a minor if he 76048
becomes a missing child, including, but not limited to, 76049
fingerprinting programs. 76050

(F) Each year the missing children clearinghouse shall issue 76051
a report describing its performance of the functions specified in 76052
division (E) of this section and shall provide a copy of the 76053
report to the speaker of the house of representatives, the 76054
president of the senate, the governor, the superintendent of the 76055
bureau of criminal identification and investigation, and the 76056
director of ~~job children~~ and ~~family services youth~~. 76057

(G) Any state agency or political subdivision of this state 76058
that operates a missing children program or a clearinghouse for 76059
information about missing children shall coordinate its activities 76060
with the missing children clearinghouse. 76061

(H) The attorney general shall determine a reasonable fee to 76062
be charged for providing to any person or entity other than a 76063
state or local law enforcement agency of this or any other state, 76064
a law enforcement agency of the United States, a board of 76065
education of a school district in this state, a nonpublic school 76066
in this state, a governmental entity in this state, or a public 76067
library in this state, pursuant to division (A)(3) of this 76068
section, copies of any information acquired or prepared pursuant 76069
to division (E)(3) of this section. The attorney general shall 76070
collect the fee prior to sending or giving copies of any 76071
information to any person or entity for whom or which this 76072
division requires the fee to be charged and shall deposit the fee 76073
into the missing children fund created by division (I) of this 76074
section. 76075

(I) There is hereby created in the state treasury the missing 76076
children fund that shall consist of all moneys awarded to the 76077

state by donation, gift, or bequest, all other moneys received for 76078
purposes of this section, and all fees collected pursuant to this 76079
section or section 109.64 of the Revised Code. The attorney 76080
general shall use the moneys in the missing children fund only for 76081
purposes of the office of the attorney general acquiring or 76082
preparing information pursuant to division (E)(3) of this section. 76083

(J) The failure of the missing children clearinghouse to 76084
undertake any function or activity authorized in this section does 76085
not create a cause of action against the state. 76086

Sec. 109.746. (A) The attorney general may prepare public 76087
awareness programs that are designed to educate potential victims 76088
of violations of section 2905.32 of the Revised Code and their 76089
families of the risks of becoming a victim of a violation of that 76090
section. The attorney general may prepare these programs with 76091
assistance from the department of health, the department of mental 76092
health and addiction services, the department of job and family 76093
services, the department of children and youth, and the department 76094
of education. 76095

(B) Any organization, person, or other governmental agency 76096
with an interest and expertise in trafficking in persons may 76097
submit information or materials to the attorney general regarding 76098
the preparation of the programs and materials permitted under this 76099
section. The attorney general, in developing the programs and 76100
materials permitted by this section, shall consider any 76101
information submitted pursuant to this division. 76102

Sec. 121.37. (A)(1) There is hereby created the Ohio family 76103
and children first cabinet council. The council shall be composed 76104
of the superintendent of public instruction, the executive 76105
director of the opportunities for Ohioans with disabilities 76106
agency, the medicaid director, and the directors of youth 76107

services, job and family services, mental health and addiction 76108
services, health, developmental disabilities, aging, 76109
rehabilitation and correction, and budget and management. The 76110
chairperson of the council shall be the governor or the governor's 76111
designee and shall establish procedures for the council's internal 76112
control and management. 76113

The purpose of the cabinet council is to help families 76114
seeking government services. This section shall not be interpreted 76115
or applied to usurp the role of parents, but solely to streamline 76116
and coordinate existing government services for families seeking 76117
assistance for their children. 76118

(2) In seeking to fulfill its purpose, the council may do any 76119
of the following: 76120

(a) Advise and make recommendations to the governor and 76121
general assembly regarding the provision of services to children; 76122

(b) Advise and assess local governments on the coordination 76123
of service delivery to children; 76124

(c) Hold meetings at such times and places as may be 76125
prescribed by the council's procedures and maintain records of the 76126
meetings, except that records identifying individual children are 76127
confidential and shall be disclosed only as provided by law; 76128

(d) Develop programs and projects, including pilot projects, 76129
to encourage coordinated efforts at the state and local level to 76130
improve the state's social service delivery system; 76131

(e) Enter into contracts with and administer grants to county 76132
family and children first councils, as well as other county or 76133
multicounty organizations to plan and coordinate service delivery 76134
between state agencies and local service providers for families 76135
and children; 76136

(f) Enter into contracts with and apply for grants from 76137

federal agencies or private organizations; 76138

(g) Enter into interagency agreements to encourage 76139
coordinated efforts at the state and local level to improve the 76140
state's social service delivery system. The agreements may include 76141
provisions regarding the receipt, transfer, and expenditure of 76142
funds; 76143

(h) Identify public and private funding sources for services 76144
provided to alleged or adjudicated unruly children and children 76145
who are at risk of being alleged or adjudicated unruly children, 76146
including regulations governing access to and use of the services; 76147

(i) Collect information provided by local communities 76148
regarding successful programs for prevention, intervention, and 76149
treatment of unruly behavior, including evaluations of the 76150
programs; 76151

(j) Identify and disseminate publications regarding alleged 76152
or adjudicated unruly children and children who are at risk of 76153
being alleged or adjudicated unruly children and regarding 76154
programs serving those types of children; 76155

(k) Maintain an inventory of strategic planning facilitators 76156
for use by government or nonprofit entities that serve alleged or 76157
adjudicated unruly children or children who are at risk of being 76158
alleged or adjudicated unruly children. 76159

(3) The cabinet council shall provide for the following: 76160

(a) Reviews of service and treatment plans for children for 76161
which such reviews are requested; 76162

(b) Assistance as the council determines to be necessary to 76163
meet the needs of children referred by county family and children 76164
first councils; 76165

(c) Monitoring and supervision of a statewide, comprehensive, 76166
coordinated, multi-disciplinary, interagency system for infants 76167

and toddlers with developmental disabilities or delays and their 76168
families, as established pursuant to federal grants received and 76169
administered by the department of ~~health~~ children and youth for 76170
early intervention services under the "Individuals with 76171
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 76172
1400, as amended. 76173

(4) The cabinet council shall develop and implement the 76174
following: 76175

(a) An interagency process to select the indicators that will 76176
be used to measure progress toward increasing child well-being in 76177
the state and to update the indicators on an annual basis. The 76178
indicators shall focus on expectant parents and newborns thriving; 76179
infants and toddlers thriving; children being ready for school; 76180
children and youth succeeding in school; youth choosing healthy 76181
behaviors; and youth successfully transitioning into adulthood. 76182

(b) An interagency system to offer guidance and monitor 76183
progress toward increasing child well-being in the state and in 76184
each county; 76185

(c) An annual plan that identifies state-level agency efforts 76186
taken to ensure progress towards increasing child well-being in 76187
the state. 76188

On an annual basis, the cabinet council shall submit to the 76189
governor and the general assembly a report on the status of 76190
efforts to increase child well-being in the state. This report 76191
shall be made available to any other person on request. 76192

(B)(1) Each board of county commissioners shall establish a 76193
county family and children first council. The board may invite any 76194
local public or private agency or group that funds, advocates, or 76195
provides services to children and families to have a 76196
representative become a permanent or temporary member of its 76197
county council. Each county council must include the following 76198

individuals: 76199

(a) At least three individuals who are not employed by an 76200
agency represented on the council and whose families are or have 76201
received services from an agency represented on the council or 76202
another county's council. Where possible, the number of members 76203
representing families shall be equal to twenty per cent of the 76204
council's membership. 76205

(b) The director of the board of alcohol, drug addiction, and 76206
mental health services that serves the county, or, in the case of 76207
a county that has a board of alcohol and drug addiction services 76208
and a community mental health board, the directors of both boards. 76209
If a board of alcohol, drug addiction, and mental health services 76210
covers more than one county, the director may designate a person 76211
to participate on the county's council. 76212

(c) The health commissioner, or the commissioner's designee, 76213
of the board of health of each city and general health district in 76214
the county. If the county has two or more health districts, the 76215
health commissioner membership may be limited to the commissioners 76216
of the two districts with the largest populations. 76217

(d) The director of the county department of job and family 76218
services; 76219

(e) The executive director of the public children services 76220
agency; 76221

(f) The superintendent of the county board of developmental 76222
disabilities or, if the superintendent serves as superintendent of 76223
more than one county board of developmental disabilities, the 76224
superintendent's designee; 76225

(g) The superintendent of the city, exempted village, or 76226
local school district with the largest number of pupils residing 76227
in the county, as determined by the department of education, which 76228
shall notify each board of county commissioners of its 76229

determination at least biennially; 76230

(h) A school superintendent representing all other school 76231
districts with territory in the county, as designated at a 76232
biennial meeting of the superintendents of those districts; 76233

(i) A representative of the municipal corporation with the 76234
largest population in the county; 76235

(j) The president of the board of county commissioners or an 76236
individual designated by the board; 76237

(k) A representative of the department of youth services or 76238
an individual designated by the department; 76239

(l) A representative of the county's head start agencies, as 76240
defined in section 3301.32 of the Revised Code; 76241

(m) A representative of the county's early intervention 76242
collaborative established pursuant to the federal early 76243
intervention program operated under the "Individuals with 76244
Disabilities Education Act of 2004"; 76245

(n) A representative of a local nonprofit entity that funds, 76246
advocates, or provides services to children and families. 76247

Notwithstanding any other provision of law, the public 76248
members of a county council are not prohibited from serving on the 76249
council and making decisions regarding the duties of the council, 76250
including those involving the funding of joint projects and those 76251
outlined in the county's service coordination mechanism 76252
implemented pursuant to division (C) of this section. 76253

The cabinet council shall establish a state appeals process 76254
to resolve disputes among the members of a county council 76255
concerning whether reasonable responsibilities as members are 76256
being shared. The appeals process may be accessed only by a 76257
majority vote of the council members who are required to serve on 76258
the council. Upon appeal, the cabinet council may order that state 76259

funds for services to children and families be redirected to a county's board of county commissioners.

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

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

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

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

(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of ~~health~~ children and youth for early intervention services under the "Individuals with Disabilities Education Act of 2004";

(d) Maintenance of an accountability system to monitor the

county council's progress in achieving results for families and children; 76291
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(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system. 76293
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(3) A county council shall develop and implement the following: 76296
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(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county; 76298
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(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section. 76301
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(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 76309
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On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 76311
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(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements. 76316
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(b) On application of a county council, the cabinet council 76322
may grant an exemption from any rules or interagency agreements of 76323
a state department participating on the council if an exemption is 76324
necessary for the council to implement an alternative program or 76325
approach for service delivery to families and children. The 76326
application shall describe the proposed program or approach and 76327
specify the rules or interagency agreements from which an 76328
exemption is necessary. The cabinet council shall approve or 76329
disapprove the application in accordance with standards and 76330
procedures it shall adopt. If an application is approved, the 76331
exemption is effective only while the program or approach is being 76332
implemented, including a reasonable period during which the 76333
program or approach is being evaluated for effectiveness. 76334

(5)(a) Each county council shall designate an administrative 76335
agent for the council from among the following public entities: 76336
the board of alcohol, drug addiction, and mental health services, 76337
including a board of alcohol and drug addiction or a community 76338
mental health board if the county is served by separate boards; 76339
the board of county commissioners; any board of health of the 76340
county's city and general health districts; the county department 76341
of job and family services; the county agency responsible for the 76342
administration of children services pursuant to section 5153.15 of 76343
the Revised Code; the county board of developmental disabilities; 76344
any of the county's boards of education or governing boards of 76345
educational service centers; or the county's juvenile court. Any 76346
of the foregoing public entities, other than the board of county 76347
commissioners, may decline to serve as the council's 76348
administrative agent. 76349

A county council's administrative agent shall serve as the 76350
council's appointing authority for any employees of the council. 76351
The council shall file an annual budget with its administrative 76352
agent, with copies filed with the county auditor and with the 76353

board of county commissioners, unless the board is serving as the 76354
council's administrative agent. The council's administrative agent 76355
shall ensure that all expenditures are handled in accordance with 76356
policies, procedures, and activities prescribed by state 76357
departments in rules or interagency agreements that are applicable 76358
to the council's functions. 76359

The administrative agent of a county council shall send 76360
notice of a member's absence if a member listed in division (B)(1) 76361
of this section has been absent from either three consecutive 76362
meetings of the county council or a county council subcommittee, 76363
or from one-quarter of such meetings in a calendar year, whichever 76364
is less. The notice shall be sent to the board of county 76365
commissioners that establishes the county council and, for the 76366
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 76367
section, to the governing board overseeing the respective entity; 76368
for the member listed in division (B)(1)(f) of this section, to 76369
the county board of developmental disabilities that employs the 76370
superintendent; for a member listed in division (B)(1)(g) or (h) 76371
of this section, to the school board that employs the 76372
superintendent; for the member listed in division (B)(1)(i) of 76373
this section, to the mayor of the municipal corporation; for the 76374
member listed in division (B)(1)(k) of this section, to the 76375
director of youth services; and for the member listed in division 76376
(B)(1)(n) of this section, to that member's board of trustees. 76377

The administrative agent for a county council may do any of 76378
the following on behalf of the council: 76379

(i) Enter into agreements or administer contracts with public 76380
or private entities to fulfill specific council business. Such 76381
agreements and contracts are exempt from the competitive bidding 76382
requirements of section 307.86 of the Revised Code if they have 76383
been approved by the county council and they are for the purchase 76384
of family and child welfare or child protection services or other 76385

social or job and family services for families and children. The 76386
approval of the county council is not required to exempt 76387
agreements or contracts entered into under section 5139.34, 76388
5139.41, or 5139.43 of the Revised Code from the competitive 76389
bidding requirements of section 307.86 of the Revised Code. 76390

(ii) As determined by the council, provide financial 76391
stipends, reimbursements, or both, to family representatives for 76392
expenses related to council activity; 76393

(iii) Receive by gift, grant, devise, or bequest any moneys, 76394
lands, or other property for the purposes for which the council is 76395
established. The agent shall hold, apply, and dispose of the 76396
moneys, lands, or other property according to the terms of the 76397
gift, grant, devise, or bequest. Any interest or earnings shall be 76398
treated in the same manner and are subject to the same terms as 76399
the gift, grant, devise, or bequest from which it accrues. 76400

(b)(i) If the county council designates the board of county 76401
commissioners as its administrative agent, the board may, by 76402
resolution, delegate any of its powers and duties as 76403
administrative agent to an executive committee the board 76404
establishes from the membership of the county council. The board 76405
shall name to the executive committee at least the individuals 76406
described in divisions (B)(1)(b) to (h) of this section and may 76407
appoint the president of the board or another individual as the 76408
chair of the executive committee. The executive committee must 76409
include at least one family county council representative who does 76410
not have a family member employed by an agency represented on the 76411
council. 76412

(ii) The executive committee may, with the approval of the 76413
board, hire an executive director to assist the county council in 76414
administering its powers and duties. The executive director shall 76415
serve in the unclassified civil service at the pleasure of the 76416
executive committee. The executive director may, with the approval 76417

of the executive committee, hire other employees as necessary to 76418
properly conduct the county council's business. 76419

(iii) The board may require the executive committee to submit 76420
an annual budget to the board for approval and may amend or repeal 76421
the resolution that delegated to the executive committee its 76422
authority as the county council's administrative agent. 76423

(6) Two or more county councils may enter into an agreement 76424
to administer their county councils jointly by creating a regional 76425
family and children first council. A regional council possesses 76426
the same duties and authority possessed by a county council, 76427
except that the duties and authority apply regionally rather than 76428
to individual counties. Prior to entering into an agreement to 76429
create a regional council, the members of each county council to 76430
be part of the regional council shall meet to determine whether 76431
all or part of the members of each county council will serve as 76432
members of the regional council. 76433

(7) A board of county commissioners may approve a resolution 76434
by a majority vote of the board's members that requires the county 76435
council to submit a statement to the board each time the council 76436
proposes to enter into an agreement, adopt a plan, or make a 76437
decision, other than a decision pursuant to section 121.38 of the 76438
Revised Code, that requires the expenditure of funds for two or 76439
more families. The statement shall describe the proposed 76440
agreement, plan, or decision. 76441

Not later than fifteen days after the board receives the 76442
statement, it shall, by resolution approved by a majority of its 76443
members, approve or disapprove the agreement, plan, or decision. 76444
Failure of the board to pass a resolution during that time period 76445
shall be considered approval of the agreement, plan, or decision. 76446

An agreement, plan, or decision for which a statement is 76447
required to be submitted to the board shall be implemented only if 76448

it is approved by the board. 76449

(C) Each county shall develop a county service coordination 76450
mechanism. The county service coordination mechanism shall serve 76451
as the guiding document for coordination of services in the 76452
county. For children who also receive services under the help me 76453
grow program, the service coordination mechanism shall be 76454
consistent with rules adopted by the department of health under 76455
section ~~3701.61~~ 5180.21 of the Revised Code. All family service 76456
coordination plans shall be developed in accordance with the 76457
county service coordination mechanism. The mechanism shall be 76458
developed and approved with the participation of the county 76459
entities representing child welfare; developmental disabilities; 76460
alcohol, drug addiction, and mental health services; health; 76461
juvenile judges; education; the county family and children first 76462
council; and the county early intervention collaborative 76463
established pursuant to the federal early intervention program 76464
operated under the "Individuals with Disabilities Education Act of 76465
2004." The county shall establish an implementation schedule for 76466
the mechanism. The cabinet council may monitor the implementation 76467
and administration of each county's service coordination 76468
mechanism. 76469

Each mechanism shall include all of the following: 76470

(1) A procedure for an agency, including a juvenile court, or 76471
a family voluntarily seeking service coordination, to refer the 76472
child and family to the county council for service coordination in 76473
accordance with the mechanism; 76474

(2) A procedure ensuring that a family and all appropriate 76475
staff from involved agencies, including a representative from the 76476
appropriate school district, are notified of and invited to 76477
participate in all family service coordination plan meetings; 76478

(3) A procedure that permits a family to initiate a meeting 76479

to develop or review the family's service coordination plan and 76480
allows the family to invite a family advocate, mentor, or support 76481
person of the family's choice to participate in any such meeting; 76482

(4) A procedure for ensuring that a family service 76483
coordination plan meeting is conducted for each child who receives 76484
service coordination under the mechanism and for whom an emergency 76485
out-of-home placement has been made or for whom a nonemergency 76486
out-of-home placement is being considered. The meeting shall be 76487
conducted within ten days of an emergency out-of-home placement. 76488
The meeting shall be conducted before a nonemergency out-of-home 76489
placement. The family service coordination plan shall outline how 76490
the county council members will jointly pay for services, where 76491
applicable, and provide services in the least restrictive 76492
environment. 76493

(5) A procedure for monitoring the progress and tracking the 76494
outcomes of each service coordination plan requested in the county 76495
including monitoring and tracking children in out-of-home 76496
placements to assure continued progress, appropriateness of 76497
placement, and continuity of care after discharge from placement 76498
with appropriate arrangements for housing, treatment, and 76499
education; 76500

(6) A procedure for protecting the confidentiality of all 76501
personal family information disclosed during service coordination 76502
meetings or contained in the comprehensive family service 76503
coordination plan; 76504

(7) A procedure for assessing the needs and strengths of any 76505
child or family that has been referred to the council for service 76506
coordination, including a child whose parent or custodian is 76507
voluntarily seeking services, and for ensuring that parents and 76508
custodians are afforded the opportunity to participate; 76509

(8) A procedure for development of a family service 76510

coordination plan described in division (D) of this section; 76511

(9) A local dispute resolution process to serve as the 76512
process that must be used first to resolve disputes among the 76513
agencies represented on the county council concerning the 76514
provision of services to children, including children who are 76515
abused, neglected, dependent, unruly, alleged unruly, or 76516
delinquent children and under the jurisdiction of the juvenile 76517
court and children whose parents or custodians are voluntarily 76518
seeking services. The local dispute resolution process shall 76519
comply with sections 121.38, 121.381, and 121.382 of the Revised 76520
Code. The local dispute resolution process shall be used to 76521
resolve disputes between a child's parents or custodians and the 76522
county council regarding service coordination. The county council 76523
shall inform the parents or custodians of their right to use the 76524
dispute resolution process. Parents or custodians shall use 76525
existing local agency grievance procedures to address disputes not 76526
involving service coordination. The dispute resolution process is 76527
in addition to and does not replace other rights or procedures 76528
that parents or custodians may have under other sections of the 76529
Revised Code. 76530

The cabinet council shall adopt rules in accordance with 76531
Chapter 119. of the Revised Code establishing an administrative 76532
review process to address problems that arise concerning the 76533
operation of a local dispute resolution process. 76534

Nothing in division (C)(4) of this section shall be 76535
interpreted as overriding or affecting decisions of a juvenile 76536
court regarding an out-of-home placement, long-term placement, or 76537
emergency out-of-home placement. 76538

(D) Each county shall develop a family service coordination 76539
plan that does all of the following: 76540

(1) Designates service responsibilities among the various 76541

state and local agencies that provide services to children and 76542
their families, including children who are abused, neglected, 76543
dependent, unruly, or delinquent children and under the 76544
jurisdiction of the juvenile court and children whose parents or 76545
custodians are voluntarily seeking services; 76546

(2) Designates an individual, approved by the family, to 76547
track the progress of the family service coordination plan, 76548
schedule reviews as necessary, and facilitate the family service 76549
coordination plan meeting process; 76550

(3) Ensures that assistance and services to be provided are 76551
responsive to the strengths and needs of the family, as well as 76552
the family's culture, race, and ethnic group, by allowing the 76553
family to offer information and suggestions and participate in 76554
decisions. Identified assistance and services shall be provided in 76555
the least restrictive environment possible. 76556

(4) Includes a process for dealing with a child who is 76557
alleged to be an unruly child. The process shall include methods 76558
to divert the child from the juvenile court system; 76559

(5) Includes timelines for completion of goals specified in 76560
the plan with regular reviews scheduled to monitor progress toward 76561
those goals; 76562

(6) Includes a plan for dealing with short-term crisis 76563
situations and safety concerns. 76564

(E)(1) The process provided for under division (D)(4) of this 76565
section may include, but is not limited to, the following: 76566

(a) Designation of the person or agency to conduct the 76567
assessment of the child and the child's family as described in 76568
division (C)(7) of this section and designation of the instrument 76569
or instruments to be used to conduct the assessment; 76570

(b) An emphasis on the personal responsibilities of the child 76571

and the parental responsibilities of the parents, guardian, or
custodian of the child; 76572
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(c) Involvement of local law enforcement agencies and
officials. 76574
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(2) The method to divert a child from the juvenile court
system that must be included in the service coordination process 76576
76577
may include, but is not limited to, the following: 76578

(a) The preparation of a complaint under section 2151.27 of
the Revised Code alleging that the child is an unruly child and 76579
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notifying the child and the parents, guardian, or custodian that 76581
the complaint has been prepared to encourage the child and the 76582
parents, guardian, or custodian to comply with other methods to 76583
divert the child from the juvenile court system; 76584

(b) Conducting a meeting with the child, the parents,
guardian, or custodian, and other interested parties to determine 76585
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the appropriate methods to divert the child from the juvenile 76587
court system; 76588

(c) A method to provide to the child and the child's family a
short-term respite from a short-term crisis situation involving a 76589
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confrontation between the child and the parents, guardian, or 76591
custodian; 76592

(d) A program to provide a mentor to the child or the
parents, guardian, or custodian; 76593
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(e) A program to provide parenting education to the parents,
guardian, or custodian; 76595
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(f) An alternative school program for children who are truant
from school, repeatedly disruptive in school, or suspended or 76597
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expelled from school; 76599

(g) Other appropriate measures, including, but not limited
to, any alternative methods to divert a child from the juvenile 76600
76601

court system that are identified by the Ohio family and children 76602
first cabinet council. 76603

(F) Each county may review and revise the service 76604
coordination process described in division (D) of this section 76605
based on the availability of funds under Title IV-A of the "Social 76606
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 76607
or to the extent resources are available from any other federal, 76608
state, or local funds. 76609

Sec. 131.33. (A) No state agency shall incur an obligation 76610
which exceeds the agency's current appropriation authority. Except 76611
as provided in division (D) of this section, unexpended balances 76612
of appropriations shall, at the close of the period for which the 76613
appropriations are made, revert to the funds from which the 76614
appropriations were made, except that the director of budget and 76615
management shall transfer such unexpended balances from the first 76616
fiscal year to the second fiscal year of an agency's 76617
appropriations to the extent necessary for voided warrants to be 76618
reissued pursuant to division (C) of section 126.37 of the Revised 76619
Code. 76620

Except as provided in this section, appropriations made to a 76621
specific fiscal year shall be expended only to pay liabilities 76622
incurred within that fiscal year. 76623

(B) All payrolls shall be charged to the allotments of the 76624
fiscal quarters in which the applicable payroll vouchers are 76625
certified by the director of budget and management in accordance 76626
with section 126.07 of the Revised Code. As used in this division, 76627
"payrolls" means any payment made in accordance with section 76628
125.21 of the Revised Code. 76629

(C) Legal liabilities from prior fiscal years for which there 76630
is no reappropriation authority shall be discharged from the 76631
unencumbered balances of current appropriations. 76632

(D)(1) Federal grant funds obligated by the department of job and family services or the department of children and youth for financial allocations to county family services agencies and local boards may, at the discretion of the director of job and family services or the director of children and youth, be available for expenditure for the duration of the federal grant period of obligation and liquidation, as follows:

(a) At the end of the state fiscal year, all unexpended county family services agency and local board financial allocations obligated from federal grant funds may continue to be valid for expenditure during subsequent state fiscal years.

(b) The financial allocations described in division (D)(1)(a) of this section shall be reconciled at the end of the federal grant period of availability or as required by federal law, regardless of the state fiscal year of the appropriation.

(2) The director of job and family services and the director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to implement division (D) of this section.

(3) As used in division (D) of this section:

(a) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(b) "Local board" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 131.41. There is hereby created in the state treasury the family services stabilization fund. The fund shall consist of moneys deposited into it pursuant to acts of the general assembly. The director of budget and management, with advice from the director of job and family services or the director of children and youth, may transfer moneys in the family services

stabilization fund to the general revenue fund for the department 76663
of job and family services or the department of children and 76664
youth. Moneys may be transferred due to identified shortfalls for 76665
family services activities, such as higher caseloads, federal 76666
funding changes, and unforeseen costs due to significant state 76667
policy changes. Before transfers are authorized, the director of 76668
budget and management shall exhaust the possibilities for 76669
transfers of moneys within the department of job and family 76670
services or the department of children and youth to meet the 76671
identified shortfall. Transfers shall not be used to fund policy 76672
changes not contemplated by acts of the general assembly. Any 76673
investment earnings of the family services stabilization fund 76674
shall be credited to that fund. 76675

Sec. 135.79. As used in sections 135.79 to 135.796 of the 76676
Revised Code: 76677

(A) "Eligible borrower" means an individual who is a resident 76678
of this state and to whom either of the following applies: 76679

(1) The individual completes a home study pursuant to section 76680
3107.031 of the Revised Code and is approved. 76681

(2) The individual is pursuing an adoption through the public 76682
foster care system and meets the requirements set by the 76683
department of ~~job~~ children and ~~family services~~ youth. 76684

(B) "Eligible lending institution" means a financial 76685
institution that may make secured or unsecured personal loans, 76686
agrees to participate in the adoption linked deposit program, and 76687
is either of the following: 76688

(1) A public depository of state funds under section 135.03 76689
of the Revised Code; 76690

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 76691
Code, a federal credit union, a foreign credit union licensed 76692

pursuant to section 1733.39 of the Revised Code, or a credit union 76693
as defined in section 1733.01 of the Revised Code, located in this 76694
state. 76695

(C) "Adoption linked deposit" means a certificate of deposit 76696
or other financial institution instrument placed by the treasurer 76697
of state with an eligible lending institution at a rate below 76698
current market rate, as determined and calculated by the treasurer 76699
of state, provided the institution agrees to lend the value of 76700
such deposit or instrument, according to the agreement provided in 76701
division (C) of section 135.793 of the Revised Code, to eligible 76702
borrowers at a rate that reflects an equal percentage rate 76703
reduction below the present borrowing rate applicable to each 76704
specific borrower at the time of the placement of state funds in 76705
the institution. 76706

(D) "Other financial institution instrument" means a fully 76707
collateralized product that otherwise would pay market rates of 76708
interest approved by the treasurer of state. 76709

(E) "Loan" means a contractual agreement under which an 76710
eligible lending institution agrees to lend money to an eligible 76711
borrower in the form of an upfront lump sum, a line of credit, or 76712
any other reasonable arrangement approved by the treasurer of 76713
state. 76714

(F) "Qualifying adoption expense" means any expense incurred 76715
to legally adopt a child as described in division (C) of section 76716
3107.055 of the Revised Code, including any costs incurred by the 76717
eligible borrower proximately relating to the completion and 76718
approval of the home study under section 3107.031 of the Revised 76719
Code, and any other expense as determined by the treasurer of 76720
state. 76721

Sec. 153.39. If the plans, drawings, representations, bills 76722
of material, specifications of work, and estimates relate to the 76723

building of a children's home, they shall be submitted to the 76724
board of county commissioners and three citizens of the county, to 76725
be appointed by a resident judge of the court of common pleas, or 76726
a judge residing in the same subdivision of the judicial district. 76727
If approved by a majority of them, a copy thereof shall be 76728
deposited with the county auditor and kept by the auditor for the 76729
inspection of interested parties. Before such plans are adopted, 76730
they shall be submitted to the department of ~~job~~ children and 76731
~~family services~~ youth for suggestions and criticism. The boards of 76732
counties composing a district for the purpose of establishing a 76733
district children's home, in letting contracts for the necessary 76734
buildings or the repair or alteration thereof, shall be governed 76735
by the law relating to letting contracts for erecting, repairing, 76736
or altering other public buildings. 76737

Sec. 307.98. As used in this section, "county grantee" has 76738
the same meaning as in section 5101.21 of the Revised Code. 76739

Each board of county commissioners and each other county 76740
grantee of the county shall jointly enter into one or more written 76741
grant agreements with the director of job and family services or 76742
the director of children and youth in accordance with section 76743
5101.21 of the Revised Code. The board of county commissioners 76744
shall enter into the agreement on behalf of the county family 76745
services agencies, other than a county family services agency that 76746
is a county grantee. 76747

Sec. 307.981. (A)(1) As used in the Revised Code: 76748

(a) "County family services agency" means all of the 76749
following: 76750

(i) A child support enforcement agency; 76751

(ii) A county department of job and family services; 76752

(iii) A public children services agency. 76753

(b) "Family services duty" means a duty state law requires or allows a county family services agency to assume, including financial and general administrative duties. "Family services duty" does not include a duty funded by the United States department of labor.

(2) As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity.

(B) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations established by the Revised Code, including division (H) of this section, a board of county commissioners may designate any private or government entity within this state to serve as any of the following:

(1) A child support enforcement agency;

(2) A county department of job and family services;

(3) A public children services agency;

(4) A county department of job and family services and one other of those county family services agencies;

(5) All three of those county family services agencies.

(C) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations of the Revised Code, including division (H) of this section, a board of county commissioners may change the designation it makes under division (B) of this section by designating another private or government entity.

(D) If a designation under division (B) or (C) of this section constitutes a change from the designation in a grant agreement between the director of job and family services, or the director of children and youth, and the board under sections

307.98 and 5101.21 of the Revised Code, the ~~director~~ directors may 76784
require that the ~~director~~ directors and board amend the grant 76785
agreement and that the board provide the ~~director~~ directors 76786
written assurances that the newly designated private or government 76787
entity will meet or exceed all requirements of the family services 76788
duties the entity is to assume. 76789

(E) Not less than sixty days before a board of county 76790
commissioners designates an entity under division (B) or (C) of 76791
this section, the board shall notify the director of job and 76792
family services and department of children and youth and publish 76793
notice in a newspaper of general circulation in the county of the 76794
board's intention to make the designation and reasons for the 76795
designation. 76796

(F) A board of county commissioners shall enter into a 76797
written contract with each entity it designates under division (B) 76798
or (C) of this section specifying the entity's responsibilities 76799
and standards the entity is required to meet. 76800

(G) This section does not require a board of county 76801
commissioners to abolish the child support enforcement agency, 76802
county department of job and family services, or public children 76803
services agency serving the county on October 1, 1997, and 76804
designate a different private or government entity to serve as the 76805
county's child support enforcement agency, county department of 76806
job and family services, or public children services agency. 76807

(H) If a county children services board appointed under 76808
section 5153.03 of the Revised Code serves as a public children 76809
services agency for a county, the board of county commissioners 76810
may not redesignate the public children services agency unless the 76811
board of county commissioners does all of the following: 76812

(1) Notifies the county children services board of its intent 76813
to redesignate the public children services agency. In its 76814

notification, the board of county commissioners shall provide the 76815
county children services board a written explanation of the 76816
administrative, fiscal, or performance considerations causing the 76817
board of county commissioners to seek to redesignate the public 76818
children services agency. 76819

(2) Provides the county children services board an 76820
opportunity to comment on the proposed redesignation before the 76821
redesignation occurs; 76822

(3) If the county children services board, not more than 76823
sixty days after receiving the notice under division (H)(1) of 76824
this section, notifies the board of county commissioners that the 76825
county children services board has voted to oppose the 76826
redesignation, votes unanimously to proceed with the 76827
redesignation. 76828

Sec. 329.04. (A) The county department of job and family 76829
services shall have, exercise, and perform the following powers 76830
and duties: 76831

(1) Perform any duties assigned by the state department of 76832
job and family services, department of children and youth, or 76833
department of medicaid regarding the provision of public family 76834
services, including the provision of the following services to 76835
prevent or reduce economic or personal dependency and to 76836
strengthen family life: 76837

(a) Services authorized by a Title IV-A program, as defined 76838
in section 5101.80 of the Revised Code; 76839

(b) Social services authorized by Title XX of the "Social 76840
Security Act" and provided for by section 5101.46 or 5101.461 of 76841
the Revised Code; 76842

(c) If the county department is designated as the child 76843
support enforcement agency, services authorized by Title IV-D of 76844

the "Social Security Act" and provided for by Chapter 3125. of the 76845
Revised Code. The county department may perform the services 76846
itself or contract with other government entities, and, pursuant 76847
to division (C) of section 2301.35 and section 2301.42 of the 76848
Revised Code, private entities, to perform the Title IV-D 76849
services. 76850

(d) Duties assigned under section 5162.031 of the Revised 76851
Code. 76852

(2) Administer burials insofar as the administration of 76853
burials was, prior to September 12, 1947, imposed upon the board 76854
of county commissioners and if otherwise required by state law; 76855

(3) Cooperate with state and federal authorities in any 76856
matter relating to family services and to act as the agent of such 76857
authorities; 76858

(4) Submit an annual account of its work and expenses to the 76859
board of county commissioners and to the state department of job 76860
and family services, department of children and youth, and 76861
department of medicaid at the close of each fiscal year; 76862

(5) Exercise any powers and duties relating to family 76863
services duties or workforce development activities imposed upon 76864
the county department of job and family services by law, by 76865
resolution of the board of county commissioners, or by order of 76866
the governor, when authorized by law, to meet emergencies during 76867
war or peace; 76868

(6) Enter into a plan of cooperation with the board of county 76869
commissioners under section 307.983, consult with the board in the 76870
development of the transportation work plan developed under 76871
section 307.985, establish with the board procedures under section 76872
307.986 for providing services to children whose families relocate 76873
frequently, and comply with the contracts the board enters into 76874
under sections 307.981 and 307.982 of the Revised Code that affect 76875

the county department; 76876

(7) For the purpose of complying with a grant agreement the 76877
board of county commissioners enters into under sections 307.98 76878
and 5101.21 of the Revised Code, exercise the powers and perform 76879
the duties the grant agreement assigns to the county department. 76880

(B) The powers and duties of a county department of job and 76881
family services are, and shall be exercised and performed, under 76882
the control and direction of the board of county commissioners. 76883
The board may assign to the county department any power or duty of 76884
the board regarding family services duties and workforce 76885
development activities. If the new power or duty necessitates the 76886
state department of job and family services, department of 76887
children and youth, or department of medicaid changing its federal 76888
cost allocation plan, the county department may not implement the 76889
power or duty unless the United States department of health and 76890
human services approves the changes. 76891

Sec. 2151.011. (A) As used in the Revised Code: 76892

(1) "Juvenile court" means whichever of the following is 76893
applicable that has jurisdiction under this chapter and Chapter 76894
2152. of the Revised Code: 76895

(a) The division of the court of common pleas specified in 76896
section 2101.022 or 2301.03 of the Revised Code as having 76897
jurisdiction under this chapter and Chapter 2152. of the Revised 76898
Code or as being the juvenile division or the juvenile division 76899
combined with one or more other divisions; 76900

(b) The juvenile court of Cuyahoga county or Hamilton county 76901
that is separately and independently created by section 2151.08 or 76902
Chapter 2153. of the Revised Code and that has jurisdiction under 76903
this chapter and Chapter 2152. of the Revised Code; 76904

(c) If division (A)(1)(a) or (b) of this section does not 76905

apply, the probate division of the court of common pleas. 76906

(2) "Juvenile judge" means a judge of a court having 76907
jurisdiction under this chapter. 76908

(3) "Private child placing agency" means any association, as 76909
defined in section 5103.02 of the Revised Code, that is certified 76910
under section 5103.03 of the Revised Code to accept temporary, 76911
permanent, or legal custody of children and place the children for 76912
either foster care or adoption. 76913

(4) "Private noncustodial agency" means any person, 76914
organization, association, or society certified by the department 76915
of ~~job children~~ and ~~family services youth~~ that does not accept 76916
temporary or permanent legal custody of children, that is 76917
privately operated in this state, and that does one or more of the 76918
following: 76919

(a) Receives and cares for children for two or more 76920
consecutive weeks; 76921

(b) Participates in the placement of children in certified 76922
foster homes; 76923

(c) Provides adoption services in conjunction with a public 76924
children services agency or private child placing agency. 76925

(B) As used in this chapter: 76926

(1) "Adequate parental care" means the provision by a child's 76927
parent or parents, guardian, or custodian of adequate food, 76928
clothing, and shelter to ensure the child's health and physical 76929
safety and the provision by a child's parent or parents of 76930
specialized services warranted by the child's physical or mental 76931
needs. 76932

(2) "Adult" means an individual who is eighteen years of age 76933
or older. 76934

(3) "Agreement for temporary custody" means a voluntary 76935

agreement authorized by section 5103.15 of the Revised Code that 76936
transfers the temporary custody of a child to a public children 76937
services agency or a private child placing agency. 76938

(4) "Alternative response" means the public children services 76939
agency's response to a report of child abuse or neglect that 76940
engages the family in a comprehensive evaluation of child safety, 76941
risk of subsequent harm, and family strengths and needs and that 76942
does not include a determination as to whether child abuse or 76943
neglect occurred. 76944

(5) "Certified foster home" means a foster home, as defined 76945
in section 5103.02 of the Revised Code, certified under section 76946
5103.03 of the Revised Code. 76947

(6) "Child" means a person who is under eighteen years of 76948
age, except that the juvenile court has jurisdiction over any 76949
person who is adjudicated an unruly child prior to attaining 76950
eighteen years of age until the person attains twenty-one years of 76951
age, and, for purposes of that jurisdiction related to that 76952
adjudication, a person who is so adjudicated an unruly child shall 76953
be deemed a "child" until the person attains twenty-one years of 76954
age. 76955

(7) "Child day camp," "child care," "child day-care center," 76956
"part-time child day-care center," "type A family day-care home," 76957
"licensed type B family day-care home," "type B family day-care 76958
home," "administrator of a child day-care center," "administrator 76959
of a type A family day-care home," and "in-home aide" have the 76960
same meanings as in section 5104.01 of the Revised Code. 76961

(8) "Child care provider" means an individual who is a 76962
child-care staff member or administrator of a child day-care 76963
center, a type A family day-care home, or a type B family day-care 76964
home, or an in-home aide or an individual who is licensed, is 76965
regulated, is approved, operates under the direction of, or 76966

otherwise is certified by the department of ~~job~~ children and 76967
~~family services~~ youth, department of developmental disabilities, 76968
or the early childhood programs of the department of education. 76969

(9) "Commit" means to vest custody as ordered by the court. 76970

(10) "Counseling" includes both of the following: 76971

(a) General counseling services performed by a public 76972
children services agency or shelter for victims of domestic 76973
violence to assist a child, a child's parents, and a child's 76974
siblings in alleviating identified problems that may cause or have 76975
caused the child to be an abused, neglected, or dependent child. 76976

(b) Psychiatric or psychological therapeutic counseling 76977
services provided to correct or alleviate any mental or emotional 76978
illness or disorder and performed by a licensed psychiatrist, 76979
licensed psychologist, or a person licensed under Chapter 4757. of 76980
the Revised Code to engage in social work or professional 76981
counseling. 76982

(11) "Custodian" means a person who has legal custody of a 76983
child or a public children services agency or private child 76984
placing agency that has permanent, temporary, or legal custody of 76985
a child. 76986

(12) "Delinquent child" has the same meaning as in section 76987
2152.02 of the Revised Code. 76988

(13) "Detention" means the temporary care of children pending 76989
court adjudication or disposition, or execution of a court order, 76990
in a public or private facility designed to physically restrict 76991
the movement and activities of children. 76992

(14) "Developmental disability" has the same meaning as in 76993
section 5123.01 of the Revised Code. 76994

(15) "Differential response approach" means an approach that 76995
a public children services agency may use to respond to accepted 76996

reports of child abuse or neglect with either an alternative 76997
response or a traditional response. 76998

(16) "Foster caregiver" has the same meaning as in section 76999
5103.02 of the Revised Code. 77000

(17) "Guardian" means a person, association, or corporation 77001
that is granted authority by a probate court pursuant to Chapter 77002
2111. of the Revised Code to exercise parental rights over a child 77003
to the extent provided in the court's order and subject to the 77004
residual parental rights of the child's parents. 77005

(18) "Habitual truant" means any child of compulsory school 77006
age who is absent without legitimate excuse for absence from the 77007
public school the child is supposed to attend for thirty or more 77008
consecutive hours, forty-two or more hours in one school month, or 77009
seventy-two or more hours in a school year. 77010

(19) "Intellectual disability" has the same meaning as in 77011
section 5123.01 of the Revised Code. 77012

(20) "Juvenile traffic offender" has the same meaning as in 77013
section 2152.02 of the Revised Code. 77014

(21) "Legal custody" means a legal status that vests in the 77015
custodian the right to have physical care and control of the child 77016
and to determine where and with whom the child shall live, and the 77017
right and duty to protect, train, and discipline the child and to 77018
provide the child with food, shelter, education, and medical care, 77019
all subject to any residual parental rights, privileges, and 77020
responsibilities. An individual granted legal custody shall 77021
exercise the rights and responsibilities personally unless 77022
otherwise authorized by any section of the Revised Code or by the 77023
court. 77024

(22) A "legitimate excuse for absence from the public school 77025
the child is supposed to attend" includes, but is not limited to, 77026
any of the following: 77027

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified

foster homes, placement in a prospective adoptive home prior to 77058
the issuance of a final decree of adoption, organizations, 77059
certified organizations, child day-care centers, type A family 77060
day-care homes, type B family day-care homes, child care provided 77061
by in-home aides, group home providers, group homes, institutions, 77062
state institutions, residential facilities, residential care 77063
facilities, residential camps, day camps, private, nonprofit 77064
therapeutic wilderness camps, public schools, chartered nonpublic 77065
schools, educational service centers, hospitals, and medical 77066
clinics that are responsible for the care, physical custody, or 77067
control of children. 77068

(29) "Out-of-home care child abuse" means any of the 77069
following when committed by a person responsible for the care of a 77070
child in out-of-home care: 77071

(a) Engaging in sexual activity with a child in the person's 77072
care; 77073

(b) Denial to a child, as a means of punishment, of proper or 77074
necessary subsistence, education, medical care, or other care 77075
necessary for a child's health; 77076

(c) Use of restraint procedures on a child that cause injury 77077
or pain; 77078

(d) Administration of prescription drugs or psychotropic 77079
medication to the child without the written approval and ongoing 77080
supervision of a licensed physician; 77081

(e) Commission of any act, other than by accidental means, 77082
that results in any injury to or death of the child in out-of-home 77083
care or commission of any act by accidental means that results in 77084
an injury to or death of a child in out-of-home care and that is 77085
at variance with the history given of the injury or death. 77086

(30) "Out-of-home care child neglect" means any of the 77087
following when committed by a person responsible for the care of a 77088

child in out-of-home care:	77089
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	77090 77091 77092
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	77093 77094 77095 77096
(c) Failure to develop a process for all of the following:	77097
(i) Administration of prescription drugs or psychotropic drugs for the child;	77098 77099
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	77100 77101
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	77102 77103 77104
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	77105 77106 77107
(e) Confinement of the child to a locked room without monitoring by staff;	77108 77109
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	77110 77111
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	77112 77113 77114
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or	77115 77116 77117 77118

adoptive parents of all parental rights, privileges, and 77119
obligations, including all residual rights and obligations. 77120

(32) "Permanent surrender" means the act of the parents or, 77121
if a child has only one parent, of the parent of a child, by a 77122
voluntary agreement authorized by section 5103.15 of the Revised 77123
Code, to transfer the permanent custody of the child to a public 77124
children services agency or a private child placing agency. 77125

(33) "Person" means an individual, association, corporation, 77126
or partnership and the state or any of its political subdivisions, 77127
departments, or agencies. 77128

(34) "Person responsible for a child's care in out-of-home 77129
care" means any of the following: 77130

(a) Any foster caregiver, in-home aide, or provider; 77131

(b) Any administrator, employee, or agent of any of the 77132
following: a public or private detention facility; shelter 77133
facility; certified children's crisis care facility; organization; 77134
certified organization; child day-care center; type A family 77135
day-care home; licensed type B family day-care home; group home; 77136
institution; state institution; residential facility; residential 77137
care facility; residential camp; day camp; school district; 77138
community school; chartered nonpublic school; educational service 77139
center; hospital; or medical clinic; 77140

(c) Any person who supervises or coaches children as part of 77141
an extracurricular activity sponsored by a school district, public 77142
school, or chartered nonpublic school; 77143

(d) Any other person who performs a similar function with 77144
respect to, or has a similar relationship to, children. 77145

(35) "Physical impairment" means having one or more of the 77146
following conditions that substantially limit one or more of an 77147
individual's major life activities, including self-care, receptive 77148

and expressive language, learning, mobility, and self-direction:	77149
(a) A substantial impairment of vision, speech, or hearing;	77150
(b) A congenital orthopedic impairment;	77151
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	77152 77153 77154
(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	77155 77156 77157 77158
(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	77159 77160 77161 77162
(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	77163 77164
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	77165 77166 77167
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	77168 77169 77170 77171
(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	77172 77173 77174
(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.	77175 77176
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an	77177 77178

adjudication that a child is an unruly child that is described in 77179
division (A)(4) of section 2152.19 of the Revised Code. 77180

(42) "Protective supervision" means an order of disposition 77181
pursuant to which the court permits an abused, neglected, 77182
dependent, or unruly child to remain in the custody of the child's 77183
parents, guardian, or custodian and stay in the child's home, 77184
subject to any conditions and limitations upon the child, the 77185
child's parents, guardian, or custodian, or any other person that 77186
the court prescribes, including supervision as directed by the 77187
court for the protection of the child. 77188

(43) "Psychiatrist" has the same meaning as in section 77189
5122.01 of the Revised Code. 77190

(44) "Psychologist" has the same meaning as in section 77191
4732.01 of the Revised Code. 77192

(45) "Resource caregiver" has the same meaning as in section 77193
5103.02 of the Revised Code. 77194

(46) "Resource family" has the same meaning as in section 77195
5103.02 of the Revised Code. 77196

(47) "Residential camp" means a program in which the care, 77197
physical custody, or control of children is accepted overnight for 77198
recreational or recreational and educational purposes. 77199

(48) "Residential care facility" means an institution, 77200
residence, or facility that is licensed by the department of 77201
mental health and addiction services under section 5119.34 of the 77202
Revised Code and that provides care for a child. 77203

(49) "Residential facility" means a home or facility that is 77204
licensed by the department of developmental disabilities under 77205
section 5123.19 of the Revised Code and in which a child with a 77206
developmental disability resides. 77207

(50) "Residual parental rights, privileges, and 77208

responsibilities" means those rights, privileges, and 77209
responsibilities remaining with the natural parent after the 77210
transfer of legal custody of the child, including, but not 77211
necessarily limited to, the privilege of reasonable visitation, 77212
consent to adoption, the privilege to determine the child's 77213
religious affiliation, and the responsibility for support. 77214

(51) "School day" means the school day established by the 77215
board of education of the applicable school district pursuant to 77216
section 3313.481 of the Revised Code. 77217

(52) "School year" has the same meaning as in section 3313.62 77218
of the Revised Code. 77219

(53) "Secure correctional facility" means a facility under 77220
the direction of the department of youth services that is designed 77221
to physically restrict the movement and activities of children and 77222
used for the placement of children after adjudication and 77223
disposition. 77224

(54) "Sexual activity" has the same meaning as in section 77225
2907.01 of the Revised Code. 77226

(55) "Shelter" means the temporary care of children in 77227
physically unrestricted facilities pending court adjudication or 77228
disposition. 77229

(56) "Shelter for victims of domestic violence" has the same 77230
meaning as in section 3113.33 of the Revised Code. 77231

(57) "Temporary custody" means legal custody of a child who 77232
is removed from the child's home, which custody may be terminated 77233
at any time at the discretion of the court or, if the legal 77234
custody is granted in an agreement for temporary custody, by the 77235
person who executed the agreement. 77236

(58) "Traditional response" means a public children services 77237
agency's response to a report of child abuse or neglect that 77238

encourages engagement of the family in a comprehensive evaluation 77239
of the child's current and future safety needs and a fact-finding 77240
process to determine whether child abuse or neglect occurred and 77241
the circumstances surrounding the alleged harm or risk of harm. 77242

(C) For the purposes of this chapter, a child shall be 77243
presumed abandoned when the parents of the child have failed to 77244
visit or maintain contact with the child for more than ninety 77245
days, regardless of whether the parents resume contact with the 77246
child after that period of ninety days. 77247

Sec. 2151.152. The juvenile judge may enter into an agreement 77248
with the department of ~~job~~ children and ~~family services~~ youth 77249
pursuant to section 5101.11 of the Revised Code for the purpose of 77250
reimbursing the court for foster care maintenance costs, 77251
associated administrative and training costs, and prevention 77252
services costs under the "Family First Prevention Services Act," 77253
Public Law 115-123, incurred on behalf of a child who is any of 77254
the following: 77255

(A) Eligible for payments under Title IV-E of the "Social 77256
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 77257
the temporary or permanent custody of the court or subject to a 77258
disposition issued under division (A)(5) of section 2151.354 or 77259
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 77260
Code; 77261

(B) Determined to be at serious risk of removal from the home 77262
and for whom the court has undertaken a plan of reasonable efforts 77263
to prevent such removal; 77264

(C) At imminent risk of removal from the home and is a 77265
sibling of a child in the temporary or permanent custody of the 77266
court. 77267

The agreement shall govern the responsibilities and duties 77268

the court shall perform in providing services to the child. 77269

Sec. 2151.281. (A) The court shall appoint a guardian ad 77270
litem, subject to rules adopted by the supreme court, to protect 77271
the interest of a child in any proceeding concerning an alleged or 77272
adjudicated delinquent child or unruly child when either of the 77273
following applies: 77274

(1) The child has no parent, guardian, or legal custodian. 77275

(2) The court finds that there is a conflict of interest 77276
between the child and the child's parent, guardian, or legal 77277
custodian. 77278

(B)(1) Except as provided in division (K) of this section, 77279
the court shall appoint a guardian ad litem, subject to rules 77280
adopted by the supreme court, to protect the interest of a child 77281
in any proceeding concerning an alleged abused or neglected child 77282
and in any proceeding held pursuant to section 2151.414 of the 77283
Revised Code. The guardian ad litem so appointed shall not be the 77284
attorney responsible for presenting the evidence alleging that the 77285
child is an abused or neglected child and shall not be an employee 77286
of any party in the proceeding. 77287

(2) Except in any proceeding concerning a dependent child 77288
involving the permanent custody of an infant under the age of six 77289
months for the sole purpose of placement for adoption by a private 77290
child placing agency, the court shall appoint a guardian ad litem, 77291
subject to rules adopted by the supreme court, to protect the 77292
interest of a child in any proceeding concerning an alleged 77293
dependent child if any of the following applies: 77294

(a) The parent of the child appears to be mentally 77295
incompetent or is under eighteen years of age. 77296

(b) There is a conflict of interest between the child and the 77297
child's parents, guardian, or custodian. 77298

(c) The court believes that the parent of the child is not 77299
capable of representing the best interest of the child. 77300

(3) Except in any proceeding concerning a dependent child 77301
involving the permanent custody of an infant under the age of six 77302
months for the sole purpose of placement for adoption by a private 77303
child placing agency, the court may appoint a guardian ad litem, 77304
subject to rules adopted by the supreme court, to protect the 77305
interest of the child in any other proceeding concerning an 77306
alleged dependent child. 77307

(4) The guardian ad litem appointed for an alleged or 77308
adjudicated abused or neglected child may bring a civil action 77309
against any person who is required by division (A)(1) or (4) of 77310
section 2151.421 of the Revised Code to file a report of child 77311
abuse or child neglect that is known or reasonably suspected or 77312
believed to have occurred if that person knows, or has reasonable 77313
cause to suspect or believe based on facts that would cause a 77314
reasonable person in a similar position to suspect or believe, as 77315
applicable, that the child for whom the guardian ad litem is 77316
appointed is the subject of child abuse or child neglect and does 77317
not file the required report and if the child suffers any injury 77318
or harm as a result of the child abuse or child neglect that is 77319
known or reasonably suspected or believed to have occurred or 77320
suffers additional injury or harm after the failure to file the 77321
report. 77322

(C) In any proceeding concerning an alleged or adjudicated 77323
delinquent, unruly, abused, neglected, or dependent child in which 77324
the parent appears to be mentally incompetent or is under eighteen 77325
years of age, the court shall appoint a guardian ad litem to 77326
protect the interest of that parent. 77327

(D) The court shall require the guardian ad litem to 77328
faithfully discharge the guardian ad litem's duties and, upon the 77329
guardian ad litem's failure to faithfully discharge the guardian 77330

ad litem's duties, shall discharge the guardian ad litem and 77331
appoint another guardian ad litem. The court may fix the 77332
compensation for the service of the guardian ad litem, which 77333
compensation shall be paid from the treasury of the county, 77334
subject to rules adopted by the supreme court. 77335

(E) A parent who is eighteen years of age or older and not 77336
mentally incompetent shall be deemed sui juris for the purpose of 77337
any proceeding relative to a child of the parent who is alleged or 77338
adjudicated to be an abused, neglected, or dependent child. 77339

(F) In any case in which a parent of a child alleged or 77340
adjudicated to be an abused, neglected, or dependent child is 77341
under eighteen years of age, the parents of that parent shall be 77342
summoned to appear at any hearing respecting the child, who is 77343
alleged or adjudicated to be an abused, neglected, or dependent 77344
child. 77345

(G) Except as provided in division (K) of this section, in 77346
any case in which a guardian ad litem is to be appointed for an 77347
alleged or adjudicated abused, neglected, or dependent child or in 77348
any case involving an agreement for the voluntary surrender of 77349
temporary or permanent custody of a child that is made in 77350
accordance with section 5103.15 of the Revised Code, the court 77351
shall appoint the guardian ad litem in each case as soon as 77352
possible after the complaint is filed, the request for an 77353
extension of the temporary custody agreement is filed with the 77354
court, or the request for court approval of the permanent custody 77355
agreement is filed. The guardian ad litem or the guardian ad 77356
litem's replacement shall continue to serve until any of the 77357
following occur: 77358

(1) The complaint is dismissed or the request for an 77359
extension of a temporary custody agreement or for court approval 77360
of the permanent custody agreement is withdrawn or denied; 77361

(2) All dispositional orders relative to the child have terminated; 77362
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(3) The legal custody of the child is granted to a relative of the child, or to another person; 77364
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(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child; 77366
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(5) The child reaches the age of eighteen if the child does not have a developmental disability or physical impairment or the child reaches the age of twenty-one if the child has a developmental disability or physical impairment; 77369
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(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court. 77373
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If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn. 77375
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(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. Until the supreme court adopts rules regarding service as a guardian ad litem that regulate conflicts between a person's role as guardian ad litem and as counsel, if a person is serving as guardian ad litem and counsel for a child and either that person or the court finds that a conflict may exist between the person's roles as guardian ad litem and as counsel, 77384
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the court shall relieve the person of duties as guardian ad litem 77393
and appoint someone else as guardian ad litem for the child. If 77394
the court appoints a person who is not an attorney admitted to the 77395
practice of law in this state to be a guardian ad litem, the court 77396
also may appoint an attorney admitted to the practice of law in 77397
this state to serve as counsel for the guardian ad litem. 77398

(I) The guardian ad litem for an alleged or adjudicated 77399
abused, neglected, or dependent child shall perform whatever 77400
functions are necessary to protect the best interest of the child, 77401
including, but not limited to, investigation, mediation, 77402
monitoring court proceedings, and monitoring the services provided 77403
the child by the public children services agency or private child 77404
placing agency that has temporary or permanent custody of the 77405
child, and shall file any motions and other court papers that are 77406
in the best interest of the child in accordance with rules adopted 77407
by the supreme court. 77408

The guardian ad litem shall be given notice of all hearings, 77409
administrative reviews, and other proceedings in the same manner 77410
as notice is given to parties to the action. 77411

(J)(1) When the court appoints a guardian ad litem pursuant 77412
to this section, it shall appoint a qualified volunteer or court 77413
appointed special advocate whenever one is available and the 77414
appointment is appropriate. 77415

(2) Upon request, the department of ~~job~~ children and ~~family~~ 77416
~~services~~ youth shall provide for the training of volunteer 77417
guardians ad litem. 77418

(K) A guardian ad litem shall not be appointed for a child 77419
who is under six months of age in any proceeding in which a 77420
private child placing agency is seeking permanent custody of the 77421
child or seeking approval of a voluntary permanent custody 77422
surrender agreement for the sole purpose of the adoption of the 77423

child. 77424

Sec. 2151.316. (A) The department of ~~job~~ children and ~~family~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a foster youth bill of rights for individuals who are in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services and who are subject to out-of-home care or placed with a kinship caregiver as defined in section 5101.85 of the Revised Code.

(B) If the rights of an individual, as established under division (A) of this section, conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights of the individual shall preempt the rights of the resource family or resource caregiver.

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 2151.353. (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

(a) A public children services agency;

(b) A private child placing agency;

(c) Either parent;

- (d) A relative residing within or outside the state; 77453
- (e) A probation officer for placement in a certified foster home; 77454
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- (f) Any other person approved by the court. 77456
- (3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions: 77457
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- (a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child; 77467
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- (b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the 77470
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state board of education, whichever occurs first. 77484

(c) That the parents of the child have residual parental 77485
rights, privileges, and responsibilities, including, but not 77486
limited to, the privilege of reasonable visitation, consent to 77487
adoption, the privilege to determine the child's religious 77488
affiliation, and the responsibility for support; 77489

(d) That the person understands that the person must be 77490
present in court for the dispositional hearing in order to affirm 77491
the person's intention to become legal custodian, to affirm that 77492
the person understands the effect of the custodianship before the 77493
court, and to answer any questions that the court or any parties 77494
to the case may have. 77495

(4) Commit the child to the permanent custody of a public 77496
children services agency or private child placing agency, if the 77497
court determines in accordance with division (E) of section 77498
2151.414 of the Revised Code that the child cannot be placed with 77499
one of the child's parents within a reasonable time or should not 77500
be placed with either parent and determines in accordance with 77501
division (D)(1) of section 2151.414 of the Revised Code that the 77502
permanent commitment is in the best interest of the child. If the 77503
court grants permanent custody under this division, the court, 77504
upon the request of any party, shall file a written opinion 77505
setting forth its findings of fact and conclusions of law in 77506
relation to the proceeding. 77507

(5) Place the child in a planned permanent living arrangement 77508
with a public children services agency or private child placing 77509
agency, if a public children services agency or private child 77510
placing agency requests the court to place the child in a planned 77511
permanent living arrangement and if the court finds, by clear and 77512
convincing evidence, that a planned permanent living arrangement 77513
is in the best interest of the child, that the child is sixteen 77514
years of age or older, and that one of the following exists: 77515

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.

(B)(1) When making a determination on whether to place a child in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section, the court shall consider all relevant information that has been presented to the court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living

arrangement pursuant to division (A)(5)(b) or (c) of this section 77547
shall be placed in an independent living setting or in a family 77548
setting in which the caregiver has been provided by the agency 77549
that has custody of the child with a notice that addresses the 77550
following: 77551

(a) The caregiver understands that the planned permanent 77552
living arrangement is intended to be permanent in nature and that 77553
the caregiver will provide a stable placement for the child 77554
through the child's emancipation or until the court releases the 77555
child from the custody of the agency, whichever occurs first. 77556

(b) The caregiver is expected to actively participate in the 77557
youth's independent living case plan, attend agency team meetings 77558
and court hearings as appropriate, complete training, as developed 77559
and implemented under section 5103.035 of the Revised Code, 77560
related to providing the child independent living services, and 77561
assist in the child's transition into adulthood. 77562

(3) The department of ~~job children~~ and ~~family services youth~~ 77563
shall develop a model notice to be provided by an agency that has 77564
custody of a child to a caregiver under division (B)(2) of this 77565
section. The agency may modify the model notice to apply to the 77566
needs of the agency. 77567

(C) No order for permanent custody or temporary custody of a 77568
child or the placement of a child in a planned permanent living 77569
arrangement shall be made pursuant to this section unless the 77570
complaint alleging the abuse, neglect, or dependency contains a 77571
prayer requesting permanent custody, temporary custody, or the 77572
placement of the child in a planned permanent living arrangement 77573
as desired, the summons served on the parents of the child 77574
contains as is appropriate a full explanation that the granting of 77575
an order for permanent custody permanently divests them of their 77576
parental rights, a full explanation that an adjudication that the 77577
child is an abused, neglected, or dependent child may result in an 77578

order of temporary custody that will cause the removal of the 77579
child from their legal custody until the court terminates the 77580
order of temporary custody or permanently divests the parents of 77581
their parental rights, or a full explanation that the granting of 77582
an order for a planned permanent living arrangement will result in 77583
the removal of the child from their legal custody if any of the 77584
conditions listed in divisions (A)(5)(a) to (c) of this section 77585
are found to exist, and the summons served on the parents contains 77586
a full explanation of their right to be represented by counsel and 77587
to have counsel appointed pursuant to Chapter 120. of the Revised 77588
Code if they are indigent. 77589

If after making disposition as authorized by division (A)(2) 77590
of this section, a motion is filed that requests permanent custody 77591
of the child, the court may grant permanent custody of the child 77592
to the movant in accordance with section 2151.414 of the Revised 77593
Code. 77594

(D) If the court issues an order for protective supervision 77595
pursuant to division (A)(1) of this section, the court may place 77596
any reasonable restrictions upon the child, the child's parents, 77597
guardian, or custodian, or any other person, including, but not 77598
limited to, any of the following: 77599

(1) Order a party, within forty-eight hours after the 77600
issuance of the order, to vacate the child's home indefinitely or 77601
for a specified period of time; 77602

(2) Order a party, a parent of the child, or a physical 77603
custodian of the child to prevent any particular person from 77604
having contact with the child; 77605

(3) Issue an order restraining or otherwise controlling the 77606
conduct of any person which conduct would not be in the best 77607
interest of the child. 77608

(E) As part of its dispositional order, the court shall 77609

journalize a case plan for the child. The journalized case plan 77610
shall not be changed except as provided in section 2151.412 of the 77611
Revised Code. 77612

(F)(1) The court shall retain jurisdiction over any child for 77613
whom the court issues an order of disposition pursuant to division 77614
(A) of this section or pursuant to section 2151.414 or 2151.415 of 77615
the Revised Code until the child attains the age of eighteen years 77616
if the child does not have a developmental disability or physical 77617
impairment, the child attains the age of twenty-one years if the 77618
child has a developmental disability or physical impairment, or 77619
the child is adopted and a final decree of adoption is issued, 77620
except that the court may retain jurisdiction over the child and 77621
continue any order of disposition under division (A) of this 77622
section or under section 2151.414 or 2151.415 of the Revised Code 77623
for a specified period of time to enable the child to graduate 77624
from high school or vocational school. The court shall make an 77625
entry continuing its jurisdiction under this division in the 77626
journal. 77627

(2) Any public children services agency, any private child 77628
placing agency, the department of ~~job children~~ and ~~family services~~ 77629
youth, or any party, other than any parent whose parental rights 77630
with respect to the child have been terminated pursuant to an 77631
order issued under division (A)(4) of this section, by filing a 77632
motion with the court, may at any time request the court to modify 77633
or terminate any order of disposition issued pursuant to division 77634
(A) of this section or section 2151.414 or 2151.415 of the Revised 77635
Code. The court shall hold a hearing upon the motion as if the 77636
hearing were the original dispositional hearing and shall give all 77637
parties to the action and the guardian ad litem notice of the 77638
hearing pursuant to the Juvenile Rules. If applicable, the court 77639
shall comply with section 2151.42 of the Revised Code. 77640

(G) Any temporary custody order issued pursuant to division 77641

(A) of this section shall terminate one year after the earlier of 77642
the date on which the complaint in the case was filed or the child 77643
was first placed into shelter care, except that, upon the filing 77644
of a motion pursuant to section 2151.415 of the Revised Code, the 77645
temporary custody order shall continue and not terminate until the 77646
court issues a dispositional order under that section. In 77647
resolving the motion, the court shall not order an existing 77648
temporary custody order to continue beyond two years after the 77649
date on which the complaint was filed or the child was first 77650
placed into shelter care, whichever date is earlier, regardless of 77651
whether any extensions have been previously ordered pursuant to 77652
division (D) of section 2151.415 of the Revised Code. 77653

(H)(1) No later than one year after the earlier of the date 77654
the complaint in the case was filed or the child was first placed 77655
in shelter care, a party may ask the court to extend an order for 77656
protective supervision for six months or to terminate the order. A 77657
party requesting extension or termination of the order shall file 77658
a written request for the extension or termination with the court 77659
and give notice of the proposed extension or termination in 77660
writing before the end of the day after the day of filing it to 77661
all parties and the child's guardian ad litem. If a public 77662
children services agency or private child placing agency requests 77663
termination of the order, the agency shall file a written status 77664
report setting out the facts supporting termination of the order 77665
at the time it files the request with the court. If no party 77666
requests extension or termination of the order, the court shall 77667
notify the parties that the court will extend the order for six 77668
months or terminate it and that it may do so without a hearing 77669
unless one of the parties requests a hearing. All parties and the 77670
guardian ad litem shall have seven days from the date a notice is 77671
sent pursuant to this division to object to and request a hearing 77672
on the proposed extension or termination. 77673

(a) If it receives a timely request for a hearing, the court shall schedule a hearing to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall extend the order for six months.

(b) If it does not receive a timely request for a hearing, the court may extend the order for six months or terminate it without a hearing and shall journalize the order of extension or termination not later than fourteen days after receiving the request for extension or termination or after the date the court notifies the parties that it will extend or terminate the order. If the court does not extend or terminate the order, it shall schedule a hearing to be held no later than thirty days after the expiration of the applicable fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall

comply with division (H)(1) of this section with respect to 77706
extending or terminating the order. 77707

(3) If a court grants an extension pursuant to division 77708
(H)(2) of this section, the court shall terminate the order for 77709
protective supervision at the end of the extension. 77710

(I) The court shall not issue a dispositional order pursuant 77711
to division (A) of this section that removes a child from the 77712
child's home unless the court complies with section 2151.419 of 77713
the Revised Code and includes in the dispositional order the 77714
findings of fact required by that section. 77715

(J) If a motion or application for an order described in 77716
division (A)(6) of this section is made, the court shall not issue 77717
the order unless, prior to the issuance of the order, it provides 77718
to the person all of the following: 77719

(1) Notice and a copy of the motion or application; 77720

(2) The grounds for the motion or application; 77721

(3) An opportunity to present evidence and witnesses at a 77722
hearing regarding the motion or application; 77723

(4) An opportunity to be represented by counsel at the 77724
hearing. 77725

(K) The jurisdiction of the court shall terminate one year 77726
after the date of the award or, if the court takes any further 77727
action in the matter subsequent to the award, the date of the 77728
latest further action subsequent to the award, if the court awards 77729
legal custody of a child to either of the following: 77730

(1) A legal custodian who, at the time of the award of legal 77731
custody, resides in a county of this state other than the county 77732
in which the court is located; 77733

(2) A legal custodian who resides in the county in which the 77734
court is located at the time of the award of legal custody, but 77735

moves to a different county of this state prior to one year after 77736
the date of the award or, if the court takes any further action in 77737
the matter subsequent to the award, one year after the date of the 77738
latest further action subsequent to the award. 77739

The court in the county in which the legal custodian resides 77740
then shall have jurisdiction in the matter. 77741

Sec. 2151.3519. On receipt of a notice given pursuant to 77742
section 2151.3518 of the Revised Code that an emergency medical 77743
service organization, a law enforcement agency, or hospital has 77744
taken possession of a child and in accordance with rules of the 77745
department of ~~job~~ children and ~~family services~~ youth, a public 77746
children services agency shall do all of the following: 77747

(A) Consider the child to be in need of public care and 77748
protective services; 77749

(B) Accept and take emergency temporary custody of the child; 77750

(C) Provide temporary emergency care for the child, without 77751
agreement or commitment; 77752

(D) Make an investigation concerning the child; 77753

(E) File a motion with the juvenile court of the county in 77754
which the agency is located requesting that the court grant 77755
temporary custody of the child to the agency or to a private child 77756
placing agency; 77757

(F) Provide any care for the child that the public children 77758
services agency considers to be in the best interest of the child, 77759
including placing the child in shelter care; 77760

(G) Provide any care and perform any duties that are required 77761
of public children services agencies under section 5153.16 of the 77762
Revised Code; 77763

(H) Prepare and keep written records of the investigation of 77764

the child, of the care and treatment afforded the child, and any 77765
other records required by the department of ~~job~~ children and 77766
~~family services~~ youth. 77767

Sec. 2151.3534. (A) The director of ~~job~~ children and ~~family~~ 77768
~~services~~ youth shall promulgate forms designed to gather pertinent 77769
medical information concerning a deserted child and the child's 77770
parents. The forms shall clearly and unambiguously state on each 77771
page that the information requested is to facilitate medical care 77772
for the child, that the forms may be fully or partially completed 77773
or left blank, that completing the forms or parts of the forms is 77774
completely voluntary, and that no adverse legal consequence will 77775
result from failure to complete any part of the forms. 77776

(B) The director shall promulgate written materials to be 77777
made available to the parents of a child delivered pursuant to 77778
section 2151.3516 of the Revised Code. The materials shall 77779
describe services available to assist parents and newborns and 77780
shall include information directly relevant to situations that 77781
might cause parents to desert a child and information on the 77782
procedures for a person to follow in order to reunite with a child 77783
the person delivered under section 2151.3516 of the Revised Code, 77784
including notice that the person will be required to submit to a 77785
DNA test, at that person's expense, to prove that the person is 77786
the parent of the child. 77787

(C) If the department of job and family services determines 77788
that money in the putative father registry fund created under 77789
section 2101.16 of the Revised Code is more than is needed for its 77790
duties related to the putative father registry, the department may 77791
use surplus moneys in the fund for costs related to the 77792
development and publication of forms and materials promulgated 77793
pursuant to divisions (A) and (B) of this section. 77794

Sec. 2151.3535. (A) The director of ~~job~~ children and ~~family services~~ youth shall distribute the medical information forms and written materials promulgated under section 2151.3534 of the Revised Code to entities permitted to receive a deserted child, to public children services agencies, and to other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.

The department of ~~job~~ children and ~~family services~~ youth shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3516 to 2151.3535 of the Revised Code.

(B) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the distribution of forms and materials pursuant to this section.

Sec. 2151.36. Except as provided in section 2151.361 of the Revised Code, when a child has been committed as provided by this chapter or Chapter 2152. of the Revised Code, the juvenile court shall issue an order pursuant to Chapters 3119., 3121., 3123., and 3125. of the Revised Code requiring that the parent, guardian, or person charged with the child's support pay for the care, support, maintenance, and education of the child. The juvenile court shall order that the parents, guardian, or person pay for the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of, the child, enter a judgment for the amount due, and enforce the judgment by execution as in the court

of common pleas. 77826

Any expenses incurred for the care, support, maintenance, 77827
education, orthopedic, medical, or surgical treatment, and special 77828
care of a child who has a legal settlement in another county shall 77829
be at the expense of the county of legal settlement if the consent 77830
of the juvenile judge of the county of legal settlement is first 77831
obtained. When the consent is obtained, the board of county 77832
commissioners of the county in which the child has a legal 77833
settlement shall reimburse the committing court for the expenses 77834
out of its general fund. If the department of ~~job~~ children and 77835
~~family services~~ youth considers it to be in the best interest of 77836
any delinquent, dependent, unruly, abused, or neglected child who 77837
has a legal settlement in a foreign state or country that the 77838
child be returned to the state or country of legal settlement, the 77839
juvenile court may commit the child to the department for the 77840
child's return to that state or country. 77841

Any expenses ordered by the court for the care, support, 77842
maintenance, education, orthopedic, medical, or surgical 77843
treatment, or special care of a dependent, neglected, abused, 77844
unruly, or delinquent child or of a juvenile traffic offender 77845
under this chapter or Chapter 2152. of the Revised Code, except 77846
the part of the expense that may be paid by the state or federal 77847
government or paid by the parents, guardians, or person charged 77848
with the child's support pursuant to this section, shall be paid 77849
from the county treasury upon specifically itemized vouchers, 77850
certified to by the judge. The court shall not be responsible for 77851
any expenses resulting from the commitment of children to any 77852
home, public children services agency, private child placing 77853
agency, or other institution, association, or agency, unless the 77854
court authorized the expenses at the time of commitment. 77855

Sec. 2151.39. No person, association or agency, public or 77856

private, of another state, incorporated or otherwise, shall place 77857
a child in a family home or with an agency or institution within 77858
the boundaries of this state, either for temporary or permanent 77859
care or custody or for adoption, unless such person or association 77860
has furnished the department of ~~job~~ children and ~~family services~~ 77861
youth with a medical and social history of the child, pertinent 77862
information about the family, agency, association, or institution 77863
in this state with whom the sending party desires to place the 77864
child, and any other information or financial guaranty required by 77865
the department to determine whether the proposed placement will 77866
meet the needs of the child. The department may require the party 77867
desiring the placement to agree to promptly receive and remove 77868
from the state a child brought into the state whose placement has 77869
not proven satisfactorily responsive to the needs of the child at 77870
any time until the child is adopted, reaches majority, becomes 77871
self-supporting or is discharged with the concurrence of the 77872
department. All placements proposed to be made in this state by a 77873
party located in a state which is a party to the interstate 77874
compact for the placement of children shall be made according to 77875
the provisions of sections 5103.20 to 5103.22 of the Revised Code, 77876
or, if the interstate compact on the placement of children is in 77877
effect in this state, all placements proposed to be made in this 77878
state by a party located in a state that is a party to that 77879
compact shall be made according to the provisions of sections 77880
5103.23 to 5103.237 of the Revised Code. 77881

Sec. 2151.412. (A) Each public children services agency and 77882
private child placing agency shall prepare and maintain a case 77883
plan for any child to whom the agency is providing services and to 77884
whom any of the following applies: 77885

(1) The agency filed a complaint pursuant to section 2151.27 77886
of the Revised Code alleging that the child is an abused, 77887
neglected, or dependent child; 77888

(2) The agency has temporary or permanent custody of the child; 77889
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(3) The child is living at home subject to an order for protective supervision; 77891
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(4) The child is in a planned permanent living arrangement. 77893

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(2) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child. 77894
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(B) Each public children services agency shall prepare and maintain a case plan for any child for whom the agency is providing in-home services pursuant to an alternative response. 77900
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(C)(1) The director of ~~job children and family services youth~~ shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," 42 U.S.C. 670, et seq. (1980). 77903
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(2) The director of ~~job children and family services youth~~ shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans maintained for children and their families who are receiving services in their homes from public children services agencies pursuant to an 77910
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alternative response. The agencies shall maintain case plans as 77920
required by those rules; however, the case plans shall not be 77921
subject to any other provision of this section except as 77922
specifically required by the rules. 77923

(D) Each public children services agency and private child 77924
placing agency that is required by division (A) of this section to 77925
maintain a case plan shall file the case plan with the court prior 77926
to the child's adjudicatory hearing but no later than thirty days 77927
after the earlier of the date on which the complaint in the case 77928
was filed or the child was first placed into shelter care. If the 77929
agency does not have sufficient information prior to the 77930
adjudicatory hearing to complete any part of the case plan, the 77931
agency shall specify in the case plan the additional information 77932
necessary to complete each part of the case plan and the steps 77933
that will be taken to obtain that information. All parts of the 77934
case plan shall be completed by the earlier of thirty days after 77935
the adjudicatory hearing or the date of the dispositional hearing 77936
for the child. 77937

(E) Any agency that is required by division (A) of this 77938
section to prepare a case plan shall attempt to obtain an 77939
agreement among all parties, including, but not limited to, the 77940
parents, guardian, or custodian of the child and the guardian ad 77941
litem of the child regarding the content of the case plan. If all 77942
parties agree to the content of the case plan and the court 77943
approves it, the court shall journalize it as part of its 77944
dispositional order. If the agency cannot obtain an agreement upon 77945
the contents of the case plan or the court does not approve it, 77946
the parties shall present evidence on the contents of the case 77947
plan at the dispositional hearing. The court, based upon the 77948
evidence presented at the dispositional hearing and the best 77949
interest of the child, shall determine the contents of the case 77950
plan and journalize it as part of the dispositional order for the 77951

child. 77952

(F)(1) All parties, including the parents, guardian, or 77953
custodian of the child, are bound by the terms of the journalized 77954
case plan. A party that fails to comply with the terms of the 77955
journalized case plan may be held in contempt of court. 77956

(2) Any party may propose a change to a substantive part of 77957
the case plan, including, but not limited to, the child's 77958
placement and the visitation rights of any party. A party 77959
proposing a change to the case plan shall file the proposed change 77960
with the court and give notice of the proposed change in writing 77961
before the end of the day after the day of filing it to all 77962
parties and the child's guardian ad litem. All parties and the 77963
guardian ad litem shall have seven days from the date the notice 77964
is sent to object to and request a hearing on the proposed change. 77965

(a) If it receives a timely request for a hearing, the court 77966
shall schedule a hearing pursuant to section 2151.417 of the 77967
Revised Code to be held no later than thirty days after the 77968
request is received by the court. The court shall give notice of 77969
the date, time, and location of the hearing to all parties and the 77970
guardian ad litem. The agency may implement the proposed change 77971
after the hearing, if the court approves it. The agency shall not 77972
implement the proposed change unless it is approved by the court. 77973

(b) If it does not receive a timely request for a hearing, 77974
the court may approve the proposed change without a hearing. If 77975
the court approves the proposed change without a hearing, it shall 77976
journalize the case plan with the change not later than fourteen 77977
days after the change is filed with the court. If the court does 77978
not approve the proposed change to the case plan, it shall 77979
schedule a hearing to be held pursuant to section 2151.417 of the 77980
Revised Code no later than thirty days after the expiration of the 77981
fourteen-day time period and give notice of the date, time, and 77982
location of the hearing to all parties and the guardian ad litem 77983

of the child. If, despite the requirements of division (F)(2) of 77984
this section, the court neither approves and journalizes the 77985
proposed change nor conducts a hearing, the agency may implement 77986
the proposed change not earlier than fifteen days after it is 77987
submitted to the court. 77988

(3) If an agency has reasonable cause to believe that a child 77989
is suffering from illness or injury and is not receiving proper 77990
care and that an appropriate change in the child's case plan is 77991
necessary to prevent immediate or threatened physical or emotional 77992
harm, to believe that a child is in immediate danger from the 77993
child's surroundings and that an immediate change in the child's 77994
case plan is necessary to prevent immediate or threatened physical 77995
or emotional harm to the child, or to believe that a parent, 77996
guardian, custodian, or other member of the child's household has 77997
abused or neglected the child and that the child is in danger of 77998
immediate or threatened physical or emotional harm from that 77999
person unless the agency makes an appropriate change in the 78000
child's case plan, it may implement the change without prior 78001
agreement or a court hearing and, before the end of the next day 78002
after the change is made, give all parties, the guardian ad litem 78003
of the child, and the court notice of the change. Before the end 78004
of the third day after implementing the change in the case plan, 78005
the agency shall file a statement of the change with the court and 78006
give notice of the filing accompanied by a copy of the statement 78007
to all parties and the guardian ad litem. All parties and the 78008
guardian ad litem shall have ten days from the date the notice is 78009
sent to object to and request a hearing on the change. 78010

(a) If it receives a timely request for a hearing, the court 78011
shall schedule a hearing pursuant to section 2151.417 of the 78012
Revised Code to be held no later than thirty days after the 78013
request is received by the court. The court shall give notice of 78014
the date, time, and location of the hearing to all parties and the 78015

guardian ad litem. The agency shall continue to administer the 78016
case plan with the change after the hearing, if the court approves 78017
the change. If the court does not approve the change, the court 78018
shall make appropriate changes to the case plan and shall 78019
journalize the case plan. 78020

(b) If it does not receive a timely request for a hearing, 78021
the court may approve the change without a hearing. If the court 78022
approves the change without a hearing, it shall journalize the 78023
case plan with the change within fourteen days after receipt of 78024
the change. If the court does not approve the change to the case 78025
plan, it shall schedule a hearing under section 2151.417 of the 78026
Revised Code to be held no later than thirty days after the 78027
expiration of the fourteen-day time period and give notice of the 78028
date, time, and location of the hearing to all parties and the 78029
guardian ad litem of the child. 78030

(G)(1) All case plans for children in temporary custody shall 78031
have the following general goals: 78032

(a) Consistent with the best interest and special needs of 78033
the child, to achieve a safe out-of-home placement in the least 78034
restrictive, most family-like setting available and in close 78035
proximity to the home from which the child was removed or the home 78036
in which the child will be permanently placed; 78037

(b) To eliminate with all due speed the need for the 78038
out-of-home placement so that the child can safely return home. 78039

(2) The director of ~~job children~~ and ~~family services~~ youth 78040
shall adopt rules pursuant to Chapter 119. of the Revised Code 78041
setting forth the general goals of case plans for children subject 78042
to dispositional orders for protective supervision, a planned 78043
permanent living arrangement, or permanent custody. 78044

(H) In the agency's development of a case plan and the 78045
court's review of the case plan, the child's health and safety 78046

shall be the paramount concern. The agency and the court shall be 78047
guided by the following general priorities: 78048

(1) A child who is residing with or can be placed with the 78049
child's parents within a reasonable time should remain in their 78050
legal custody even if an order of protective supervision is 78051
required for a reasonable period of time; 78052

(2) If both parents of the child have abandoned the child, 78053
have relinquished custody of the child, have become incapable of 78054
supporting or caring for the child even with reasonable 78055
assistance, or have a detrimental effect on the health, safety, 78056
and best interest of the child, the child should be placed in the 78057
legal custody of a suitable member of the child's extended family; 78058

(3) If a child described in division (H)(2) of this section 78059
has no suitable member of the child's extended family to accept 78060
legal custody, the child should be placed in the legal custody of 78061
a suitable nonrelative who shall be made a party to the 78062
proceedings after being given legal custody of the child; 78063

(4) If the child has no suitable member of the child's 78064
extended family to accept legal custody of the child and no 78065
suitable nonrelative is available to accept legal custody of the 78066
child and, if the child temporarily cannot or should not be placed 78067
with the child's parents, guardian, or custodian, the child should 78068
be placed in the temporary custody of a public children services 78069
agency or a private child placing agency; 78070

(5) If the child cannot be placed with either of the child's 78071
parents within a reasonable period of time or should not be placed 78072
with either, if no suitable member of the child's extended family 78073
or suitable nonrelative is available to accept legal custody of 78074
the child, and if the agency has a reasonable expectation of 78075
placing the child for adoption, the child should be committed to 78076
the permanent custody of the public children services agency or 78077

private child placing agency; 78078

(6) If the child is to be placed for adoption or foster care, 78079
the placement shall not be delayed or denied on the basis of the 78080
child's or adoptive or foster family's race, color, or national 78081
origin. 78082

(I) The case plan for a child in temporary custody shall 78083
include at a minimum the following requirements if the child is or 78084
has been the victim of abuse or neglect or if the child witnessed 78085
the commission in the child's household of abuse or neglect 78086
against a sibling of the child, a parent of the child, or any 78087
other person in the child's household: 78088

(1) A requirement that the child's parents, guardian, or 78089
custodian participate in mandatory counseling; 78090

(2) A requirement that the child's parents, guardian, or 78091
custodian participate in any supportive services that are required 78092
by or provided pursuant to the child's case plan. 78093

(J) (1) Prior to January 1, 2023, a case plan for a child in 78094
temporary custody may include, as a supplement, a plan for 78095
locating a permanent family placement. The supplement shall not be 78096
considered part of the case plan for purposes of division (E) of 78097
this section. 78098

(2) On and after January 1, 2023, a case plan for a child in 78099
temporary custody shall include a permanency plan for the child 78100
unless it is documented that such a plan would not be in the best 78101
interest of the child. The permanency plan shall describe the 78102
services the agency shall provide to achieve permanency for the 78103
child if reasonable efforts to return the child to the child's 78104
home, or eliminate the continued removal from that home, are 78105
unsuccessful. Those services shall be provided concurrently with 78106
reasonable efforts to return the child home or eliminate the 78107
child's continued removal from home. 78108

(3) The director of ~~job children and family services~~ youth, 781109
pursuant to Chapter 119. of the Revised Code, shall adopt rules 781110
necessary to carry out the purposes of division (J) of this 781111
section. 781112

(K)(1) A public children services agency may request that the 781113
superintendent of the bureau of criminal identification and 781114
investigation conduct a criminal records check with respect to a 781115
parent, guardian, custodian, prospective custodian, or prospective 781116
placement whose actions result in a finding after the filing of a 781117
complaint as described in division (A)(1) of this section that a 781118
child is an abused, neglected, or dependent child. The public 781119
children services agency shall request that the superintendent 781120
obtain information from the federal bureau of investigation as 781121
part of the criminal records check. 781122

(2) At any time on or after the date that is ninety days 781123
after September 10, 2012, a prosecuting attorney, or an assistant 781124
prosecuting attorney appointed under section 309.06 of the Revised 781125
Code, may request that the superintendent of the bureau of 781126
criminal identification and investigation conduct a criminal 781127
records check with respect to each parent, guardian, custodian, 781128
prospective custodian, or prospective placement whose actions 781129
resulted in a finding after the filing of a complaint described in 781130
division (A)(1) of this section that a child is an abused, 781131
neglected, or dependent child. Each prosecuting attorney or 781132
assistant prosecuting attorney who makes such a request shall 781133
request that the superintendent obtain information from the 781134
federal bureau of investigation as part of the criminal records 781135
check for each parent, guardian, custodian, prospective custodian, 781136
or prospective placement who is a subject of the request. 781137

(3) A public children services agency, prosecuting attorney, 781138
or assistant prosecuting attorney that requests a criminal records 781139
check under division (K)(1) or (2) of this section shall do both 781140

of the following: 78141

(a) Provide to each parent, guardian, custodian, prospective 78142
custodian, or prospective placement for whom a criminal records 78143
check is requested a copy of the form prescribed pursuant to 78144
division (C)(1) of section 109.572 of the Revised Code and a 78145
standard fingerprint impression sheet prescribed pursuant to 78146
division (C)(2) of that section and obtain the completed form and 78147
impression sheet from the parent, guardian, custodian, prospective 78148
custodian, or prospective placement; 78149

(b) Forward the completed form and impression sheet to the 78150
superintendent of the bureau of criminal identification and 78151
investigation. 78152

(4) A parent, guardian, custodian, prospective custodian, or 78153
prospective placement who is given a form and fingerprint 78154
impression sheet under division (K)(3)(a) of this section and who 78155
fails to complete the form or provide fingerprint impressions may 78156
be held in contempt of court. 78157

Sec. 2151.413. (A) A public children services agency or 78158
private child placing agency that, pursuant to an order of 78159
disposition under division (A)(2) of section 2151.353 of the 78160
Revised Code or under any version of section 2151.353 of the 78161
Revised Code that existed prior to January 1, 1989, is granted 78162
temporary custody of a child who is not abandoned or orphaned may 78163
file a motion in the court that made the disposition of the child 78164
requesting permanent custody of the child. 78165

(B) A public children services agency or private child 78166
placing agency that, pursuant to an order of disposition under 78167
division (A)(2) of section 2151.353 of the Revised Code or under 78168
any version of section 2151.353 of the Revised Code that existed 78169
prior to January 1, 1989, is granted temporary custody of a child 78170
who is orphaned may file a motion in the court that made the 78171

disposition of the child requesting permanent custody of the child 78172
whenever it can show that no relative of the child is able to take 78173
legal custody of the child. 78174

(C) A public children services agency or private child 78175
placing agency that, pursuant to an order of disposition under 78176
division (A)(5) of section 2151.353 of the Revised Code, places a 78177
child in a planned permanent living arrangement may file a motion 78178
in the court that made the disposition of the child requesting 78179
permanent custody of the child. 78180

(D)(1) Except as provided in division (D)(3) of this section, 78181
if a child has been in the temporary custody of one or more public 78182
children services agencies or private child placing agencies for 78183
twelve or more months of a consecutive twenty-two-month period, 78184
the agency with custody shall file a motion requesting permanent 78185
custody of the child. If the child has been in the temporary 78186
custody of one or more public children services agencies or 78187
private child placing agencies and the child was previously in the 78188
temporary custody of an equivalent agency in another state, the 78189
agency with custody of the child shall apply the time in temporary 78190
custody in the other state to the time in temporary custody in 78191
this state and, except as provided in division (D)(3) of this 78192
section, if the time spent in temporary custody equals twelve or 78193
more months of a consecutive twenty-two-month period, the agency 78194
with custody may file a motion requesting permanent custody of the 78195
child. The motion shall be filed in the court that issued the 78196
current order of temporary custody. For the purposes of this 78197
division, a child shall be considered to have entered the 78198
temporary custody of an agency on the earlier of the date the 78199
child is adjudicated pursuant to section 2151.28 of the Revised 78200
Code or the date that is sixty days after the removal of the child 78201
from home. 78202

(2) Except as provided in division (D)(3) of this section, if 78203

a court makes a determination pursuant to division (A)(2) of 78204
section 2151.419 of the Revised Code, the public children services 78205
agency or private child placing agency required to develop the 78206
permanency plan for the child under division (K) of section 78207
2151.417 of the Revised Code shall file a motion in the court that 78208
made the determination requesting permanent custody of the child. 78209

(3) An agency shall not file a motion for permanent custody 78210
under division (D)(1) or (2) of this section if any of the 78211
following apply: 78212

(a) The agency documents in the case plan or permanency plan 78213
a compelling reason that permanent custody is not in the best 78214
interest of the child. 78215

(b) If reasonable efforts to return the child to the child's 78216
home are required under section 2151.419 of the Revised Code, the 78217
agency has not provided the services required by the case plan to 78218
the parents of the child or the child to ensure the safe return of 78219
the child to the child's home. 78220

(c) The agency has been granted permanent custody of the 78221
child. 78222

(d) The child has been returned home pursuant to court order 78223
in accordance with division (A)(3) of section 2151.419 of the 78224
Revised Code. 78225

(E) Any agency that files a motion for permanent custody 78226
under this section shall include in the case plan of the child who 78227
is the subject of the motion, a specific plan of the agency's 78228
actions to seek an adoptive family for the child and to prepare 78229
the child for adoption. 78230

(F) The department of ~~job children~~ and ~~family services youth~~ 78231
may adopt rules pursuant to Chapter 119. of the Revised Code that 78232
set forth the time frames for case reviews and for filing a motion 78233
requesting permanent custody under division (D)(1) of this 78234

section. 78235

Sec. 2151.416. (A) Each agency that is required by section 78236
2151.412 of the Revised Code to prepare a case plan for a child 78237
shall complete a semiannual administrative review of the case plan 78238
no later than six months after the earlier of the date on which 78239
the complaint in the case was filed or the child was first placed 78240
in shelter care. After the first administrative review, the agency 78241
shall complete semiannual administrative reviews no later than 78242
every six months. If the court issues an order pursuant to section 78243
2151.414 or 2151.415 of the Revised Code, the agency shall 78244
complete an administrative review no later than six months after 78245
the court's order and continue to complete administrative reviews 78246
no later than every six months after the first review, except that 78247
the court hearing held pursuant to section 2151.417 of the Revised 78248
Code may take the place of any administrative review that would 78249
otherwise be held at the time of the court hearing. When 78250
conducting a review, the child's health and safety shall be the 78251
paramount concern. 78252

(B) Each administrative review required by division (A) of 78253
this section shall be conducted by a review panel of at least 78254
three persons, including, but not limited to, both of the 78255
following: 78256

(1) A caseworker with day-to-day responsibility for, or 78257
familiarity with, the management of the child's case plan; 78258

(2) A person who is not responsible for the management of the 78259
child's case plan or for the delivery of services to the child or 78260
the parents, guardian, or custodian of the child. 78261

(C) Each semiannual administrative review shall include, but 78262
not be limited to, a joint meeting by the review panel with the 78263
parents, guardian, or custodian of the child, the guardian ad 78264
litem of the child, and the child's foster care provider and shall 78265

include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting.

(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following:

(1) A conclusion regarding the safety and appropriateness of the child's foster care placement;

(2) The extent of the compliance with the case plan of all parties;

(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;

(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;

(5) An updated case plan that includes any changes that the agency is proposing in the case plan;

(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;

(7) The names of all persons who participated in the administrative review;

(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use

of search technology to find biological family members of the 78296
child and all other efforts undertaken since the last review, 78297
unless a court has determined that intensive efforts are 78298
unnecessary pursuant to section 2151.4118 of the Revised Code. 78299

(E) The agency shall file the summary with the court no later 78300
than seven days after the completion of the administrative review. 78301
If the agency proposes a change to the case plan as a result of 78302
the administrative review, the agency shall file the proposed 78303
change with the court at the time it files the summary. The agency 78304
shall give notice of the summary and proposed change in writing 78305
before the end of the next day after filing them to all parties 78306
and the child's guardian ad litem. All parties and the guardian ad 78307
litem shall have seven days after the date the notice is sent to 78308
object to and request a hearing on the proposed change. 78309

(1) If the court receives a timely request for a hearing, the 78310
court shall schedule a hearing pursuant to section 2151.417 of the 78311
Revised Code to be held not later than thirty days after the court 78312
receives the request. The court shall give notice of the date, 78313
time, and location of the hearing to all parties and the guardian 78314
ad litem. The agency may implement the proposed change after the 78315
hearing, if the court approves it. The agency shall not implement 78316
the proposed change unless it is approved by the court. 78317

(2) If the court does not receive a timely request for a 78318
hearing, the court may approve the proposed change without a 78319
hearing. If the court approves the proposed change without a 78320
hearing, it shall journalize the case plan with the change not 78321
later than fourteen days after the change is filed with the court. 78322
If the court does not approve the proposed change to the case 78323
plan, it shall schedule a review hearing to be held pursuant to 78324
section 2151.417 of the Revised Code no later than thirty days 78325
after the expiration of the fourteen-day time period and give 78326
notice of the date, time, and location of the hearing to all 78327

parties and the guardian ad litem of the child. If, despite the 78328
requirements of this division and division (D) of section 2151.417 78329
of the Revised Code, the court neither approves and journalizes 78330
the proposed change nor conducts a hearing, the agency may 78331
implement the proposed change not earlier than fifteen days after 78332
it is submitted to the court. 78333

(F) The director of ~~job children~~ and ~~family services youth~~ 78334
may adopt rules pursuant to Chapter 119. of the Revised Code for 78335
procedures and standard forms for conducting administrative 78336
reviews pursuant to this section. 78337

(G) The juvenile court that receives the written summary of 78338
the administrative review, upon determining, either from the 78339
written summary, case plan, or otherwise, that the custody or care 78340
arrangement is not in the best interest of the child, may 78341
terminate the custody of an agency and place the child in the 78342
custody of another institution or association certified by the 78343
department of ~~job children~~ and ~~family services youth~~ under section 78344
5103.03 of the Revised Code. 78345

Sec. 2151.421. (A)(1)(a) No person described in division 78346
(A)(1)(b) of this section who is acting in an official or 78347
professional capacity and knows, or has reasonable cause to 78348
suspect based on facts that would cause a reasonable person in a 78349
similar position to suspect, that a child under eighteen years of 78350
age, or a person under twenty-one years of age with a 78351
developmental disability or physical impairment, has suffered or 78352
faces a threat of suffering any physical or mental wound, injury, 78353
disability, or condition of a nature that reasonably indicates 78354
abuse or neglect of the child shall fail to immediately report 78355
that knowledge or reasonable cause to suspect to the entity or 78356
persons specified in this division. Except as otherwise provided 78357
in this division or section 5120.173 of the Revised Code, the 78358

person making the report shall make it to the public children 78359
services agency or a peace officer in the county in which the 78360
child resides or in which the abuse or neglect is occurring or has 78361
occurred. If the person making the report is a peace officer, the 78362
officer shall make it to the public children services agency in 78363
the county in which the child resides or in which the abuse or 78364
neglect is occurring or has occurred. In the circumstances 78365
described in section 5120.173 of the Revised Code, the person 78366
making the report shall make it to the entity specified in that 78367
section. 78368

(b) Division (A)(1)(a) of this section applies to any person 78369
who is an attorney; health care professional; practitioner of a 78370
limited branch of medicine as specified in section 4731.15 of the 78371
Revised Code; licensed school psychologist; independent marriage 78372
and family therapist or marriage and family therapist; coroner; 78373
administrator or employee of a child day-care center; 78374
administrator or employee of a residential camp, child day camp, 78375
or private, nonprofit therapeutic wilderness camp; administrator 78376
or employee of a certified child care agency or other public or 78377
private children services agency; school teacher; school employee; 78378
school authority; peace officer; humane society agent; dog warden, 78379
deputy dog warden, or other person appointed to act as an animal 78380
control officer for a municipal corporation or township in 78381
accordance with state law, an ordinance, or a resolution; person, 78382
other than a cleric, rendering spiritual treatment through prayer 78383
in accordance with the tenets of a well-recognized religion; 78384
employee of a county department of job and family services who is 78385
a professional and who works with children and families; 78386
superintendent or regional administrator employed by the 78387
department of youth services; superintendent, board member, or 78388
employee of a county board of developmental disabilities; 78389
investigative agent contracted with by a county board of 78390

developmental disabilities; employee of the department of 78391
developmental disabilities; employee of a facility or home that 78392
provides respite care in accordance with section 5123.171 of the 78393
Revised Code; employee of an entity that provides homemaker 78394
services; employee of a qualified organization as defined in 78395
section 2151.90 of the Revised Code; a host family as defined in 78396
section 2151.90 of the Revised Code; foster caregiver; a person 78397
performing the duties of an assessor pursuant to Chapter 3107. or 78398
5103. of the Revised Code; third party employed by a public 78399
children services agency to assist in providing child or family 78400
related services; court appointed special advocate; or guardian ad 78401
litem. 78402

(c) If two or more health care professionals, after providing 78403
health care services to a child, determine or suspect that the 78404
child has been or is being abused or neglected, the health care 78405
professionals may designate one of the health care professionals 78406
to report the abuse or neglect. A single report made under this 78407
division shall meet the reporting requirements of division (A)(1) 78408
of this section. 78409

(2) Except as provided in division (A)(3) of this section, an 78410
attorney or a physician is not required to make a report pursuant 78411
to division (A)(1) of this section concerning any communication 78412
the attorney or physician receives from a client or patient in an 78413
attorney-client or physician-patient relationship, if, in 78414
accordance with division (A) or (B) of section 2317.02 of the 78415
Revised Code, the attorney or physician could not testify with 78416
respect to that communication in a civil or criminal proceeding. 78417

(3) The client or patient in an attorney-client or 78418
physician-patient relationship described in division (A)(2) of 78419
this section is deemed to have waived any testimonial privilege 78420
under division (A) or (B) of section 2317.02 of the Revised Code 78421
with respect to any communication the attorney or physician 78422

receives from the client or patient in that attorney-client or 78423
physician-patient relationship, and the attorney or physician 78424
shall make a report pursuant to division (A)(1) of this section 78425
with respect to that communication, if all of the following apply: 78426

(a) The client or patient, at the time of the communication, 78427
is a child under eighteen years of age or is a person under 78428
twenty-one years of age with a developmental disability or 78429
physical impairment. 78430

(b) The attorney or physician knows, or has reasonable cause 78431
to suspect based on facts that would cause a reasonable person in 78432
similar position to suspect that the client or patient has 78433
suffered or faces a threat of suffering any physical or mental 78434
wound, injury, disability, or condition of a nature that 78435
reasonably indicates abuse or neglect of the client or patient. 78436

(c) The abuse or neglect does not arise out of the client's 78437
or patient's attempt to have an abortion without the notification 78438
of her parents, guardian, or custodian in accordance with section 78439
2151.85 of the Revised Code. 78440

(4)(a) No cleric and no person, other than a volunteer, 78441
designated by any church, religious society, or faith acting as a 78442
leader, official, or delegate on behalf of the church, religious 78443
society, or faith who is acting in an official or professional 78444
capacity, who knows, or has reasonable cause to believe based on 78445
facts that would cause a reasonable person in a similar position 78446
to believe, that a child under eighteen years of age, or a person 78447
under twenty-one years of age with a developmental disability or 78448
physical impairment, has suffered or faces a threat of suffering 78449
any physical or mental wound, injury, disability, or condition of 78450
a nature that reasonably indicates abuse or neglect of the child, 78451
and who knows, or has reasonable cause to believe based on facts 78452
that would cause a reasonable person in a similar position to 78453
believe, that another cleric or another person, other than a 78454

volunteer, designated by a church, religious society, or faith 78455
acting as a leader, official, or delegate on behalf of the church, 78456
religious society, or faith caused, or poses the threat of 78457
causing, the wound, injury, disability, or condition that 78458
reasonably indicates abuse or neglect shall fail to immediately 78459
report that knowledge or reasonable cause to believe to the entity 78460
or persons specified in this division. Except as provided in 78461
section 5120.173 of the Revised Code, the person making the report 78462
shall make it to the public children services agency or a peace 78463
officer in the county in which the child resides or in which the 78464
abuse or neglect is occurring or has occurred. In the 78465
circumstances described in section 5120.173 of the Revised Code, 78466
the person making the report shall make it to the entity specified 78467
in that section. 78468

(b) Except as provided in division (A)(4)(c) of this section, 78469
a cleric is not required to make a report pursuant to division 78470
(A)(4)(a) of this section concerning any communication the cleric 78471
receives from a penitent in a cleric-penitent relationship, if, in 78472
accordance with division (C) of section 2317.02 of the Revised 78473
Code, the cleric could not testify with respect to that 78474
communication in a civil or criminal proceeding. 78475

(c) The penitent in a cleric-penitent relationship described 78476
in division (A)(4)(b) of this section is deemed to have waived any 78477
testimonial privilege under division (C) of section 2317.02 of the 78478
Revised Code with respect to any communication the cleric receives 78479
from the penitent in that cleric-penitent relationship, and the 78480
cleric shall make a report pursuant to division (A)(4)(a) of this 78481
section with respect to that communication, if all of the 78482
following apply: 78483

(i) The penitent, at the time of the communication, is a 78484
child under eighteen years of age or is a person under twenty-one 78485
years of age with a developmental disability or physical 78486

impairment. 78487

(ii) The cleric knows, or has reasonable cause to believe 78488
based on facts that would cause a reasonable person in a similar 78489
position to believe, as a result of the communication or any 78490
observations made during that communication, the penitent has 78491
suffered or faces a threat of suffering any physical or mental 78492
wound, injury, disability, or condition of a nature that 78493
reasonably indicates abuse or neglect of the penitent. 78494

(iii) The abuse or neglect does not arise out of the 78495
penitent's attempt to have an abortion performed upon a child 78496
under eighteen years of age or upon a person under twenty-one 78497
years of age with a developmental disability or physical 78498
impairment without the notification of her parents, guardian, or 78499
custodian in accordance with section 2151.85 of the Revised Code. 78500

(d) Divisions (A)(4)(a) and (c) of this section do not apply 78501
in a cleric-penitent relationship when the disclosure of any 78502
communication the cleric receives from the penitent is in 78503
violation of the sacred trust. 78504

(e) As used in divisions (A)(1) and (4) of this section, 78505
"cleric" and "sacred trust" have the same meanings as in section 78506
2317.02 of the Revised Code. 78507

(B) Anyone who knows, or has reasonable cause to suspect 78508
based on facts that would cause a reasonable person in similar 78509
circumstances to suspect, that a child under eighteen years of 78510
age, or a person under twenty-one years of age with a 78511
developmental disability or physical impairment, has suffered or 78512
faces a threat of suffering any physical or mental wound, injury, 78513
disability, or other condition of a nature that reasonably 78514
indicates abuse or neglect of the child may report or cause 78515
reports to be made of that knowledge or reasonable cause to 78516
suspect to the entity or persons specified in this division. 78517

Except as provided in section 5120.173 of the Revised Code, a 78518
person making a report or causing a report to be made under this 78519
division shall make it or cause it to be made to the public 78520
children services agency or to a peace officer. In the 78521
circumstances described in section 5120.173 of the Revised Code, a 78522
person making a report or causing a report to be made under this 78523
division shall make it or cause it to be made to the entity 78524
specified in that section. 78525

(C) Any report made pursuant to division (A) or (B) of this 78526
section shall be made forthwith either by telephone or in person 78527
and shall be followed by a written report, if requested by the 78528
receiving agency or officer. The written report shall contain: 78529

(1) The names and addresses of the child and the child's 78530
parents or the person or persons having custody of the child, if 78531
known; 78532

(2) The child's age and the nature and extent of the child's 78533
injuries, abuse, or neglect that is known or reasonably suspected 78534
or believed, as applicable, to have occurred or of the threat of 78535
injury, abuse, or neglect that is known or reasonably suspected or 78536
believed, as applicable, to exist, including any evidence of 78537
previous injuries, abuse, or neglect; 78538

(3) Any other information, including, but not limited to, 78539
results and reports of any medical examinations, tests, or 78540
procedures performed under division (D) of this section, that 78541
might be helpful in establishing the cause of the injury, abuse, 78542
or neglect that is known or reasonably suspected or believed, as 78543
applicable, to have occurred or of the threat of injury, abuse, or 78544
neglect that is known or reasonably suspected or believed, as 78545
applicable, to exist. 78546

(D)(1) Any person, who is required by division (A) of this 78547
section to report child abuse or child neglect that is known or 78548

reasonably suspected or believed to have occurred, may take or 78549
cause to be taken color photographs of areas of trauma visible on 78550
a child and, if medically necessary for the purpose of diagnosing 78551
or treating injuries that are suspected to have occurred as a 78552
result of child abuse or child neglect, perform or cause to be 78553
performed radiological examinations and any other medical 78554
examinations of, and tests or procedures on, the child. 78555

(2) The results and any available reports of examinations, 78556
tests, or procedures made under division (D)(1) of this section 78557
shall be included in a report made pursuant to division (A) of 78558
this section. Any additional reports of examinations, tests, or 78559
procedures that become available shall be provided to the public 78560
children services agency, upon request. 78561

(3) If a health care professional provides health care 78562
services in a hospital, children's advocacy center, or emergency 78563
medical facility to a child about whom a report has been made 78564
under division (A) of this section, the health care professional 78565
may take any steps that are reasonably necessary for the release 78566
or discharge of the child to an appropriate environment. Before 78567
the child's release or discharge, the health care professional may 78568
obtain information, or consider information obtained, from other 78569
entities or individuals that have knowledge about the child. 78570
Nothing in division (D)(3) of this section shall be construed to 78571
alter the responsibilities of any person under sections 2151.27 78572
and 2151.31 of the Revised Code. 78573

(4) A health care professional may conduct medical 78574
examinations, tests, or procedures on the siblings of a child 78575
about whom a report has been made under division (A) of this 78576
section and on other children who reside in the same home as the 78577
child, if the professional determines that the examinations, 78578
tests, or procedures are medically necessary to diagnose or treat 78579
the siblings or other children in order to determine whether 78580

reports under division (A) of this section are warranted with 78581
respect to such siblings or other children. The results of the 78582
examinations, tests, or procedures on the siblings and other 78583
children may be included in a report made pursuant to division (A) 78584
of this section. 78585

(5) Medical examinations, tests, or procedures conducted 78586
under divisions (D)(1) and (4) of this section and decisions 78587
regarding the release or discharge of a child under division 78588
(D)(3) of this section do not constitute a law enforcement 78589
investigation or activity. 78590

(E)(1) When a peace officer receives a report made pursuant 78591
to division (A) or (B) of this section, upon receipt of the 78592
report, the peace officer who receives the report shall refer the 78593
report to the appropriate public children services agency, in 78594
accordance with requirements specified under division (B)(6) of 78595
section 2151.4221 of the Revised Code, unless an arrest is made at 78596
the time of the report that results in the appropriate public 78597
children services agency being contacted concerning the possible 78598
abuse or neglect of a child or the possible threat of abuse or 78599
neglect of a child. 78600

(2) When a public children services agency receives a report 78601
pursuant to this division or division (A) or (B) of this section, 78602
upon receipt of the report, the public children services agency 78603
shall do all of the following: 78604

(a) Comply with section 2151.422 of the Revised Code; 78605

(b) If the county served by the agency is also served by a 78606
children's advocacy center and the report alleges sexual abuse of 78607
a child or another type of abuse of a child that is specified in 78608
the memorandum of understanding that creates the center as being 78609
within the center's jurisdiction, comply regarding the report with 78610
the protocol and procedures for referrals and investigations, with 78611

the coordinating activities, and with the authority or 78612
responsibility for performing or providing functions, activities, 78613
and services stipulated in the interagency agreement entered into 78614
under section 2151.428 of the Revised Code relative to that 78615
center; 78616

(c) Unless an arrest is made at the time of the report that 78617
results in the appropriate law enforcement agency being contacted 78618
concerning the possible abuse or neglect of a child or the 78619
possible threat of abuse or neglect of a child, and in accordance 78620
with requirements specified under division (B)(6) of section 78621
2151.4221 of the Revised Code, notify the appropriate law 78622
enforcement agency of the report, if the public children services 78623
agency received either of the following: 78624

(i) A report of abuse of a child; 78625

(ii) A report of neglect of a child that alleges a type of 78626
neglect identified by the department of ~~job~~ children and ~~family~~ 78627
~~services~~ youth in rules adopted under division (L)(2) of this 78628
section. 78629

(F) No peace officer shall remove a child about whom a report 78630
is made pursuant to this section from the child's parents, 78631
stepparents, or guardian or any other persons having custody of 78632
the child without consultation with the public children services 78633
agency, unless, in the judgment of the officer, and, if the report 78634
was made by physician, the physician, immediate removal is 78635
considered essential to protect the child from further abuse or 78636
neglect. The agency that must be consulted shall be the agency 78637
conducting the investigation of the report as determined pursuant 78638
to section 2151.422 of the Revised Code. 78639

(G)(1) Except as provided in section 2151.422 of the Revised 78640
Code or in an interagency agreement entered into under section 78641
2151.428 of the Revised Code that applies to the particular 78642

report, the public children services agency shall investigate, 78643
within twenty-four hours, each report of child abuse or child 78644
neglect that is known or reasonably suspected or believed to have 78645
occurred and of a threat of child abuse or child neglect that is 78646
known or reasonably suspected or believed to exist that is 78647
referred to it under this section to determine the circumstances 78648
surrounding the injuries, abuse, or neglect or the threat of 78649
injury, abuse, or neglect, the cause of the injuries, abuse, 78650
neglect, or threat, and the person or persons responsible. The 78651
investigation shall be made in cooperation with the law 78652
enforcement agency and in accordance with the memorandum of 78653
understanding prepared under sections 2151.4220 to 2151.4234 of 78654
the Revised Code. A representative of the public children services 78655
agency shall, at the time of initial contact with the person 78656
subject to the investigation, inform the person of the specific 78657
complaints or allegations made against the person. The information 78658
shall be given in a manner that is consistent with division (I)(1) 78659
of this section and protects the rights of the person making the 78660
report under this section. 78661

A failure to make the investigation in accordance with the 78662
memorandum is not grounds for, and shall not result in, the 78663
dismissal of any charges or complaint arising from the report or 78664
the suppression of any evidence obtained as a result of the report 78665
and does not give, and shall not be construed as giving, any 78666
rights or any grounds for appeal or post-conviction relief to any 78667
person. The public children services agency shall report each case 78668
to the uniform statewide automated child welfare information 78669
system that the department of ~~job~~ children and ~~family services~~ 78670
youth shall maintain in accordance with section 5101.13 of the 78671
Revised Code. The public children services agency shall submit a 78672
report of its investigation, in writing, to the law enforcement 78673
agency. 78674

(2) The public children services agency shall make any 78675
recommendations to the county prosecuting attorney or city 78676
director of law that it considers necessary to protect any 78677
children that are brought to its attention. 78678

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 78679
(I)(3) of this section, any person, health care professional, 78680
hospital, institution, school, health department, or agency shall 78681
be immune from any civil or criminal liability for injury, death, 78682
or loss to person or property that otherwise might be incurred or 78683
imposed as a result of any of the following: 78684

(i) Participating in the making of reports pursuant to 78685
division (A) of this section or in the making of reports in good 78686
faith, pursuant to division (B) of this section; 78687

(ii) Participating in medical examinations, tests, or 78688
procedures under division (D) of this section; 78689

(iii) Providing information used in a report made pursuant to 78690
division (A) of this section or providing information in good 78691
faith used in a report made pursuant to division (B) of this 78692
section; 78693

(iv) Participating in a judicial proceeding resulting from a 78694
report made pursuant to division (A) of this section or 78695
participating in good faith in a proceeding resulting from a 78696
report made pursuant to division (B) of this section. 78697

(b) Immunity under division (H)(1)(a)(ii) of this section 78698
shall not apply when a health care provider has deviated from the 78699
standard of care applicable to the provider's profession. 78700

(c) Notwithstanding section 4731.22 of the Revised Code, the 78701
physician-patient privilege shall not be a ground for excluding 78702
evidence regarding a child's injuries, abuse, or neglect, or the 78703
cause of the injuries, abuse, or neglect in any judicial 78704
proceeding resulting from a report submitted pursuant to this 78705

section. 78706

(2) In any civil or criminal action or proceeding in which it 78707
is alleged and proved that participation in the making of a report 78708
under this section was not in good faith or participation in a 78709
judicial proceeding resulting from a report made under this 78710
section was not in good faith, the court shall award the 78711
prevailing party reasonable attorney's fees and costs and, if a 78712
civil action or proceeding is voluntarily dismissed, may award 78713
reasonable attorney's fees and costs to the party against whom the 78714
civil action or proceeding is brought. 78715

(I)(1) Except as provided in divisions (I)(4) and (N) of this 78716
section and sections 2151.423 and 2151.4210 of the Revised Code, a 78717
report made under this section is confidential. The information 78718
provided in a report made pursuant to this section and the name of 78719
the person who made the report shall not be released for use, and 78720
shall not be used, as evidence in any civil action or proceeding 78721
brought against the person who made the report. Nothing in this 78722
division shall preclude the use of reports of other incidents of 78723
known or suspected abuse or neglect in a civil action or 78724
proceeding brought pursuant to division (M) of this section 78725
against a person who is alleged to have violated division (A)(1) 78726
of this section, provided that any information in a report that 78727
would identify the child who is the subject of the report or the 78728
maker of the report, if the maker of the report is not the 78729
defendant or an agent or employee of the defendant, has been 78730
redacted. In a criminal proceeding, the report is admissible in 78731
evidence in accordance with the Rules of Evidence and is subject 78732
to discovery in accordance with the Rules of Criminal Procedure. 78733

(2)(a) Except as provided in division (I)(2)(b) of this 78734
section, no person shall permit or encourage the unauthorized 78735
dissemination of the contents of any report made under this 78736
section. 78737

(b) A health care professional that obtains the same 78738
information contained in a report made under this section from a 78739
source other than the report may disseminate the information, if 78740
its dissemination is otherwise permitted by law. 78741

(3) A person who knowingly makes or causes another person to 78742
make a false report under division (B) of this section that 78743
alleges that any person has committed an act or omission that 78744
resulted in a child being an abused child or a neglected child is 78745
guilty of a violation of section 2921.14 of the Revised Code. 78746

(4) If a report is made pursuant to division (A) or (B) of 78747
this section and the child who is the subject of the report dies 78748
for any reason at any time after the report is made, but before 78749
the child attains eighteen years of age, the public children 78750
services agency or peace officer to which the report was made or 78751
referred, on the request of the child fatality review board, the 78752
suicide fatality review committee, or the director of health 78753
pursuant to guidelines established under section 3701.70 of the 78754
Revised Code, shall submit a summary sheet of information 78755
providing a summary of the report to the review board or review 78756
committee of the county in which the deceased child resided at the 78757
time of death or to the director. On the request of the review 78758
board, review committee, or director, the agency or peace officer 78759
may, at its discretion, make the report available to the review 78760
board, review committee, or director. If the county served by the 78761
public children services agency is also served by a children's 78762
advocacy center and the report of alleged sexual abuse of a child 78763
or another type of abuse of a child is specified in the memorandum 78764
of understanding that creates the center as being within the 78765
center's jurisdiction, the agency or center shall perform the 78766
duties and functions specified in this division in accordance with 78767
the interagency agreement entered into under section 2151.428 of 78768
the Revised Code relative to that advocacy center. 78769

(5) A public children services agency shall advise a person 78770
alleged to have inflicted abuse or neglect on a child who is the 78771
subject of a report made pursuant to this section, including a 78772
report alleging sexual abuse of a child or another type of abuse 78773
of a child referred to a children's advocacy center pursuant to an 78774
interagency agreement entered into under section 2151.428 of the 78775
Revised Code, in writing of the disposition of the investigation. 78776
The agency shall not provide to the person any information that 78777
identifies the person who made the report, statements of 78778
witnesses, or police or other investigative reports. 78779

(J) Any report that is required by this section, other than a 78780
report that is made to the state highway patrol as described in 78781
section 5120.173 of the Revised Code, shall result in protective 78782
services and emergency supportive services being made available by 78783
the public children services agency on behalf of the children 78784
about whom the report is made, in an effort to prevent further 78785
neglect or abuse, to enhance their welfare, and, whenever 78786
possible, to preserve the family unit intact. The agency required 78787
to provide the services shall be the agency conducting the 78788
investigation of the report pursuant to section 2151.422 of the 78789
Revised Code. 78790

(K)(1) Except as provided in division (K)(4) or (5) of this 78791
section, a person who is required to make a report under division 78792
(A) of this section may make a reasonable number of requests of 78793
the public children services agency that receives or is referred 78794
the report, or of the children's advocacy center that is referred 78795
the report if the report is referred to a children's advocacy 78796
center pursuant to an interagency agreement entered into under 78797
section 2151.428 of the Revised Code, to be provided with the 78798
following information: 78799

(a) Whether the agency or center has initiated an 78800
investigation of the report; 78801

(b) Whether the agency or center is continuing to investigate the report; 78802
78803

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 78804
78805

(d) The general status of the health and safety of the child who is the subject of the report; 78806
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 78808
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78810

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 78811
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(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 78815
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(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights 78824
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under division (K)(1) of this section. 78833

(d) Each request is subject to verification of the identity 78834
of the person making the report. If that person's identity is 78835
verified, the agency shall provide the person with the information 78836
described in division (K)(1) of this section a reasonable number 78837
of times, except that the agency shall not disclose any 78838
confidential information regarding the child who is the subject of 78839
the report other than the information described in those 78840
divisions. 78841

(3) A request made pursuant to division (K)(1) of this 78842
section is not a substitute for any report required to be made 78843
pursuant to division (A) of this section. 78844

(4) If an agency other than the agency that received or was 78845
referred the report is conducting the investigation of the report 78846
pursuant to section 2151.422 of the Revised Code, the agency 78847
conducting the investigation shall comply with the requirements of 78848
division (K) of this section. 78849

(5) A health care professional who made a report under 78850
division (A) of this section, or on whose behalf such a report was 78851
made as provided in division (A)(1)(c) of this section, may 78852
authorize a person to obtain the information described in division 78853
(K)(1) of this section if the person requesting the information is 78854
associated with or acting on behalf of the health care 78855
professional who provided health care services to the child about 78856
whom the report was made. 78857

(6) If the person making the report provides the person's 78858
name and contact information on making the report, the public 78859
children services agency that received or was referred the report 78860
shall send a written notice via United States mail or electronic 78861
mail, in accordance with the person's preference, to the person 78862
not later than seven calendar days after the agency closes the 78863

investigation into the case reported by the person. The notice 78864
shall notify the person that the agency has closed the 78865
investigation. 78866

(L)(1) The director of ~~job~~ children and ~~family services~~ youth 78867
shall adopt rules in accordance with Chapter 119. of the Revised 78868
Code to implement this section. The department of ~~job~~ children and 78869
~~family services~~ youth may enter into a plan of cooperation with 78870
any other governmental entity to aid in ensuring that children are 78871
protected from abuse and neglect. The department shall make 78872
recommendations to the attorney general that the department 78873
determines are necessary to protect children from child abuse and 78874
child neglect. 78875

(2) ~~Not later than ninety days after the effective date of~~ 78876
~~this amendment, the~~ The director of ~~job~~ children and ~~family~~ 78877
~~services~~ youth shall adopt rules in accordance with Chapter 119. 78878
of the Revised Code to identify the types of neglect of a child 78879
that a public children services agency shall be required to notify 78880
law enforcement of pursuant to division (E)(2)(c)(ii) of this 78881
section. 78882

(M) Whoever violates division (A) of this section is liable 78883
for compensatory and exemplary damages to the child who would have 78884
been the subject of the report that was not made. A person who 78885
brings a civil action or proceeding pursuant to this division 78886
against a person who is alleged to have violated division (A)(1) 78887
of this section may use in the action or proceeding reports of 78888
other incidents of known or suspected abuse or neglect, provided 78889
that any information in a report that would identify the child who 78890
is the subject of the report or the maker of the report, if the 78891
maker is not the defendant or an agent or employee of the 78892
defendant, has been redacted. 78893

(N)(1) As used in this division: 78894

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(0) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff,

constable, police officer of a township or joint police district, 78958
marshal, deputy marshal, municipal police officer, or a state 78959
highway patrol trooper. 78960

Sec. 2151.429. (A) The differential response approach, as 78961
defined in section 2151.011 of the Revised Code, pursued by a 78962
public children services agency shall include two response 78963
pathways, the traditional response pathway and the alternative 78964
response pathway. The director of ~~job~~ children and ~~family services~~ 78965
youth shall adopt rules pursuant to Chapter 119. of the Revised 78966
Code setting forth the procedures and criteria for public children 78967
services agencies to assign and reassign response pathways. 78968

(B) The agency shall use the traditional response for the 78969
following types of accepted reports: 78970

(1) Physical abuse resulting in serious injury or that 78971
creates a serious and immediate risk to a child's health and 78972
safety. 78973

(2) Sexual abuse. 78974

(3) Child fatality. 78975

(4) Reports requiring a specialized assessment as identified 78976
by rule adopted by the department. 78977

(5) Reports requiring a third party investigative procedure 78978
as identified by rule adopted by the department. 78979

(C) For all other child abuse and neglect reports, an 78980
alternative response shall be the preferred response, whenever 78981
appropriate and in accordance with rules adopted by the 78982
department. 78983

Sec. 2151.4228. (A) The department of ~~job~~ children and ~~family~~ 78984
~~services~~ youth shall create a model memorandum of understanding to 78985
provide guidance to public children services agencies and other 78986

concerned officials in creating a memorandum of understanding in 78987
compliance with sections 2151.4220 to 2151.4226 of the Revised 78988
Code. 78989

(B) The model memorandum of understanding shall be updated as 78990
the department determines is necessary. 78991

Sec. 2151.4229. The department of ~~job~~ children and ~~family~~ 78992
~~services~~ youth shall biennially audit the memorandum of 78993
understanding prepared by each public children services agency to 78994
ensure compliance in accordance with sections 2151.4220 to 78995
2151.4226 of the Revised Code. 78996

Sec. 2151.4230. The department of ~~job~~ children and ~~family~~ 78997
~~services~~ youth shall determine that a public children services 78998
agency is compliant regarding the memorandum of understanding if 78999
the department finds all of the following: 79000

(A) The memorandum meets the requirements under sections 79001
2151.4220 to 2151.4226 of the Revised Code. 79002

(B) The memorandum has been either reviewed and signed or 79003
reviewed, updated, and signed, as applicable, pursuant to division 79004
2151.4222 of the Revised Code and the department is in agreement 79005
with the concerned officials' review and, if applicable, update. 79006

(C) The memorandum has been approved by resolution by the 79007
board of county commissioners pursuant to section 2151.4225 of the 79008
Revised Code. 79009

Sec. 2151.4231. (A) If the department of ~~job~~ children and 79010
~~family services~~ youth determines that a public children services 79011
agency is not compliant under section 2151.4230 of the Revised 79012
Code, the agency shall develop and submit a compliance assurance 79013
plan to the department. 79014

(B) The compliance assurance plan shall describe the steps 79015
the agency and other concerned officials will take in order to 79016
become compliant. 79017

(C) The agency shall submit the compliance assurance plan not 79018
later than sixty days after the department determines the agency 79019
not compliant. 79020

Sec. 2151.4232. A county's reviewed and signed, or reviewed, 79021
updated, and signed, memorandum of understanding, as applicable, 79022
shall go into effect and supersede any previous memorandum upon 79023
the department of ~~job~~ children and ~~family services~~ youth 79024
determination that the memorandum is compliant under section 79025
2151.4230 of the Revised Code. 79026

Sec. 2151.4233. The department of ~~job~~ children and ~~family~~ 79027
~~services~~ youth shall maintain on the department's web site a 79028
current list of counties with memorandums of understanding that 79029
the department has determined to be compliant under section 79030
2151.4230 of the Revised Code and a list of counties with 79031
memorandums that the department has determined not to be 79032
compliant. 79033

Sec. 2151.452. A juvenile court shall do both of the 79034
following regarding an emancipated young adult described under 79035
division (A)(1) of section 5101.1411 of the Revised Code: 79036

(A) Not later than one hundred eighty days after the 79037
voluntary participation agreement becomes effective, make a 79038
determination as to whether the emancipated young adult's best 79039
interest is served by continuing the care and placement with the 79040
department of ~~job~~ children and ~~family services~~ youth or its 79041
representative. 79042

(B) Not later than twelve months after the effective date of 79043

the voluntary participation agreement, and at least once every 79044
twelve months thereafter, make a determination that the department 79045
or its representative has made reasonable efforts to finalize a 79046
permanency plan to prepare the emancipated young adult for 79047
independence. 79048

Sec. 2151.454. For purposes of a determination under section 79049
2151.452 of the Revised Code, the department of ~~job~~ children and 79050
~~family services~~ youth or its representative may file any documents 79051
and appear before the court in relation to such filings. Nothing 79052
in this section shall prohibit an emancipated young adult from 79053
obtaining legal representation pursuant to section 2151.455 of the 79054
Revised Code. 79055

Sec. 2151.84. The department of ~~job~~ children and ~~family~~ 79056
~~services~~ youth shall establish model agreements that may be used 79057
by public children services agencies and private child placing 79058
agencies required to provide services under an agreement with a 79059
young adult pursuant to section 2151.83 of the Revised Code. The 79060
model agreements shall include provisions describing the specific 79061
independent living services to be provided, the duration of the 79062
services and the agreement, the duties and responsibilities of 79063
each party under the agreement, and grievance procedures regarding 79064
disputes that arise regarding the agreement or services provided 79065
under it. 79066

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 79067
entity that appoints or employs any person responsible for a 79068
child's care in out-of-home care shall request the superintendent 79069
of BCII to conduct a criminal records check with respect to any 79070
person who is under final consideration for appointment or 79071
employment as a person responsible for a child's care in 79072
out-of-home care. The request shall be made at the time of initial 79073

application for appointment or employment and every four years 79074
thereafter. If the out-of-home care entity is a public school, 79075
educational service center, or chartered nonpublic school, then 79076
section 3319.39 of the Revised Code shall apply instead. If the 79077
out-of-home care entity is a child day-care center, type A family 79078
day-care home, type B family day-care home, certified in-home 79079
aide, or child day camp, then section 5104.013 of the Revised Code 79080
shall apply instead. 79081

(2) At the times specified in this division, the 79082
administrative director of an agency, or attorney, who arranges an 79083
adoption for a prospective adoptive parent shall request the 79084
superintendent of BCII to conduct a criminal records check with 79085
respect to that prospective adoptive parent and a criminal records 79086
check with respect to all persons eighteen years of age or older 79087
who reside with the prospective adoptive parent. The 79088
administrative director or attorney shall request a criminal 79089
records check pursuant to this division at the time of the initial 79090
home study, every four years after the initial home study at the 79091
time of an update, and at the time that an adoptive home study is 79092
completed as a new home study. 79093

(3) Before a recommending agency submits a recommendation to 79094
the department of ~~job~~ children and family services ~~youth~~ on 79095
whether the department should issue a certificate to a foster home 79096
under section 5103.03 of the Revised Code, and every four years 79097
thereafter prior to a recertification under that section, the 79098
administrative director of the agency shall request that the 79099
superintendent of BCII conduct a criminal records check with 79100
respect to the prospective foster caregiver and a criminal records 79101
check with respect to all other persons eighteen years of age or 79102
older who reside with the foster caregiver. 79103

(B)(1) When the appointing or hiring officer requests, at the 79104
time of initial application for appointment or employment, a 79105

criminal records check for a person subject to division (A)(1) of 79106
this section, the officer shall request that the superintendent of 79107
BCII obtain information from the federal bureau of investigation 79108
as part of the criminal records check, including fingerprint-based 79109
checks of national crime information databases as described in 42 79110
U.S.C. 671, for the person subject to the criminal records check. 79111
In all other cases in which the appointing or hiring officer 79112
requests a criminal records check for a person pursuant to 79113
division (A)(1) of this section, the officer may request that the 79114
superintendent of BCII obtain information from the federal bureau 79115
of investigation as part of the criminal records check, including 79116
fingerprint-based checks of national crime information databases 79117
as described in 42 U.S.C. 671, for the person subject to the 79118
criminal records check. 79119

When the administrative director of an agency, or attorney, 79120
who arranges an adoption for a prospective parent requests, at the 79121
time of the initial home study, a criminal records check for a 79122
person pursuant to division (A)(2) of this section, the 79123
administrative director or attorney shall request that the 79124
superintendent of BCII obtain information from the federal bureau 79125
of investigation as part of the criminal records check, including 79126
fingerprint-based checks of national crime information databases 79127
as described in 42 U.S.C. 671, for the person subject to the 79128
criminal records check. In all other cases in which the 79129
administrative director of an agency, or attorney, who arranges an 79130
adoption for a prospective parent requests a criminal records 79131
check for a person pursuant to division (A)(2) of this section, 79132
the administrative director or attorney may request that the 79133
superintendent of BCII include information from the federal bureau 79134
of investigation in the criminal records check, including 79135
fingerprint-based checks of national crime information databases 79136
as described in 42 U.S.C. 671. 79137

When the administrative director of a recommending agency 79138
requests, before submitting a recommendation to the department of 79139
~~job~~ children and ~~family services~~ youth on whether the department 79140
should issue a certificate to a foster home under section 5103.03 79141
of the Revised Code, a criminal records check for a person 79142
pursuant to division (A)(3) of this section, the administrative 79143
director shall request that the superintendent of BCII obtain 79144
information from the federal bureau of investigation as part of a 79145
criminal records check, including fingerprint-based checks of 79146
national crime information databases as described in 42 U.S.C. 79147
671, for the person subject to the criminal records check. In all 79148
other cases in which the administrative director of a recommending 79149
agency requests a criminal records check for a person pursuant to 79150
division (A)(3) of this section, the administrative director may 79151
request that the superintendent of BCII include information from 79152
the federal bureau of investigation in the criminal records check, 79153
including fingerprint-based checks of national crime information 79154
databases as described in 42 U.S.C. 671. 79155

Prior to a hearing on a final decree of adoption or 79156
interlocutory order of adoption by a probate court, the 79157
administrative director of an agency, or an attorney, who arranges 79158
an adoption for a prospective parent shall provide to the clerk of 79159
the probate court either of the following: 79160

(a) Any information received pursuant to a request made under 79161
this division from the superintendent of BCII or the federal 79162
bureau of investigation as part of the criminal records check, 79163
including fingerprint-based checks of national crime information 79164
databases as described in 42 U.S.C. 671, for the person subject to 79165
the criminal records check; 79166

(b) Written notification that the person subject to a 79167
criminal records check pursuant to this division failed upon 79168
request to provide the information necessary to complete the form 79169

or failed to provide impressions of the person's fingerprints as 79170
required under division (B)(2) of this section. 79171

(2) An appointing or hiring officer, administrative director, 79172
or attorney required by division (A) of this section to request a 79173
criminal records check shall provide to each person subject to a 79174
criminal records check a copy of the form prescribed pursuant to 79175
division (C)(1) of section 109.572 of the Revised Code and a 79176
standard impression sheet to obtain fingerprint impressions 79177
prescribed pursuant to division (C)(2) of section 109.572 of the 79178
Revised Code, obtain the completed form and impression sheet from 79179
the person, and forward the completed form and impression sheet to 79180
the superintendent of BCII at the time the criminal records check 79181
is requested. 79182

Any person subject to a criminal records check who receives 79183
pursuant to this division a copy of the form prescribed pursuant 79184
to division (C)(1) of section 109.572 of the Revised Code and a 79185
copy of an impression sheet prescribed pursuant to division (C)(2) 79186
of that section and who is requested to complete the form and 79187
provide a set of fingerprint impressions shall complete the form 79188
or provide all the information necessary to complete the form and 79189
shall provide the impression sheet with the impressions of the 79190
person's fingerprints. If a person subject to a criminal records 79191
check, upon request, fails to provide the information necessary to 79192
complete the form or fails to provide impressions of the person's 79193
fingerprints, the appointing or hiring officer shall not appoint 79194
or employ the person as a person responsible for a child's care in 79195
out-of-home care, a probate court may not issue a final decree of 79196
adoption or an interlocutory order of adoption making the person 79197
an adoptive parent, and the department of ~~job~~ children and ~~family~~ 79198
~~services~~ youth shall not issue a certificate authorizing the 79199
prospective foster caregiver to operate a foster home. 79200

(C)(1) No appointing or hiring officer shall appoint or 79201

employ a person as a person responsible for a child's care in 79202
out-of-home care, the department of ~~job~~ children and ~~family~~ 79203
~~services~~ youth shall not issue a certificate under section 5103.03 79204
of the Revised Code authorizing a prospective foster caregiver to 79205
operate a foster home, and no probate court shall issue a final 79206
decree of adoption or an interlocutory order of adoption making a 79207
person an adoptive parent if the person or, in the case of a 79208
prospective foster caregiver or prospective adoptive parent, any 79209
person eighteen years of age or older who resides with the 79210
prospective foster caregiver or prospective adoptive parent 79211
previously has been convicted of or pleaded guilty to any of the 79212
violations described in division (A)(4) of section 109.572 of the 79213
Revised Code, unless the person meets rehabilitation standards 79214
established in rules adopted under division (F) of this section. 79215

(2) Prior to certification or recertification under section 79216
5103.03 of the Revised Code, the prospective foster caregiver 79217
subject to a criminal records check under division (A)(3) of this 79218
section shall notify the recommending agency of the revocation of 79219
any foster home license, certificate, or other similar 79220
authorization in another state occurring within the five years 79221
prior to the date of application to become a foster caregiver in 79222
this state. The failure of a prospective foster caregiver to 79223
notify the recommending agency of any revocation of that type in 79224
another state that occurred within that five-year period shall be 79225
grounds for denial of the person's foster home application or the 79226
revocation of the person's foster home certification, whichever is 79227
applicable. If a person has had a revocation in another state 79228
within the five years prior to the date of the application, the 79229
department of ~~job~~ children and ~~family services~~ youth shall not 79230
issue a foster home certificate to the prospective foster 79231
caregiver. 79232

(D) The appointing or hiring officer, administrative 79233

director, or attorney shall pay to the bureau of criminal 79234
identification and investigation the fee prescribed pursuant to 79235
division (C)(3) of section 109.572 of the Revised Code for each 79236
criminal records check conducted in accordance with that section 79237
upon a request pursuant to division (A) of this section. The 79238
officer, director, or attorney may charge the person subject to 79239
the criminal records check a fee for the costs the officer, 79240
director, or attorney incurs in obtaining the criminal records 79241
check. A fee charged under this division shall not exceed the 79242
amount of fees the officer, director, or attorney pays for the 79243
criminal records check. If a fee is charged under this division, 79244
the officer, director, or attorney shall notify the person who is 79245
the applicant at the time of the person's initial application for 79246
appointment or employment, an adoption to be arranged, or a 79247
certificate to operate a foster home of the amount of the fee and 79248
that, unless the fee is paid, the person who is the applicant will 79249
not be considered for appointment or employment or as an adoptive 79250
parent or foster caregiver. 79251

(E) The report of any criminal records check conducted by the 79252
bureau of criminal identification and investigation in accordance 79253
with section 109.572 of the Revised Code and pursuant to a request 79254
made under division (A) of this section is not a public record for 79255
the purposes of section 149.43 of the Revised Code and shall not 79256
be made available to any person other than the following: 79257

(1) The person who is the subject of the criminal records 79258
check or the person's representative; 79259

(2) The appointing or hiring officer, administrative 79260
director, or attorney requesting the criminal records check or the 79261
officer's, director's, or attorney's representative; 79262

(3) The department of ~~job children and family services youth~~, 79263
a county department of job and family services, or a public 79264
children services agency; 79265

(4) Any court, hearing officer, or other necessary individual 79266
involved in a case dealing with the denial of employment, a final 79267
decree of adoption or interlocutory order of adoption, or a foster 79268
home certificate. 79269

(F) The director of ~~job~~ children and ~~family services~~ youth 79270
shall adopt rules in accordance with Chapter 119. of the Revised 79271
Code to implement this section. The rules shall include 79272
rehabilitation standards a person who has been convicted of or 79273
pleaded guilty to an offense listed in division (A)(4) of section 79274
109.572 of the Revised Code must meet for an appointing or hiring 79275
officer to appoint or employ the person as a person responsible 79276
for a child's care in out-of-home care, a probate court to issue a 79277
final decree of adoption or interlocutory order of adoption making 79278
the person an adoptive parent, or the department to issue a 79279
certificate authorizing the prospective foster caregiver to 79280
operate a foster home or not revoke a foster home certificate for 79281
a violation specified in section 5103.0328 of the Revised Code. 79282

(G) An appointing or hiring officer, administrative director, 79283
or attorney required by division (A) of this section to request a 79284
criminal records check shall inform each person who is the 79285
applicant, at the time of the person's initial application for 79286
appointment or employment, an adoption to be arranged, or a foster 79287
home certificate, that the person subject to the criminal records 79288
check is required to provide a set of impressions of the person's 79289
fingerprints and that a criminal records check is required to be 79290
conducted and satisfactorily completed in accordance with section 79291
109.572 of the Revised Code. 79292

(H) As used in this section: 79293

(1) "Children's hospital" means any of the following: 79294

(a) A hospital registered under section 3701.07 of the 79295
Revised Code that provides general pediatric medical and surgical 79296

care, and in which at least seventy-five per cent of annual 79297
inpatient discharges for the preceding two calendar years were 79298
individuals less than eighteen years of age; 79299

(b) A distinct portion of a hospital registered under section 79300
3701.07 of the Revised Code that provides general pediatric 79301
medical and surgical care, has a total of at least one hundred 79302
fifty registered pediatric special care and pediatric acute care 79303
beds, and in which at least seventy-five per cent of annual 79304
inpatient discharges for the preceding two calendar years were 79305
individuals less than eighteen years of age; 79306

(c) A distinct portion of a hospital, if the hospital is 79307
registered under section 3701.07 of the Revised Code as a 79308
children's hospital and the children's hospital meets all the 79309
requirements of division (H)(1)(a) of this section. 79310

(2) "Criminal records check" has the same meaning as in 79311
section 109.572 of the Revised Code. 79312

(3) "Person responsible for a child's care in out-of-home 79313
care" has the same meaning as in section 2151.011 of the Revised 79314
Code, except that it does not include a prospective employee of 79315
the department of youth services or a person responsible for a 79316
child's care in a hospital or medical clinic other than a 79317
children's hospital. 79318

(4) "Person subject to a criminal records check" means the 79319
following: 79320

(a) A person who is under final consideration for appointment 79321
or employment as a person responsible for a child's care in 79322
out-of-home care; 79323

(b) A prospective or current adoptive parent; 79324

(c) A prospective or current foster caregiver; 79325

(d) A person eighteen years old or older who resides with a 79326

prospective or current foster caregiver or a prospective or 79327
current adoptive parent. 79328

(5) "Recommending agency" means a public children services 79329
agency, private child placing agency, or private noncustodial 79330
agency to which the department of ~~job~~ children and ~~family services~~ 79331
youth has delegated a duty to inspect and approve foster homes. 79332

(6) "Superintendent of BCII" means the superintendent of the 79333
bureau of criminal identification and investigation. 79334

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 of 79335
the Revised Code: 79336

(1) "Host family" means any individual who provides care in 79337
the individual's private residence for a child or single-family 79338
group, at the request of the child's custodial parent, guardian, 79339
or legal custodian, under a host family agreement. The individual 79340
also may provide care for the individual's own child or children. 79341
The term "host family" excludes a foster home. 79342

(2) "Qualified organization" means a private association, 79343
organization, corporation, nonprofit, or other entity that is not 79344
a Title IV-E reimbursable setting and that has established a 79345
program that does all of the following: 79346

(a) Provides resources and services to assist, support, and 79347
educate parents, host families, children, or any person hosting a 79348
child under a host family agreement on a temporary basis; 79349

(b) Requires a criminal records check on the intended host 79350
family and all adults residing in the host family's household; 79351

(c) Requires a background check in the central registry of 79352
abuse and neglect of this state from the department of ~~job~~ 79353
children and ~~family services~~ youth for the intended host family 79354
and all adults residing in the host family's household; 79355

(d) Ensures that the host family is trained on the rights, 79356

duties, responsibilities, and limitations as outlined in the host family agreement; 79357
79358

(e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows: 79359
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79361

(i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter; 79362
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(ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month; 79365
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(iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child. 79367
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(f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or legal custodian. 79371
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"Qualified organization" excludes any entity that accepts public money intended for foster care or kinship care funding or the placement of children by a public children services agency, private noncustodial agency, or private child placing agency. 79374
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(3) "Temporary basis" means a period of time not to exceed one year, except as provided in section 2151.901 of the Revised Code. 79378
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(B) A child may be hosted by a host family only when all of the following conditions are satisfied: 79381
79382

(1) The hosting is done on a temporary basis. 79383

(2) The hosting is done under a host family agreement entered into with a qualified organization's assistance. 79384
79385

(3) Either one or both of the child's parents, or the child's 79386

guardian or legal custodian, are incarcerated, incapacitated, 79387
receiving medical, psychiatric, or psychological treatment, on 79388
active military service, or subject to other circumstances under 79389
which the hosting is appropriate. 79390

(4) The host family provides care only to that child or only 79391
to a single-family group, in addition to the host family's own 79392
child or children if applicable. 79393

Sec. 2151.904. (A) Before a qualified organization provides 79394
for hosting of a child with a host family and every four years 79395
thereafter, a prospective host family and all other persons 79396
eighteen years of age or older who reside in the host family's 79397
home shall request, and shall provide to the qualified 79398
organization the results of, the following for the host family and 79399
all other persons eighteen years of age or older who reside in the 79400
home: 79401

(1) A criminal records check, as defined under division (G) 79402
of section 109.572 of the Revised Code, and information from the 79403
federal bureau of investigation, as part of the criminal records 79404
check, including fingerprint-based checks of national crime 79405
information databases as described in 42 U.S.C. 671; 79406

(2) A background check in the central registry of abuse and 79407
neglect of this state from the department of ~~job~~ children and 79408
~~family services~~ youth. 79409

(B) A person subject to division (A) of this section may 79410
request the criminal records check and information required under 79411
division (A)(1) of this section from either of the following: 79412

(1) The superintendent of the bureau of criminal 79413
identification and investigation; 79414

(2) Any entity authorized, on behalf of the person, to 79415
request the superintendent to conduct the criminal records check 79416

and provide the information. 79417

(C) If a person subject to division (A) of this section fails 79418
to provide the results of the criminal records and background 79419
checks and the information required under that division to the 79420
qualified organization, the organization shall not authorize 79421
hosting with the host family. 79422

Sec. 2151.9010. A host family shall not be subject to 79423
certification or supervision by the director of ~~job~~ children and 79424
~~family services~~ youth under section 5103.03 of the Revised Code. 79425

Sec. 2152.192. If a court or child welfare agency places a 79426
delinquent child in an institution or association, as defined in 79427
section 5103.02 of the Revised Code, that is certified by the 79428
department of ~~job~~ children and ~~family services~~ youth pursuant to 79429
section 5103.03 of the Revised Code and if that child has been 79430
adjudicated delinquent for committing an act that is a sexually 79431
oriented offense in either a prior delinquency adjudication or in 79432
the most recent delinquency adjudication, the court or child 79433
welfare agency shall notify the operator of the institution or 79434
association and the sheriff of the county in which the institution 79435
or association is located that the child has been adjudicated 79436
delinquent for committing an act that is a sexually oriented 79437
offense. 79438

Sec. 2705.02. A person guilty of any of the following acts 79439
may be punished as for a contempt: 79440

(A) Disobedience of, or resistance to, a lawful writ, 79441
process, order, rule, judgment, or command of a court or officer; 79442

(B) Misbehavior of an officer of the court in the performance 79443
of official duties, or in official transactions; 79444

(C) A failure to obey a subpoena duly served, or a refusal to 79445

be sworn or to answer as a witness, when lawfully required; 79446

(D) The rescue, or attempted rescue, of a person or of 79447
property in the custody of an officer by virtue of an order or 79448
process of court held by the officer; 79449

(E) A failure upon the part of a person recognized to appear 79450
as a witness in a court to appear in compliance with the terms of 79451
the person's recognizance; 79452

(F) A failure to comply with an order issued pursuant to 79453
section 3109.19 or 3111.81 of the Revised Code; 79454

(G) A failure to obey a subpoena issued by the department of 79455
job and family services, the department of children and youth, or 79456
a child support enforcement agency pursuant to section 5101.37 of 79457
the Revised Code; 79458

(H) A willful failure to submit to genetic testing, or a 79459
willful failure to submit a child to genetic testing, as required 79460
by an order for genetic testing issued under section 3111.41 of 79461
the Revised Code. 79462

Sec. 2950.08. (A) Subject to division (B) of this section, 79463
the statements, information, photographs, fingerprints, and 79464
material required by sections 2950.04, 2950.041, 2950.05, and 79465
2950.06 of the Revised Code and provided by a person who 79466
registers, who provides notice of a change of residence, school, 79467
institution of higher education, or place of employment address 79468
and registers the new residence, school, institution of higher 79469
education, or place of employment address, or who provides 79470
verification of a current residence, school, institution of higher 79471
education, or place of employment address pursuant to those 79472
sections and that are in the possession of the bureau of criminal 79473
identification and investigation and the information in the 79474
possession of the bureau that was received by the bureau pursuant 79475

to section 2950.14 of the Revised Code shall not be open to 79476
inspection by the public or by any person other than the following 79477
persons: 79478

(1) A regularly employed peace officer or other law 79479
enforcement officer; 79480

(2) An authorized employee of the bureau of criminal 79481
identification and investigation for the purpose of providing 79482
information to a board, administrator, or person pursuant to 79483
division (F) or (G) of section 109.57 of the Revised Code; 79484

(3) The registrar of motor vehicles, or an employee of the 79485
registrar of motor vehicles, for the purpose of verifying and 79486
updating any of the information so provided, upon the request of 79487
the bureau of criminal identification and investigation; 79488

(4) The director of ~~job~~ children and ~~family services~~ youth, 79489
or an employee of the director, for the purpose of complying with 79490
division (D) of section 5104.013 of the Revised Code. 79491

(B) Division (A) of this section does not apply to any 79492
information that is contained in the internet sex offender and 79493
child-victim offender database established by the attorney general 79494
under division (A)(11) of section 2950.13 of the Revised Code 79495
regarding offenders and that is disseminated as described in that 79496
division. 79497

Sec. 2950.11. (A) Regardless of when the sexually oriented 79498
offense or child-victim oriented offense was committed, if a 79499
person is convicted of, pleads guilty to, has been convicted of, 79500
or has pleaded guilty to a sexually oriented offense or a 79501
child-victim oriented offense or a person is or has been 79502
adjudicated a delinquent child for committing a sexually oriented 79503
offense or a child-victim oriented offense and is classified a 79504
juvenile offender registrant or is an out-of-state juvenile 79505

offender registrant based on that adjudication, and if the 79506
offender or delinquent child is in any category specified in 79507
division (F)(1)(a), (b), or (c) of this section, the sheriff with 79508
whom the offender or delinquent child has most recently registered 79509
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 79510
and the sheriff to whom the offender or delinquent child most 79511
recently sent a notice of intent to reside under section 2950.04 79512
or 2950.041 of the Revised Code, within the period of time 79513
specified in division (C) of this section, shall provide a written 79514
notice containing the information set forth in division (B) of 79515
this section to all of the persons described in divisions (A)(1) 79516
to (10) of this section. If the sheriff has sent a notice to the 79517
persons described in those divisions as a result of receiving a 79518
notice of intent to reside and if the offender or delinquent child 79519
registers a residence address that is the same residence address 79520
described in the notice of intent to reside, the sheriff is not 79521
required to send an additional notice when the offender or 79522
delinquent child registers. The sheriff shall provide the notice 79523
to all of the following persons: 79524

(1)(a) Any occupant of each residential unit that is located 79525
within one thousand feet of the offender's or delinquent child's 79526
residential premises, that is located within the county served by 79527
the sheriff, and that is not located in a multi-unit building. 79528
Division (D)(3) of this section applies regarding notices required 79529
under this division. 79530

(b) If the offender or delinquent child resides in a 79531
multi-unit building, any occupant of each residential unit that is 79532
located in that multi-unit building and that shares a common 79533
hallway with the offender or delinquent child. For purposes of 79534
this division, an occupant's unit shares a common hallway with the 79535
offender or delinquent child if the entrance door into the 79536
occupant's unit is located on the same floor and opens into the 79537

same hallway as the entrance door to the unit the offender or 79538
delinquent child occupies. Division (D)(3) of this section applies 79539
regarding notices required under this division. 79540

(c) The building manager, or the person the building owner or 79541
condominium unit owners association authorizes to exercise 79542
management and control, of each multi-unit building that is 79543
located within one thousand feet of the offender's or delinquent 79544
child's residential premises, including a multi-unit building in 79545
which the offender or delinquent child resides, and that is 79546
located within the county served by the sheriff. In addition to 79547
notifying the building manager or the person authorized to 79548
exercise management and control in the multi-unit building under 79549
this division, the sheriff shall post a copy of the notice 79550
prominently in each common entryway in the building and any other 79551
location in the building the sheriff determines appropriate. The 79552
manager or person exercising management and control of the 79553
building shall permit the sheriff to post copies of the notice 79554
under this division as the sheriff determines appropriate. In lieu 79555
of posting copies of the notice as described in this division, a 79556
sheriff may provide notice to all occupants of the multi-unit 79557
building by mail or personal contact; if the sheriff so notifies 79558
all the occupants, the sheriff is not required to post copies of 79559
the notice in the common entryways to the building. Division 79560
(D)(3) of this section applies regarding notices required under 79561
this division. 79562

(d) All additional persons who are within any category of 79563
neighbors of the offender or delinquent child that the attorney 79564
general by rule adopted under section 2950.13 of the Revised Code 79565
requires to be provided the notice and who reside within the 79566
county served by the sheriff; 79567

(2) The executive director of the public children services 79568
agency that has jurisdiction within the specified geographical 79569

notification area and that is located within the county served by the sheriff; 79570
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(3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff; 79572
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(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends; 79576
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(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends. 79579
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(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 79585
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(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends. 79592
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(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff; 79595
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(6) The administrator of each child day-care center or type A 79600

family day-care home that is located within the specified 79601
geographical notification area and within the county served by the 79602
sheriff, and each holder of a license to operate a type B family 79603
day-care home that is located within the specified geographical 79604
notification area and within the county served by the sheriff. As 79605
used in this division, "child day-care center," "type A family 79606
day-care home," and "type B family day-care home" have the same 79607
meanings as in section 5104.01 of the Revised Code. 79608

(7) The president or other chief administrative officer of 79609
each institution of higher education, as defined in section 79610
2907.03 of the Revised Code, that is located within the specified 79611
geographical notification area and within the county served by the 79612
sheriff, and the chief law enforcement officer of the state 79613
university law enforcement agency or campus police department 79614
established under section 3345.04 or 1713.50 of the Revised Code, 79615
if any, that serves that institution; 79616

(8) The sheriff of each county that includes any portion of 79617
the specified geographical notification area; 79618

(9) If the offender or delinquent child resides within the 79619
county served by the sheriff, the chief of police, marshal, or 79620
other chief law enforcement officer of the municipal corporation 79621
in which the offender or delinquent child resides or, if the 79622
offender or delinquent child resides in an unincorporated area, 79623
the constable or chief of the police department or police district 79624
police force of the township in which the offender or delinquent 79625
child resides; 79626

(10) Volunteer organizations in which contact with minors or 79627
other vulnerable individuals might occur or any organization, 79628
company, or individual who requests notification as provided in 79629
division (J) of this section. 79630

(B) The notice required under division (A) of this section 79631

shall include all of the following information regarding the 79632
subject offender or delinquent child: 79633

(1) The offender's or delinquent child's name; 79634

(2) The address or addresses of the offender's or public 79635
registry-qualified juvenile offender registrant's residence, 79636
school, institution of higher education, or place of employment, 79637
as applicable, or the residence address or addresses of a 79638
delinquent child who is not a public registry-qualified juvenile 79639
offender registrant; 79640

(3) The sexually oriented offense or child-victim oriented 79641
offense of which the offender was convicted, to which the offender 79642
pleaded guilty, or for which the child was adjudicated a 79643
delinquent child; 79644

(4) A statement that identifies the category specified in 79645
division (F)(1)(a), (b), or (c) of this section that includes the 79646
offender or delinquent child and that subjects the offender or 79647
delinquent child to this section; 79648

(5) The offender's or delinquent child's photograph. 79649

(C) If a sheriff with whom an offender or delinquent child 79650
registers under section 2950.04, 2950.041, or 2950.05 of the 79651
Revised Code or to whom the offender or delinquent child most 79652
recently sent a notice of intent to reside under section 2950.04 79653
or 2950.041 of the Revised Code is required by division (A) of 79654
this section to provide notices regarding an offender or 79655
delinquent child and if, pursuant to that requirement, the sheriff 79656
provides a notice to a sheriff of one or more other counties in 79657
accordance with division (A)(8) of this section, the sheriff of 79658
each of the other counties who is provided notice under division 79659
(A)(8) of this section shall provide the notices described in 79660
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 79661
each person or entity identified within those divisions that is 79662

located within the specified geographical notification area and 79663
within the county served by the sheriff in question. 79664

(D)(1) A sheriff required by division (A) or (C) of this 79665
section to provide notices regarding an offender or delinquent 79666
child shall provide the notice to the neighbors that are described 79667
in division (A)(1) of this section and the notices to law 79668
enforcement personnel that are described in divisions (A)(8) and 79669
(9) of this section as soon as practicable, but no later than five 79670
days after the offender sends the notice of intent to reside to 79671
the sheriff and again no later than five days after the offender 79672
or delinquent child registers with the sheriff or, if the sheriff 79673
is required by division (C) of this section to provide the 79674
notices, no later than five days after the sheriff is provided the 79675
notice described in division (A)(8) of this section. 79676

A sheriff required by division (A) or (C) of this section to 79677
provide notices regarding an offender or delinquent child shall 79678
provide the notices to all other specified persons that are 79679
described in divisions (A)(2) to (7) and (A)(10) of this section 79680
as soon as practicable, but not later than seven days after the 79681
offender or delinquent child registers with the sheriff or, if the 79682
sheriff is required by division (C) of this section to provide the 79683
notices, no later than five days after the sheriff is provided the 79684
notice described in division (A)(8) of this section. 79685

(2) If an offender or delinquent child in relation to whom 79686
division (A) of this section applies verifies the offender's or 79687
delinquent child's current residence, school, institution of 79688
higher education, or place of employment address, as applicable, 79689
with a sheriff pursuant to section 2950.06 of the Revised Code, 79690
the sheriff may provide a written notice containing the 79691
information set forth in division (B) of this section to the 79692
persons identified in divisions (A)(1) to (10) of this section. If 79693
a sheriff provides a notice pursuant to this division to the 79694

sheriff of one or more other counties in accordance with division 79695
(A)(8) of this section, the sheriff of each of the other counties 79696
who is provided the notice under division (A)(8) of this section 79697
may provide, but is not required to provide, a written notice 79698
containing the information set forth in division (B) of this 79699
section to the persons identified in divisions (A)(1) to (7) and 79700
(A)(9) and (10) of this section. 79701

(3) A sheriff may provide notice under division (A)(1)(a) or 79702
(b) of this section, and may provide notice under division 79703
(A)(1)(c) of this section to a building manager or person 79704
authorized to exercise management and control of a building, by 79705
mail, by personal contact, or by leaving the notice at or under 79706
the entry door to a residential unit. For purposes of divisions 79707
(A)(1)(a) and (b) of this section, and the portion of division 79708
(A)(1)(c) of this section relating to the provision of notice to 79709
occupants of a multi-unit building by mail or personal contact, 79710
the provision of one written notice per unit is deemed as 79711
providing notice to all occupants of that unit. 79712

(E) All information that a sheriff possesses regarding an 79713
offender or delinquent child who is in a category specified in 79714
division (F)(1)(a), (b), or (c) of this section that is described 79715
in division (B) of this section and that must be provided in a 79716
notice required under division (A) or (C) of this section or that 79717
may be provided in a notice authorized under division (D)(2) of 79718
this section is a public record that is open to inspection under 79719
section 149.43 of the Revised Code. 79720

The sheriff shall not cause to be publicly disseminated by 79721
means of the internet any of the information described in this 79722
division that is provided by a delinquent child unless that child 79723
is in a category specified in division (F)(1)(a), (b), or (c) of 79724
this section. 79725

(F)(1) Except as provided in division (F)(2) of this section, 79726

the duties to provide the notices described in divisions (A) and 79727
(C) of this section apply regarding any offender or delinquent 79728
child who is in any of the following categories: 79729

(a) The offender is a tier III sex offender/child-victim 79730
offender, or the delinquent child is a public registry-qualified 79731
juvenile offender registrant, and a juvenile court has not removed 79732
pursuant to section 2950.15 of the Revised Code the delinquent 79733
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 79734
and 2950.06 of the Revised Code. 79735

(b) The delinquent child is a tier III sex 79736
offender/child-victim offender who is not a public 79737
registry-qualified juvenile offender registrant, the delinquent 79738
child was subjected to this section prior to January 1, 2008, as a 79739
sexual predator, habitual sex offender, child-victim predator, or 79740
habitual child-victim offender, as those terms were defined in 79741
section 2950.01 of the Revised Code as it existed prior to January 79742
1, 2008, and a juvenile court has not removed pursuant to section 79743
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 79744
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 79745
the Revised Code. 79746

(c) The delinquent child is a tier III sex 79747
offender/child-victim offender who is not a public 79748
registry-qualified juvenile offender registrant, the delinquent 79749
child was classified a juvenile offender registrant on or after 79750
January 1, 2008, the court has imposed a requirement under section 79751
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 79752
delinquent child to this section, and a juvenile court has not 79753
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 79754
the delinquent child's duty to comply with sections 2950.04, 79755
2950.041, 2950.05, and 2950.06 of the Revised Code. 79756

(2) The notification provisions of this section do not apply 79757
to a person described in division (F)(1)(a), (b), or (c) of this 79758

section if a court finds at a hearing after considering the 79759
factors described in this division that the person would not be 79760
subject to the notification provisions of this section that were 79761
in the version of this section that existed immediately prior to 79762
January 1, 2008. In making the determination of whether a person 79763
would have been subject to the notification provisions under prior 79764
law as described in this division, the court shall consider the 79765
following factors: 79766

(a) The offender's or delinquent child's age; 79767

(b) The offender's or delinquent child's prior criminal or 79768
delinquency record regarding all offenses, including, but not 79769
limited to, all sexual offenses; 79770

(c) The age of the victim of the sexually oriented offense 79771
for which sentence is to be imposed or the order of disposition is 79772
to be made; 79773

(d) Whether the sexually oriented offense for which sentence 79774
is to be imposed or the order of disposition is to be made 79775
involved multiple victims; 79776

(e) Whether the offender or delinquent child used drugs or 79777
alcohol to impair the victim of the sexually oriented offense or 79778
to prevent the victim from resisting; 79779

(f) If the offender or delinquent child previously has been 79780
convicted of or pleaded guilty to, or been adjudicated a 79781
delinquent child for committing an act that if committed by an 79782
adult would be, a criminal offense, whether the offender or 79783
delinquent child completed any sentence or dispositional order 79784
imposed for the prior offense or act and, if the prior offense or 79785
act was a sex offense or a sexually oriented offense, whether the 79786
offender or delinquent child participated in available programs 79787
for sexual offenders; 79788

(g) Any mental illness or mental disability of the offender 79789

or delinquent child; 79790

(h) The nature of the offender's or delinquent child's sexual 79791
conduct, sexual contact, or interaction in a sexual context with 79792
the victim of the sexually oriented offense and whether the sexual 79793
conduct, sexual contact, or interaction in a sexual context was 79794
part of a demonstrated pattern of abuse; 79795

(i) Whether the offender or delinquent child, during the 79796
commission of the sexually oriented offense for which sentence is 79797
to be imposed or the order of disposition is to be made, displayed 79798
cruelty or made one or more threats of cruelty; 79799

(j) Whether the offender or delinquent child would have been 79800
a habitual sex offender or a habitual child victim offender under 79801
the definitions of those terms set forth in section 2950.01 of the 79802
Revised Code as that section existed prior to January 1, 2008; 79803

(k) Any additional behavioral characteristics that contribute 79804
to the offender's or delinquent child's conduct. 79805

(G)(1) The department of ~~job~~ children and ~~family services~~ 79806
youth shall compile, maintain, and update in January and July of 79807
each year, a list of all agencies, centers, or homes of a type 79808
described in division (A)(2) or (6) of this section that contains 79809
the name of each agency, center, or home of that type, the county 79810
in which it is located, its address and telephone number, and the 79811
name of an administrative officer or employee of the agency, 79812
center, or home. 79813

(2) The department of education shall compile, maintain, and 79814
update in January and July of each year, a list of all boards of 79815
education, schools, or programs of a type described in division 79816
(A)(3), (4), or (5) of this section that contains the name of each 79817
board of education, school, or program of that type, the county in 79818
which it is located, its address and telephone number, the name of 79819
the superintendent of the board or of an administrative officer or 79820

employee of the school or program, and, in relation to a board of 79821
education, the county or counties in which each of its schools is 79822
located and the address of each such school. 79823

(3) The ~~Ohio board~~ department of ~~regents~~ higher education 79824
shall compile, maintain, and update in January and July of each 79825
year, a list of all institutions of a type described in division 79826
(A)(7) of this section that contains the name of each such 79827
institution, the county in which it is located, its address and 79828
telephone number, and the name of its president or other chief 79829
administrative officer. 79830

(4) A sheriff required by division (A) or (C) of this 79831
section, or authorized by division (D)(2) of this section, to 79832
provide notices regarding an offender or delinquent child, or a 79833
designee of a sheriff of that type, may request the department of 79834
~~job children and family services youth~~, department of education, 79835
or ~~Ohio board~~ department of ~~regents~~ higher education, by 79836
telephone, in person, or by mail, to provide the sheriff or 79837
designee with the names, addresses, and telephone numbers of the 79838
appropriate persons and entities to whom the notices described in 79839
divisions (A)(2) to (7) of this section are to be provided. Upon 79840
receipt of a request, the department ~~or board~~ shall provide the 79841
requesting sheriff or designee with the names, addresses, and 79842
telephone numbers of the appropriate persons and entities to whom 79843
those notices are to be provided. 79844

(H)(1) Upon the motion of the offender or the prosecuting 79845
attorney of the county in which the offender was convicted of or 79846
pleaded guilty to the sexually oriented offense or child-victim 79847
oriented offense for which the offender is subject to community 79848
notification under this section, or upon the motion of the 79849
sentencing judge or that judge's successor in office, the judge 79850
may schedule a hearing to determine whether the interests of 79851
justice would be served by suspending the community notification 79852

requirement under this section in relation to the offender. The 79853
judge may dismiss the motion without a hearing but may not issue 79854
an order suspending the community notification requirement without 79855
a hearing. At the hearing, all parties are entitled to be heard, 79856
and the judge shall consider all of the factors set forth in 79857
division (K) of this section. If, at the conclusion of the 79858
hearing, the judge finds that the offender has proven by clear and 79859
convincing evidence that the offender is unlikely to commit in the 79860
future a sexually oriented offense or a child-victim oriented 79861
offense and if the judge finds that suspending the community 79862
notification requirement is in the interests of justice, the judge 79863
may suspend the application of this section in relation to the 79864
offender. The order shall contain both of these findings. 79865

The judge promptly shall serve a copy of the order upon the 79866
sheriff with whom the offender most recently registered under 79867
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 79868
the bureau of criminal identification and investigation. 79869

An order suspending the community notification requirement 79870
does not suspend or otherwise alter an offender's duties to comply 79871
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 79872
Revised Code and does not suspend the victim notification 79873
requirement under section 2950.10 of the Revised Code. 79874

(2) A prosecuting attorney, a sentencing judge or that 79875
judge's successor in office, and an offender who is subject to the 79876
community notification requirement under this section may 79877
initially make a motion under division (H)(1) of this section upon 79878
the expiration of twenty years after the offender's duty to comply 79879
with division (A)(2), (3), or (4) of section 2950.04, division 79880
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 79881
2950.06 of the Revised Code begins in relation to the offense for 79882
which the offender is subject to community notification. After the 79883
initial making of a motion under division (H)(1) of this section, 79884

thereafter, the prosecutor, judge, and offender may make a 79885
subsequent motion under that division upon the expiration of five 79886
years after the judge has entered an order denying the initial 79887
motion or the most recent motion made under that division. 79888

(3) The offender and the prosecuting attorney have the right 79889
to appeal an order approving or denying a motion made under 79890
division (H)(1) of this section. 79891

(4) Divisions (H)(1) to (3) of this section do not apply to 79892
any of the following types of offender: 79893

(a) A person who is convicted of or pleads guilty to a 79894
violent sex offense or designated homicide, assault, or kidnapping 79895
offense and who, in relation to that offense, is adjudicated a 79896
sexually violent predator; 79897

(b) A person who is convicted of or pleads guilty to a 79898
sexually oriented offense that is a violation of division 79899
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 79900
after January 2, 2007, and either who is sentenced under section 79901
2971.03 of the Revised Code or upon whom a sentence of life 79902
without parole is imposed under division (B) of section 2907.02 of 79903
the Revised Code; 79904

(c) A person who is convicted of or pleads guilty to a 79905
sexually oriented offense that is attempted rape committed on or 79906
after January 2, 2007, and who also is convicted of or pleads 79907
guilty to a specification of the type described in section 79908
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 79909

(d) A person who is convicted of or pleads guilty to an 79910
offense described in division (B)(3)(a), (b), (c), or (d) of 79911
section 2971.03 of the Revised Code and who is sentenced for that 79912
offense pursuant to that division; 79913

(e) An offender who is in a category specified in division 79914
(F)(1)(a), (b), or (c) of this section and who, subsequent to 79915

being subjected to community notification, has pleaded guilty to 79916
or been convicted of a sexually oriented offense or child-victim 79917
oriented offense. 79918

(I) If a person is convicted of, pleads guilty to, has been 79919
convicted of, or has pleaded guilty to a sexually oriented offense 79920
or a child-victim oriented offense or a person is or has been 79921
adjudicated a delinquent child for committing a sexually oriented 79922
offense or a child-victim oriented offense and is classified a 79923
juvenile offender registrant or is an out-of-state juvenile 79924
offender registrant based on that adjudication, and if the 79925
offender or delinquent child is not in any category specified in 79926
division (F)(1)(a), (b), or (c) of this section, the sheriff with 79927
whom the offender or delinquent child has most recently registered 79928
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 79929
and the sheriff to whom the offender or delinquent child most 79930
recently sent a notice of intent to reside under section 2950.04 79931
or 2950.041 of the Revised Code, within the period of time 79932
specified in division (D) of this section, shall provide a written 79933
notice containing the information set forth in division (B) of 79934
this section to the executive director of the public children 79935
services agency that has jurisdiction within the specified 79936
geographical notification area and that is located within the 79937
county served by the sheriff. 79938

(J) Each sheriff shall allow a volunteer organization or 79939
other organization, company, or individual who wishes to receive 79940
the notice described in division (A)(10) of this section regarding 79941
a specific offender or delinquent child or notice regarding all 79942
offenders and delinquent children who are located in the specified 79943
geographical notification area to notify the sheriff by electronic 79944
mail or through the sheriff's web site of this election. The 79945
sheriff shall promptly inform the bureau of criminal 79946
identification and investigation of these requests in accordance 79947

with the forwarding procedures adopted by the attorney general 79948
pursuant to section 2950.13 of the Revised Code. 79949

(K) In making a determination under division (H)(1) of this 79950
section as to whether to suspend the community notification 79951
requirement under this section for an offender, the judge shall 79952
consider all relevant factors, including, but not limited to, all 79953
of the following: 79954

(1) The offender's age; 79955

(2) The offender's prior criminal or delinquency record 79956
regarding all offenses, including, but not limited to, all 79957
sexually oriented offenses or child-victim oriented offenses; 79958

(3) The age of the victim of the sexually oriented offense or 79959
child-victim oriented offense the offender committed; 79960

(4) Whether the sexually oriented offense or child-victim 79961
oriented offense the offender committed involved multiple victims; 79962

(5) Whether the offender used drugs or alcohol to impair the 79963
victim of the sexually oriented offense or child-victim oriented 79964
offense the offender committed or to prevent the victim from 79965
resisting; 79966

(6) If the offender previously has been convicted of, pleaded 79967
guilty to, or been adjudicated a delinquent child for committing 79968
an act that if committed by an adult would be a criminal offense, 79969
whether the offender completed any sentence or dispositional order 79970
imposed for the prior offense or act and, if the prior offense or 79971
act was a sexually oriented offense or a child-victim oriented 79972
offense, whether the offender or delinquent child participated in 79973
available programs for sex offenders or child-victim offenders; 79974

(7) Any mental illness or mental disability of the offender; 79975

(8) The nature of the offender's sexual conduct, sexual 79976
contact, or interaction in a sexual context with the victim of the 79977

sexually oriented offense the offender committed or the nature of 79978
the offender's interaction in a sexual context with the victim of 79979
the child-victim oriented offense the offender committed, 79980
whichever is applicable, and whether the sexual conduct, sexual 79981
contact, or interaction in a sexual context was part of a 79982
demonstrated pattern of abuse; 79983

(9) Whether the offender, during the commission of the 79984
sexually oriented offense or child-victim oriented offense the 79985
offender committed, displayed cruelty or made one or more threats 79986
of cruelty; 79987

(10) Any additional behavioral characteristics that 79988
contribute to the offender's conduct. 79989

(L) As used in this section, "specified geographical 79990
notification area" means the geographic area or areas within which 79991
the attorney general, by rule adopted under section 2950.13 of the 79992
Revised Code, requires the notice described in division (B) of 79993
this section to be given to the persons identified in divisions 79994
(A)(2) to (8) of this section. 79995

Sec. 2950.13. (A) The attorney general shall do all of the 79996
following: 79997

(1) No later than July 1, 1997, establish and maintain a 79998
state registry of sex offenders and child-victim offenders that is 79999
housed at the bureau of criminal identification and investigation 80000
and that contains all of the registration, change of residence, 80001
school, institution of higher education, or place of employment 80002
address, and verification information the bureau receives pursuant 80003
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 80004
Code regarding each person who is convicted of, pleads guilty to, 80005
has been convicted of, or has pleaded guilty to a sexually 80006
oriented offense or a child-victim oriented offense and each 80007
person who is or has been adjudicated a delinquent child for 80008

committing a sexually oriented offense or a child-victim oriented 80009
offense and is classified a juvenile offender registrant or is an 80010
out-of-state juvenile offender registrant based on that 80011
adjudication, all of the information the bureau receives pursuant 80012
to section 2950.14 of the Revised Code, and any notice of an order 80013
terminating or modifying an offender's or delinquent child's duty 80014
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 80015
the Revised Code the bureau receives pursuant to section 2152.84, 80016
2152.85, or 2950.15 of the Revised Code. For a person who was 80017
convicted of or pleaded guilty to the sexually oriented offense or 80018
child-victim related offense, the registry also shall indicate 80019
whether the person was convicted of or pleaded guilty to the 80020
offense in a criminal prosecution or in a serious youthful 80021
offender case. The registry shall not be open to inspection by the 80022
public or by any person other than a person identified in division 80023
(A) of section 2950.08 of the Revised Code. In addition to the 80024
information and material previously identified in this division, 80025
the registry shall include all of the following regarding each 80026
person who is listed in the registry: 80027

(a) A citation for, and the name of, all sexually oriented 80028
offenses or child-victim oriented offenses of which the person was 80029
convicted, to which the person pleaded guilty, or for which the 80030
person was adjudicated a delinquent child and that resulted in a 80031
registration duty, and the date on which those offenses were 80032
committed; 80033

(b) The text of the sexually oriented offenses or 80034
child-victim oriented offenses identified in division (A)(1)(a) of 80035
this section as those offenses existed at the time the person was 80036
convicted of, pleaded guilty to, or was adjudicated a delinquent 80037
child for committing those offenses, or a link to a database that 80038
sets forth the text of those offenses; 80039

(c) A statement as to whether the person is a tier I sex 80040

offender/child-victim offender, a tier II sex 80041
offender/child-victim offender, or a tier III sex 80042
offender/child-victim offender for the sexually oriented offenses 80043
or child-victim oriented offenses identified in division (A)(1)(a) 80044
of this section; 80045

(d) The community supervision status of the person, 80046
including, but not limited to, whether the person is serving a 80047
community control sanction and the nature of any such sanction, 80048
whether the person is under supervised release and the nature of 80049
the release, or regarding a juvenile, whether the juvenile is 80050
under any type of release authorized under Chapter 2152. or 5139. 80051
of the Revised Code and the nature of any such release; 80052

(e) The offense and delinquency history of the person, as 80053
determined from information gathered or provided under sections 80054
109.57 and 2950.14 of the Revised Code; 80055

(f) The bureau of criminal identification and investigation 80056
tracking number assigned to the person if one has been so 80057
assigned, the federal bureau of investigation number assigned to 80058
the person if one has been assigned and the bureau of criminal 80059
identification and investigation is aware of the number, and any 80060
other state identification number assigned to the person of which 80061
the bureau is aware; 80062

(g) Fingerprints and palmprints of the person; 80063

(h) A DNA specimen, as defined in section 109.573 of the 80064
Revised Code, from the person; 80065

(i) Whether the person has any outstanding arrest warrants; 80066

(j) Whether the person is in compliance with the person's 80067
duties under this chapter. 80068

(2) In consultation with local law enforcement 80069
representatives and no later than July 1, 1997, adopt rules that 80070

contain guidelines necessary for the implementation of this 80071
chapter; 80072

(3) In consultation with local law enforcement 80073
representatives, adopt rules for the implementation and 80074
administration of the provisions contained in section 2950.11 of 80075
the Revised Code that pertain to the notification of neighbors of 80076
an offender or a delinquent child who has committed a sexually 80077
oriented offense or a child-victim oriented offense and is in a 80078
category specified in division (F)(1) of that section and rules 80079
that prescribe a manner in which victims of a sexually oriented 80080
offense or a child-victim oriented offense committed by an 80081
offender or a delinquent child who is in a category specified in 80082
division (B)(1) of section 2950.10 of the Revised Code may make a 80083
request that specifies that the victim would like to be provided 80084
the notices described in divisions (A)(1) and (2) of section 80085
2950.10 of the Revised Code; 80086

(4) In consultation with local law enforcement 80087
representatives and through the bureau of criminal identification 80088
and investigation, prescribe the forms to be used by judges and 80089
officials pursuant to section 2950.03 or 2950.032 of the Revised 80090
Code to advise offenders and delinquent children of their duties 80091
of filing a notice of intent to reside, registration, notification 80092
of a change of residence, school, institution of higher education, 80093
or place of employment address and registration of the new school, 80094
institution of higher education, or place of employment address, 80095
as applicable, and address verification under sections 2950.04, 80096
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 80097
the forms to be used by sheriffs relative to those duties of 80098
filing a notice of intent to reside, registration, change of 80099
residence, school, institution of higher education, or place of 80100
employment address notification, and address verification; 80101

(5) Make copies of the forms prescribed under division (A)(4) 80102

of this section available to judges, officials, and sheriffs; 80103

(6) Through the bureau of criminal identification and 80104
investigation, provide the notifications, the information and 80105
materials, and the documents that the bureau is required to 80106
provide to appropriate law enforcement officials and to the 80107
federal bureau of investigation pursuant to sections 2950.04, 80108
2950.041, 2950.05, and 2950.06 of the Revised Code; 80109

(7) Through the bureau of criminal identification and 80110
investigation, maintain the verification forms returned under the 80111
address verification mechanism set forth in section 2950.06 of the 80112
Revised Code; 80113

(8) In consultation with representatives of the officials, 80114
judges, and sheriffs, adopt procedures for officials, judges, and 80115
sheriffs to use to forward information, photographs, and 80116
fingerprints to the bureau of criminal identification and 80117
investigation pursuant to the requirements of sections 2950.03, 80118
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 80119
Code; 80120

(9) In consultation with the director of education, the 80121
director of ~~job~~ children and ~~family services~~ youth, and the 80122
director of rehabilitation and correction, adopt rules that 80123
contain guidelines to be followed by boards of education of a 80124
school district, chartered nonpublic schools or other schools not 80125
operated by a board of education, preschool programs, child 80126
day-care centers, type A family day-care homes, licensed type B 80127
family day-care homes, and institutions of higher education 80128
regarding the proper use and administration of information 80129
received pursuant to section 2950.11 of the Revised Code relative 80130
to an offender or delinquent child who has committed a sexually 80131
oriented offense or a child-victim oriented offense and is in a 80132
category specified in division (F)(1) of that section; 80133

(10) In consultation with local law enforcement 80134
representatives and no later than July 1, 1997, adopt rules that 80135
designate a geographic area or areas within which the notice 80136
described in division (B) of section 2950.11 of the Revised Code 80137
must be given to the persons identified in divisions (A)(2) to (8) 80138
and (A)(10) of that section; 80139

(11) Through the bureau of criminal identification and 80140
investigation, not later than January 1, 2004, establish and 80141
operate on the internet a sex offender and child-victim offender 80142
database that contains information for every offender who has 80143
committed a sexually oriented offense or a child-victim oriented 80144
offense and registers in any county in this state pursuant to 80145
section 2950.04 or 2950.041 of the Revised Code and for every 80146
delinquent child who has committed a sexually oriented offense, is 80147
a public registry-qualified juvenile offender registrant, and 80148
registers in any county in this state pursuant to either such 80149
section. The bureau shall not include on the database the identity 80150
of any offender's or public registry-qualified juvenile offender 80151
registrant's victim, any offender's or public registry-qualified 80152
juvenile offender registrant's social security number, the name of 80153
any school or institution of higher education attended by any 80154
offender or public registry-qualified juvenile offender 80155
registrant, the name of the place of employment of any offender or 80156
public registry-qualified juvenile offender registrant, any 80157
tracking or identification number described in division (A)(1)(f) 80158
of this section, or any information described in division (C)(7) 80159
of section 2950.04 or 2950.041 of the Revised Code. The bureau 80160
shall provide on the database, for each offender and each public 80161
registry-qualified juvenile offender registrant, at least the 80162
information specified in divisions (A)(11)(a) to (h) of this 80163
section. Otherwise, the bureau shall determine the information to 80164
be provided on the database for each offender and public 80165
registry-qualified juvenile offender registrant and shall obtain 80166

that information from the information contained in the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section, which information, while in the possession of the sheriff who provided it, is a public record open for inspection as described in section 2950.081 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender or public registry-qualified juvenile offender registrant name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders and public registry-qualified juvenile offender registrants who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff. The bureau shall provide on the database, for each offender and public registry-qualified juvenile offender registrant, at least the following information:

(a) The information described in divisions (A)(1)(a), (b), (c), and (d) of this section relative to the offender or public registry-qualified juvenile offender registrant;

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form;

(c) The information described in division (C)(6) of section 2950.04 or 2950.041 of the Revised Code;

(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex

offender/child-victim offender;	80199
(e) Fingerprints and palmprints of the offender or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant;	80200 80201 80202 80203
(f) The information set forth in division (B) of section 2950.11 of the Revised Code;	80204 80205
(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant;	80206 80207
(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter.	80208 80209 80210
(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records under that division, that are not prohibited from inclusion by division (B) of that section, and that pertain to offenders and public registry-qualified juvenile offender registrants who register in the sheriff's county pursuant to section 2950.04 or 2950.041 of the Revised Code and for the public dissemination of information the sheriff receives pursuant to section 2950.14 of the Revised Code and, upon the request of any sheriff, provide technical guidance to the requesting sheriff in establishing on the internet such a database;	80211 80212 80213 80214 80215 80216 80217 80218 80219 80220 80221 80222 80223
(13) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information	80224 80225 80226 80227 80228 80229

and materials the bureau receives pursuant to sections 2950.04, 80230
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 80231
database shall enable local law enforcement representatives to 80232
obtain detailed information regarding each offender and delinquent 80233
child who is included in the registry, including, but not limited 80234
to the offender's or delinquent child's name, aliases, residence 80235
address, name and address of any place of employment, school, 80236
institution of higher education, if applicable, license plate 80237
number of each vehicle identified in division (C)(5) of section 80238
2950.04 or 2950.041 of the Revised Code to the extent applicable, 80239
victim preference if available, date of most recent release from 80240
confinement if applicable, fingerprints, and palmprints, all of 80241
the information and material described in divisions (A)(1)(a) to 80242
(h) of this section regarding the offender or delinquent child, 80243
and other identification parameters the bureau considers 80244
appropriate. The database is not a public record open for 80245
inspection under section 149.43 of the Revised Code and shall be 80246
available only to law enforcement representatives as described in 80247
this division. Information obtained by local law enforcement 80248
representatives through use of this database is not open to 80249
inspection by the public or by any person other than a person 80250
identified in division (A) of section 2950.08 of the Revised Code. 80251

(14) Through the bureau of criminal identification and 80252
investigation, maintain a list of requests for notice about a 80253
specified offender or delinquent child or specified geographical 80254
notification area made pursuant to division (J) of section 2950.11 80255
of the Revised Code and, when an offender or delinquent child 80256
changes residence to another county, forward any requests for 80257
information about that specific offender or delinquent child to 80258
the appropriate sheriff; 80259

(15) Through the bureau of criminal identification and 80260
investigation, establish and operate a system for the immediate 80261

notification by electronic means of the appropriate officials in 80262
other states specified in this division each time an offender or 80263
delinquent child registers a residence, school, institution of 80264
higher education, or place of employment address under section 80265
2950.04 or 2950.041 of the Revised Code or provides a notice of a 80266
change of address or registers a new address under division (A) or 80267
(B) of section 2950.05 of the Revised Code. The immediate 80268
notification by electronic means shall be provided to the 80269
appropriate officials in each state in which the offender or 80270
delinquent child is required to register a residence, school, 80271
institution of higher education, or place of employment address. 80272
The notification shall contain the offender's or delinquent 80273
child's name and all of the information the bureau receives from 80274
the sheriff with whom the offender or delinquent child registered 80275
the address or provided the notice of change of address or 80276
registered the new address. 80277

(B) The attorney general in consultation with local law 80278
enforcement representatives, may adopt rules that establish one or 80279
more categories of neighbors of an offender or delinquent child 80280
who, in addition to the occupants of residential premises and 80281
other persons specified in division (A)(1) of section 2950.11 of 80282
the Revised Code, must be given the notice described in division 80283
(B) of that section. 80284

(C) No person, other than a local law enforcement 80285
representative, shall knowingly do any of the following: 80286

(1) Gain or attempt to gain access to the database 80287
established and operated by the attorney general, through the 80288
bureau of criminal identification and investigation, pursuant to 80289
division (A)(13) of this section. 80290

(2) Permit any person to inspect any information obtained 80291
through use of the database described in division (C)(1) of this 80292
section, other than as permitted under that division. 80293

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

Sec. 3101.041. In determining whether to file the consent under section 3101.04 of the Revised Code, the juvenile court shall do all of the following:

(A) Consult with any of the following for each party to the intended marriage who is seventeen years of age:

(1) A parent;

(2) A surviving parent;

(3) A parent who is designated the residential parent and legal custodian by a court of competent jurisdiction;

(4) A guardian;

(5) Either of the following who has been awarded permanent custody by a court exercising juvenile jurisdiction:

(a) An adult person;

(b) The department of ~~job children~~ and ~~family services youth~~ or any child welfare organization certified by the department.

(B) Appoint an attorney as guardian ad litem for each party to the intended marriage who is seventeen years of age;

(C) Determine all of the following:

(1) Each party to the intended marriage who is seventeen years of age has entered the armed services of the United States, has become employed and self-subsisting, or has otherwise become independent from the care and control of the party's parent, guardian, or custodian.

(2) For each party to the intended marriage who is seventeen 80323
years of age, the decision of that party to marry is free from 80324
force or coercion. 80325

(3) The intended marriage and the emancipation under section 80326
3101.042 of the Revised Code is in the best interests of each 80327
party to the intended marriage who is seventeen years of age. 80328

Sec. 3107.012. (A) A foster caregiver may use the application 80329
prescribed under division (B) of this section to obtain the 80330
services of an agency to arrange an adoption for the foster 80331
caregiver if the foster caregiver seeks to adopt the foster 80332
caregiver's foster child who has resided in the foster caregiver's 80333
home for at least six months prior to the date the foster 80334
caregiver submits the application to the agency. 80335

(B) The department of ~~job children and family services~~ youth 80336
shall prescribe an application for a foster caregiver to use under 80337
division (A) of this section. The application shall not require 80338
that the foster caregiver provide any information the foster 80339
caregiver already provided the department, or undergo an 80340
inspection the foster caregiver already underwent, to obtain a 80341
foster home certificate under section 5103.03 of the Revised Code. 80342

(C) An agency that receives an application prescribed under 80343
division (B) of this section from a foster caregiver authorized to 80344
use the application shall not require, as a condition of the 80345
agency accepting or approving the application, that the foster 80346
caregiver undergo a criminal records check under section 2151.86 80347
of the Revised Code as a prospective adoptive parent. The agency 80348
shall inform the foster caregiver, in accordance with division (G) 80349
of section 2151.86 of the Revised Code, that the foster caregiver 80350
must undergo the criminal records check before a court may issue a 80351
final decree of adoption or interlocutory order of adoption under 80352
section 3107.14 of the Revised Code. 80353

Sec. 3107.013. An agency arranging an adoption pursuant to an application submitted to the agency under section 3107.012 of the Revised Code for a foster caregiver seeking to adopt the foster caregiver's foster child shall provide the foster caregiver information about adoption, including information about state adoption law, adoption assistance available pursuant to section 5153.163 of the Revised Code and Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, the types of behavior that the prospective adoptive parents may anticipate from children who have experienced abuse and neglect, suggested interventions and the assistance available if the child exhibits those types of behavior after adoption, and other adoption issues the department of ~~job~~ children and ~~family services~~ youth identifies. The agency shall provide the information to the foster caregiver in accordance with rules the department of ~~job~~ children and ~~family services~~ youth shall adopt in accordance with Chapter 119. of the Revised Code.

Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code:

(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;	80384 80385
(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.	80386 80387 80388 80389 80390 80391 80392 80393 80394 80395 80396 80397 80398 80399
(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code;	80400 80401 80402
(e) A former employee of a public children services agency who, while so employed, conducted the duties of an assessor or the duties of a PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;	80403 80404 80405 80406
(f) An employee of a court or public children services agency who is employed to conduct the duties of an assessor;	80407 80408
(g) A PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;	80409 80410
(h) An individual who holds at least a bachelor's degree in any of the following human services fields and has at least one year of experience working with families and children:	80411 80412 80413
(i) Social work;	80414

(ii) Sociology;	80415
(iii) Psychology;	80416
(iv) Guidance and counseling;	80417
(v) Education;	80418
(vi) Religious education;	80419
(vii) Business administration;	80420
(viii) Criminal justice;	80421
(ix) Public administration;	80422
(x) Child care administration;	80423
(xi) Nursing;	80424
(xii) Family studies;	80425
(xiii) Any other human services field related to working with children and families.	80426 80427
(3) The individual must complete training in accordance with rules adopted under section 3107.015 of the Revised Code.	80428 80429
(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with division (A)(3) of this section regardless of whether the individual meets the requirement of division (A)(2) of this section.	80430 80431 80432 80433 80434 80435 80436 80437 80438
(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or	80439 80440 80441 80442 80443

supplement the assessor's duties may be obtained. More than one 80444
assessor may be utilized for an adoption. 80445

(D) ~~Not later than January 1, 2008, the~~ The department of ~~job~~ 80446
~~children and family services youth~~ shall ~~develop and~~ maintain an 80447
assessor registry. The registry shall list all individuals who are 80448
employed, appointed by, or under contract with a court, public 80449
children services agency, private child placing agency, or private 80450
noncustodial agency and meet the requirements of an assessor as 80451
described in this section. A public children services agency, 80452
private child placing agency, private noncustodial agency, court, 80453
or any other person may contact the department to determine if an 80454
individual is listed in the assessor registry. An individual 80455
listed in the assessor registry shall immediately inform the 80456
department when that individual is no longer employed, appointed 80457
by, or under contract with a court, public children services 80458
agency, private child placing agency, or private noncustodial 80459
agency to perform the duties of an assessor as described in this 80460
section. The director of ~~job~~ children and family services youth 80461
shall adopt rules in accordance with Chapter 119. of the Revised 80462
Code necessary for the implementation, contents, and maintenance 80463
of the registry, and any sanctions related to the provision of 80464
information, or the failure to provide information, that is needed 80465
for the proper operation of the assessor registry. 80466

Sec. 3107.015. The director of ~~job~~ children and family 80467
~~services youth~~ shall adopt rules in accordance with Chapter 119. 80468
of the Revised Code governing the training an individual must 80469
complete for the purpose of division (A)(3) of section 3107.014 of 80470
the Revised Code. The training shall include courses on adoption 80471
placement practice, federal and state adoption assistance 80472
programs, and post adoption support services. 80473

Sec. 3107.016. The department of ~~job~~ children and family 80474

~~services youth~~ shall develop a schedule of training that meets the requirements established in rules adopted pursuant to section 3107.015 of the Revised Code. The schedule shall include enough training to provide all agencies equal access to the training. The department shall distribute the schedule to all agencies.

Sec. 3107.017. The department of ~~job~~ children and ~~family services youth~~ shall develop a standardized form for the disclosure of information about a prospective adoptive child to prospective adoptive parents. The information disclosed shall include all background information available on the child. The department shall distribute the form to all agencies.

Sec. 3107.018. (A) A prospective adoptive parent may apply to the department of ~~job~~ children and ~~family services youth~~ for a loan from the state adoption assistance loan fund created under section 5101.143 of the Revised Code. Subject to available funds, the department may approve a state adoption assistance loan application, in whole or in part, or deny the application. In reviewing a loan application submitted to the department, the department shall consider the financial need of the prospective adoptive parent in determining whether to approve a loan application, in whole or in part, or deny the application. If the department approves a loan application, in whole or in part, and the child being adopted resides in Ohio, the department shall loan a prospective adoptive parent not more than three thousand dollars from the state adoption assistance loan fund. If the department approves a loan application, in whole or in part, and the child being adopted does not reside in Ohio, the department shall loan a prospective adoptive parent not more than two thousand dollars from the state adoption assistance loan fund.

(B) A prospective adoptive parent who receives a loan under division (A) of this section shall use that loan for only a

disbursement listed under division (C) of section 3107.055 of the Revised Code or an expense related to adopting from the public child welfare system.

(C) This section applies to adoptions arranged by an attorney or by any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

Sec. 3107.031. Except as otherwise provided in this section, an assessor shall conduct a home study for the purpose of ascertaining whether a person seeking to adopt a minor is suitable to adopt. A written report of the home study shall be filed with the court at least ten days before the petition for adoption is heard.

A person seeking to adopt a minor who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to this section is guilty of the offense of falsification under section 2921.13 of the Revised Code, and such a home study shall not be filed with the court. If such a home study is filed with the court, the court may strike the home study from the court's records.

The report shall contain the opinion of the assessor as to whether the person who is the subject of the report is suitable to adopt a minor, any multiple children assessment required under section 3107.032 of the Revised Code, and other information and documents specified in rules adopted by the director of ~~job~~ children and family services youth under section 3107.033 of the Revised Code. The assessor shall not consider the person's age when determining whether the person is suitable to adopt if the person is old enough to adopt as provided by section 3107.03 of the Revised Code.

An assessor may request departments or agencies within or

outside this state to assist in the home study as may be 80537
appropriate and to make a written report to be included with and 80538
attached to the report to the court. The assessor shall make 80539
similar home studies and reports on behalf of other assessors 80540
designated by the courts of this state or another place. 80541

Upon order of the court, the costs of the home study and 80542
other proceedings shall be paid by the person seeking to adopt, 80543
and, if the home study is conducted by a public agency or public 80544
employee, the part of the cost representing any services and 80545
expenses shall be taxed as costs and paid into the state treasury 80546
or county treasury, as the court may direct. 80547

On request, the assessor shall provide the person seeking to 80548
adopt a copy of the report of the home study. The assessor shall 80549
delete from that copy any provisions concerning the opinion of 80550
other persons, excluding the assessor, of the person's suitability 80551
to adopt a minor. 80552

This section does not apply to a foster caregiver seeking to 80553
adopt the foster caregiver's foster child if the foster child has 80554
resided in the foster caregiver's home for at least six months 80555
prior to the date the foster caregiver submits an application 80556
prescribed under division (B) of section 3107.012 of the Revised 80557
Code to the agency arranging the adoption. 80558

Sec. 3107.032. (A) Except as provided in division (C) of this 80559
section, each time a person seeking to adopt a minor or foster 80560
child will have at least five children residing in the prospective 80561
adoptive home after the minor or foster child to be adopted is 80562
placed in the home, an assessor, on behalf of an agency or 80563
attorney arranging an adoption pursuant to sections 3107.011 or 80564
3107.012 of the Revised Code, shall complete a multiple children 80565
assessment during the home study. The multiple children assessment 80566
shall evaluate the ability of the person seeking to adopt in 80567

meeting the needs of the minor or foster child to be adopted and 80568
continuing to meet the needs of the children residing in the home. 80569
The assessor shall include the multiple children assessment in the 80570
written report of the home study filed pursuant to section 80571
3107.031 of the Revised Code. 80572

(B) The director of ~~job children~~ and ~~family services youth~~ 80573
shall adopt rules in accordance with Chapter 119. of the Revised 80574
Code necessary for an assessor to complete a multiple children 80575
assessment. 80576

(C) This section does not apply to an adoption by a 80577
stepparent whose spouse is a biological or adoptive parent of the 80578
minor to be adopted. 80579

Sec. 3107.033. ~~Not later than June 1, 2009, the~~ The director 80580
of ~~job children~~ and ~~family services youth~~ shall adopt rules in 80581
accordance with Chapter 119. of the Revised Code specifying both 80582
of the following: 80583

(A) The manner in which a home study is to be conducted and 80584
the information and documents to be included in a home study 80585
report, which shall include, pursuant to section 3107.034 of the 80586
Revised Code, a summary report of a search of the uniform 80587
statewide automated child welfare information system established 80588
in section 5101.13 of the Revised Code and a report of a check of 80589
a central registry of another state if a request for a check of a 80590
central registry of another state is required under division (A) 80591
of section 3107.034 of the Revised Code. The director shall ensure 80592
that rules adopted under this section align the home study 80593
content, time period, and process with any foster care home study 80594
content, time period, and process required by rules adopted under 80595
section 5103.03 of the Revised Code. 80596

(B) A procedure under which a person whose application for 80597

adoption has been denied as a result of a search of the uniform 80598
statewide automated child welfare information system established 80599
in section 5101.13 of the Revised Code as part of the home study 80600
may appeal the denial to the agency that employed the assessor who 80601
filed the report. 80602

Sec. 3107.034. (A) Whenever a prospective adoptive parent or 80603
a person eighteen years of age or older who resides with a 80604
prospective adoptive parent has resided in another state within 80605
the five-year period immediately prior to the date on which a 80606
criminal records check is requested for the person under division 80607
(A) of section 2151.86 of the Revised Code, the administrative 80608
director of an agency, or attorney, who arranges the adoption for 80609
the prospective adoptive parent shall request a check of the 80610
central registry of abuse and neglect of this state from the 80611
department of ~~job children~~ and ~~family services youth~~ regarding the 80612
prospective adoptive parent or the person eighteen years of age or 80613
older who resides with the prospective adoptive parent to enable 80614
the agency or attorney to check any child abuse and neglect 80615
registry maintained by that other state. The administrative 80616
director or attorney shall make the request and shall review the 80617
results of the check before a final decree of adoption or an 80618
interlocutory order of adoption making the person an adoptive 80619
parent may be made. Information received pursuant to the request 80620
shall be considered for purposes of this chapter as if it were a 80621
summary report required under section 3107.033 of the Revised 80622
Code. The department of ~~job children~~ and ~~family services youth~~ 80623
shall comply with any request to check the central registry that 80624
is similar to the request described in this division and that is 80625
received from any other state. 80626

(B) The summary report of a search of the uniform statewide 80627
automated child welfare information system established in section 80628
5101.13 of the Revised Code that is required under section 80629

3107.033 of the Revised Code shall contain, if applicable, a
chronological list of abuse and neglect determinations or
allegations of which the person seeking to adopt is subject and in
regards to which a public children services agency has done one of
the following:

(1) Determined that abuse or neglect occurred;

(2) Initiated an investigation, and the investigation is
ongoing;

(3) Initiated an investigation and the agency was unable to
determine whether abuse or neglect occurred.

(C) The summary report required under section 3107.033 of the
Revised Code shall not contain any of the following:

(1) An abuse and neglect determination of which the person
seeking to adopt is subject and in regards to which a public
children services agency determined that abuse or neglect did not
occur;

(2) Information or reports the dissemination of which is
prohibited by, or interferes with eligibility under, the "Child
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C.
5101 et seq., as amended;

(3) The name of the person who or entity that made, or
participated in the making of, the report of abuse or neglect.

(D)(1) An application for adoption may be denied based on a
summary report containing the information described under division
(B)(1) of this section, when considered within the totality of the
circumstances. An application that is denied may be appealed using
the procedure adopted pursuant to division (B) of section 3107.033
of the Revised Code.

(2) An application for adoption shall not be denied solely
based on a summary report containing the information described

under division (B)(2) or (3) of this section. 80660

Sec. 3107.035. (A) At the time of the initial home study, and 80661
every two years thereafter, if the home study is updated, and 80662
until it becomes part of a final decree of adoption or an 80663
interlocutory order of adoption, the agency or attorney that 80664
arranges an adoption for the prospective adoptive parent shall 80665
conduct a search of the United States department of justice 80666
national sex offender public web site regarding the prospective 80667
adoptive parent and all persons eighteen years of age or older who 80668
reside with the prospective adoptive parent. 80669

(B) A petition for adoption may be denied based solely on the 80670
results of the search of the national sex offender public web 80671
site. 80672

(C) The director of ~~job children and family services~~ youth 80673
shall adopt rules in accordance with Chapter 119. of the Revised 80674
Code necessary for the implementation and execution of this 80675
section. 80676

Sec. 3107.051. (A) Except as provided in division (B) of this 80677
section, a person seeking to adopt a minor, or the agency or 80678
attorney arranging the adoption, shall submit a petition for the 80679
minor's adoption no later than ninety days after the date the 80680
minor is placed in the person's home. Failure to file a petition 80681
within the time provided by this division does not affect a 80682
court's jurisdiction to hear the petition and is not grounds for 80683
denying the petition. 80684

(B) This section does not apply if any of the following 80685
apply: 80686

(1) The person seeking to adopt the minor is the minor's 80687
stepparent; 80688

(2) The minor was not originally placed in the person's home 80689

with the purpose of the person adopting the minor; 80690

(3) The minor is a "child with special needs," as defined by 80691
the director of ~~job~~ children and ~~family services~~ youth in 80692
accordance with section 5153.163 of the Revised Code. 80693

Sec. 3107.081. (A) Except as provided in divisions (B), (E), 80694
and (F) of this section, a parent of a minor, who will be, if 80695
adopted, an adopted person as defined in section 3107.45 of the 80696
Revised Code, shall do all of the following as a condition of a 80697
court accepting the parent's consent to the minor's adoption: 80698

(1) Appear personally before the court; 80699

(2) Sign the component of the form prescribed under division 80700
(A)(1)(a) of section 3107.083 of the Revised Code; 80701

(3) Check either the "yes" or "no" space provided on the 80702
component of the form prescribed under division (A)(1)(b) of 80703
section 3107.083 of the Revised Code and sign that component; 80704

(4) If the parent is the mother, complete and sign the 80705
component of the form prescribed under division (A)(1)(c) of 80706
section 3107.083 of the Revised Code. 80707

At the time the parent signs the components of the form 80708
prescribed under divisions (A)(1)(a), (b), and (c) of section 80709
3107.083 of the Revised Code, the parent may sign, if the parent 80710
chooses to do so, the components of the form prescribed under 80711
divisions (A)(1)(d), (e), and (f) of that section. After the 80712
parent signs the components required to be signed and any 80713
discretionary components the parent chooses to sign, the parent, 80714
or the attorney arranging the adoption, shall file the form and 80715
parent's consent with the court. The court or attorney shall give 80716
the parent a copy of the form and consent. The court and attorney 80717
shall keep a copy of the form and consent in the court and 80718
attorney's records of the adoption. 80719

The court shall question the parent to determine that the parent understands the adoption process, the ramifications of consenting to the adoption, each component of the form prescribed under division (A)(1) of section 3107.083 of the Revised Code, and that the minor and adoptive parent may receive identifying information about the parent in accordance with section 3107.47 of the Revised Code unless the parent checks the "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code or has a denial of release form filed with the department of health under section 3107.46 of the Revised Code. The court also shall question the parent to determine that the parent's consent to the adoption and any decisions the parent makes in filling out the form prescribed under division (A)(1) of section 3107.083 of the Revised Code are made voluntarily.

(B) The parents of a minor, who is less than six months of age and will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code, may consent to the minor's adoption without personally appearing before a court if both parents do all of the following:

(1) Execute a notarized statement of consent to the minor's adoption before the attorney arranging the adoption;

(2) Sign the component of the form prescribed under division (A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code and sign that component.

At the time the parents sign the components of the form prescribed under divisions (A)(1)(a) and (b) of section 3107.083 of the Revised Code, the mother shall complete and sign the component of the form prescribed under division (A)(1)(c) of that

section and the attorney arranging the adoption shall provide the 80751
parents the opportunity to sign, if they choose to do so, the 80752
components of the form prescribed under divisions (A)(1)(d), (e), 80753
and (f) of that section. At the time the petition to adopt the 80754
minor is submitted to the court, the attorney shall file the 80755
parents' consents and forms with the court. The attorney shall 80756
give the parents a copy of the consents and forms. At the time the 80757
attorney files the consents and forms with the court, the attorney 80758
also shall file with the court all other documents the director of 80759
~~job children~~ and ~~family services~~ youth requires by rules adopted 80760
under division (D) of section 3107.083 of the Revised Code to be 80761
filed with the court. The court and attorney shall keep a copy of 80762
the consents, forms, and documents in the court and attorney's 80763
records of the adoption. 80764

(C) Except as provided in divisions (D), (E), and (F) of this 80765
section, a parent of a minor, who will be, if adopted, an adopted 80766
person as defined in section 3107.38 of the Revised Code, shall do 80767
all of the following as a condition of a court accepting the 80768
parent's consent to the minor's adoption: 80769

(1) Appear personally before the court; 80770

(2) Sign the component of the form prescribed under division 80771
(B)(1)(a) of section 3107.083 of the Revised Code; 80772

(3) If the parent is the mother, complete and sign the 80773
component of the form prescribed under division (B)(1)(b) of 80774
section 3107.083 of the Revised Code. 80775

At the time the parent signs the components prescribed under 80776
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 80777
Code, the parent may sign, if the parent chooses to do so, the 80778
components of the form prescribed under divisions (B)(1)(c), (d), 80779
and (e) of that section. After the parent signs the components 80780
required to be signed and any discretionary components the parent 80781

chooses to sign, the parent, or the attorney arranging the 80782
adoption, shall file the form and parent's consent with the court. 80783
The court or attorney shall give the parent a copy of the form and 80784
consent. The court and attorney shall keep a copy of the form and 80785
consent in the court and attorney's records of the adoption. 80786

The court shall question the parent to determine that the 80787
parent understands the adoption process, the ramifications of 80788
consenting to the adoption, and each component of the form 80789
prescribed under division (B)(1) of section 3107.083 of the 80790
Revised Code. The court also shall question the parent to 80791
determine that the parent's consent to the adoption and any 80792
decisions the parent makes in filling out the form are made 80793
voluntarily. 80794

(D) The parent of a minor who is less than six months of age 80795
and will be, if adopted, an adopted person as defined in section 80796
3107.38 of the Revised Code may consent to the minor's adoption 80797
without personally appearing before a court if the parent does all 80798
of the following: 80799

(1) Executes a notarized statement of consent to the minor's 80800
adoption before the attorney arranging the adoption; 80801

(2) Signs the component of the form prescribed under division 80802
(B)(1)(a) of section 3107.083 of the Revised Code; 80803

(3) If the parent is the mother, completes and signs the 80804
component of the form prescribed under division (B)(1)(b) of 80805
section 3107.083 of the Revised Code. 80806

At the time the parent signs the components of the form 80807
prescribed under divisions (B)(1)(a) and (b) of section 3107.083 80808
of the Revised Code, the attorney arranging the adoption shall 80809
provide the parent the opportunity to sign, if the parent chooses 80810
to do so, the components of the form prescribed under divisions 80811
(B)(1)(c), (d), and (e) of that section. At the time the petition 80812

to adopt the minor is submitted to the court, the attorney shall 80813
file the parent's consent and form with the court. The attorney 80814
shall give the parent a copy of the consent and form. At the time 80815
the attorney files the consent and form with the court, the 80816
attorney also shall file with the court all other documents the 80817
director of ~~job~~ children and ~~family services~~ youth requires by 80818
rules adopted under division (D) of section 3107.083 of the 80819
Revised Code to be filed with the court. The court and attorney 80820
shall keep a copy of the consent, form, and documents in the court 80821
and attorney's records of the adoption. 80822

(E) If a minor is to be adopted by a stepparent, the parent 80823
who is not married to the stepparent may consent to the minor's 80824
adoption without appearing personally before a court if the parent 80825
executes consent in the presence of a person authorized to take 80826
acknowledgments. The attorney arranging the adoption shall file 80827
the consent with the court and give the parent a copy of the 80828
consent. The court and attorney shall keep a copy of the consent 80829
in the court and attorney's records of the adoption. 80830

(F) If a parent of a minor to be adopted resides in another 80831
state, the parent may consent to the minor's adoption without 80832
appearing personally before a court if the parent executes consent 80833
in the presence of a person authorized to take acknowledgments. 80834
The attorney arranging the adoption shall file the consent with 80835
the court and give the parent a copy of the consent. The court and 80836
attorney shall keep a copy of the consent in the court and 80837
attorney's records of the adoption. 80838

Sec. 3107.083. The director of ~~job~~ children and ~~family~~ 80839
~~services~~ youth shall do all of the following: 80840

(A)(1) For a parent of a child who, if adopted, will be an 80841
adopted person as defined in section 3107.45 of the Revised Code, 80842
prescribe a form that has the following six components: 80843

(a) A component the parent signs under section 3107.071, 80844
3107.081, or 5103.151 of the Revised Code to indicate the 80845
requirements of section 3107.082 or 5103.152 of the Revised Code 80846
have been met. The component shall be as follows: 80847

"Statement Concerning Ohio Law and Adoption Materials 80848

By signing this component of this form, I acknowledge that it 80849
has been explained to me, and I understand, that, if I check the 80850
space on the next component of this form that indicates that I 80851
authorize the release, the adoption file maintained by the Ohio 80852
Department of Health, which contains identifying information about 80853
me at the time of my child's birth, will be released, on request, 80854
to the adoptive parent when the adoptee is at least age eighteen 80855
but younger than age twenty-one and to the adoptee when he or she 80856
is age twenty-one or older. It has also been explained to me, and 80857
I understand, that I may prohibit the release of identifying 80858
information about me contained in the adoption file by checking 80859
the space on the next component of this form that indicates that I 80860
do not authorize the release of the identifying information. It 80861
has additionally been explained to me, and I understand, that I 80862
may change my mind regarding the decision I make on the next 80863
component of this form at any time and as many times as I desire 80864
by signing, dating, and having filed with the Ohio Department of 80865
Health a denial of release form or authorization of release form 80866
prescribed and provided by the Department of Health and providing 80867
the Department two items of identification. 80868

By signing this component of this form, I also acknowledge 80869
that I have been provided a copy of written materials about 80870
adoption prepared by the Ohio Department of ~~Job~~ Children and 80871
~~Family Services~~ Youth, the adoption process and ramifications of 80872
consenting to adoption or entering into a voluntary permanent 80873
custody surrender agreement have been discussed with me, and I 80874
have been provided the opportunity to review the materials and ask 80875

questions about the materials and discussion.	80876
Signature of biological parent:	80877
Signature of witness:	80878
Date:	80879
(b) A component the parent signs under section 3107.071,	80880
3107.081, or 5103.151 of the Revised Code regarding the parent's	80881
decision whether to allow identifying information about the parent	80882
contained in an adoption file maintained by the department of	80883
health to be released to the parent's child and adoptive parent	80884
pursuant to section 3107.47 of the Revised Code. The component	80885
shall be as follows:	80886
"Statement Regarding Release of Identifying Information	80887
The purpose of this component of this form is to allow a	80888
biological parent to decide whether to allow the Ohio Department	80889
of Health to provide an adoptee and adoptive parent identifying	80890
information about the adoptee's biological parent contained in an	80891
adoption file maintained by the Department. Please check one of	80892
the following spaces:	80893
..... YES, I authorize the Ohio Department of Health to	80894
release identifying information about me, on	
request, to the adoptive parent when the adoptee is	
at least age eighteen but younger than age	
twenty-one and to the adoptee when he or she is age	
twenty-one or older.	
..... NO, I do not authorize the release of identifying	80895
information about me to the adoptive parent or	
adoptee.	
Signature of biological parent:	80896
Signature of witness:	80897
Date:	80898
(c) A component the parent, if the mother of the child,	80899
completes and signs under section 3107.071, 3107.081, or 5103.151	80900

of the Revised Code to indicate, to the extent of the mother's knowledge, all of the following:

(i) Whether the mother, during her pregnancy, was a recipient of the medicaid program or other public health insurance program and, if so, the dates her eligibility began and ended;

(ii) Whether the mother, during her pregnancy, was covered by private health insurance and, if so, the dates the coverage began and ended, the name of the insurance provider, the type of coverage, and the identification number of the coverage;

(iii) The name and location of the hospital, freestanding birthing center, or other place where the mother gave birth and, if different, received medical care immediately after giving birth;

(iv) The expenses of the obstetrical and neonatal care;

(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement, and, if so, what expenses are to be or have been paid and an estimate of the expenses;

(vi) Any other information related to expenses the department determines appropriate to be included in this component.

(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.

(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section

3107.68 of the Revised Code. 80931

(f) A component the parent may sign to authorize the agency 80932
or attorney arranging the adoption to provide to the child or 80933
adoptive parent the first name of the parent pursuant to section 80934
3107.68 of the Revised Code. 80935

(2) State at the bottom of the form that the parent is to 80936
receive a copy of the form the parent signed. 80937

(3) Provide copies of the form prescribed under this division 80938
to probate and juvenile courts, public children services agencies, 80939
private child placing agencies, private noncustodial agencies, 80940
attorneys, and persons authorized to take acknowledgments. 80941

(B)(1) For a parent of a child who, if adopted, will become 80942
an adopted person as defined in section 3107.38 of the Revised 80943
Code, prescribe a form that has the following five components: 80944

(a) A component the parent signs under section 3107.071, 80945
3107.081, or 5103.151 of the Revised Code to attest that the 80946
requirement of division (A) of section 3107.082 or division (A) of 80947
section 5103.152 of the Revised Code has been met; 80948

(b) A component the parent, if the mother of the child, 80949
completes and signs under section 3107.071, 3107.081, or 5103.151 80950
of the Revised Code to indicate, to the extent of the mother's 80951
knowledge, all of the following: 80952

(i) Whether the mother, during her pregnancy, was a recipient 80953
of the medicaid program or other public health insurance program 80954
and, if so, the dates her eligibility began and ended; 80955

(ii) Whether the mother, during her pregnancy, was covered by 80956
private health insurance and, if so, the dates the coverage began 80957
and ended, the name of the insurance provider, the type of 80958
coverage, and the identification number of the coverage; 80959

(iii) The name and location of the hospital, freestanding 80960

birthing center, or other place where the mother gave birth and, 80961
if different, received medical care immediately after giving 80962
birth; 80963

(iv) The expenses of the obstetrical and neonatal care; 80964

(v) Whether the mother has been informed that the adoptive 80965
parent or the agency or attorney arranging the adoption are to pay 80966
expenses involved in the adoption, including expenses the mother 80967
has paid and expects to receive or has received reimbursement for, 80968
and, if so, what expenses are to be or have been paid and an 80969
estimate of the expenses; 80970

(vi) Any other information related to expenses the department 80971
determines appropriate to be included in the component. 80972

(c) A component the parent may sign to authorize the agency 80973
or attorney arranging the adoption to provide to the child or 80974
adoptive parent materials, other than photographs of the parent, 80975
that the parent requests be given to the child or adoptive parent 80976
pursuant to section 3107.68 of the Revised Code. 80977

(d) A component the parent may sign to authorize the agency 80978
or attorney arranging the adoption to provide to the child or 80979
adoptive parent photographs of the parent pursuant to section 80980
3107.68 of the Revised Code. 80981

(e) A component the parent may sign to authorize the agency 80982
or attorney arranging the adoption to provide to the child or 80983
adoptive parent the first name of the parent pursuant to section 80984
3107.68 of the Revised Code. 80985

(2) State at the bottom of the form that the parent is to 80986
receive a copy of the form the parent signed. 80987

(3) Provide copies of the form prescribed under this division 80988
to probate and juvenile courts, public children services agencies, 80989
private child placing agencies, private noncustodial agencies, 80990

attorneys, and persons authorized to take acknowledgments. 80991

(C) Prepare the written materials about adoption that are 80992
required to be given to parents under division (A) of section 80993
3107.082 and division (A) of section 5103.152 of the Revised Code. 80994
The materials shall provide information about the adoption 80995
process, including ramifications of a parent consenting to a 80996
child's adoption or entering into a voluntary permanent custody 80997
surrender agreement. The materials also shall include referral 80998
information for professional counseling and adoption support 80999
organizations. The director shall provide the materials to 81000
assessors. 81001

(D) Adopt rules in accordance with Chapter 119. of the 81002
Revised Code specifying the documents that must be filed with a 81003
probate court under divisions (B) and (D) of section 3107.081 of 81004
the Revised Code and a juvenile court under divisions (C) and (E) 81005
of section 5103.151 of the Revised Code. 81006

Sec. 3107.09. (A) The department of ~~job~~ children and ~~family~~ 81007
~~services~~ youth shall prescribe and supply forms for the taking of 81008
social and medical histories of the biological parents of a minor 81009
available for adoption. 81010

(B) An assessor shall record the social and medical histories 81011
of the biological parents of a minor available for adoption, 81012
unless the minor is to be adopted by the minor's stepparent or 81013
grandparent. The assessor shall use the forms prescribed pursuant 81014
to division (A) of this section. The assessor shall not include on 81015
the forms identifying information about the biological parents or 81016
other ancestors of the minor. 81017

(C) A social history shall describe and identify the age; 81018
ethnic, racial, religious, marital, and physical characteristics; 81019
and educational, cultural, talent and hobby, and work experience 81020
background of the biological parents of the minor. A medical 81021

history shall identify major diseases, malformations, allergies, 81022
ear or eye defects, major conditions, and major health problems of 81023
the biological parents that are or may be congenital or familial. 81024
These histories may include other social and medical information 81025
relative to the biological parents and shall include social and 81026
medical information relative to the minor's other ancestors. 81027

The social and medical histories may be obtained through 81028
interviews with the biological parents or other persons and from 81029
any available records if a biological parent or any legal guardian 81030
of a biological parent consents to the release of information 81031
contained in a record. An assessor who considers it necessary may 81032
request that a biological parent undergo a medical examination. In 81033
obtaining social and medical histories of a biological parent, an 81034
assessor shall inform the biological parent, or a person other 81035
than a biological parent who provides information pursuant to this 81036
section, of the purpose and use of the histories and of the 81037
biological parent's or other person's right to correct or expand 81038
the histories at any time. 81039

(D) A biological parent, or another person who provided 81040
information in the preparation of the social and medical histories 81041
of the biological parents of a minor, may cause the histories to 81042
be corrected or expanded to include different or additional types 81043
of information. The biological parent or other person may cause 81044
the histories to be corrected or expanded at any time prior or 81045
subsequent to the adoption of the minor, including any time after 81046
the minor becomes an adult. A biological parent may cause the 81047
histories to be corrected or expanded even if the biological 81048
parent did not provide any information to the assessor at the time 81049
the histories were prepared. 81050

To cause the histories to be corrected or expanded, a 81051
biological parent or other person who provided information shall 81052
provide the information to be included or specify the information 81053

to be corrected to whichever of the following is appropriate under 81054
the circumstances: 81055

(1) Subject to divisions (D)(2) and (3) of this section, to 81056
the assessor who prepared the histories if the biological parent 81057
or other person knows the assessor; 81058

(2) Subject to division (D)(3) of this section, to the court 81059
involved in the adoption or, if that court is not known, to the 81060
department of health, if the biological parent or person does not 81061
know the assessor or finds that the assessor has ceased to perform 81062
assessments; 81063

(3) To the department of health, if the histories were 81064
originally completed by the biological parent pursuant to section 81065
3107.393 of the Revised Code or, regardless of whether the 81066
histories were originally completed pursuant to this section or 81067
section 3107.091 or 3107.393 of the Revised Code, the biological 81068
parent seeks to correct or expand the histories at the same time 81069
the biological parent completes a contact preference form pursuant 81070
to section 3107.39 of the Revised Code or a biological parent's 81071
name redaction request form pursuant to section 3107.391 of the 81072
Revised Code. 81073

An assessor who receives information from a biological parent 81074
or other person pursuant to division (D)(1) of this section shall 81075
determine whether the information is of a type that divisions (B) 81076
and (C) of this section permit to be included in the histories. If 81077
the assessor determines the information is of a permissible type, 81078
the assessor shall cause the histories to be corrected or expanded 81079
to reflect the information. If, at the time the information is 81080
received, the histories have been filed with the court as required 81081
by division (E) of this section, the court shall cooperate with 81082
the assessor in correcting or expanding the histories. 81083

If the department of health or a court receives information 81084

from a biological parent or other person pursuant to division 81085
(D)(2) of this section or the department receives information from 81086
a biological parent pursuant to division (D)(3) of this section, 81087
it shall determine whether the information is of a type that 81088
divisions (B) and (C) of this section permit to be included in the 81089
histories. If a court determines the information is of a 81090
permissible type, the court shall cause the histories to be 81091
corrected or expanded to reflect the information. If the 81092
department of health so determines, the court involved shall 81093
cooperate with the department in the correcting or expanding of 81094
the histories. 81095

An assessor or the department of health shall notify a 81096
biological parent or other person in writing if the assessor or 81097
department determines that information the biological parent or 81098
other person provided or specified for inclusion in a history is 81099
not of a type that may be included in a history. On receipt of the 81100
notice, the biological parent or other person may petition the 81101
court involved in the adoption to make a finding as to whether the 81102
information is of a type that may be included in a history. On 81103
receipt of the petition, the court shall issue its finding without 81104
holding a hearing. If the court finds that the information is of a 81105
type that may be included in a history, it shall cause the history 81106
to be corrected or expanded to reflect the information. 81107

(E) An assessor shall file the social and medical histories 81108
of the biological parents prepared pursuant to divisions (B) and 81109
(C) of this section with the court with which a petition to adopt 81110
the biological parents' child is filed. The court promptly shall 81111
provide a copy of the social and medical histories filed with it 81112
to the petitioner. In a case involving the adoption of a minor by 81113
any person other than the minor's stepparent or grandparent, a 81114
court may refuse to issue an interlocutory order or final decree 81115
of adoption if the histories of the biological parents have not 81116

been so filed, unless the assessor certifies to the court that 81117
information needed to prepare the histories is unavailable for 81118
reasons beyond the assessor's control. 81119

Sec. 3107.091. (A) As used in this section, "biological 81120
parent" means a biological parent whose offspring, as a minor, was 81121
adopted and with respect to whom a medical and social history was 81122
not prepared prior or subsequent to the adoption. 81123

(B) A biological parent may request the department of ~~job~~ 81124
children and family services youth to provide the biological 81125
parent with a copy of the social and medical history forms 81126
prescribed by the department pursuant to section 3107.09 of the 81127
Revised Code. The department, upon receipt of such a request, 81128
shall provide the forms to the biological parent, if the 81129
biological parent indicates that the forms are being requested so 81130
that the adoption records of the biological parent's offspring 81131
will include a social and medical history of the biological 81132
parent. 81133

In completing the forms, the biological parent may include 81134
information described in division (C) of section 3107.09 of the 81135
Revised Code, but shall not include identifying information. When 81136
the biological parent has completed the forms to the extent the 81137
biological parent wishes to provide information, the biological 81138
parent shall return them to the department. The department shall 81139
review the completed forms, and shall determine whether the 81140
information included by the biological parent is of a type 81141
permissible under divisions (B) and (C) of section 3107.09 of the 81142
Revised Code and, to the best of its ability, whether the 81143
information is accurate. If it determines that the forms contain 81144
accurate, permissible information, the department, after excluding 81145
from the forms any information the department deems impermissible, 81146
shall file them with the court that entered the interlocutory 81147

order or final decree of adoption in the adoption case. If the 81148
department needs assistance in determining that court, the 81149
department of health, upon request, shall assist it. 81150

The department of ~~job children~~ and ~~family services~~ youth 81151
shall notify the biological parent in writing if it excludes from 81152
the biological parent's social and medical history forms 81153
information deemed impermissible. On receipt of the notice, the 81154
biological parent may petition the court with which the forms were 81155
filed to make a finding as to whether the information is 81156
permissible. On receipt of the petition, the court shall issue its 81157
finding without holding a hearing. If the court finds the 81158
information is permissible, it shall cause the information to be 81159
included on the forms. 81160

Upon receiving social and medical history forms pursuant to 81161
this section, a court shall cause them to be filed in the records 81162
pertaining to the adoption case. 81163

Social and medical history forms completed by a biological 81164
parent pursuant to this section may be corrected or expanded by 81165
the biological parent in accordance with division (D) of section 81166
3107.09 of the Revised Code. 81167

Access to the histories shall be granted in accordance with 81168
division (D) of section 3107.17 of the Revised Code. 81169

(C) This section does not preclude a biological parent from 81170
completing a social and medical history in accordance with section 81171
3107.393 of the Revised Code instead of this section. 81172

Sec. 3107.10. (A)(1) A public children services agency 81173
arranging an adoption in a county other than the county where that 81174
public children services agency is located, private child placing 81175
agency, or private noncustodial agency, or an attorney arranging 81176
an adoption, shall notify the public children services agency in 81177

the county in which the prospective adoptive parent resides within 81178
ten days after initiation of a home study required under section 81179
3107.031 of the Revised Code. 81180

(2) After a public children services agency has received 81181
notification pursuant to division (A)(1) of this section, both the 81182
public children services agency arranging an adoption in a county 81183
other than the county where that public children services agency 81184
is located, private child placing agency, private noncustodial 81185
agency, or attorney arranging an adoption, and the public children 81186
services agency shall share relevant information regarding the 81187
prospective adoptive parent as soon as possible after initiation 81188
of the home study. 81189

(B) A public children services agency arranging an adoption 81190
in a county other than the county where that public children 81191
services agency is located, private child placing agency, or 81192
private noncustodial agency, or an attorney arranging an adoption, 81193
shall notify the public children services agency in the county in 81194
which the prospective adoptive parent resides of an impending 81195
adoptive placement not later than ten days prior to that 81196
placement. Notification shall include a description of the special 81197
needs and the age of the prospective adoptive child and the name 81198
of the prospective adoptive parent and number of children that 81199
will be residing in the prospective adoptive home when the 81200
prospective adoptive child is placed in the prospective adoptive 81201
home. 81202

(C) An agency or attorney sharing relevant information 81203
pursuant to this section is immune from liability in a civil 81204
action to recover damages for injury, death, or loss to person or 81205
property allegedly caused by any act or omission in connection 81206
with sharing relevant information unless the acts or omissions are 81207
with malicious purpose, in bad faith, or in a wanton or reckless 81208

manner. 81209

(D) The director of ~~job~~ children and ~~family services~~ youth 81210
shall adopt rules in accordance with Chapter 119. of the Revised 81211
Code necessary for the implementation and execution of this 81212
section, including, but not limited to, a definition of "relevant 81213
information" for the purposes of division (A) of this section. 81214

(E) This section does not apply to an adoption by a 81215
stepparent whose spouse is a biological or adoptive parent of the 81216
minor to be adopted. 81217

Sec. 3107.101. (A) Not later than seven days after a minor to 81218
be adopted is placed in a prospective adoptive home pursuant to 81219
section 5103.16 of the Revised Code, the assessor providing 81220
placement or post placement services in the prospective adoptive 81221
home shall begin monthly prospective adoptive home visits in that 81222
home, until the court issues a final decree of adoption. During 81223
the prospective adoptive home visits, the assessor shall evaluate 81224
the progression of the placement in the prospective adoptive home. 81225
The assessor shall include the evaluation in the prefinalization 81226
assessment required under section 3107.12 of the Revised Code. 81227

(B) During the prospective home visit required under division 81228
(A) of this section, the assessor shall make face-to-face contact 81229
with the prospective adoptive parent and the minor to be adopted. 81230
The assessor shall make contact, as prescribed by rule under 81231
division (C) of this section, with all other children or adults 81232
residing in the prospective adoptive home. 81233

(C) The director of ~~job~~ children and ~~family services~~ youth 81234
shall adopt rules in accordance with Chapter 119. of the Revised 81235
Code necessary for the implementation and execution of this 81236
section. 81237

(D) This section does not apply to an adoption by a 81238

stepparent whose spouse is a biological or adoptive parent of the 81239
minor to be adopted. 81240

Sec. 3107.12. (A) Except as provided in division (B) of this 81241
section, an assessor shall conduct a prefinalization assessment of 81242
a minor and petitioner before a court issues a final decree of 81243
adoption or finalizes an interlocutory order of adoption for the 81244
minor. On completion of the assessment, the assessor shall prepare 81245
a written report of the assessment and provide a copy of the 81246
report to the court before which the adoption petition is pending. 81247

The report of a prefinalization assessment shall include all 81248
of the following: 81249

(1) The adjustment of the minor and the petitioner to the 81250
adoptive placement; 81251

(2) The present and anticipated needs of the minor and the 81252
petitioner, as determined by a review of the minor's medical and 81253
social history, for adoption-related services, including 81254
assistance under Title IV-E of the "Social Security Act," 94 Stat. 81255
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 81256
the Revised Code and counseling, case management services, crisis 81257
services, diagnostic services, and therapeutic counseling. 81258

(3) The physical, mental, and developmental condition of the 81259
minor; 81260

(4) If known, the minor's biological family background, 81261
including identifying information about the biological or other 81262
legal parents; 81263

(5) The reasons for the minor's placement with the 81264
petitioner, the petitioner's attitude toward the proposed 81265
adoption, and the circumstances under which the minor was placed 81266
in the home of the petitioner; 81267

(6) The attitude of the minor toward the proposed adoption, 81268

if the minor's age makes this feasible; 81269

(7) If the minor is an Indian child, as defined in 25 81270
U.S.C.A. 1903(4), how the placement complies with the "Indian 81271
Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as 81272
amended; 81273

(8) If known, the minor's psychological background, including 81274
prior abuse of the child and behavioral problems of the child; 81275

(9) If applicable, the documents or forms required under 81276
sections 3107.032, 3107.10, and 3107.101 of the Revised Code. 81277

The assessor shall file the prefinalization report with the 81278
court not later than twenty days prior to the date scheduled for 81279
the final hearing on the adoption unless the court determines 81280
there is good cause for filing the report at a later date. 81281

The assessor shall provide a copy of the written report of 81282
the assessment to the petitioner with the identifying information 81283
about the biological or other legal parents redacted. 81284

(B) This section does not apply if the petitioner is the 81285
minor's stepparent, unless a court, after determining a 81286
prefinalization assessment is in the best interest of the minor, 81287
orders that an assessor conduct a prefinalization assessment. 81288

(C) The director of ~~job~~ children and ~~family services~~ youth 81289
shall adopt rules in accordance with Chapter 119. of the Revised 81290
Code defining "counseling," "case management services," "crisis 81291
services," "diagnostic services," and "therapeutic counseling" for 81292
the purpose of this section. 81293

Sec. 3107.13. (A) A final decree of adoption shall not be 81294
issued and an interlocutory order of adoption does not become 81295
final, until the person to be adopted has lived in the adoptive 81296
home for at least six months after placement by an agency, or for 81297
at least six months after the department of ~~job~~ children and 81298

~~family services youth~~ or the court has been informed of the 81299
placement of the person with the petitioner, and the department or 81300
court has had an opportunity to observe or investigate the 81301
adoptive home, or in the case of adoption by a stepparent, until 81302
at least six months after the filing of the petition, or until the 81303
child has lived in the home for at least six months. 81304

(B) In the case of a foster caregiver adopting a foster child 81305
or person adopting a child to whom the person is related, the 81306
court shall apply the amount of time the child lived in the foster 81307
caregiver's or relative's home prior to the date the foster 81308
caregiver or relative files the petition to adopt the child toward 81309
the six-month waiting period established by division (A) of this 81310
section. 81311

Sec. 3107.141. After an assessor files a home study report 81312
under section 3107.031, a social and medical history under section 81313
3107.09, or a prefinalization assessment report under section 81314
3107.12 of the Revised Code, or the department of ~~job~~ children and 81315
~~family services youth~~ or department of health files a social and 81316
medical history under section 3107.091 or 3107.393 of the Revised 81317
Code, a court may do either or both of the following if the court 81318
determines the report or history does not comply with the 81319
requirements governing the report or history or, in the case of a 81320
home study or prefinalization assessment report, does not enable 81321
the court to determine whether an adoption is in the best interest 81322
of the minor to be adopted: 81323

(A) Order the assessor or department to redo or supplement 81324
the report or history in a manner the court directs; 81325

(B) Appoint a different assessor to redo or supplement the 81326
report or history in a manner the court directs. 81327

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 81328

3107.19 of the Revised Code shall be held in closed court without 81329
the admittance of any person other than essential officers of the 81330
court, the parties, the witnesses of the parties, counsel, persons 81331
who have not previously consented to an adoption but who are 81332
required to consent, and representatives of the agencies present 81333
to perform their official duties. 81334

(B)(1) Except as provided in divisions (B)(2) and (D) of this 81335
section, sections 3107.38 and 3107.381, and sections 3107.60 to 81336
3107.68 of the Revised Code, no person or governmental entity 81337
shall knowingly reveal any information contained in a paper, book, 81338
or record pertaining to an adoption that is part of the permanent 81339
record of a court or maintained by the department of ~~job~~ children 81340
and ~~family services~~ youth, an agency, or attorney without the 81341
consent of a court. 81342

(2) An agency or attorney may examine the agency's or 81343
attorney's own papers, books, and records pertaining to an 81344
adoption without a court's consent for official administrative 81345
purposes. The department of ~~job~~ children and ~~family services~~ youth 81346
may examine its own papers, books, and records pertaining to an 81347
adoption, or such papers, books, and records of an agency, without 81348
a court's consent for official administrative, certification, and 81349
eligibility determination purposes. 81350

(C) The petition, the interlocutory order, the final decree 81351
of adoption, and other adoption proceedings shall be recorded in a 81352
book kept for such purposes and shall be separately indexed. The 81353
book shall be a part of the records of the court, and all 81354
consents, affidavits, and other papers shall be properly filed. 81355

(D) All forms that pertain to the social or medical histories 81356
of the biological parents of an adopted person and that were 81357
completed pursuant to section 3107.09, 3107.091, or 3107.393 of 81358
the Revised Code shall be filed only in the permanent record kept 81359
by the court. During the minority of the adopted person, only the 81360

adoptive parents of the person may inspect the forms. When an 81361
adopted person reaches majority, only the adopted person may 81362
inspect the forms. Under the circumstances described in this 81363
division, an adopted person or the adoptive parents are entitled 81364
to inspect the forms upon requesting the clerk of the court to 81365
produce them. 81366

(E)(1) The department of ~~job~~ children and ~~family services~~ 81367
youth shall prescribe a form that permits any person who is 81368
authorized by division (D) of this section to inspect forms that 81369
pertain to the social or medical histories of the biological 81370
parents and that were completed pursuant to section 3107.09, 81371
3107.091, or 3107.393 of the Revised Code to request notice if any 81372
correction or expansion of either such history, made pursuant to 81373
division (D) of section 3107.09 of the Revised Code, is made a 81374
part of the permanent record kept by the court. The form shall be 81375
designed to facilitate the provision of the information and 81376
statements described in division (E)(3) of this section. The 81377
department shall provide copies of the form to each court. A court 81378
shall provide a copy of the request form to each adoptive parent 81379
when a final decree of adoption is entered and shall explain to 81380
each adoptive parent at that time that an adoptive parent who 81381
completes and files the form will be notified of any correction or 81382
expansion of either the social or medical history of the 81383
biological parents of the adopted person made during the minority 81384
of the adopted person that is made a part of the permanent record 81385
kept by the court, and that, during the adopted person's minority, 81386
the adopted person may inspect the forms that pertain to those 81387
histories. Upon request, the court also shall provide a copy of 81388
the request form to any adoptive parent during the minority of the 81389
adopted person and to an adopted person who has reached the age of 81390
majority. 81391

(2) Any person who is authorized to inspect forms pursuant to 81392

division (D) of this section who wishes to be notified of 81393
corrections or expansions pursuant to division (D) of section 81394
3107.09 of the Revised Code that are made a part of the permanent 81395
record kept by the court shall file with the court, on a copy of 81396
the form prescribed by the department of ~~job~~ children and ~~family~~ 81397
~~services~~ youth pursuant to division (E)(1) of this section, a 81398
request for such notification that contains the information and 81399
statements required by division (E)(3) of this section. A request 81400
may be filed at any time if the person who files the request is 81401
authorized at that time to inspect forms that pertain to the 81402
social or medical histories. 81403

(3) A request for notification as described in division 81404
(E)(2) of this section shall contain all of the following 81405
information: 81406

(a) The adopted person's name and mailing address at that 81407
time; 81408

(b) The name of each adoptive parent, and if the adoptive 81409
person is a minor at the time of the filing of the request, the 81410
mailing address of each adoptive parent at that time; 81411

(c) The adopted person's date of birth; 81412

(d) The date of entry of the final decree of adoption; 81413

(e) A statement requesting the court to notify the person who 81414
files the request, at the address provided in the request, if any 81415
correction or expansion of either the social or medical history of 81416
the biological parents is made a part of the permanent record kept 81417
by the court; 81418

(f) A statement that the person who files the request is 81419
authorized, at the time of the filing, to inspect the forms that 81420
pertain to the social and medical histories of the biological 81421
parents; 81422

(g) The signature of the person who files the request. 81423

(4) Upon the filing of a request for notification in 81424
accordance with division (E)(2) of this section, the clerk of the 81425
court in which it is filed immediately shall insert the request in 81426
the permanent record of the case. A person who has filed the 81427
request and who wishes to update it with respect to a new mailing 81428
address may inform the court in writing of the new address. Upon 81429
its receipt, the court promptly shall insert the new address into 81430
the permanent record by attaching it to the request. Thereafter, 81431
any notification described in this division shall be sent to the 81432
new address. 81433

(5) Whenever a social or medical history of a biological 81434
parent is corrected or expanded and the correction or expansion is 81435
made a part of the permanent record kept by the court, the court 81436
shall ascertain whether a request for notification has been filed 81437
in accordance with division (E)(2) of this section. If such a 81438
request has been filed, the court shall determine whether, at that 81439
time, the person who filed the request is authorized, under 81440
division (D) of this section, to inspect the forms that pertain to 81441
the social or medical history of the biological parents. If the 81442
court determines that the person who filed the request is so 81443
authorized, it immediately shall notify the person that the social 81444
or medical history has been corrected or expanded, that it has 81445
been made a part of the permanent record kept by the court, and 81446
that the forms that pertain to the records may be inspected in 81447
accordance with division (D) of this section. 81448

Sec. 3107.39. (A) The department of ~~job~~ children and ~~family~~ 81449
~~services~~ youth shall prescribe a contact preference form for 81450
biological parents. The form shall include all of the following: 81451

(1) A component in which a biological parent is to indicate 81452
one of the following regarding a person who receives, under 81453

section 3107.38 of the Revised Code, a copy of the contents of the adoption file of the parent's offspring: 81454
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(a) That the biological parent welcomes the person to contact the parent directly; 81456
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(b) That the biological parent prefers that the person contact the parent through an intermediary who the parent specifies on the form; 81458
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(c) That the biological parent prefers that the person not contact the parent directly or through an intermediary. 81461
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(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains; 81463
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(3) The following notices: 81466

(a) If a social and medical history for the biological parent was not previously prepared or such a history was prepared but should be corrected or expanded, that the biological parent is encouraged to do the following as appropriate: 81467
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(i) Complete a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code; 81471
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(ii) Correct or expand the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code. 81473
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(b) That a biological parent's preference regarding contact as indicated on a completed contact preference form is advisory only and therefore unenforceable; 81476
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(c) That the biological parent may change the parent's indicated preference regarding contact by filing a new contact preference form with the department of health. 81479
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(4) A space in which the biological parent indicates whether one or more of the following apply: 81482
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(a) The biological parent knows that a social and medical history was prepared for the biological parent pursuant to section 3107.09 of the Revised Code; 81484
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(b) The biological parent completed a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code; 81487
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(c) The biological parent corrected or expanded the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code. 81490
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(5) A notice of both of the following: 81493

(a) That an adopted person may do either or both of the following: 81494
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(i) Inspect, pursuant to division (D) of section 3107.17 of the Revised Code, a social and medical history form of a biological parent of the adopted person maintained by the court that entered the interlocutory order or final decree of adoption regarding the adopted person; 81496
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(ii) Submit to that court, pursuant to division (E) of section 3107.17 of the Revised Code, a request for notification of a correction or expansion of a social and medical history of a biological parent of the adopted person. 81501
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(b) That an adopted person who does not know which court entered the interlocutory order or final decree of adoption regarding the adopted person may seek assistance from the department of health in accordance with section 3107.171 of the Revised Code. 81505
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(B) The department of ~~job children and family services youth~~ shall make the contact preference form prescribed under this section available to the department of health. 81510
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(C) The department of health shall make a contact preference 81513

form available to a biological parent on request. The department 81514
of health may accept a completed contact preference form from a 81515
biological parent only if the parent provides it two items of 81516
identification of the parent. If the department of health 81517
determines that it may accept a completed contact preference form, 81518
it shall accept the form. As soon as the department identifies the 81519
adoption file of the adopted person to whom the form pertains, it 81520
shall place the form in that file. If there is a previously 81521
completed contact preference form from the biological parent in 81522
the adopted person's adoption file, the department of health shall 81523
replace the parent's older form with the parent's new form. 81524

(D) Subject to division (C) of this section, a biological 81525
parent may file a completed contact preference form with the 81526
department of health to change the parent's indicated preference 81527
regarding contact as many times as the parent wishes. 81528

Sec. 3109.172. (A) As used in this section, "county 81529
prevention specialist" includes the following: 81530

(1) Members of agencies responsible for the administration of 81531
children's services in the counties within a child abuse and child 81532
neglect prevention region established in section 3109.171 of the 81533
Revised Code; 81534

(2) Providers of alcohol or drug addiction services or 81535
members of boards of alcohol, drug addiction, and mental health 81536
services that serve counties within a region; 81537

(3) Providers of mental health services or members of boards 81538
of alcohol, drug addiction, and mental health services that serve 81539
counties within a region; 81540

(4) Members of county boards of developmental disabilities 81541
that serve counties within a region; 81542

(5) Members of the educational community appointed by the 81543

superintendent of the school district with the largest enrollment 81544
in the counties within a region; 81545

(6) Juvenile justice officials serving counties within a 81546
region; 81547

(7) Pediatricians, health department nurses, and other 81548
members of the medical community in the counties within a region; 81549

(8) Counselors and social workers serving counties within a 81550
region; 81551

(9) Head start agencies serving counties within a region; 81552

(10) Child care providers serving counties within a region; 81553

(11) Other persons with demonstrated knowledge in programs 81554
for children serving counties within a region. 81555

(B) Each child abuse and child neglect prevention region 81556
shall have a child abuse and child neglect regional prevention 81557
council as appointed under divisions (C), (D), and (E) of this 81558
section. Each council shall operate in accordance with rules 81559
adopted by the department of ~~job children~~ and ~~family services~~ 81560
youth pursuant to Chapter 119. of the Revised Code. 81561

(C)(1) Each board of county commissioners within a region may 81562
appoint up to two county prevention specialists to the council 81563
representing the county, in accordance with rules adopted by the 81564
department of ~~job children~~ and ~~family services~~ youth under Chapter 81565
119. of the Revised Code. 81566

(2) The children's trust fund board may appoint additional 81567
county prevention specialists to each region's council at the 81568
board's discretion. 81569

(3) A representative of the council's regional prevention 81570
coordinator shall serve as a nonvoting member of the council. 81571

(D) Each council member appointed under division (C)(1) of 81572
this section shall be appointed for a two-year term. Each council 81573

member appointed under division (C)(2) or (3) of this section 81574
shall be appointed for a three-year term. A member may be 81575
reappointed, but for two consecutive terms only. 81576

(E) A member may be removed from the council by the member's 81577
appointing authority for misconduct, incompetence, or neglect of 81578
duty. 81579

(F) Each appointed member of a council shall serve without 81580
compensation but shall be reimbursed for all actual and necessary 81581
expenses incurred in the performance of official duties. 81582

(G) The representative of the regional prevention coordinator 81583
shall serve as chairperson of the council. 81584

(H) Each council shall meet at least quarterly. 81585

(I) Council members shall do all of the following: 81586

(1) Attend meetings of the council on which they serve; 81587

(2) Assist the regional prevention coordinator in conducting 81588
a needs assessment to ascertain the child abuse and child neglect 81589
prevention programming and services that are needed in their 81590
region; 81591

(3) Collaborate on assembling the council's regional 81592
prevention plan based on children's trust fund board guidelines 81593
pursuant to section 3109.174 of the Revised Code; 81594

(4) Assist the council's regional prevention coordinator with 81595
all of the following: 81596

(a) Implementing the regional prevention plan, including 81597
monitoring fulfillment of child abuse and child neglect prevention 81598
deliverables and achievement of prevention outcomes; 81599

(b) Coordinating county data collection; 81600

(c) Ensuring timely and accurate reporting to the children's 81601
trust fund board. 81602

(5) Any additional duties specified in accordance with rules 81603
adopted by the department pursuant to Chapter 119. of the Revised 81604
Code. 81605

(J) No council member shall participate in matters of the 81606
council pertaining to their own interests, including applications 81607
for funding by a council member or any entity, public or private, 81608
of which a council member serves as either a board member or 81609
employee. 81610

(K) Each council shall file with the children's trust fund 81611
board, not later than the due dates specified by the board, a 81612
progress report and an annual report regarding the council's child 81613
abuse and child neglect prevention programs and activities 81614
undertaken in accordance with the council's regional prevention 81615
plan. The reports shall contain all information required by the 81616
board. 81617

Sec. 3109.174. Each child abuse and child neglect regional 81618
prevention council shall submit to the children's trust fund board 81619
a regional prevention plan for funding child abuse and child 81620
neglect prevention programs and activities based on criteria set 81621
forth by the children's trust fund. 81622

The plan shall be submitted on the form and in the manner 81623
specified in rules adopted by the department of ~~job~~ children and 81624
~~family services~~ youth pursuant to Chapter 119. of the Revised 81625
Code. 81626

Sec. 3109.401. (A) The general assembly finds the following: 81627

(1) That the parent and child relationship is of fundamental 81628
importance to the welfare of a child, and that the relationship 81629
between a child and each parent should be fostered unless 81630
inconsistent with the child's best interests; 81631

(2) That parents have the responsibility to make decisions 81632

and perform other parenting functions necessary for the care and 81633
growth of their children; 81634

(3) That the courts, when allocating parenting functions and 81635
responsibilities with respect to the child in a divorce, 81636
dissolution of marriage, legal separation, annulment, or any other 81637
proceeding addressing the allocation of parental rights and 81638
responsibilities, must determine the child's best interests; 81639

(4) That the courts and parents must take into consideration 81640
the following general principles when allocating parental rights 81641
and responsibilities and developing appropriate terms for 81642
parenting plans: 81643

(a) Children are served by a parenting arrangement that best 81644
provides for a child's safety, emotional growth, health, 81645
stability, and physical care. 81646

(b) Exposure of the child to harmful parental conflict should 81647
be minimized as much as possible. 81648

(c) Whenever appropriate, parents should be encouraged to 81649
meet their responsibilities to their children through agreements 81650
rather than by relying on judicial intervention. 81651

(d) When a parenting plan provides for mutual decision-making 81652
responsibility by the parents but they are unable to make 81653
decisions mutually, they should make a good faith effort to 81654
utilize the mediation process as required by the parenting plan. 81655

(e) In apportioning between the parents the daily physical 81656
living arrangements of the child and the child's location during 81657
legal and school holidays, vacations, and days of special 81658
importance, a court should not impose any type of standard 81659
schedule unless a standard schedule meets the needs of the child 81660
better than any proposed alternative parenting plan. 81661

(B) It is, therefore, the purpose of this chapter, when it is 81662

in the child's best interest, to foster the relationship between 81663
the child and each parent when a court allocates parental rights 81664
and responsibilities with respect to the child in a divorce, 81665
dissolution, legal separation, annulment, or any other proceeding 81666
addressing the allocation of parental rights and responsibilities. 81667

~~(C) There is hereby created the task force on family law and 81668
children consisting of twenty four members. The Ohio state bar 81669
association shall appoint three members who shall be attorneys 81670
with extensive experience in the practice of family law. The Ohio 81671
association of domestic relations judges shall appoint three 81672
members who shall be domestic relations judges. The Ohio 81673
association of juvenile and family court judges shall appoint 81674
three members who shall be juvenile or family court judges. The 81675
chief justice of the supreme court shall appoint eight members, 81676
three of whom shall be persons who practice in the field of family 81677
law mediation, two of whom shall be persons who practice in the 81678
field of child psychology, one of whom shall be a person who 81679
represents parent and child advocacy organizations, one of whom 81680
shall be a person who provides parenting education services, and 81681
one of whom shall be a magistrate employed by a domestic relations 81682
or juvenile court. The speaker of the house of representatives 81683
shall appoint two members who shall be members of the house of 81684
representatives and who shall be from different political parties. 81685
The president of the senate shall appoint two members who shall be 81686
members of the senate and who shall be from different political 81687
parties. The governor shall appoint two members who shall 81688
represent child caring agencies. One member shall be the director 81689
of job and family services or the director's designee. The chief 81690
justice shall designate one member of the task force to chair the 81691
task force. 81692~~

~~The appointing authorities and persons shall make 81693
appointments to the task force on family law and children within 81694~~

~~thirty days after September 1, 1998. Sections 101.82 to 101.87 of
the Revised Code do not apply to the task force.~~ 81695
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~~(D) The task force on family law and children shall do all of
the following:~~ 81697
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~~(1) Appoint and fix the compensation of any technical,
professional, and clerical employees and perform any services that
are necessary to carry out the powers and duties of the task force
on family law and children. All employees of the task force shall
serve at the pleasure of the task force.~~ 81699
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~~(2) By July 1, 2001, submit to the speaker and minority
leader of the house of representatives and to the president and
the minority leader of the senate a report of its findings and
recommendations on how to create a more civilized and constructive
process for the parenting of children whose parents do not reside
together. The recommendations shall propose a system to do all of
the following:~~ 81704
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~~(a) Put children first;~~ 81711

~~(b) Provide families with choices before they make a decision
to obtain or finalize a divorce, dissolution, legal separation, or
annulment;~~ 81712
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~~(c) Redirect human services to intervention and prevention,
rather than supporting the casualties of the current process;~~ 81715
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~~(d) Avoid needless conflict between the participants;~~ 81717

~~(e) Encourage problem solving among the participants;~~ 81718

~~(f) Force the participants to act responsibly;~~ 81719

~~(g) Shield both the participants and their children from
lasting emotional damage.~~ 81720
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~~(3) Gather information on and study the current state of
family law in this state;~~ 81722
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~~(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts futures commission;~~ 81724
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~~(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.~~ 81728
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~~(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.~~ 81734
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Sec. 3301.079. (A)(1) The state board of education 81737
periodically shall adopt statewide academic standards with 81738
emphasis on coherence, focus, and essential knowledge and that are 81739
more challenging and demanding when compared to international 81740
standards for each of grades kindergarten through twelve in 81741
English language arts, mathematics, science, and social studies. 81742

(a) The state board shall ensure that the standards do all of 81743
the following: 81744

(i) Include the essential academic content and skills that 81745
students are expected to know and be able to do at each grade 81746
level that will allow each student to be prepared for 81747
postsecondary instruction and the workplace for success in the 81748
twenty-first century; 81749

(ii) Include the development of skill sets that promote 81750
information, media, and technological literacy; 81751

(iii) Include interdisciplinary, project-based, real-world 81752
learning opportunities; 81753

(iv) Instill life-long learning by providing essential 81754
knowledge and skills based in the liberal arts tradition, as well 81755
as science, technology, engineering, mathematics, and 81756
career-technical education; 81757

(v) Be clearly written, transparent, and understandable by 81758
parents, educators, and the general public. 81759

(b) Not later than July 1, 2012, the state board shall 81760
incorporate into the social studies standards for grades four to 81761
twelve academic content regarding the original texts of the 81762
Declaration of Independence, the Northwest Ordinance, the 81763
Constitution of the United States and its amendments, with 81764
emphasis on the Bill of Rights, and the Ohio Constitution, and 81765
their original context. The state board shall revise the model 81766
curricula and achievement assessments adopted under divisions (B) 81767
and (C) of this section as necessary to reflect the additional 81768
American history and American government content. The state board 81769
shall make available a list of suggested grade-appropriate 81770
supplemental readings that place the documents prescribed by this 81771
division in their historical context, which teachers may use as a 81772
resource to assist students in reading the documents within that 81773
context. 81774

(c) When the state board adopts or revises academic content 81775
standards in social studies, American history, American 81776
government, or science under division (A)(1) of this section, the 81777
state board shall develop such standards independently and not as 81778
part of a multistate consortium. 81779

(2) After completing the standards required by division 81780
(A)(1) of this section, the state board shall adopt standards and 81781
model curricula for instruction in technology, financial literacy 81782
and entrepreneurship, fine arts, and foreign language for grades 81783
kindergarten through twelve. The standards shall meet the same 81784
requirements prescribed in division (A)(1)(a) of this section. 81785

(3) The state board shall adopt the most recent standards 81786
developed by the national association for sport and physical 81787
education for physical education in grades kindergarten through 81788
twelve or shall adopt its own standards for physical education in 81789
those grades and revise and update them periodically. 81790

The department of education shall employ a full-time physical 81791
education coordinator to provide guidance and technical assistance 81792
to districts, community schools, and STEM schools in implementing 81793
the physical education standards adopted under this division. The 81794
superintendent of public instruction shall determine that the 81795
person employed as coordinator is qualified for the position, as 81796
demonstrated by possessing an adequate combination of education, 81797
license, and experience. 81798

(4) Not later than September 30, 2022, the state board shall 81799
update the standards and model curriculum for instruction in 81800
computer science in grades kindergarten through twelve, which 81801
shall include standards for introductory and advanced computer 81802
science courses in grades nine through twelve. When developing the 81803
standards and curriculum, the state board shall consider 81804
recommendations from computer science education stakeholder 81805
groups, including teachers and representatives from higher 81806
education, industry, computer science organizations in Ohio, and 81807
national computer science organizations. 81808

Any district or school may utilize the computer science 81809
standards or model curriculum or any part thereof adopted pursuant 81810
to division (A)(4) of this section. However, no district or school 81811
shall be required to utilize all or any part of the standards or 81812
curriculum. 81813

(5) When academic standards have been completed for any 81814
subject area required by this section, the state board shall 81815
inform all school districts, all community schools established 81816
under Chapter 3314. of the Revised Code, all STEM schools 81817

established under Chapter 3326. of the Revised Code, and all 81818
nonpublic schools required to administer the assessments 81819
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 81820
of the content of those standards. Additionally, upon completion 81821
of any academic standards under this section, the department shall 81822
post those standards on the department's web site. 81823

(B)(1) The state board shall adopt a model curriculum for 81824
instruction in each subject area for which updated academic 81825
standards are required by division (A)(1) of this section and for 81826
each of grades kindergarten through twelve that is sufficient to 81827
meet the needs of students in every community. The model 81828
curriculum shall be aligned with the standards, to ensure that the 81829
academic content and skills specified for each grade level are 81830
taught to students, and shall demonstrate vertical articulation 81831
and emphasize coherence, focus, and rigor. When any model 81832
curriculum has been completed, the state board shall inform all 81833
school districts, community schools, and STEM schools of the 81834
content of that model curriculum. 81835

(2) Not later than June 30, 2013, the state board, in 81836
consultation with any office housed in the governor's office that 81837
deals with workforce development, shall adopt model curricula for 81838
grades kindergarten through twelve that embed career connection 81839
learning strategies into regular classroom instruction. 81840

(3) All school districts, community schools, and STEM schools 81841
may utilize the state standards and the model curriculum 81842
established by the state board, together with other relevant 81843
resources, examples, or models to ensure that students have the 81844
opportunity to attain the academic standards. Upon request, the 81845
department shall provide technical assistance to any district, 81846
community school, or STEM school in implementing the model 81847
curriculum. 81848

Nothing in this section requires any school district to 81849

utilize all or any part of a model curriculum developed under this 81850
section. 81851

(C) The state board shall develop achievement assessments 81852
aligned with the academic standards and model curriculum for each 81853
of the subject areas and grade levels required by divisions (A)(1) 81854
and (B)(1) of section 3301.0710 of the Revised Code. 81855

When any achievement assessment has been completed, the state 81856
board shall inform all school districts, community schools, STEM 81857
schools, and nonpublic schools required to administer the 81858
assessment of its completion, and the department shall make the 81859
achievement assessment available to the districts and schools. 81860

(D)(1) The state board shall adopt a diagnostic assessment 81861
aligned with the academic standards and model curriculum for ~~each~~ 81862
~~of grades kindergarten through~~ one and two in reading, writing, 81863
and mathematics and for grade three in reading and writing. The 81864
diagnostic assessment shall be designed to measure student 81865
comprehension of academic content and mastery of related skills 81866
for the relevant subject area and grade level. Any diagnostic 81867
assessment shall not include components to identify gifted 81868
students. Blank copies of diagnostic assessments shall be public 81869
records. 81870

(2) When each diagnostic assessment has been completed, the 81871
state board shall inform all school districts of its completion 81872
and the department shall make the diagnostic assessment available 81873
to the districts at no cost to the district. 81874

(3) School districts shall administer the diagnostic 81875
assessment pursuant to section 3301.0715 of the Revised Code 81876
beginning the first school year following the development of the 81877
assessment. 81878

However, beginning with the 2017-2018 school year, both of 81879
the following shall apply: 81880

(a) In the case of the diagnostic assessments for grades one 81881
or two in writing or mathematics or for grade three in writing, a 81882
school district shall not be required to administer any such 81883
assessment, but may do so at the discretion of the district board; 81884

(b) In the case of any diagnostic assessment that is not for 81885
the grade levels and subject areas specified in division (D)(3)(a) 81886
of this section, each school district shall administer the 81887
assessment in the manner prescribed by section 3301.0715 of the 81888
Revised Code. 81889

(E) The state board shall not adopt a diagnostic or 81890
achievement assessment for any grade level or subject area other 81891
than those specified in this section. 81892

(F) Whenever the state board or the department consults with 81893
persons for the purpose of drafting or reviewing any standards, 81894
diagnostic assessments, achievement assessments, or model 81895
curriculum required under this section, the state board or the 81896
department shall first consult with parents of students in 81897
kindergarten through twelfth grade and with active Ohio classroom 81898
teachers, other school personnel, and administrators with 81899
expertise in the appropriate subject area. Whenever practicable, 81900
the state board and department shall consult with teachers 81901
recognized as outstanding in their fields. 81902

If the department contracts with more than one outside entity 81903
for the development of the achievement assessments required by 81904
this section, the department shall ensure the interchangeability 81905
of those assessments. 81906

(G) Whenever the state board adopts standards or model 81907
curricula under this section, the department also shall provide 81908
information on the use of blended, online, or digital learning in 81909
the delivery of the standards or curricula to students in 81910
accordance with division (A)(5) of this section. 81911

(H) The fairness sensitivity review committee, established by 81912
rule of the state board of education, shall not allow any question 81913
on any achievement or diagnostic assessment developed under this 81914
section or any proficiency test prescribed by former section 81915
3301.0710 of the Revised Code, as it existed prior to September 81916
11, 2001, to include, be written to promote, or inquire as to 81917
individual moral or social values or beliefs. The decision of the 81918
committee shall be final. This section does not create a private 81919
cause of action. 81920

(I) Not later than sixty days prior to the adoption by the 81921
state board of updated academic standards under division (A)(1) of 81922
this section or updated model curricula under division (B)(1) of 81923
this section, the superintendent of public instruction shall 81924
present the academic standards or model curricula, as applicable, 81925
in person at a public hearing of the respective committees of the 81926
house of representatives and senate that consider education 81927
legislation. 81928

(J) As used in this section: 81929

(1) "Blended learning" means the delivery of instruction in a 81930
combination of time primarily in a supervised physical location 81931
away from home and online delivery whereby the student has some 81932
element of control over time, place, path, or pace of learning and 81933
includes noncomputer-based learning opportunities. 81934

(2) "Online learning" means students work primarily from 81935
their residences on assignments delivered via an internet- or 81936
other computer-based instructional method. 81937

(3) "Coherence" means a reflection of the structure of the 81938
discipline being taught. 81939

(4) "Digital learning" means learning facilitated by 81940
technology that gives students some element of control over time, 81941
place, path, or pace of learning. 81942

(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 81943
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(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 81945
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Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include: 81951
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(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section; 81957
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 81960
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81962

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 81963
81964

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section; 81965
81966

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 81967
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 81969
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(1) Student participation and performance data, for each 81972

grade in each school district as a whole and for each grade in	81973
each school building in each school district, that includes:	81974
(a) The numbers of students receiving each category of	81975
instructional service offered by the school district, such as	81976
regular education instruction, vocational education instruction,	81977
specialized instruction programs or enrichment instruction that is	81978
part of the educational curriculum, instruction for gifted	81979
students, instruction for students with disabilities, and remedial	81980
instruction. The guidelines shall require instructional services	81981
under this division to be divided into discrete categories if an	81982
instructional service is limited to a specific subject, a specific	81983
type of student, or both, such as regular instructional services	81984
in mathematics, remedial reading instructional services,	81985
instructional services specifically for students gifted in	81986
mathematics or some other subject area, or instructional services	81987
for students with a specific type of disability. The categories of	81988
instructional services required by the guidelines under this	81989
division shall be the same as the categories of instructional	81990
services used in determining cost units pursuant to division	81991
(C)(3) of this section.	81992
(b) The numbers of students receiving support or	81993
extracurricular services for each of the support services or	81994
extracurricular programs offered by the school district, such as	81995
counseling services, health services, and extracurricular sports	81996
and fine arts programs. The categories of services required by the	81997
guidelines under this division shall be the same as the categories	81998
of services used in determining cost units pursuant to division	81999
(C)(4)(a) of this section.	82000
(c) Average student grades in each subject in grades nine	82001
through twelve;	82002
(d) Academic achievement levels as assessed under sections	82003
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	82004

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	82005 82006 82007
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	82008 82009 82010
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	82011 82012 82013 82014
(h) Expulsion rates;	82015
(i) Suspension rates;	82016
(j) Dropout rates;	82017
(k) Rates of retention in grade;	82018
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	82019 82020 82021
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	82022 82023 82024 82025 82026
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student	82027 82028 82029 82030 82031 82032 82033 82034

requests the district not to report those results. 82035

(o) Beginning on July 1, 2018, for each disciplinary action 82036
which is required to be reported under division (B)(4) of this 82037
section, districts and schools also shall include an 82038
identification of the person or persons, if any, at whom the 82039
student's violent behavior that resulted in discipline was 82040
directed. The person or persons shall be identified by the 82041
respective classification at the district or school, such as 82042
student, teacher, or nonteaching employee, but shall not be 82043
identified by name. 82044

Division (B)(1)(o) of this section does not apply after the 82045
date that is two years following the submission of the report 82046
required by Section 733.13 of H.B. 49 of the 132nd general 82047
assembly. 82048

(p) The number of students earning each state diploma seal 82049
included in the system prescribed under division (A) of section 82050
3313.6114 of the Revised Code; 82051

(q) The number of students demonstrating competency for 82052
graduation using each option described in divisions (B)(1)(a) to 82053
(d) of section 3313.618 of the Revised Code; 82054

(r) The number of students completing each foundational and 82055
supporting option as part of the demonstration of competency for 82056
graduation pursuant to division (B)(1)(b) of section 3313.618 of 82057
the Revised Code; 82058

(s) The number of students enrolled in all-day kindergarten, 82059
as defined in section 3321.05 of the Revised Code. 82060

(2) Personnel and classroom enrollment data for each school 82061
district, including: 82062

(a) The total numbers of licensed employees and nonlicensed 82063
employees and the numbers of full-time equivalent licensed 82064

employees and nonlicensed employees providing each category of 82065
instructional service, instructional support service, and 82066
administrative support service used pursuant to division (C)(3) of 82067
this section. The guidelines adopted under this section shall 82068
require these categories of data to be maintained for the school 82069
district as a whole and, wherever applicable, for each grade in 82070
the school district as a whole, for each school building as a 82071
whole, and for each grade in each school building. 82072

(b) The total number of employees and the number of full-time 82073
equivalent employees providing each category of service used 82074
pursuant to divisions (C)(4)(a) and (b) of this section, and the 82075
total numbers of licensed employees and nonlicensed employees and 82076
the numbers of full-time equivalent licensed employees and 82077
nonlicensed employees providing each category used pursuant to 82078
division (C)(4)(c) of this section. The guidelines adopted under 82079
this section shall require these categories of data to be 82080
maintained for the school district as a whole and, wherever 82081
applicable, for each grade in the school district as a whole, for 82082
each school building as a whole, and for each grade in each school 82083
building. 82084

(c) The total number of regular classroom teachers teaching 82085
classes of regular education and the average number of pupils 82086
enrolled in each such class, in each of grades kindergarten 82087
through five in the district as a whole and in each school 82088
building in the school district. 82089

(d) The number of lead teachers employed by each school 82090
district and each school building. 82091

(3)(a) Student demographic data for each school district, 82092
including information regarding the gender ratio of the school 82093
district's pupils, the racial make-up of the school district's 82094
pupils, the number of English learners in the district, and an 82095
appropriate measure of the number of the school district's pupils 82096

who reside in economically disadvantaged households. The 82097
demographic data shall be collected in a manner to allow 82098
correlation with data collected under division (B)(1) of this 82099
section. Categories for data collected pursuant to division (B)(3) 82100
of this section shall conform, where appropriate, to standard 82101
practices of agencies of the federal government. 82102

(b) With respect to each student entering kindergarten, 82103
whether the student previously participated in a public preschool 82104
program, a private preschool program, or a head start program, and 82105
the number of years the student participated in each of these 82106
programs. 82107

(4) Any data required to be collected pursuant to federal 82108
law. 82109

(C) The education management information system shall include 82110
cost accounting data for each district as a whole and for each 82111
school building in each school district. The guidelines adopted 82112
under this section shall require the cost data for each school 82113
district to be maintained in a system of mutually exclusive cost 82114
units and shall require all of the costs of each school district 82115
to be divided among the cost units. The guidelines shall require 82116
the system of mutually exclusive cost units to include at least 82117
the following: 82118

(1) Administrative costs for the school district as a whole. 82119
The guidelines shall require the cost units under this division 82120
(C)(1) to be designed so that each of them may be compiled and 82121
reported in terms of average expenditure per pupil in enrolled ADM 82122
in the school district, as determined pursuant to section 3317.03 82123
of the Revised Code. 82124

(2) Administrative costs for each school building in the 82125
school district. The guidelines shall require the cost units under 82126
this division (C)(2) to be designed so that each of them may be 82127

compiled and reported in terms of average expenditure per 82128
full-time equivalent pupil receiving instructional or support 82129
services in each building. 82130

(3) Instructional services costs for each category of 82131
instructional service provided directly to students and required 82132
by guidelines adopted pursuant to division (B)(1)(a) of this 82133
section. The guidelines shall require the cost units under 82134
division (C)(3) of this section to be designed so that each of 82135
them may be compiled and reported in terms of average expenditure 82136
per pupil receiving the service in the school district as a whole 82137
and average expenditure per pupil receiving the service in each 82138
building in the school district and in terms of a total cost for 82139
each category of service and, as a breakdown of the total cost, a 82140
cost for each of the following components: 82141

(a) The cost of each instructional services category required 82142
by guidelines adopted under division (B)(1)(a) of this section 82143
that is provided directly to students by a classroom teacher; 82144

(b) The cost of the instructional support services, such as 82145
services provided by a speech-language pathologist, classroom 82146
aide, multimedia aide, or librarian, provided directly to students 82147
in conjunction with each instructional services category; 82148

(c) The cost of the administrative support services related 82149
to each instructional services category, such as the cost of 82150
personnel that develop the curriculum for the instructional 82151
services category and the cost of personnel supervising or 82152
coordinating the delivery of the instructional services category. 82153

(4) Support or extracurricular services costs for each 82154
category of service directly provided to students and required by 82155
guidelines adopted pursuant to division (B)(1)(b) of this section. 82156
The guidelines shall require the cost units under division (C)(4) 82157
of this section to be designed so that each of them may be 82158

compiled and reported in terms of average expenditure per pupil 82159
receiving the service in the school district as a whole and 82160
average expenditure per pupil receiving the service in each 82161
building in the school district and in terms of a total cost for 82162
each category of service and, as a breakdown of the total cost, a 82163
cost for each of the following components: 82164

(a) The cost of each support or extracurricular services 82165
category required by guidelines adopted under division (B)(1)(b) 82166
of this section that is provided directly to students by a 82167
licensed employee, such as services provided by a guidance 82168
counselor or any services provided by a licensed employee under a 82169
supplemental contract; 82170

(b) The cost of each such services category provided directly 82171
to students by a nonlicensed employee, such as janitorial 82172
services, cafeteria services, or services of a sports trainer; 82173

(c) The cost of the administrative services related to each 82174
services category in division (C)(4)(a) or (b) of this section, 82175
such as the cost of any licensed or nonlicensed employees that 82176
develop, supervise, coordinate, or otherwise are involved in 82177
administering or aiding the delivery of each services category. 82178

(D)(1) The guidelines adopted under this section shall 82179
require school districts to collect information about individual 82180
students, staff members, or both in connection with any data 82181
required by division (B) or (C) of this section or other reporting 82182
requirements established in the Revised Code. The guidelines may 82183
also require school districts to report information about 82184
individual staff members in connection with any data required by 82185
division (B) or (C) of this section or other reporting 82186
requirements established in the Revised Code. The guidelines shall 82187
not authorize school districts to request social security numbers 82188
of individual students. The guidelines shall prohibit the 82189
reporting under this section of a student's name, address, and 82190

social security number to the state board of education or the 82191
department of education. The guidelines shall also prohibit the 82192
reporting under this section of any personally identifiable 82193
information about any student, except for the purpose of assigning 82194
the data verification code required by division (D)(2) of this 82195
section, to any other person unless such person is employed by the 82196
school district or the information technology center operated 82197
under section 3301.075 of the Revised Code and is authorized by 82198
the district or technology center to have access to such 82199
information or is employed by an entity with which the department 82200
contracts for the scoring or the development of state assessments. 82201
The guidelines may require school districts to provide the social 82202
security numbers of individual staff members and the county of 82203
residence for a student. Nothing in this section prohibits the 82204
state board of education or department of education from providing 82205
a student's county of residence to the department of taxation to 82206
facilitate the distribution of tax revenue. 82207

(2)(a) The guidelines shall provide for each school district 82208
or community school to assign a data verification code that is 82209
unique on a statewide basis over time to each student whose 82210
initial Ohio enrollment is in that district or school and to 82211
report all required individual student data for that student 82212
utilizing such code. The guidelines shall also provide for 82213
assigning data verification codes to all students enrolled in 82214
districts or community schools on the effective date of the 82215
guidelines established under this section. The assignment of data 82216
verification codes for other entities, as described in division 82217
(D)(2)(d) of this section, the use of those codes, and the 82218
reporting and use of associated individual student data shall be 82219
coordinated by the department in accordance with state and federal 82220
law. 82221

School districts shall report individual student data to the 82222

department through the information technology centers utilizing 82223
the code. The entities described in division (D)(2)(d) of this 82224
section shall report individual student data to the department in 82225
the manner prescribed by the department. 82226

(b)(i) Except as provided in sections 3301.941, 3310.11, 82227
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 82228
Code, and in division (D)(2)(b)(ii) of this section, at no time 82229
shall the state board or the department have access to information 82230
that would enable any data verification code to be matched to 82231
personally identifiable student data. 82232

(ii) For the purpose of making per-pupil payments to 82233
community schools under section 3317.022 of the Revised Code, the 82234
department shall have access to information that would enable any 82235
data verification code to be matched to personally identifiable 82236
student data. 82237

(c) Each school district and community school shall ensure 82238
that the data verification code is included in the student's 82239
records reported to any subsequent school district, community 82240
school, or state institution of higher education, as defined in 82241
section 3345.011 of the Revised Code, in which the student 82242
enrolls. Any such subsequent district or school shall utilize the 82243
same identifier in its reporting of data under this section. 82244

(d) The director of any state agency that administers a 82245
publicly funded program providing services to children who are 82246
younger than compulsory school age, as defined in section 3321.01 82247
of the Revised Code, including the directors of health, job and 82248
family services, mental health and addiction services, children 82249
and youth, and developmental disabilities, shall request and 82250
receive, pursuant to sections 3301.0723 and ~~5123.0423~~ 5180.33 of 82251
the Revised Code, a data verification code for a child who is 82252
receiving those services. 82253

(E) The guidelines adopted under this section may require 82254
school districts to collect and report data, information, or 82255
reports other than that described in divisions (A), (B), and (C) 82256
of this section for the purpose of complying with other reporting 82257
requirements established in the Revised Code. The other data, 82258
information, or reports may be maintained in the education 82259
management information system but are not required to be compiled 82260
as part of the profile formats required under division (G) of this 82261
section or the annual statewide report required under division (H) 82262
of this section. 82263

(F) Beginning with the school year that begins July 1, 1991, 82264
the board of education of each school district shall annually 82265
collect and report to the state board, in accordance with the 82266
guidelines established by the board, the data required pursuant to 82267
this section. A school district may collect and report these data 82268
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 82269

(G) The state board shall, in accordance with the procedures 82270
it adopts, annually compile the data reported by each school 82271
district pursuant to division (D) of this section. The state board 82272
shall design formats for profiling each school district as a whole 82273
and each school building within each district and shall compile 82274
the data in accordance with these formats. These profile formats 82275
shall: 82276

(1) Include all of the data gathered under this section in a 82277
manner that facilitates comparison among school districts and 82278
among school buildings within each school district; 82279

(2) Present the data on academic achievement levels as 82280
assessed by the testing of student achievement maintained pursuant 82281
to division (B)(1)(d) of this section. 82282

(H)(1) The state board shall, in accordance with the 82283
procedures it adopts, annually prepare a statewide report for all 82284

school districts and the general public that includes the profile 82285
of each of the school districts developed pursuant to division (G) 82286
of this section. Copies of the report shall be sent to each school 82287
district. 82288

(2) The state board shall, in accordance with the procedures 82289
it adopts, annually prepare an individual report for each school 82290
district and the general public that includes the profiles of each 82291
of the school buildings in that school district developed pursuant 82292
to division (G) of this section. Copies of the report shall be 82293
sent to the superintendent of the district and to each member of 82294
the district board of education. 82295

(3) Copies of the reports received from the state board under 82296
divisions (H)(1) and (2) of this section shall be made available 82297
to the general public at each school district's offices. Each 82298
district board of education shall make copies of each report 82299
available to any person upon request and payment of a reasonable 82300
fee for the cost of reproducing the report. The board shall 82301
annually publish in a newspaper of general circulation in the 82302
school district, at least twice during the two weeks prior to the 82303
week in which the reports will first be available, a notice 82304
containing the address where the reports are available and the 82305
date on which the reports will be available. 82306

(I) Any data that is collected or maintained pursuant to this 82307
section and that identifies an individual pupil is not a public 82308
record for the purposes of section 149.43 of the Revised Code. 82309

(J) As used in this section: 82310

(1) "School district" means any city, local, exempted 82311
village, or joint vocational school district and, in accordance 82312
with section 3314.17 of the Revised Code, any community school. As 82313
used in division (L) of this section, "school district" also 82314
includes any educational service center or other educational 82315

entity required to submit data using the system established under 82316
this section. 82317

(2) "Cost" means any expenditure for operating expenses made 82318
by a school district excluding any expenditures for debt 82319
retirement except for payments made to any commercial lending 82320
institution for any loan approved pursuant to section 3313.483 of 82321
the Revised Code. 82322

(K) Any person who removes data from the information system 82323
established under this section for the purpose of releasing it to 82324
any person not entitled under law to have access to such 82325
information is subject to section 2913.42 of the Revised Code 82326
prohibiting tampering with data. 82327

(L)(1) In accordance with division (L)(2) of this section and 82328
the rules adopted under division (L)(10) of this section, the 82329
department of education may sanction any school district that 82330
reports incomplete or inaccurate data, reports data that does not 82331
conform to data requirements and descriptions published by the 82332
department, fails to report data in a timely manner, or otherwise 82333
does not make a good faith effort to report data as required by 82334
this section. 82335

(2) If the department decides to sanction a school district 82336
under this division, the department shall take the following 82337
sequential actions: 82338

(a) Notify the district in writing that the department has 82339
determined that data has not been reported as required under this 82340
section and require the district to review its data submission and 82341
submit corrected data by a deadline established by the department. 82342
The department also may require the district to develop a 82343
corrective action plan, which shall include provisions for the 82344
district to provide mandatory staff training on data reporting 82345
procedures. 82346

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data

submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the

department for the full cost of the audit. The department may 82409
withhold state funds due to the district for this purpose. 82410

(6) Prior to issuing a revised report card for a school 82411
district under division (L)(2)(d)(viii) of this section, the 82412
department may hold a hearing to provide the district with an 82413
opportunity to demonstrate that it made a good faith effort to 82414
report data as required by this section. The hearing shall be 82415
conducted by a referee appointed by the department. Based on the 82416
information provided in the hearing, the referee shall recommend 82417
whether the department should issue a revised report card for the 82418
district. If the referee affirms the department's contention that 82419
the district did not make a good faith effort to report data as 82420
required by this section, the district shall bear the full cost of 82421
conducting the hearing and of issuing any revised report card. 82422

(7) If the department determines that any inaccurate data 82423
reported under this section caused a school district to receive 82424
excess state funds in any fiscal year, the district shall 82425
reimburse the department an amount equal to the excess funds, in 82426
accordance with a payment schedule determined by the department. 82427
The department may withhold state funds due to the district for 82428
this purpose. 82429

(8) Any school district that has funds withheld under 82430
division (L)(2) of this section may appeal the withholding in 82431
accordance with Chapter 119. of the Revised Code. 82432

(9) In all cases of a disagreement between the department and 82433
a school district regarding the appropriateness of an action taken 82434
under division (L)(2) of this section, the burden of proof shall 82435
be on the district to demonstrate that it made a good faith effort 82436
to report data as required by this section. 82437

(10) The state board of education shall adopt rules under 82438
Chapter 119. of the Revised Code to implement division (L) of this 82439

section. 82440

(M) No information technology center or school district shall 82441
acquire, change, or update its student administration software 82442
package to manage and report data required to be reported to the 82443
department unless it converts to a student software package that 82444
is certified by the department. 82445

(N) The state board of education, in accordance with sections 82446
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 82447
license as defined under division (A) of section 3319.31 of the 82448
Revised Code that has been issued to any school district employee 82449
found to have willfully reported erroneous, inaccurate, or 82450
incomplete data to the education management information system. 82451

(O) No person shall release or maintain any information about 82452
any student in violation of this section. Whoever violates this 82453
division is guilty of a misdemeanor of the fourth degree. 82454

(P) The department shall disaggregate the data collected 82455
under division (B)(1)(n) of this section according to the race and 82456
socioeconomic status of the students assessed. 82457

(Q) If the department cannot compile any of the information 82458
required by division (I) of section 3302.03 of the Revised Code 82459
based upon the data collected under this section, the department 82460
shall develop a plan and a reasonable timeline for the collection 82461
of any data necessary to comply with that division. 82462

Sec. 3301.0715. (A) Except as required under division (B)(1) 82463
of section 3313.608 or as specified in division (D)(3) of section 82464
3301.079 of the Revised Code, the board of education of each city, 82465
local, and exempted village school district shall administer each 82466
applicable diagnostic assessment developed and provided to the 82467
district in accordance with section 3301.079 of the Revised Code 82468
to the following: 82469

(1) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

(2) Each kindergarten student, not earlier than the first day of July of the school year and not later than the twentieth day of instruction of that school year.

For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment provided by the department of ~~education~~ children and youth. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(3) Each student enrolled in first, second, or third grade.

Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education.

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment

in the fall and spring of a school year to measure the amount of 82501
academic growth attributable to the instruction received by 82502
students during that school year. 82503

(C) A district may use different diagnostic assessments from 82504
those adopted under division (D) of section 3301.079 of the 82505
Revised Code in order to satisfy the requirements of division 82506
(A)(3) of this section if the district meets either of the 82507
following conditions for the immediately preceding school year: 82508

(1) The district received a grade of "A" or "B" for the 82509
performance index score under division (C)(1)(b) of section 82510
3302.03 of the Revised Code or for the value-added progress 82511
dimension under division (C)(1)(e) of that section. 82512

(2) The district received a performance rating of four stars 82513
or higher for achievement under division (D)(3)(b) of section 82514
3302.03 of the Revised Code or for progress under division 82515
(D)(3)(c) of that section. 82516

(D) Each district board shall utilize and score any 82517
diagnostic assessment administered under division (A) of this 82518
section in accordance with rules established by the department of 82519
education or the department of children and youth. After the 82520
administration of any diagnostic assessment, each district shall 82521
provide a student's completed diagnostic assessment, the results 82522
of such assessment, and any other accompanying documents used 82523
during the administration of the assessment to the parent of that 82524
student, and shall include all such documents and information in 82525
any plan developed for the student under division (C) of section 82526
3313.608 of the Revised Code. Each district shall submit ~~to the~~ 82527
~~department~~, in the manner ~~the~~ prescribed by each department 82528
~~prescribes~~, the results of the diagnostic assessments administered 82529
under this section, regardless of the type of assessment used 82530
under section 3313.608 of the Revised Code as follows: 82531

(1) The results of the kindergarten readiness assessment to the department of children and youth; 82532
82533

(2) The results of all diagnostic assessments to the department of education. The 82534
82535

The department of education and the department of children and youth 82536
may issue reports with respect to the data collected. 82537
~~The~~ Either department may report school and district level 82538
kindergarten diagnostic assessment data and use diagnostic 82539
assessment data to calculate the measures prescribed by divisions 82540
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 82541
Revised Code and the data reported under division (D)(2)(e) of 82542
that section. 82543

(E) Each district board shall provide intervention services 82544
to students whose diagnostic assessments show that they are 82545
failing to make satisfactory progress toward attaining the 82546
academic standards for their grade level. 82547

(F) Beginning in the 2018-2019 school year, any chartered 82548
nonpublic school may elect to administer the kindergarten 82549
readiness assessment to all kindergarten students enrolled in the 82550
school. If the school so elects, the chief administrator of the 82551
school shall notify the ~~superintendent of public instruction~~ 82552
director of children and youth not later than the thirty-first day 82553
of March prior to any school year in which the school will 82554
administer the assessment. The department of children and youth 82555
shall furnish the assessment to the school at no cost to the 82556
school. In administering the assessment, the school shall do all 82557
of the following: 82558

(1) Enter into a written agreement with the department of 82559
children and youth specifying that the school will share each 82560
participating student's assessment data with the department of 82561
education and the department of children and youth and, that for 82562

the purpose of reporting the data to the department of education 82563
and department of children and youth, each participating student 82564
will be assigned a data verification code as described in division 82565
(D)(2) of section 3301.0714 of the Revised Code; 82566

(2) Require the assessment to be administered by a teacher 82567
certified under section 3301.071 of the Revised Code who either 82568
has completed training on administering the kindergarten readiness 82569
assessment provided by the department of children and youth or has 82570
been trained by another person who has completed such training; 82571
82572

(3) Administer the assessment in the same manner as school 82573
districts are required to do under this section and the rules 82574
established under division (D) of this section. 82575

(G) Beginning in the 2019-2020 school year, a school district 82576
in which less than eighty per cent of its students score at the 82577
proficient level or higher on the third-grade English language 82578
arts assessment prescribed under section 3301.0710 of the Revised 82579
Code shall establish a reading improvement plan supported by 82580
reading specialists. Prior to implementation, the plan shall be 82581
approved by the school district board of education. 82582

Sec. 3301.0723. (A) The independent contractor engaged by the 82583
department of education to create and maintain for school 82584
districts and community schools the student data verification 82585
codes required by division (D)(2) of section 3301.0714 of the 82586
Revised Code, upon request of the director of any state agency 82587
that administers a publicly funded program providing services to 82588
children who are younger than compulsory school age, as defined in 82589
section 3321.01 of the Revised Code, including the directors of 82590
health, ~~job~~ children and ~~family services~~ youth, mental health and 82591
addiction services, and developmental disabilities, shall assign a 82592
data verification code to a child who is receiving such services 82593

and shall provide that code to the director. The contractor also 82594
shall provide that code to the department of education. 82595

(B) The director of a state agency that receives a child's 82596
data verification code under division (A) of this section shall 82597
use that code to submit information for that child to the 82598
department of education in accordance with section 3301.0714 of 82599
the Revised Code. 82600

(C) A public school that receives from the independent 82601
contractor the data verification code for a child assigned under 82602
division (A) of this section shall not request or assign to that 82603
child another data verification code under division (D)(2) of 82604
section 3301.0714 of the Revised Code. That school and any other 82605
public school in which the child subsequently enrolls shall use 82606
the data verification code assigned under division (A) of this 82607
section to report data relative to that student required under 82608
section 3301.0714 of the Revised Code. 82609

Sec. 3301.15. The state board of education or its authorized 82610
representatives may inspect all institutions under the control of 82611
the department of ~~job children~~ and ~~family services~~ youth, the 82612
department of mental health and addiction services, the department 82613
of developmental disabilities, and the department of 82614
rehabilitation and correction which employ teachers, and may make 82615
a report on the teaching, discipline, and school equipment in 82616
these institutions to the director of ~~job children~~ and ~~family~~ 82617
~~services~~ youth, the director of mental health and addiction 82618
services, the director of developmental disabilities, the director 82619
of rehabilitation and correction, and the governor. 82620

Sec. 3301.30. The department of education and the department 82621
of children and youth shall: 82622

(A) Actively encourage, assist, and support boards of 82623

education in applying for moneys for programs for pre-school 82624
children of migrant agricultural laborers under Title I of the 82625
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 82626
U.S.C.A. 236, as amended; 82627

(B) Establish an official relationship with the Texas 82628
education agency and the Florida department of education to 82629
cooperate and exchange information with those states concerning 82630
education for children of migrant ~~agricultural~~ agricultural 82631
laborers, and coordinate ~~its~~ activities and services for such 82632
children with those states and any other states that provide 82633
education for such children; 82634

(C) Take all necessary steps to compensate for the lack of 82635
continuity in instructional curriculum experienced by children of 82636
migrant agricultural laborers as a result of their parents' 82637
occupation by assuring that: 82638

(1) Coordinated interstate and intrastate programs are 82639
provided at all levels, including coordinated programs leading to 82640
credit accrual; 82641

(2) Parents are given information about the availability of 82642
interstate and intrastate programs. 82643

(D) Take a more active role in encouraging boards of 82644
education to offer, in accordance with section 3313.641 of the 82645
Revised Code, alternative evening and tutorial programs for 82646
children of migrant agricultural laborers and their families 82647
during late spring, summer, and early fall. 82648

Sec. 3301.311. (A) As used in this section, "preschool 82649
program" has the same meaning as in section 3301.52 of the Revised 82650
Code. 82651

(B) ~~Subject to divisions (C) and (D) of this section,~~ 82652
~~beginning in fiscal year 2006, no preschool program, and no early~~ 82653

~~childhood education program or early learning program as defined 82654
by the department of education shall receive any funds from the 82655
state unless fifty per cent of the staff members employed by that 82656
program as teachers are working toward an associate degree of a 82657
type approved by the department. 82658~~

~~(C)(1) Subject to division (C)(2) of this section, beginning 82659
in fiscal year 2010, no preschool program, and no early childhood 82660
education program or early learning program as defined by the 82661
department, existing prior to fiscal year 2007, shall receive any 82662
funds from the state unless every staff member employed by that 82663
program as a teacher has attained an associate degree of a type 82664
approved by the department. 82665~~

~~(2) Beginning in fiscal year 2011, no preschool program, and 82666
no early childhood education program or early learning program as 82667
defined by the department, existing prior to fiscal year 2007, 82668
shall receive any funds from the state unless fifty per cent of 82669
the staff members employed by the program as teachers have 82670
attained a bachelor's degree of a type approved by the department. 82671~~

~~(D)(1) Subject to division (D)(2) of this section, beginning 82672
in fiscal year 2012, no preschool program, and no early childhood 82673
education program or early learning program as defined by the 82674
department, established during or after fiscal year 2007, shall 82675
receive any funds from the state unless every staff member 82676
employed by that program as a teacher has attained an associate 82677
degree of a type approved by the department. 82678~~

~~(2) Beginning in fiscal year 2013, no No preschool program, 82679
and no early childhood education program or early learning program 82680
as defined by the department in section 3301.52 of the Revised 82681
Code, established during or after fiscal year 2007, shall receive 82682
any funds from the state unless fifty per cent of the staff 82683
members employed by the program as teachers have attained a 82684
bachelor's degree of a type approved by the department in section 82685~~

3319.22 of the Revised Code. 82686

Sec. 3301.32. (A)(1) The chief administrator of any head 82687
start agency shall request the superintendent of the bureau of 82688
criminal identification and investigation to conduct a criminal 82689
records check with respect to any applicant who has applied to the 82690
head start agency for employment as a person responsible for the 82691
care, custody, or control of a child. If the applicant does not 82692
present proof that the applicant has been a resident of this state 82693
for the five-year period immediately prior to the date upon which 82694
the criminal records check is requested or does not provide 82695
evidence that within that five-year period the superintendent has 82696
requested information about the applicant from the federal bureau 82697
of investigation in a criminal records check, the chief 82698
administrator shall request that the superintendent obtain 82699
information from the federal bureau of investigation as a part of 82700
the criminal records check for the applicant. If the applicant 82701
presents proof that the applicant has been a resident of this 82702
state for that five-year period, the chief administrator may 82703
request that the superintendent include information from the 82704
federal bureau of investigation in the criminal records check. 82705

(2) Any person required by division (A)(1) of this section to 82706
request a criminal records check shall provide to each applicant a 82707
copy of the form prescribed pursuant to division (C)(1) of section 82708
109.572 of the Revised Code, provide to each applicant a standard 82709
impression sheet to obtain fingerprint impressions prescribed 82710
pursuant to division (C)(2) of section 109.572 of the Revised 82711
Code, obtain the completed form and impression sheet from each 82712
applicant, and forward the completed form and impression sheet to 82713
the superintendent of the bureau of criminal identification and 82714
investigation at the time the chief administrator requests a 82715
criminal records check pursuant to division (A)(1) of this 82716
section. 82717

(3) Any applicant who receives pursuant to division (A)(2) of 82718
this section a copy of the form prescribed pursuant to division 82719
(C)(1) of section 109.572 of the Revised Code and a copy of an 82720
impression sheet prescribed pursuant to division (C)(2) of that 82721
section and who is requested to complete the form and provide a 82722
set of fingerprint impressions shall complete the form or provide 82723
all the information necessary to complete the form and shall 82724
provide the impression sheets with the impressions of the 82725
applicant's fingerprints. If an applicant, upon request, fails to 82726
provide the information necessary to complete the form or fails to 82727
provide impressions of the applicant's fingerprints, the head 82728
start agency shall not employ that applicant for any position for 82729
which a criminal records check is required by division (A)(1) of 82730
this section. 82731

(B)(1) Except as provided in rules adopted by the director of 82732
~~job children and family services youth~~ in accordance with division 82733
(E) of this section, no head start agency shall employ a person as 82734
a person responsible for the care, custody, or control of a child 82735
if the person previously has been convicted of or pleaded guilty 82736
to any of the following: 82737

(a) A violation of section 2903.01, 2903.02, 2903.03, 82738
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 82739
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 82740
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 82741
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 82742
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 82743
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 82744
2925.06, or 3716.11 of the Revised Code, a violation of section 82745
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 82746
violation of section 2919.23 of the Revised Code that would have 82747
been a violation of section 2905.04 of the Revised Code as it 82748
existed prior to July 1, 1996, had the violation occurred prior to 82749

that date, a violation of section 2925.11 of the Revised Code that 82750
is not a minor drug possession offense, or felonious sexual 82751
penetration in violation of former section 2907.12 of the Revised 82752
Code; 82753

(b) A violation of an existing or former law of this state, 82754
any other state, or the United States that is substantially 82755
equivalent to any of the offenses or violations described in 82756
division (B)(1)(a) of this section. 82757

(2) A head start agency may employ an applicant conditionally 82758
until the criminal records check required by this section is 82759
completed and the agency receives the results of the criminal 82760
records check. If the results of the criminal records check 82761
indicate that, pursuant to division (B)(1) of this section, the 82762
applicant does not qualify for employment, the agency shall 82763
release the applicant from employment. 82764

(C)(1) Each head start agency shall pay to the bureau of 82765
criminal identification and investigation the fee prescribed 82766
pursuant to division (C)(3) of section 109.572 of the Revised Code 82767
for each criminal records check conducted in accordance with that 82768
section upon the request pursuant to division (A)(1) of this 82769
section of the chief administrator of the head start agency. 82770

(2) A head start agency may charge an applicant a fee for the 82771
costs it incurs in obtaining a criminal records check under this 82772
section. A fee charged under this division shall not exceed the 82773
amount of fees the agency pays under division (C)(1) of this 82774
section. If a fee is charged under this division, the agency shall 82775
notify the applicant at the time of the applicant's initial 82776
application for employment of the amount of the fee and that, 82777
unless the fee is paid, the head start agency will not consider 82778
the applicant for employment. 82779

(D) The report of any criminal records check conducted by the 82780

bureau of criminal identification and investigation in accordance 82781
with section 109.572 of the Revised Code and pursuant to a request 82782
made under division (A)(1) of this section is not a public record 82783
for the purposes of section 149.43 of the Revised Code and shall 82784
not be made available to any person other than the applicant who 82785
is the subject of the criminal records check or the applicant's 82786
representative, the head start agency requesting the criminal 82787
records check or its representative, and any court, hearing 82788
officer, or other necessary individual involved in a case dealing 82789
with the denial of employment to the applicant. 82790

(E) The director of ~~job children and family services~~ youth 82791
shall adopt rules pursuant to Chapter 119. of the Revised Code to 82792
implement this section, including rules specifying circumstances 82793
under which a head start agency may hire a person who has been 82794
convicted of an offense listed in division (B)(1) of this section 82795
but who meets standards in regard to rehabilitation set by the 82796
director. 82797

(F) Any person required by division (A)(1) of this section to 82798
request a criminal records check shall inform each person, at the 82799
time of the person's initial application for employment, that the 82800
person is required to provide a set of impressions of the person's 82801
fingerprints and that a criminal records check is required to be 82802
conducted and satisfactorily completed in accordance with section 82803
109.572 of the Revised Code if the person comes under final 82804
consideration for appointment or employment as a precondition to 82805
employment for that position. 82806

(G) As used in this section: 82807

(1) "Applicant" means a person who is under final 82808
consideration for appointment or employment in a position with a 82809
head start agency as a person responsible for the care, custody, 82810
or control of a child. 82811

(2) "Head start agency" means an entity in this state that 82812
has been approved to be an agency for purposes of the "Head Start 82813
Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 82814

(3) "Criminal records check" has the same meaning as in 82815
section 109.572 of the Revised Code. 82816

(4) "Minor drug possession offense" has the same meaning as 82817
in section 2925.01 of the Revised Code. 82818

Sec. 3301.50. Except as otherwise provided under division (B) 82819
of section 3301.54 of the Revised Code, the issuing of any 82820
educator license designated for teaching in a preschool setting 82821
pursuant to section 3319.22 of the Revised Code shall not be 82822
construed as requiring any person who does not hold such a license 82823
to obtain one in order to be employed as a teacher in a 82824
pre-kindergarten program. However, a person hired after July 1, 82825
1988, to direct a preschool program regulated by the ~~state board~~ 82826
department of education children and youth under sections 3301.52 82827
to 3301.57 of the Revised Code, other than a program operated by a 82828
nontax-supported eligible nonpublic school, shall hold a valid 82829
educator license designated as appropriate for teaching or being 82830
an administrator in a preschool setting issued pursuant to section 82831
3319.22 of the Revised Code plus the four courses required by 82832
division (A)(1) of section 3301.54 of the Revised Code, unless 82833
division (A)(4) of that section applies to the person. 82834

Sec. 3301.53. (A) The state board of education, ~~in~~ 82835
~~consultation with the director of job and the department of~~ 82836
children and family services, youth shall consult with each other 82837
to formulate and prescribe jointly by rule adopted under Chapter 82838
119. of the Revised Code minimum standards to be applied to 82839
preschool programs operated by school district boards of 82840
education, county boards of developmental disabilities, community 82841

schools, or eligible nonpublic schools. The rules shall include 82842
the following: 82843

(1) Standards ensuring that the preschool program is located 82844
in a safe and convenient facility that accommodates the enrollment 82845
of the program, is of the quality to support the growth and 82846
development of the children according to the program objectives, 82847
and meets the requirements of section 3301.55 of the Revised Code; 82848

(2) Standards ensuring that supervision, discipline, and 82849
programs will be administered according to established objectives 82850
and procedures; 82851

(3) Standards ensuring that preschool staff members and 82852
nonteaching employees are recruited, employed, assigned, 82853
evaluated, and provided inservice education without discrimination 82854
on the basis of age, color, national origin, race, or sex; and 82855
that preschool staff members and nonteaching employees are 82856
assigned responsibilities in accordance with written position 82857
descriptions commensurate with their training and experience; 82858

(4) A requirement that boards of education intending to 82859
establish a preschool program demonstrate a need for a preschool 82860
program prior to establishing the program; 82861

(5) Requirements that children participating in preschool 82862
programs have been immunized to the extent considered appropriate 82863
by the state board to prevent the spread of communicable disease; 82864

(6) Requirements that the parents of preschool children 82865
complete the emergency medical authorization form specified in 82866
section 3313.712 of the Revised Code. 82867

(B) ~~The state board of education in consultation with the~~ 82868
~~director of job and family services and the department~~ shall 82869
ensure that the rules adopted ~~by the state board~~ under sections 82870
3301.52 to 3301.58 of the Revised Code are consistent with and 82871

meet or exceed the requirements of Chapter 5104. of the Revised 82872
Code with regard to child day-care centers that serve preschool 82873
children. The state board ~~and the director of job and family~~ 82874
~~services~~ and the department shall review all such rules at least 82875
once every five years. 82876

(C) The state board ~~of education, in consultation with the~~ 82877
~~director of job and family services, and the department~~ shall 82878
adopt rules for school child programs that are consistent with and 82879
meet or exceed the requirements of the rules adopted for child 82880
day-care centers that serve school-age children under Chapter 82881
5104. of the Revised Code. 82882

Sec. 3301.55. (A) A school district, county board of 82883
developmental disabilities, community school, or eligible 82884
nonpublic school operating a preschool program shall house the 82885
program in buildings that meet the following requirements: 82886

(1) The building is operated by the district, county board of 82887
developmental disabilities, community school, or eligible 82888
nonpublic school and has been approved by the division of 82889
industrial compliance in the department of commerce or a certified 82890
municipal, township, or county building department for the purpose 82891
of operating a program for preschool children. Any such structure 82892
shall be constructed, equipped, repaired, altered, and maintained 82893
in accordance with applicable provisions of Chapters 3781. and 82894
3791. and with rules adopted by the board of building standards 82895
under Chapter 3781. of the Revised Code for the safety and 82896
sanitation of structures erected for this purpose. 82897

(2) The building is in compliance with fire and safety laws 82898
and regulations as evidenced by reports of annual school fire and 82899
safety inspections as conducted by appropriate local authorities. 82900

(3) The school is in compliance with rules established by the 82901
state board of education regarding school food services. 82902

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county board of developmental disabilities, community school, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the ~~state board of education to the board~~ department of children and youth not later than the first day of September of the school year in which the program is to be initiated. The ~~board~~ department of children and youth, shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected by the department of ~~education~~ children and youth. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county board of developmental disabilities, or school to meet the requirements.

Sec. 3301.56. (A) The director, head teacher, elementary principal, or site administrator who is on site and responsible for supervision of each preschool program shall be responsible for the following:

(1) Ensuring that the health and safety of the children are

safeguarded by an organized program of school health services 82934
designed to identify child health problems and to coordinate 82935
school and community health resources for children, as evidenced 82936
by but not limited to: 82937

(a) Requiring immunization and compliance with emergency 82938
medical authorization requirements in accordance with rules 82939
adopted ~~by the state board of education~~ under section 3301.53 of 82940
the Revised Code; 82941

(b) Providing procedures for emergency situations, including 82942
fire drills, rapid dismissals, tornado drills, and school safety 82943
drills in accordance with section 3737.73 of the Revised Code, and 82944
keeping records of such drills or dismissals; 82945

(c) Posting emergency procedures in preschool rooms and 82946
making them available to school personnel, children, and parents; 82947

(d) Posting emergency numbers by each telephone; 82948

(e) Supervising grounds, play areas, and other facilities 82949
when scheduled for use by children; 82950

(f) Providing first-aid facilities and materials. 82951

(2) Maintaining cumulative records for each child; 82952

(3) Supervising each child's admission, placement, and 82953
withdrawal according to established procedures; 82954

(4) Preparing at least once annually for each group of 82955
children in the program a roster of names and telephone numbers of 82956
parents, guardians, and custodians of children in the group and, 82957
on request, furnishing the roster for each group to the parents, 82958
guardians, and custodians of children in that group. The director 82959
may prepare a similar roster of all children in the program and, 82960
on request, make it available to the parents, guardians, and 82961
custodians, of children in the program. The director shall not 82962
include in either roster the name or telephone number of any 82963

parent, guardian, or custodian who requests that the parent's, 82964
guardian's, or custodian's name or number not be included, and 82965
shall not furnish any roster to any person other than a parent, 82966
guardian, or custodian of a child in the program. 82967

(5) Ensuring that clerical and custodial services are 82968
provided for the program; 82969

(6) Supervising the instructional program and the daily 82970
operation of the program; 82971

(7) Supervising and evaluating preschool staff members 82972
according to a planned sequence of observations and evaluation 82973
conferences, and supervising nonteaching employees. 82974

(B)(1) In each program the maximum number of children per 82975
preschool staff member and the maximum group size by age category 82976
of children shall be as follows: 82977

	Maximum		82978
Age Group	Group	Staff Member/ Child Ratio	82979
	Size		82980
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	82981 82982 82983 82984
12 months to less than 18 months	12	1:6	82985
18 months to less than 30 months	14	1:7	82986
30 months to less than 3 years	16	1:8	82987
3-year-olds	24	1:12	82988
4- and 5-year-olds not in school	28	1:14	82989

(2) When age groups are combined, the maximum number of 82990
children per preschool staff member shall be determined by the age 82991
of the youngest child in the group, except that when no more than 82992
one child thirty months of age or older receives child care in a 82993
group in which all the other children are in the next older age 82994

group, the maximum number of children per child-care staff member 82995
and maximum group size requirements of the older age group 82996
established under division (B)(1) of this section shall apply. 82997

(3) In a room where children are napping, if all the children 82998
are at least eighteen months of age, the maximum number of 82999
children per preschool staff member shall, for a period not to 83000
exceed one and one-half hours in any twenty-four hour day, be 83001
twice the maximum number of children per preschool staff member 83002
established under division (B)(1) of this section if all the 83003
following criteria are met: 83004

(a) At least one preschool staff member is present in the 83005
room; 83006

(b) Sufficient preschool staff members are present on the 83007
preschool program premises to comply with division (B)(1) of this 83008
section; 83009

(c) Naptime preparations have been completed and the children 83010
are resting or napping. 83011

(4) Any accredited program that uses the Montessori method 83012
endorsed by the American Montessori society or the association 83013
Montessori internationale as its primary method of instruction and 83014
is licensed as a preschool program under section 3301.58 of the 83015
Revised Code may combine preschool children of ages three to five 83016
years old with children enrolled in kindergarten. Notwithstanding 83017
anything to the contrary in division (B)(2) of this section, when 83018
such age groups are combined, the maximum number of children per 83019
preschool staff member shall be twelve and the maximum group size 83020
shall be twenty-four children. 83021

(C) In each building in which a preschool program is operated 83022
there shall be on the premises, and readily available at all 83023
times, at least one employee who has completed a course in first 83024
aid and in the prevention, recognition, and management of 83025

communicable diseases which is approved by the state department of health, and an employee who has completed a course in child abuse recognition and prevention.

(D) Any parent, guardian, or custodian of a child enrolled in a preschool program shall be permitted unlimited access to the school during its hours of operation to contact the parent's, guardian's, or custodian's child, evaluate the care provided by the program, or evaluate the premises, or for other purposes approved by the director. Upon entering the premises, the parent, guardian, or custodian shall report to the school office.

Sec. 3301.57. (A) For the purpose of improving programs, facilities, and implementation of the standards promulgated by the ~~state board~~ department of education ~~children and youth~~ under section 3301.53 of the Revised Code, the ~~state~~ department of education and the department of children and youth shall provide consultation and technical assistance to school districts, county boards of developmental disabilities, community schools, and eligible nonpublic schools operating preschool programs or school child programs, and inservice training to preschool staff members, school child program staff members, and nonteaching employees.

(B) The department of education, the department of children and youth, and the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall jointly monitor each preschool program and each school child program.

If the program receives any grant or other funding from the state or federal government, the department of education and the department of children and youth annually shall monitor all reports on attendance, financial support, and expenditures according to provisions for use of the funds.

(C) The department of education and the department of

children and youth, at least once during every twelve-month period 83057
of operation of a preschool program or a licensed school child 83058
program, shall inspect the program and provide a written 83059
inspection report to the superintendent of the school district, 83060
county board of developmental disabilities, community school, or 83061
eligible nonpublic school. The ~~department~~ departments may inspect 83062
any program more than once, as considered necessary by the 83063
~~department~~ departments, during any twelve-month period of 83064
operation. All inspections may be unannounced. No person shall 83065
interfere with any inspection conducted pursuant to this division 83066
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of 83067
the Revised Code. 83068

Upon receipt of any complaint that a preschool program or a 83069
licensed school child program is out of compliance with the 83070
requirements in sections 3301.52 to 3301.59 of the Revised Code or 83071
the rules adopted under those sections, the department of children 83072
and youth shall investigate and may inspect the program. If the 83073
complaint is related to a teacher, the department shall coordinate 83074
with the department of education to investigate and take action on 83075
a teacher's license. 83076

(D) If a preschool program or a licensed school child program 83077
is determined to be out of compliance with the requirements of 83078
sections 3301.52 to 3301.59 of the Revised Code or the rules 83079
adopted under those sections, the department of ~~education~~ children 83080
and youth shall notify the appropriate superintendent, county 83081
board of developmental disabilities, community school, or eligible 83082
nonpublic school in writing regarding the nature of the violation, 83083
what must be done to correct the violation, and by what date the 83084
correction must be made. If the correction is not made by the date 83085
established by the department, it may commence action under 83086
Chapter 119. of the Revised Code to close the program or to revoke 83087
the license of the program. If a program does not comply with an 83088

order to cease operation issued in accordance with Chapter 119. of 83089
the Revised Code, the department shall notify the attorney 83090
general, the prosecuting attorney of the county in which the 83091
program is located, or the city attorney, village solicitor, or 83092
other chief legal officer of the municipal corporation in which 83093
the program is located that the program is operating in violation 83094
of sections 3301.52 to 3301.59 of the Revised Code or the rules 83095
adopted under those sections and in violation of an order to cease 83096
operation issued in accordance with Chapter 119. of the Revised 83097
Code. Upon receipt of the notification, the attorney general, 83098
prosecuting attorney, city attorney, village solicitor, or other 83099
chief legal officer shall file a complaint in the court of common 83100
pleas of the county in which the program is located requesting the 83101
court to issue an order enjoining the program from operating. The 83102
court shall grant the requested injunctive relief upon a showing 83103
that the program named in the complaint is operating in violation 83104
of sections 3301.52 to 3301.59 of the Revised Code or the rules 83105
adopted under those sections and in violation of an order to cease 83106
operation issued in accordance with Chapter 119. of the Revised 83107
Code. 83108

(E) The department of education and department of children 83109
and youth shall prepare an annual report on inspections conducted 83110
under this section. The report shall include the number of 83111
inspections conducted, the number and types of violations found, 83112
and the steps taken to address the violations. The ~~department~~ 83113
departments shall file the report with the governor, the president 83114
and minority leader of the senate, and the speaker and minority 83115
leader of the house of representatives on or before the first day 83116
of January of each year, beginning in 1999. 83117

Sec. 3301.58. (A) The department of ~~education~~ children and 83118
youth is responsible for the licensing of preschool programs and 83119
school child programs and for the enforcement of sections 3301.52 83120

to 3301.59 of the Revised Code and of any rules adopted under 83121
those sections. No school district board of education, county 83122
board of developmental disabilities, community school, or eligible 83123
nonpublic school shall operate, establish, manage, conduct, or 83124
maintain a preschool program without a license issued under this 83125
section. A school district board of education, county board of 83126
developmental disabilities, community school, or eligible 83127
nonpublic school may obtain a license under this section for a 83128
school child program. The school district board of education, 83129
county board of developmental disabilities, community school, or 83130
eligible nonpublic school shall post the license for each 83131
preschool program and licensed school child program it operates, 83132
establishes, manages, conducts, or maintains in a conspicuous 83133
place in the preschool program or licensed school child program 83134
that is accessible to parents, custodians, or guardians and 83135
employees and staff members of the program at all times when the 83136
program is in operation. 83137

(B) Any school district board of education, county board of 83138
developmental disabilities, community school, or eligible 83139
nonpublic school that desires to operate, establish, manage, 83140
conduct, or maintain a preschool program shall apply to the 83141
department of ~~education~~ children and youth for a license on a form 83142
that the department shall prescribe by rule. Any school district 83143
board of education, county board of developmental disabilities, 83144
community school, or eligible nonpublic school that desires to 83145
obtain a license for a school child program shall apply to the 83146
department for a license on a form that the department shall 83147
prescribe by rule. The department shall provide at no charge to 83148
each applicant for a license under this section a copy of the 83149
requirements under sections 3301.52 to 3301.59 of the Revised Code 83150
and any rules adopted under those sections. The department may 83151
establish application fees by rule adopted under Chapter 119. of 83152

the Revised Code, and all applicants for a license shall pay any fee established by the department at the time of making an application for a license. All fees collected pursuant to this section shall be paid into the state treasury to the credit of the general revenue fund.

(C) Upon the filing of an application for a license, the department of ~~education~~ children and youth shall investigate and inspect the preschool program or school child program to determine the license capacity for each age category of children of the program and to determine whether the program complies with sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. When, after investigation and inspection, the department ~~of education~~ is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are complied with by the applicant, the department ~~of education~~ shall issue the program a provisional license as soon as practicable in the form and manner prescribed by the rules of the department. The provisional license shall be valid for one year from the date of issuance unless revoked.

(D) The department of ~~education~~ children and youth shall investigate and inspect a preschool program or school child program that has been issued a provisional license at least once during operation under the provisional license. If, after the investigation and inspection, the department ~~of education~~ determines that the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the provisional licensee, the department ~~of education~~ shall issue the program a license. The license shall remain valid unless revoked or the program ceases operations.

(E) The department of ~~education~~ children and youth annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to

determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of ~~education~~ children and youth may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted jointly with the state board of education under those sections.

(H) If the department of ~~education~~ children and youth revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.

Sec. 3301.59. ~~(A)~~ No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 or Chapter 5104. of the Revised Code ~~or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.~~

~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the~~

~~Revised Code, the eligible nonpublic school shall do one of the following:~~ 83216
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~~(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~ 83218
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~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 83221
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~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 83224
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 83226
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~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously has not obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~ 83230
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~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program;~~ 83237
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~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 83240
83241
83242

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 83243
83244

~~(4) If the program is a school child program, not accept any~~ 83245

~~state or federal funds specifically allocated for school child 83246
programs and not accept any state or federal funds for publicly 83247
funded child care pursuant to Chapter 5104. of the Revised Code. 83248~~

~~(D)(1) If an eligible nonpublic school that operates, 83249
manages, conducts, or maintains a preschool program or a school 83250
child program elects pursuant to division (B)(1) of this section 83251
to renew a license for the program that was issued by the 83252
department of job and family services or elects pursuant to 83253
division (C)(1) of this section to apply to the department of job 83254
and family services for a license for the program, that preschool 83255
program or school child program is subject to Chapter 5104. of the 83256
Revised Code and to licensure under that chapter until the 83257
eligible nonpublic school ceases to operate, manage, conduct, or 83258
maintain the program. 83259~~

~~(2) If an eligible nonpublic school that operates, manages, 83260
conducts, or maintains a preschool program or a school child 83261
program elects pursuant to division (B)(2) or (C)(2) of this 83262
section to apply to the department of education for a license for 83263
the program, that preschool program or school child program is 83264
subject to sections 3301.52 to 3301.59 of the Revised Code and to 83265
licensure under those sections until the eligible nonpublic school 83266
ceases to operate, manage, conduct, or maintain the program. 83267~~

~~(E) Not later than July 22, 1992, the departments of job and 83268
family services and education shall each prepare a list of the 83269
preschool programs and school child programs that are licensed by 83270
the respective departments. 83271~~

Sec. 3301.94. Upon approval of the state board of education, 83272
the superintendent of public instruction and the chancellor of ~~the~~ 83273
~~Ohio board of regents~~ higher education may enter into a memorandum 83274
of understanding under which the department of education, on 83275
behalf of the chancellor, will receive and maintain copies of data 83276

records containing student information reported to the chancellor 83277
for the purpose of combining those records with the data reported 83278
to the education management information system established under 83279
section 3301.0714 of the Revised Code to establish an education 83280
data repository that may be used to conduct longitudinal research 83281
and evaluation. The memorandum of understanding shall specify the 83282
following: 83283

(A) That, prior to establishing the repository, the 83284
superintendent and chancellor shall develop a strategic plan for 83285
the repository that outlines the goals to be achieved from its 83286
implementation and use. A copy of the strategic plan shall be 83287
provided to the governor, the president of the senate, and the 83288
speaker of the house of representatives. 83289

(B) That the chancellor shall submit all student data to be 83290
included in the repository to the independent contractor engaged 83291
by the department to create and maintain the student data 83292
verification codes required by division (D)(2) of section 83293
3301.0714 of the Revised Code. For each student included in the 83294
data submitted by the chancellor, the independent contractor shall 83295
determine whether a data verification code has been assigned to 83296
that student. In the case of a student to whom a data verification 83297
code has been assigned, the independent contractor shall add the 83298
code to the student's data record and remove from the data record 83299
any information that would enable the data verification code to be 83300
matched to personally identifiable student data. In the case of a 83301
student to whom a data verification code has not been assigned, 83302
the independent contractor shall assign a data verification code 83303
to the student, add the data verification code to the student's 83304
data record, and remove from the data record any information that 83305
would enable the data verification code to be matched to 83306
personally identifiable student data. After making the 83307
modifications described in this division, the independent 83308

contractor shall transmit the data to the department. 83309

(C) That the superintendent and the chancellor jointly shall 83310
develop procedures for the maintenance of the data in the 83311
repository and shall designate the types of research that may be 83312
conducted using that data. Permitted uses of the data shall 83313
include, but are not limited to, the following: 83314

(1) Assisting the department of education, superintendent, ~~or~~ 83315
state board, and the department of children and youth in 83316
performing audit and evaluation functions concerning preschool, 83317
elementary, and secondary education as required or authorized by 83318
any provision of law, including division (C) of section 3301.07 83319
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 83320
3302.03 of the Revised Code; 83321

(2) Assisting the chancellor in performing audit and 83322
evaluation functions concerning higher education as required or 83323
authorized by any provision of law, including sections 3333.04, 83324
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 83325
3333.374, 3333.72, and 3333.82 of the Revised Code. 83326

(D) That the superintendent and the chancellor, from time to 83327
time, jointly may enter into written agreements with entities for 83328
the use of data in the repository to conduct research and analysis 83329
designed to evaluate the effectiveness of programs or services, to 83330
measure progress against specific strategic planning goals, or for 83331
any other purpose permitted by law that the superintendent and 83332
chancellor consider necessary for the performance of their duties 83333
under the Revised Code. The agreements may permit the disclosure 83334
of personally identifiable student information to the entity named 83335
in the agreement, provided that disclosure complies with the 83336
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 83337
20 U.S.C. 1232g, as amended, and regulations promulgated under 83338
that act prescribing requirements for such agreements. The 83339
superintendent shall notify the state board of each agreement 83340

entered into under this division. 83341

(E) That the data in the repository submitted by the 83342
department of education shall remain under the direct control of 83343
the department and that the data in the repository submitted by 83344
the chancellor shall remain under the direct control of the 83345
chancellor; 83346

(F) That the data in the repository shall be managed in a 83347
manner that complies with the "Family Educational Rights and 83348
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 83349

(G) That all costs related to the initial establishment and 83350
ongoing maintenance of the repository shall be paid from funds 83351
received from state incentive grants awarded under division (A), 83352
Title XIV, section 14006 of the American Recovery and Reinvestment 83353
Act of 2009, other federal grant programs, or existing 83354
appropriations of the department or chancellor that are designated 83355
for a purpose consistent with this section; 83356

(H) That the department of education annually shall report to 83357
the state board ~~and~~, the chancellor, and the department of 83358
children and youth all requests for access to or use of the data 83359
in the repository and all costs related to the initial 83360
establishment and ongoing maintenance of the repository. 83361

Sec. 3313.64. (A) As used in this section and in section 83362
3313.65 of the Revised Code: 83363

(1)(a) Except as provided in division (A)(1)(b) of this 83364
section, "parent" means either parent, unless the parents are 83365
separated or divorced or their marriage has been dissolved or 83366
annulled, in which case "parent" means the parent who is the 83367
residential parent and legal custodian of the child. When a child 83368
is in the legal custody of a government agency or a person other 83369
than the child's natural or adoptive parent, "parent" means the 83370

parent with residual parental rights, privileges, and 83371
responsibilities. When a child is in the permanent custody of a 83372
government agency or a person other than the child's natural or 83373
adoptive parent, "parent" means the parent who was divested of 83374
parental rights and responsibilities for the care of the child and 83375
the right to have the child live with the parent and be the legal 83376
custodian of the child and all residual parental rights, 83377
privileges, and responsibilities. 83378

(b) When a child is the subject of a power of attorney 83379
executed under sections 3109.51 to 3109.62 of the Revised Code, 83380
"parent" means the grandparent designated as attorney in fact 83381
under the power of attorney. When a child is the subject of a 83382
caretaker authorization affidavit executed under sections 3109.64 83383
to 3109.73 of the Revised Code, "parent" means the grandparent 83384
that executed the affidavit. 83385

(2) "Legal custody," "permanent custody," and "residual 83386
parental rights, privileges, and responsibilities" have the same 83387
meanings as in section 2151.011 of the Revised Code. 83388

(3) "School district" or "district" means a city, local, or 83389
exempted village school district and excludes any school operated 83390
in an institution maintained by the department of youth services. 83391

(4) Except as used in division (C)(2) of this section, "home" 83392
means a home, institution, foster home, group home, or other 83393
residential facility in this state that receives and cares for 83394
children, to which any of the following applies: 83395

(a) The home is licensed, certified, or approved for such 83396
purpose by the state or is maintained by the department of youth 83397
services. 83398

(b) The home is operated by a person who is licensed, 83399
certified, or approved by the state to operate the home for such 83400
purpose. 83401

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state. 83402
83403
83404

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 83405
83406

(5) "Agency" means all of the following: 83407

(a) A public children services agency; 83408

(b) An organization that holds a certificate issued by the Ohio department of ~~job children~~ and ~~family services~~ youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption; 83409
83410
83411
83412
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83414

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 83415
83416
83417
83418

(6) A child is placed for adoption if either of the following occurs: 83419
83420

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 83421
83422
83423
83424

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 83425
83426
83427

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 83428
83429

(8) "Child," unless otherwise indicated, includes preschool children with disabilities. 83430
83431

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the

time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who

is admitted to a school district under division (B)(2) of this 83524
section, resides in a home that is not a foster home, a home 83525
maintained by the department of youth services, a detention 83526
facility established under section 2152.41 of the Revised Code, or 83527
a juvenile facility established under section 2151.65 of the 83528
Revised Code, and receives educational services at the home or 83529
facility in which the child resides pursuant to a contract between 83530
the home or facility and the school district providing those 83531
services. 83532

If a child to whom division (C)(4) of this section applies is 83533
a special education student, a district may choose whether to 83534
receive a tuition payment for that child under division (C)(4) of 83535
this section or to receive a payment for that child under section 83536
3323.14 of the Revised Code. If a district chooses to receive a 83537
payment for that child under section 3323.14 of the Revised Code, 83538
it shall not receive a tuition payment for that child under 83539
division (C)(4) of this section. 83540

If a child to whom division (C)(4) of this section applies is 83541
not a special education student, a district shall receive a 83542
tuition payment for that child under division (C)(4) of this 83543
section. 83544

In the case of a child to which division (C)(4) of this 83545
section applies, the total educational cost to be paid for the 83546
child shall be determined by a formula approved by the department 83547
of education, which formula shall be designed to calculate a per 83548
diem cost for the educational services provided to the child for 83549
each day the child is served and shall reflect the total actual 83550
cost incurred in providing those services. The department shall 83551
certify the total educational cost to be paid for the child to 83552
both the school district providing the educational services and, 83553
if different, the school district that is responsible to pay 83554
tuition for the child. The department shall deduct the certified 83555

amount from the state basic aid funds payable under Chapter 3317. 83556
of the Revised Code to the district responsible to pay tuition and 83557
shall pay that amount to the district providing the educational 83558
services to the child. 83559

(D) Tuition required to be paid under divisions (C)(2) and 83560
(3)(a) of this section shall be computed in accordance with 83561
section 3317.08 of the Revised Code. Tuition required to be paid 83562
under division (C)(3)(b) of this section shall be computed in 83563
accordance with section 3317.081 of the Revised Code. If a home 83564
fails to pay the tuition required by division (C)(3)(b) of this 83565
section, the board of education providing the education may 83566
recover in a civil action the tuition and the expenses incurred in 83567
prosecuting the action, including court costs and reasonable 83568
attorney's fees. If the prosecuting attorney or city director of 83569
law represents the board in such action, costs and reasonable 83570
attorney's fees awarded by the court, based upon the prosecuting 83571
attorney's, director's, or one of their designee's time spent 83572
preparing and presenting the case, shall be deposited in the 83573
county or city general fund. 83574

(E) A board of education may enroll a child free of any 83575
tuition obligation for a period not to exceed sixty days, on the 83576
sworn statement of an adult resident of the district that the 83577
resident has initiated legal proceedings for custody of the child. 83578

(F) In the case of any individual entitled to attend school 83579
under this division, no tuition shall be charged by the school 83580
district of attendance and no other school district shall be 83581
required to pay tuition for the individual's attendance. 83582
Notwithstanding division (B), (C), or (E) of this section: 83583

(1) All persons at least eighteen but under twenty-two years 83584
of age who live apart from their parents, support themselves by 83585
their own labor, and have not successfully completed the high 83586
school curriculum or the individualized education program 83587

developed for the person by the high school pursuant to section 83588
3323.08 of the Revised Code, are entitled to attend school in the 83589
district in which they reside. 83590

(2) Any child under eighteen years of age who is married is 83591
entitled to attend school in the child's district of residence. 83592

(3) A child is entitled to attend school in the district in 83593
which either of the child's parents is employed if the child has a 83594
medical condition that may require emergency medical attention. 83595
The parent of a child entitled to attend school under division 83596
(F)(3) of this section shall submit to the board of education of 83597
the district in which the parent is employed a statement from the 83598
child's physician certifying that the child's medical condition 83599
may require emergency medical attention. The statement shall be 83600
supported by such other evidence as the board may require. 83601

(4) Any child residing with a person other than the child's 83602
parent is entitled, for a period not to exceed twelve months, to 83603
attend school in the district in which that person resides if the 83604
child's parent files an affidavit with the superintendent of the 83605
district in which the person with whom the child is living resides 83606
stating all of the following: 83607

(a) That the parent is serving outside of the state in the 83608
armed services of the United States; 83609

(b) That the parent intends to reside in the district upon 83610
returning to this state; 83611

(c) The name and address of the person with whom the child is 83612
living while the parent is outside the state. 83613

(5) Any child under the age of twenty-two years who, after 83614
the death of a parent, resides in a school district other than the 83615
district in which the child attended school at the time of the 83616
parent's death is entitled to continue to attend school in the 83617
district in which the child attended school at the time of the 83618

parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time 83650
not to exceed ninety days during which the child entitled to 83651
attend school under division (F)(6) or (7) of this section may 83652
attend without tuition obligation. A student attending a school 83653
under division (F)(6) or (7) of this section shall be eligible to 83654
participate in interscholastic athletics under the auspices of 83655
that school, provided the board of education of the school 83656
district where the student's parent resides, by a formal action, 83657
releases the student to participate in interscholastic athletics 83658
at the school where the student is attending, and provided the 83659
student receives any authorization required by a public agency or 83660
private organization of which the school district is a member 83661
exercising authority over interscholastic sports. 83662

(8) A child whose parent is a full-time employee of a city, 83663
local, or exempted village school district, or of an educational 83664
service center, may be admitted to the schools of the district 83665
where the child's parent is employed, or in the case of a child 83666
whose parent is employed by an educational service center, in the 83667
district that serves the location where the parent's job is 83668
primarily located, provided the district board of education 83669
establishes such an admission policy by resolution adopted by a 83670
majority of its members. Any such policy shall take effect on the 83671
first day of the school year and the effective date of any 83672
amendment or repeal may not be prior to the first day of the 83673
subsequent school year. The policy shall be uniformly applied to 83674
all such children and shall provide for the admission of any such 83675
child upon request of the parent. No child may be admitted under 83676
this policy after the first day of classes of any school year. 83677

(9) A child who is with the child's parent under the care of 83678
a shelter for victims of domestic violence, as defined in section 83679
3113.33 of the Revised Code, is entitled to attend school free in 83680
the district in which the child is with the child's parent, and no 83681

other school district shall be required to pay tuition for the 83682
child's attendance in that school district. 83683

The enrollment of a child in a school district under this 83684
division shall not be denied due to a delay in the school 83685
district's receipt of any records required under section 3313.672 83686
of the Revised Code or any other records required for enrollment. 83687
Any days of attendance and any credits earned by a child while 83688
enrolled in a school district under this division shall be 83689
transferred to and accepted by any school district in which the 83690
child subsequently enrolls. The state board of education shall 83691
adopt rules to ensure compliance with this division. 83692

(10) Any child under the age of twenty-two years whose parent 83693
has moved out of the school district after the commencement of 83694
classes in the child's senior year of high school is entitled, 83695
subject to the approval of that district board, to attend school 83696
in the district in which the child attended school at the time of 83697
the parental move for the remainder of the school year and for one 83698
additional semester or equivalent term. A district board may also 83699
adopt a policy specifying extenuating circumstances under which a 83700
student may continue to attend school under division (F)(10) of 83701
this section for an additional period of time in order to 83702
successfully complete the high school curriculum for the 83703
individualized education program developed for the student by the 83704
high school pursuant to section 3323.08 of the Revised Code. 83705

(11) As used in this division, "grandparent" means a parent 83706
of a parent of a child. A child under the age of twenty-two years 83707
who is in the custody of the child's parent, resides with a 83708
grandparent, and does not require special education is entitled to 83709
attend the schools of the district in which the child's 83710
grandparent resides, provided that, prior to such attendance in 83711
any school year, the board of education of the school district in 83712
which the child's grandparent resides and the board of education 83713

of the school district in which the child's parent resides enter 83714
into a written agreement specifying that good cause exists for 83715
such attendance, describing the nature of this good cause, and 83716
consenting to such attendance. 83717

In lieu of a consent form signed by a parent, a board of 83718
education may request the grandparent of a child attending school 83719
in the district in which the grandparent resides pursuant to 83720
division (F)(11) of this section to complete any consent form 83721
required by the district, including any authorization required by 83722
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 83723
Code. Upon request, the grandparent shall complete any consent 83724
form required by the district. A school district shall not incur 83725
any liability solely because of its receipt of a consent form from 83726
a grandparent in lieu of a parent. 83727

Division (F)(11) of this section does not create, and shall 83728
not be construed as creating, a new cause of action or substantive 83729
legal right against a school district, a member of a board of 83730
education, or an employee of a school district. This section does 83731
not affect, and shall not be construed as affecting, any 83732
immunities from defenses to tort liability created or recognized 83733
by Chapter 2744. of the Revised Code for a school district, 83734
member, or employee. 83735

(12) A child under the age of twenty-two years is entitled to 83736
attend school in a school district other than the district in 83737
which the child is entitled to attend school under division (B), 83738
(C), or (E) of this section provided that, prior to such 83739
attendance in any school year, both of the following occur: 83740

(a) The superintendent of the district in which the child is 83741
entitled to attend school under division (B), (C), or (E) of this 83742
section contacts the superintendent of another district for 83743
purposes of this division; 83744

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:

(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 83807
3327.04, and 3327.06 of the Revised Code, a child may attend 83808
school or participate in a special education program in a school 83809
district other than in the district where the child is entitled to 83810
attend school under division (B) of this section. 83811

(I)(1) Notwithstanding anything to the contrary in this 83812
section or section 3313.65 of the Revised Code, a child under 83813
twenty-two years of age may attend school in the school district 83814
in which the child, at the end of the first full week of October 83815
of the school year, was entitled to attend school as otherwise 83816
provided under this section or section 3313.65 of the Revised 83817
Code, if at that time the child was enrolled in the schools of the 83818
district but since that time the child or the child's parent has 83819
relocated to a new address located outside of that school district 83820
and within the same county as the child's or parent's address 83821
immediately prior to the relocation. The child may continue to 83822
attend school in the district, and at the school to which the 83823
child was assigned at the end of the first full week of October of 83824
the current school year, for the balance of the school year. 83825
Division (I)(1) of this section applies only if both of the 83826
following conditions are satisfied: 83827

(a) The board of education of the school district in which 83828
the child was entitled to attend school at the end of the first 83829
full week in October and of the district to which the child or 83830
child's parent has relocated each has adopted a policy to enroll 83831
children described in division (I)(1) of this section. 83832

(b) The child's parent provides written notification of the 83833
relocation outside of the school district to the superintendent of 83834
each of the two school districts. 83835

(2) At the beginning of the school year following the school 83836
year in which the child or the child's parent relocated outside of 83837
the school district as described in division (I)(1) of this 83838

section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised

Code equal to its own tuition rate for the same period of 83871
attendance. If the tuition rate credited to the district of 83872
attendance exceeds the rate deducted from the district required to 83873
pay tuition, the department of education shall pay the district of 83874
attendance the difference from amounts deducted from all 83875
districts' payments under division (C) of section 3317.023 of the 83876
Revised Code but not credited to other school districts under such 83877
division and from appropriations made for such purpose. The 83878
treasurer of each school district shall, by the fifteenth day of 83879
January and July, furnish the superintendent of public instruction 83880
a report of the names of each child who attended the district's 83881
schools under divisions (C)(2) and (3) of this section or section 83882
3313.65 of the Revised Code during the preceding six calendar 83883
months, the duration of the attendance of those children, the 83884
school district responsible for tuition on behalf of the child, 83885
and any other information that the superintendent requires. 83886

Upon receipt of the report the superintendent, pursuant to 83887
division (C) of section 3317.023 of the Revised Code, shall deduct 83888
each district's tuition obligations under divisions (C)(2) and (3) 83889
of this section or section 3313.65 of the Revised Code and pay to 83890
the district of attendance that amount plus any amount required to 83891
be paid by the state. 83892

(K) In the event of a disagreement, the superintendent of 83893
public instruction shall determine the school district in which 83894
the parent resides. 83895

(L) Nothing in this section requires or authorizes, or shall 83896
be construed to require or authorize, the admission to a public 83897
school in this state of a pupil who has been permanently excluded 83898
from public school attendance by the superintendent of public 83899
instruction pursuant to sections 3301.121 and 3313.662 of the 83900
Revised Code. 83901

(M) In accordance with division (B)(1) of this section, a 83902

child whose parent is a member of the national guard or a reserve 83903
unit of the armed forces of the United States and is called to 83904
active duty, or a child whose parent is a member of the armed 83905
forces of the United States and is ordered to a temporary duty 83906
assignment outside of the district, may continue to attend school 83907
in the district in which the child's parent lived before being 83908
called to active duty or ordered to a temporary duty assignment 83909
outside of the district, as long as the child's parent continues 83910
to be a resident of that district, and regardless of where the 83911
child lives as a result of the parent's active duty status or 83912
temporary duty assignment. However, the district is not 83913
responsible for providing transportation for the child if the 83914
child lives outside of the district as a result of the parent's 83915
active duty status or temporary duty assignment. 83916

Sec. 3313.646. (A) The board of education of a school 83917
district, except a cooperative education district established 83918
pursuant to section 3311.521 of the Revised Code, may establish 83919
and operate a program to provide services to preschool-age 83920
children, provided the board has demonstrated a need for the 83921
program. A board may use school funds in support of preschool 83922
programs. The board shall maintain, operate, and admit children to 83923
any such program pursuant to rules adopted by such board and the 83924
~~rules of the state board of education~~ adopted under sections 83925
3301.52 to 3301.57 of the Revised Code. 83926

A board of education may establish fees or tuition, which may 83927
be graduated in proportion to family income, for participation in 83928
a preschool program. In cases where payment of fees or tuition 83929
would create a hardship for the child's parent or guardian, the 83930
board may waive any such fees or tuition. 83931

(B) No board of education that is not receiving funds under 83932
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 83933

March 17, 1989, shall compete for funds under the "Head Start Act" 83934
with any grantee receiving funds under that act. 83935

(C) A board of education may contract with any of the 83936
following preschool providers to provide services to preschool-age 83937
children, other than those services for which the district is 83938
eligible to receive funding under section 3317.0213 of the Revised 83939
Code: 83940

(1) Any organization receiving funds under the "Head Start 83941
Act"; 83942

(2) Any nonsectarian eligible nonpublic school as defined in 83943
division (H) of section 3301.52 of the Revised Code; 83944

(3) Any child care provider licensed under Chapter 5104. of 83945
the Revised Code. 83946

Boards may contract to provide services to preschool-age 83947
children only with such organizations whose staff meet the 83948
requirements of rules adopted under section 3301.53 of the Revised 83949
Code or those of the child development associate credential 83950
established by the national association for the education of young 83951
children. 83952

(D) A contract entered into under division (C) of this 83953
section may provide for the board of education to lease school 83954
facilities to the preschool provider or to furnish transportation, 83955
utilities, or staff for the preschool program. 83956

(E) The treasurer of any board of education operating a 83957
preschool program pursuant to this section shall keep an account 83958
of all funds used to operate the program in the same manner as the 83959
treasurer would any other funds of the district pursuant to this 83960
chapter. 83961

Sec. 3314.03. A copy of every contract entered into under 83962
this section shall be filed with the superintendent of public 83963

instruction. The department of education shall make available on 83964
its web site a copy of every approved, executed contract filed 83965
with the superintendent under this section. 83966

(A) Each contract entered into between a sponsor and the 83967
governing authority of a community school shall specify the 83968
following: 83969

(1) That the school shall be established as either of the 83970
following: 83971

(a) A nonprofit corporation established under Chapter 1702. 83972
of the Revised Code, if established prior to April 8, 2003; 83973

(b) A public benefit corporation established under Chapter 83974
1702. of the Revised Code, if established after April 8, 2003. 83975

(2) The education program of the school, including the 83976
school's mission, the characteristics of the students the school 83977
is expected to attract, the ages and grades of students, and the 83978
focus of the curriculum; 83979

(3) The academic goals to be achieved and the method of 83980
measurement that will be used to determine progress toward those 83981
goals, which shall include the statewide achievement assessments; 83982

(4) Performance standards, including but not limited to all 83983
applicable report card measures set forth in section 3302.03 or 83984
3314.017 of the Revised Code, by which the success of the school 83985
will be evaluated by the sponsor; 83986

(5) The admission standards of section 3314.06 of the Revised 83987
Code and, if applicable, section 3314.061 of the Revised Code; 83988

(6)(a) Dismissal procedures; 83989

(b) A requirement that the governing authority adopt an 83990
attendance policy that includes a procedure for automatically 83991
withdrawing a student from the school if the student without a 83992

legitimate excuse fails to participate in seventy-two consecutive 83993
hours of the learning opportunities offered to the student. 83994

(7) The ways by which the school will achieve racial and 83995
ethnic balance reflective of the community it serves; 83996

(8) Requirements for financial audits by the auditor of 83997
state. The contract shall require financial records of the school 83998
to be maintained in the same manner as are financial records of 83999
school districts, pursuant to rules of the auditor of state. 84000
Audits shall be conducted in accordance with section 117.10 of the 84001
Revised Code. 84002

(9) An addendum to the contract outlining the facilities to 84003
be used that contains at least the following information: 84004

(a) A detailed description of each facility used for 84005
instructional purposes; 84006

(b) The annual costs associated with leasing each facility 84007
that are paid by or on behalf of the school; 84008

(c) The annual mortgage principal and interest payments that 84009
are paid by the school; 84010

(d) The name of the lender or landlord, identified as such, 84011
and the lender's or landlord's relationship to the operator, if 84012
any. 84013

(10) Qualifications of teachers, including a requirement that 84014
the school's classroom teachers be licensed in accordance with 84015
sections 3319.22 to 3319.31 of the Revised Code, except that a 84016
community school may engage noncertificated persons to teach up to 84017
twelve hours or forty hours per week pursuant to section 3319.301 84018
of the Revised Code. 84019

(11) That the school will comply with the following 84020
requirements: 84021

(a) The school will provide learning opportunities to a 84022

minimum of twenty-five students for a minimum of nine hundred 84023
twenty hours per school year. 84024

(b) The governing authority will purchase liability 84025
insurance, or otherwise provide for the potential liability of the 84026
school. 84027

(c) The school will be nonsectarian in its programs, 84028
admission policies, employment practices, and all other 84029
operations, and will not be operated by a sectarian school or 84030
religious institution. 84031

(d) The school will comply with sections 9.90, 9.91, 109.65, 84032
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 84033
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 84034
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 84035
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 84036
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 84037
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 84038
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 84039
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 84040
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 84041
3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 84042
3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 84043
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 84044
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, 84045
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 84046
4123., 4141., and 4167. of the Revised Code as if it were a school 84047
district and will comply with section 3301.0714 of the Revised 84048
Code in the manner specified in section 3314.17 of the Revised 84049
Code. 84050

(e) The school shall comply with Chapter 102. and section 84051
2921.42 of the Revised Code. 84052

(f) The school will comply with sections 3313.61, 3313.611, 84053

3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 84054
except that for students who enter ninth grade for the first time 84055
before July 1, 2010, the requirement in sections 3313.61 and 84056
3313.611 of the Revised Code that a person must successfully 84057
complete the curriculum in any high school prior to receiving a 84058
high school diploma may be met by completing the curriculum 84059
adopted by the governing authority of the community school rather 84060
than the curriculum specified in Title XXXIII of the Revised Code 84061
or any rules of the state board of education. Beginning with 84062
students who enter ninth grade for the first time on or after July 84063
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 84064
Revised Code that a person must successfully complete the 84065
curriculum of a high school prior to receiving a high school 84066
diploma shall be met by completing the requirements prescribed in 84067
section 3313.6027 and division (C) of section 3313.603 of the 84068
Revised Code, unless the person qualifies under division (D) or 84069
(F) of that section. Each school shall comply with the plan for 84070
awarding high school credit based on demonstration of subject area 84071
competency, and beginning with the 2017-2018 school year, with the 84072
updated plan that permits students enrolled in seventh and eighth 84073
grade to meet curriculum requirements based on subject area 84074
competency adopted by the state board of education under divisions 84075
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 84076
with the 2018-2019 school year, the school shall comply with the 84077
framework for granting units of high school credit to students who 84078
demonstrate subject area competency through work-based learning 84079
experiences, internships, or cooperative education developed by 84080
the department under division (J)(3) of section 3313.603 of the 84081
Revised Code. 84082

(g) The school governing authority will submit within four 84083
months after the end of each school year a report of its 84084
activities and progress in meeting the goals and standards of 84085
divisions (A)(3) and (4) of this section and its financial status 84086

to the sponsor and the parents of all students enrolled in the school. 84087
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(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 84089
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(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 84092
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(j) If the school operates a preschool program that is licensed ~~by the department of education~~ under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the ~~state board~~ department of children and youth under section 3301.53 of the Revised Code. 84099
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(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 84106
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(i) An internet- or computer-based community school; 84109

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code. 84110
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(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code. 84113
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(12) Arrangements for providing health and other benefits to employees;	84117 84118
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	84119 84120 84121 84122
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	84123 84124
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	84125 84126 84127
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	84128 84129 84130
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	84131 84132 84133 84134 84135 84136 84137 84138 84139 84140 84141
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	84142 84143 84144
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply	84145 84146 84147

with the admissions procedures specified in sections 3314.06 and 84148
3314.061 of the Revised Code and, at the sole discretion of the 84149
authority, shall do one of the following: 84150

(a) Prohibit the enrollment of students who reside outside 84151
the district in which the school is located; 84152

(b) Permit the enrollment of students who reside in districts 84153
adjacent to the district in which the school is located; 84154

(c) Permit the enrollment of students who reside in any other 84155
district in the state. 84156

(20) A provision recognizing the authority of the department 84157
of education to take over the sponsorship of the school in 84158
accordance with the provisions of division (C) of section 3314.015 84159
of the Revised Code; 84160

(21) A provision recognizing the sponsor's authority to 84161
assume the operation of a school under the conditions specified in 84162
division (B) of section 3314.073 of the Revised Code; 84163

(22) A provision recognizing both of the following: 84164

(a) The authority of public health and safety officials to 84165
inspect the facilities of the school and to order the facilities 84166
closed if those officials find that the facilities are not in 84167
compliance with health and safety laws and regulations; 84168

(b) The authority of the department of education as the 84169
community school oversight body to suspend the operation of the 84170
school under section 3314.072 of the Revised Code if the 84171
department has evidence of conditions or violations of law at the 84172
school that pose an imminent danger to the health and safety of 84173
the school's students and employees and the sponsor refuses to 84174
take such action. 84175

(23) A description of the learning opportunities that will be 84176
offered to students including both classroom-based and 84177

non-classroom-based learning opportunities that is in compliance 84178
with criteria for student participation established by the 84179
department under division (H)(2) of section 3314.08 of the Revised 84180
Code; 84181

(24) The school will comply with sections 3302.04 and 84182
3302.041 of the Revised Code, except that any action required to 84183
be taken by a school district pursuant to those sections shall be 84184
taken by the sponsor of the school. However, the sponsor shall not 84185
be required to take any action described in division (F) of 84186
section 3302.04 of the Revised Code. 84187

(25) Beginning in the 2006-2007 school year, the school will 84188
open for operation not later than the thirtieth day of September 84189
each school year, unless the mission of the school as specified 84190
under division (A)(2) of this section is solely to serve dropouts. 84191
In its initial year of operation, if the school fails to open by 84192
the thirtieth day of September, or within one year after the 84193
adoption of the contract pursuant to division (D) of section 84194
3314.02 of the Revised Code if the mission of the school is solely 84195
to serve dropouts, the contract shall be void. 84196

(26) Whether the school's governing authority is planning to 84197
seek designation for the school as a STEM school equivalent under 84198
section 3326.032 of the Revised Code; 84199

(27) That the school's attendance and participation policies 84200
will be available for public inspection; 84201

(28) That the school's attendance and participation records 84202
shall be made available to the department of education, auditor of 84203
state, and school's sponsor to the extent permitted under and in 84204
accordance with the "Family Educational Rights and Privacy Act of 84205
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 84206
regulations promulgated under that act, and section 3319.321 of 84207
the Revised Code; 84208

(29) If a school operates using the blended learning model,	84209
as defined in section 3301.079 of the Revised Code, all of the	84210
following information:	84211
(a) An indication of what blended learning model or models	84212
will be used;	84213
(b) A description of how student instructional needs will be	84214
determined and documented;	84215
(c) The method to be used for determining competency,	84216
granting credit, and promoting students to a higher grade level;	84217
(d) The school's attendance requirements, including how the	84218
school will document participation in learning opportunities;	84219
(e) A statement describing how student progress will be	84220
monitored;	84221
(f) A statement describing how private student data will be	84222
protected;	84223
(g) A description of the professional development activities	84224
that will be offered to teachers.	84225
(30) A provision requiring that all moneys the school's	84226
operator loans to the school, including facilities loans or cash	84227
flow assistance, must be accounted for, documented, and bear	84228
interest at a fair market rate;	84229
(31) A provision requiring that, if the governing authority	84230
contracts with an attorney, accountant, or entity specializing in	84231
audits, the attorney, accountant, or entity shall be independent	84232
from the operator with which the school has contracted.	84233
(32) A provision requiring the governing authority to adopt	84234
an enrollment and attendance policy that requires a student's	84235
parent to notify the community school in which the student is	84236
enrolled when there is a change in the location of the parent's or	84237
student's primary residence.	84238

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school

receives from the state. 84269

(D) The contract shall specify the duties of the sponsor 84270
which shall be in accordance with the written agreement entered 84271
into with the department of education under division (B) of 84272
section 3314.015 of the Revised Code and shall include the 84273
following: 84274

(1) Monitor the community school's compliance with all laws 84275
applicable to the school and with the terms of the contract; 84276

(2) Monitor and evaluate the academic and fiscal performance 84277
and the organization and operation of the community school on at 84278
least an annual basis; 84279

(3) Report on an annual basis the results of the evaluation 84280
conducted under division (D)(2) of this section to the department 84281
of education and to the parents of students enrolled in the 84282
community school; 84283

(4) Provide technical assistance to the community school in 84284
complying with laws applicable to the school and terms of the 84285
contract; 84286

(5) Take steps to intervene in the school's operation to 84287
correct problems in the school's overall performance, declare the 84288
school to be on probationary status pursuant to section 3314.073 84289
of the Revised Code, suspend the operation of the school pursuant 84290
to section 3314.072 of the Revised Code, or terminate the contract 84291
of the school pursuant to section 3314.07 of the Revised Code as 84292
determined necessary by the sponsor; 84293

(6) Have in place a plan of action to be undertaken in the 84294
event the community school experiences financial difficulties or 84295
closes prior to the end of a school year. 84296

(E) Upon the expiration of a contract entered into under this 84297
section, the sponsor of a community school may, with the approval 84298

of the governing authority of the school, renew that contract for 84299
a period of time determined by the sponsor, but not ending earlier 84300
than the end of any school year, if the sponsor finds that the 84301
school's compliance with applicable laws and terms of the contract 84302
and the school's progress in meeting the academic goals prescribed 84303
in the contract have been satisfactory. Any contract that is 84304
renewed under this division remains subject to the provisions of 84305
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 84306

(F) If a community school fails to open for operation within 84307
one year after the contract entered into under this section is 84308
adopted pursuant to division (D) of section 3314.02 of the Revised 84309
Code or permanently closes prior to the expiration of the 84310
contract, the contract shall be void and the school shall not 84311
enter into a contract with any other sponsor. A school shall not 84312
be considered permanently closed because the operations of the 84313
school have been suspended pursuant to section 3314.072 of the 84314
Revised Code. 84315

Sec. 3314.06. The governing authority of each community 84316
school established under this chapter shall adopt admission 84317
procedures that specify the following: 84318

(A) That, except as otherwise provided in this section, 84319
admission to the school shall be open to any individual age five 84320
to twenty-two entitled to attend school pursuant to section 84321
3313.64 or 3313.65 of the Revised Code in a school district in the 84322
state. 84323

Additionally, except as otherwise provided in this section, 84324
admission to the school may be open on a tuition basis to any 84325
individual age five to twenty-two who is not a resident of this 84326
state. The school shall not receive state funds under section 84327
3317.022 of the Revised Code for any student who is not a resident 84328
of this state. 84329

An individual younger than five years of age may be admitted 84330
to the school in accordance with division (A)(2) of section 84331
3321.01 of the Revised Code. The school shall receive funds for an 84332
individual admitted under that division in the manner provided 84333
under section 3317.022 of the Revised Code. 84334

If the school operates a program that uses the Montessori 84335
method endorsed by the American Montessori society, the Montessori 84336
accreditation council for teacher education, or the association 84337
Montessori internationale as its primary method of instruction, 84338
admission to the school may be open to individuals younger than 84339
five years of age but the school shall not receive funds under 84340
section 3317.022 of the Revised Code for those individuals. 84341
Notwithstanding anything to the contrary in this chapter, 84342
individuals younger than five years of age who are enrolled in a 84343
Montessori program shall be offered at least four hundred 84344
fifty-five hours of learning opportunities per school year. 84345

If the school operates a preschool program that is licensed 84346
~~by the department of education~~ under sections 3301.52 to 3301.59 84347
of the Revised Code, admission to the school may be open to 84348
individuals who are younger than five years of age, but the school 84349
shall not receive funds under this chapter for those individuals. 84350

(B)(1) That admission to the school may be limited to 84351
students who have attained a specific grade level or are within a 84352
specific age group; to students that meet a definition of 84353
"at-risk," as defined in the contract; to residents of a specific 84354
geographic area within the district, as defined in the contract; 84355
or to separate groups of autistic students and nondisabled 84356
students, as authorized in section 3314.061 of the Revised Code 84357
and as defined in the contract. 84358

(2) For purposes of division (B)(1) of this section, 84359
"at-risk" students may include those students identified as gifted 84360
students under section 3324.03 of the Revised Code. 84361

(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that:

(a) The governing authority may do either of the following for the purpose described in division (G) of this section:

(i) Establish a single-gender school for either sex;

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a

student is entitled to attend school under section 3313.64 or 84422
3313.65 of the Revised Code. 84423

(B) The state board of education shall adopt rules requiring 84424
the governing authority of each community school established under 84425
this chapter to annually report all of the following: 84426

(1) The number of students enrolled in grades one through 84427
twelve and the full-time equivalent number of students enrolled in 84428
kindergarten in the school who are not receiving special education 84429
and related services pursuant to an IEP; 84430

(2) The number of enrolled students in grades one through 84431
twelve and the full-time equivalent number of enrolled students in 84432
kindergarten, who are receiving special education and related 84433
services pursuant to an IEP; 84434

(3) The number of students reported under division (B)(2) of 84435
this section receiving special education and related services 84436
pursuant to an IEP for a disability described in each of divisions 84437
(A) to (F) of section 3317.013 of the Revised Code; 84438

(4) The full-time equivalent number of students reported 84439
under divisions (B)(1) and (2) of this section who are enrolled in 84440
career-technical education programs or classes described in each 84441
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code 84442
that are provided by the community school; 84443

(5) The number of students reported under divisions (B)(1) 84444
and (2) of this section who are not reported under division (B)(4) 84445
of this section but who are enrolled in career-technical education 84446
programs or classes described in each of divisions (A)(1) to (5) 84447
of section 3317.014 of the Revised Code at a joint vocational 84448
school district or another district in the career-technical 84449
planning district to which the school is assigned; 84450

(6) The number of students reported under divisions (B)(1) 84451
and (2) of this section who are category one to three English 84452

learners described in each of divisions (A) to (C) of section 84453
3317.016 of the Revised Code; 84454

(7) The number of students reported under divisions (B)(1) 84455
and (2) of this section who are economically disadvantaged, as 84456
defined by the department. A student shall not be categorically 84457
excluded from the number reported under division (B)(7) of this 84458
section based on anything other than family income. 84459

(8) For each student, the city, exempted village, or local 84460
school district in which the student is entitled to attend school 84461
under section 3313.64 or 3313.65 of the Revised Code. 84462

(9) The number of students enrolled in a preschool program 84463
operated by the school that is licensed ~~by the department of~~ 84464
~~education~~ under sections 3301.52 to 3301.59 of the Revised Code 84465
who are not receiving special education and related services 84466
pursuant to an IEP. 84467

A school district board and a community school governing 84468
authority shall include in their respective reports under division 84469
(B) of this section any child admitted in accordance with division 84470
(A)(2) of section 3321.01 of the Revised Code. 84471

A governing authority of a community school shall not include 84472
in its report under divisions (B)(1) to (9) of this section any 84473
student for whom tuition is charged under division (F) of this 84474
section. 84475

(C)(1)(a) If a community school's costs for a fiscal year for 84476
a student receiving special education and related services 84477
pursuant to an IEP for a disability described in divisions (B) to 84478
(F) of section 3317.013 of the Revised Code exceed the threshold 84479
catastrophic cost for serving the student as specified in division 84480
(B) of section 3317.0214 of the Revised Code, the school may 84481
submit to the superintendent of public instruction documentation, 84482
as prescribed by the superintendent, of all its costs for that 84483

student. Upon submission of documentation for a student of the 84484
type and in the manner prescribed, the department shall pay to the 84485
community school an amount equal to the school's costs for the 84486
student in excess of the threshold catastrophic costs. 84487

(b) The community school shall report under division 84488
(C)(1)(a) of this section, and the department shall pay for, only 84489
the costs of educational expenses and the related services 84490
provided to the student in accordance with the student's 84491
individualized education program. Any legal fees, court costs, or 84492
other costs associated with any cause of action relating to the 84493
student may not be included in the amount. 84494

(2) In any fiscal year, a community school receiving funds 84495
under division (A)(7) of section 3317.022 of the Revised Code 84496
shall spend those funds only for the purposes that the department 84497
designates as approved for career-technical education expenses. 84498
Career-technical education expenses approved by the department 84499
shall include only expenses connected to the delivery of 84500
career-technical programming to career-technical students. The 84501
department shall require the school to report data annually so 84502
that the department may monitor the school's compliance with the 84503
requirements regarding the manner in which funding received under 84504
division (A)(7) of section 3317.022 of the Revised Code may be 84505
spent. 84506

(3) Notwithstanding anything to the contrary in section 84507
3313.90 of the Revised Code, except as provided in division (C)(5) 84508
of this section, all funds received under division (A)(7) of 84509
section 3317.022 of the Revised Code shall be spent in the 84510
following manner: 84511

(a) At least seventy-five per cent of the funds shall be 84512
spent on curriculum development, purchase, and implementation; 84513
instructional resources and supplies; industry-based program 84514
certification; student assessment, credentialing, and placement; 84515

curriculum specific equipment purchases and leases; 84516
career-technical student organization fees and expenses; home and 84517
agency linkages; work-based learning experiences; professional 84518
development; and other costs directly associated with 84519
career-technical education programs including development of new 84520
programs. 84521

(b) Not more than twenty-five per cent of the funds shall be 84522
used for personnel expenditures. 84523

(4) A community school shall spend the funds it receives 84524
under division (A)(4) of section 3317.022 of the Revised Code in 84525
accordance with section 3317.25 of the Revised Code. 84526

(5) The department may waive the requirement in division 84527
(C)(3) of this section for any community school that exclusively 84528
provides one or more career-technical workforce development 84529
programs in arts and communications that are not 84530
equipment-intensive, as determined by the department. 84531

(6) For fiscal years 2022 and 2023, a community school shall 84532
spend the funds it receives under division (A)(5) of section 84533
3317.022 of the Revised Code only for services for English 84534
learners. 84535

(D) A board of education sponsoring a community school may 84536
utilize local funds to make enhancement grants to the school or 84537
may agree, either as part of the contract or separately, to 84538
provide any specific services to the community school at no cost 84539
to the school. 84540

(E) A community school may not levy taxes or issue bonds 84541
secured by tax revenues. 84542

(F) No community school shall charge tuition for the 84543
enrollment of any student who is a resident of this state. A 84544
community school may charge tuition for the enrollment of any 84545
student who is not a resident of this state. 84546

(G)(1)(a) A community school may borrow money to pay any 84547
necessary and actual expenses of the school in anticipation of the 84548
receipt of any portion of the payments to be received by the 84549
school pursuant to section 3317.022 of the Revised Code. The 84550
school may issue notes to evidence such borrowing. The proceeds of 84551
the notes shall be used only for the purposes for which the 84552
anticipated receipts may be lawfully expended by the school. 84553

(b) A school may also borrow money for a term not to exceed 84554
fifteen years for the purpose of acquiring facilities. 84555

(2) Except for any amount guaranteed under section 3318.50 of 84556
the Revised Code, the state is not liable for debt incurred by the 84557
governing authority of a community school. 84558

(H) The department of education shall adjust the amounts paid 84559
under section 3317.022 of the Revised Code to reflect any 84560
enrollment of students in community schools for less than the 84561
equivalent of a full school year. The state board of education 84562
within ninety days after April 8, 2003, shall adopt in accordance 84563
with Chapter 119. of the Revised Code rules governing the payments 84564
to community schools under section 3317.022 of the Revised Code 84565
including initial payments in a school year and adjustments and 84566
reductions made in subsequent periodic payments to community 84567
schools as provided under section 3317.022 of the Revised Code. 84568
For purposes of this division: 84569

(1) A student shall be considered enrolled in the community 84570
school for any portion of the school year the student is 84571
participating at a college under Chapter 3365. of the Revised 84572
Code. 84573

(2) A student shall be considered to be enrolled in a 84574
community school for the period of time beginning on the later of 84575
the date on which the school both has received documentation of 84576
the student's enrollment from a parent and the student has 84577

commenced participation in learning opportunities as defined in 84578
the contract with the sponsor, or thirty days prior to the date on 84579
which the student is entered into the education management 84580
information system established under section 3301.0714 of the 84581
Revised Code. For purposes of applying this division and divisions 84582
(H)(3) and (4) of this section to a community school student, 84583
"learning opportunities" shall be defined in the contract, which 84584
shall describe both classroom-based and non-classroom-based 84585
learning opportunities and shall be in compliance with criteria 84586
and documentation requirements for student participation which 84587
shall be established by the department. Any student's instruction 84588
time in non-classroom-based learning opportunities shall be 84589
certified by an employee of the community school. A student's 84590
enrollment shall be considered to cease on the date on which any 84591
of the following occur: 84592

(a) The community school receives documentation from a parent 84593
terminating enrollment of the student. 84594

(b) The community school is provided documentation of a 84595
student's enrollment in another public or private school. 84596

(c) The community school ceases to offer learning 84597
opportunities to the student pursuant to the terms of the contract 84598
with the sponsor or the operation of any provision of this 84599
chapter. 84600

Except as otherwise specified in this paragraph, beginning in 84601
the 2011-2012 school year, any student who completed the prior 84602
school year in an internet- or computer-based community school 84603
shall be considered to be enrolled in the same school in the 84604
subsequent school year until the student's enrollment has ceased 84605
as specified in division (H)(2) of this section. The department 84606
shall continue paying amounts for the student under section 84607
3317.022 of the Revised Code without interruption at the start of 84608
the subsequent school year. However, if the student without a 84609

legitimate excuse fails to participate in the first seventy-two 84610
consecutive hours of learning opportunities offered to the student 84611
in that subsequent school year, the student shall be considered 84612
not to have re-enrolled in the school for that school year and the 84613
department shall recalculate the payments to the school for that 84614
school year to account for the fact that the student is not 84615
enrolled. 84616

(3) The department shall determine each community school 84617
student's percentage of full-time equivalency based on the 84618
percentage of learning opportunities offered by the community 84619
school to that student, reported either as number of hours or 84620
number of days, is of the total learning opportunities offered by 84621
the community school to a student who attends for the school's 84622
entire school year. However, no internet- or computer-based 84623
community school shall be credited for any time a student spends 84624
participating in learning opportunities beyond ten hours within 84625
any period of twenty-four consecutive hours. Whether it reports 84626
hours or days of learning opportunities, each community school 84627
shall offer not less than nine hundred twenty hours of learning 84628
opportunities during the school year. 84629

(4) With respect to the calculation of full-time equivalency 84630
under division (H)(3) of this section, the department shall waive 84631
the number of hours or days of learning opportunities not offered 84632
to a student because the community school was closed during the 84633
school year due to disease epidemic, hazardous weather conditions, 84634
law enforcement emergencies, inoperability of school buses or 84635
other equipment necessary to the school's operation, damage to a 84636
school building, or other temporary circumstances due to utility 84637
failure rendering the school building unfit for school use, so 84638
long as the school was actually open for instruction with students 84639
in attendance during that school year for not less than the 84640
minimum number of hours required by this chapter. The department 84641

shall treat the school as if it were open for instruction with 84642
students in attendance during the hours or days waived under this 84643
division. 84644

(I) The department of education shall reduce the amounts paid 84645
under section 3317.022 of the Revised Code to reflect payments 84646
made to colleges under section 3365.07 of the Revised Code. 84647

(J)(1) No student shall be considered enrolled in any 84648
internet- or computer-based community school or, if applicable to 84649
the student, in any community school that is required to provide 84650
the student with a computer pursuant to division (C) of section 84651
3314.22 of the Revised Code, unless both of the following 84652
conditions are satisfied: 84653

(a) The student possesses or has been provided with all 84654
required hardware and software materials and all such materials 84655
are operational so that the student is capable of fully 84656
participating in the learning opportunities specified in the 84657
contract between the school and the school's sponsor as required 84658
by division (A)(23) of section 3314.03 of the Revised Code; 84659

(b) The school is in compliance with division (A) of section 84660
3314.22 of the Revised Code, relative to such student. 84661

(2) In accordance with policies adopted by the superintendent 84662
of public instruction, in consultation with the auditor of state, 84663
the department shall reduce the amounts otherwise payable under 84664
section 3317.022 of the Revised Code to any community school that 84665
includes in its program the provision of computer hardware and 84666
software materials to any student, if such hardware and software 84667
materials have not been delivered, installed, and activated for 84668
each such student in a timely manner or other educational 84669
materials or services have not been provided according to the 84670
contract between the individual community school and its sponsor. 84671

The superintendent of public instruction and the auditor of 84672

state shall jointly establish a method for auditing any community 84673
school to which this division pertains to ensure compliance with 84674
this section. 84675

The superintendent, auditor of state, and the governor shall 84676
jointly make recommendations to the general assembly for 84677
legislative changes that may be required to assure fiscal and 84678
academic accountability for such schools. 84679

(K)(1) If the department determines that a review of a 84680
community school's enrollment is necessary, such review shall be 84681
completed and written notice of the findings shall be provided to 84682
the governing authority of the community school and its sponsor 84683
within ninety days of the end of the community school's fiscal 84684
year, unless extended for a period not to exceed thirty additional 84685
days for one of the following reasons: 84686

(a) The department and the community school mutually agree to 84687
the extension. 84688

(b) Delays in data submission caused by either a community 84689
school or its sponsor. 84690

(2) If the review results in a finding that additional 84691
funding is owed to the school, such payment shall be made within 84692
thirty days of the written notice. If the review results in a 84693
finding that the community school owes moneys to the state, the 84694
following procedure shall apply: 84695

(a) Within ten business days of the receipt of the notice of 84696
findings, the community school may appeal the department's 84697
determination to the state board of education or its designee. 84698

(b) The board or its designee shall conduct an informal 84699
hearing on the matter within thirty days of receipt of such an 84700
appeal and shall issue a decision within fifteen days of the 84701
conclusion of the hearing. 84702

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the

armed forces and who apply for enrollment in a community school 84734
not later than four years after termination of war or their 84735
honorable discharge. If, however, any such veteran elects to 84736
enroll in special courses organized for veterans for whom tuition 84737
is paid under federal law, or otherwise, the department shall not 84738
pay to a community school under section 3317.022 of the Revised 84739
Code any amount for that veteran. 84740

Sec. 3323.022. The rules of the state board of education 84741
adopted in consultation with the department of children and youth 84742
for staffing ratios for programs with preschool children with 84743
disabilities shall require the following: 84744

(A) A full-time staff member shall be provided when there are 84745
eight full-day or sixteen half-day preschool children eligible for 84746
special education enrolled in a center-based preschool special 84747
education program. 84748

(B) Staff ratios of one teacher for every eight children 84749
shall be maintained at all times for a program with a center-based 84750
teacher, and a second adult shall be present when there are nine 84751
or more children, including nondisabled children enrolled in a 84752
class session. 84753

(C) Unless otherwise specified in the individualized 84754
education program, a minimum of ten hours of services per week 84755
shall be provided for each child served by a center-based teacher. 84756

Sec. 3323.20. ~~On July 1, 2006, and~~ Annually on each the first 84757
day of July ~~thereafter~~, the department of education, in 84758
consultation with the department of children and youth, shall 84759
electronically report to the general assembly the number of 84760
preschool children with disabilities who received services for 84761
which the department of education made a payment to any provider 84762
during the previous fiscal year, disaggregated according to each 84763

area of developmental deficiency identified by the department of 84764
education for the evaluation of such children. 84765

Sec. 3323.32. (A) The department of education shall contract 84766
with an entity to administer programs and coordinate services for 84767
infants, preschool and school-age children, and adults with autism 84768
and low incidence disabilities. The entity shall be selected by 84769
the superintendent of public instruction in consultation with the 84770
director of children and youth and the advisory board established 84771
under section 3323.33 of the Revised Code. 84772

The contract with the entity selected shall include, but not 84773
be limited to, the following provisions: 84774

(1) A description of the programs to be administered and 84775
services to be provided or coordinated by the entity, which shall 84776
include at least the duties prescribed by sections 3323.34 and 84777
3323.35 of the Revised Code; 84778

(2) A description of the expected outcomes from the programs 84779
administered and services provided or coordinated by the entity; 84780

(3) A stipulation that the entity's performance is subject to 84781
evaluation by the department and renewal of the entity's contract 84782
is subject to the department's satisfaction with the entity's 84783
performance; 84784

(4) A description of the measures and milestones the 84785
department will use to determine whether the performance of the 84786
entity is satisfactory; 84787

(5) Any other provision the department determines is 84788
necessary to ensure the quality of services to individuals with 84789
autism and low incidence disabilities. 84790

(B) In selecting the entity under division (A) of this 84791
section, the superintendent, the director of children and youth, 84792
and the advisory board shall give primary consideration to the 84793

Ohio Center for Autism and Low Incidence, established under 84794
section 3323.31 of the Revised Code, as long as the principal 84795
goals and mission of the Center, as determined by the 84796
superintendent, the director, and the advisory board, are 84797
consistent with the requirements of divisions (A)(1) to (5) of 84798
this section. 84799

Sec. 3325.06. (A) The state board of education, in 84800
consultation with the department of children and youth, shall 84801
institute and establish a program of education by the department 84802
of education to train parents of deaf or hard of hearing children 84803
of preschool age. The object and purpose of the educational 84804
program shall be to aid and assist the parents of deaf or hard of 84805
hearing children of preschool age in affording to the children the 84806
means of optimum communicational facilities. 84807

(B) The state board of education, in consultation with the 84808
department of children and youth, shall institute and establish a 84809
program of education to train and assist parents of children of 84810
preschool age whose disabilities are visual impairments. The 84811
object and purpose of the educational program shall be to enable 84812
the parents of children of preschool age whose disabilities are 84813
visual impairments to provide their children with learning 84814
experiences that develop early literacy, communication, mobility, 84815
and daily living skills so the children can function independently 84816
in their living environments. 84817

Sec. 3325.07. The state board of education, in consultation 84818
with the department of children and youth, in carrying out this 84819
section and division (A) of section 3325.06 of the Revised Code 84820
shall, insofar as practicable, plan, present, and carry into 84821
effect an educational program by means of any of the following 84822
methods of instruction: 84823

(A) Classes for parents of deaf or hard of hearing children of preschool age;	84824 84825
(B) A nursery school where parent and child would enter the nursery school as a unit;	84826 84827
(C) Correspondence course;	84828
(D) Personal consultations and interviews;	84829
(E) Day-care or child development courses;	84830
(F) Summer enrichment courses;	84831
(G) By such other means or methods as the superintendent of the stateschool for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.	84832 84833 84834 84835
The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.	84836 84837 84838 84839 84840 84841 84842
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.	84843 84844 84845 84846 84847 84848 84849 84850
Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section	84851 84852 84853

3701.025 of the Revised Code shall appoint a permanent infant	84854
hearing screening subcommittee. The subcommittee shall consist of	84855
the following members:	84856
(1) One otolaryngologist;	84857
(2) One neonatologist;	84858
(3) One pediatrician;	84859
(4) One neurologist;	84860
(5) One hospital administrator;	84861
(6) Two or more audiologists who are experienced in infant	84862
hearing screening and evaluation;	84863
(7) One speech-language pathologist licensed under section	84864
4753.07 of the Revised Code;	84865
(8) Two persons who are each a parent of a hearing-impaired	84866
child;	84867
(9) One geneticist;	84868
(10) One epidemiologist;	84869
(11) One adult who is deaf or hearing impaired;	84870
(12) One representative from an organization for persons who	84871
are deaf or hearing impaired;	84872
(13) One family advocate;	84873
(14) One nurse from a well-baby neonatal nursery;	84874
(15) One nurse from a special care neonatal nursery;	84875
(16) One teacher of persons who are deaf who works with	84876
infants and toddlers;	84877
(17) One representative of the health insurance industry;	84878
(18) One representative of the children with medical	84879
handicaps program;	84880

(19) One representative of the department of education;	84881
(20) One representative of the department of medicaid;	84882
(21) <u>One representative of the department of children and youth;</u>	84883 84884
<u>(22)</u> Any other person the advisory council appoints.	84885
(B) The infant hearing subcommittee shall:	84886
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	84887 84888 84889
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	84890 84891 84892
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	84893 84894 84895 84896
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	84897 84898 84899 84900
(b) Identification of locations where hearing evaluations may be conducted;	84901 84902
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	84903 84904
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	84905 84906
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	84907 84908
(f) Preparation of the information required by section	84909

3701.506 of the Revised Code. 84910

Sec. 3701.78. (A) There is hereby created the commission on 84911
minority health, consisting of ~~twenty-one~~ twenty-two members. The 84912
governor shall appoint to the commission nine members from among 84913
health researchers, health planners, and health professionals. The 84914
governor also shall appoint two members who are representatives of 84915
the lupus awareness and education program. The speaker of the 84916
house of representatives shall appoint to the commission two 84917
members of the house of representatives, not more than one of whom 84918
is a member of the same political party, and the president of the 84919
senate shall appoint to the commission two members of the senate, 84920
not more than one of whom is a member of the same political party. 84921
The following shall be members of the commission: the directors of 84922
health, mental health and addiction services, developmental 84923
disabilities, children and youth, and job and family services, or 84924
their designees; the medicaid director, or the director's 84925
designee; and the superintendent of public instruction, or the 84926
superintendent's designee. 84927

The commission shall elect a chairperson from among its 84928
members. 84929

Of the members appointed by the governor, five shall be 84930
appointed to initial terms of one year, and four shall be 84931
appointed to initial terms of two years. Thereafter, all members 84932
appointed by the governor shall be appointed to terms of two 84933
years. All members of the commission appointed by the speaker of 84934
the house of representatives or the president of the senate shall 84935
be nonvoting members of the commission and be appointed within 84936
thirty days after the commencement of the first regular session of 84937
each general assembly, and shall serve until the expiration of the 84938
session of the general assembly during which they were appointed. 84939

Members of the commission shall serve without compensation, 84940

but shall be reimbursed for the actual and necessary expenses they incur in the performance of their official duties.

(B) The commission shall promote health and the prevention of disease among members of minority groups. Each year the commission shall distribute grants from available funds to community-based health groups to be used to promote health and the prevention of disease among members of minority groups. As used in this division, "minority group" means any of the following economically disadvantaged groups: Blacks, American Indians, Hispanics, and Orientals. The commission shall adopt and maintain rules pursuant to Chapter 119. of the Revised Code to provide for the distribution of these grants. No group shall qualify to receive a grant from the commission unless it receives at least twenty per cent of its funds from sources other than grants distributed under this section.

(C) The commission may appoint such employees as it considers necessary to carry out its duties under this section. The department of health shall provide office space for the commission.

(D) The commission shall meet at the call of its chairperson to conduct its official business. A majority of the voting members of the commission constitute a quorum. The votes of at least eight voting members of the commission are necessary for the commission to take any official action or to approve the distribution of grants under this section.

Sec. 3701.80. The department of health shall cooperate with the director of ~~job~~ children and ~~family services~~ youth when the director promulgates rules pursuant to Chapter 5104. of the Revised Code governing the health and sanitary practices of meal preparation and service for type A family day-care homes, as defined in section 5104.01 of the Revised Code, recommend

procedures for inspecting type A family day-care homes to 84972
determine whether they are in compliance with those rules, and 84973
provide training and technical assistance to the director on the 84974
procedures for determining compliance with those rules. 84975

Sec. 3705.32. (A) Except as provided in this section, records 84976
received and information assembled by the birth defects 84977
information system pursuant to section 3705.30 of the Revised Code 84978
are confidential medical records. 84979

(B)(1) The director of health may use information assembled 84980
by the system to notify parents, guardians, and custodians of 84981
children with congenital anomalies or abnormal conditions of 84982
medical care and other services available for the child and 84983
family. 84984

(2) The director may disclose information assembled by the 84985
system with the written consent of the parent or legal guardian of 84986
the child who is the subject of the information. 84987

(C)(1) Access to information assembled by the system shall be 84988
limited to the following persons and government entities: 84989

(a) The director of health; 84990

(b) Authorized employees of the department of health; 84991

(c) The director of children and youth; 84992

(d) Qualified persons or government entities that are engaged 84993
in demographic, epidemiological, or similar studies related to 84994
health and health care provision. 84995

(2) The director shall give a person or government entity 84996
described in division ~~(C)(1)(e)~~(C)(1)(d) of this section access to 84997
the system only if the person or a representative of the person or 84998
government entity signs an agreement to maintain the system's 84999
confidentiality. 85000

(3) The director shall maintain a record of all persons and government entities given access to the information in the system. The record shall include all of the following information:

(a) The name of the person who authorized access to the system;

(b) The name, title, and organizational affiliation of the person or government entity given access to the system;

(c) The dates the person or government entity was given access to the system;

(d) The specific purpose for which the person or government entity intends to use the information.

(4) The record maintained pursuant to division (C)(3) of this section is a public record, as defined in section 149.43 of the Revised Code.

(5) A person who violates an agreement described in division (C)(2) of this section may be denied further access to confidential information maintained by the director.

(D) The director may disclose information assembled by the system in summary, statistical, or other form that does not identify particular individuals or individual sources of information.

Sec. 3705.36. Three years after the date a birth defects information system is implemented pursuant to section 3705.30 of the Revised Code, and annually thereafter, the department of health shall prepare a report regarding the birth defects information system. The department shall file the report with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the departments of developmental disabilities, education, children and youth, and job and family services, the commission on minority

health, and the news media. 85031

Sec. 3705.40. (A) As used in this section: 85032

(1) "Board of health" means a board of health of a city or 85033
general health district or the authority having the duties of a 85034
board of health under section 3709.05 of the Revised Code. 85035

(2) "Geocoding" means a geographic information system (GIS) 85036
operation for converting street addresses into spatial data that 85037
can be displayed as features on a map, usually by referencing 85038
address information from a street segment data layer. 85039

(B) The state registrar shall ensure that the department of 85040
children and youth and each board of health ~~has~~ have access to 85041
preliminary birth and death data maintained by the department of 85042
health, as well as access to any electronic system of vital 85043
records the state registrar or department of health maintains, 85044
including the Ohio public health information warehouse. To the 85045
extent possible, the preliminary data shall be provided in a 85046
format that permits geocoding. If the state registrar requires the 85047
department of children and youth or a board to enter into a data 85048
use agreement before accessing such data or systems, the state 85049
registrar shall provide the department and each board with an 85050
application for this purpose and, if requested, assist with the 85051
application's completion. 85052

(C) The state registrar shall provide the users of the 85053
preliminary data and electronic systems described in division (B) 85054
of this section with a data analysis tool kit that assists the 85055
users with using the data in a manner that promotes consistency 85056
and accuracy among users. The tool kit shall include a data 85057
dictionary and sample data analyses. 85058

Sec. 3737.22. (A) The fire marshal shall do all of the 85059

following:	85060
(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;	85061 85062
(2) Enforce the state fire code;	85063
(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	85064 85065
(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;	85066 85067 85068 85069
(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	85070 85071 85072 85073 85074
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	85075 85076
(7) Engage in public education and informational activities which will inform the public of fire safety information;	85077 85078
(8) Operate a fire training academy and forensic laboratory;	85079
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	85080 85081 85082
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	85083 85084
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	85085 85086 85087 85088 85089

(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	85090 85091
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	85092 85093 85094 85095 85096 85097
(14) Administer and enforce Chapter 3743. of the Revised Code;	85098 85099
(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed.	85100 85101 85102 85103
(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code.	85104 85105 85106 85107 85108 85109 85110 85111 85112 85113 85114 85115 85116 85117
All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary	85118 85119 85120

to the fire marshal; legal counsel; the pyrotechnics 85121
administrator, the chief of the forensic laboratory; the person 85122
appointed by the fire marshal to serve as administrator over 85123
functions concerning testing, license examinations, and the 85124
issuance of permits and certificates; and the chiefs of the 85125
bureaus of fire prevention, of fire and explosion investigation, 85126
of code enforcement, and of underground storage tanks shall be in 85127
the classified civil service. The fire marshal shall authorize the 85128
chief deputy and other employees under the fire marshal's 85129
supervision to exercise powers granted to the fire marshal by law 85130
as may be necessary to carry out the duties of the fire marshal's 85131
office. 85132

(C) The fire marshal shall create, in and as a part of the 85133
office of fire marshal, a fire and explosion investigation bureau 85134
consisting of a chief of the bureau and additional assistant fire 85135
marshals as the fire marshal determines necessary for the 85136
efficient administration of the bureau. The chief shall be 85137
experienced in the investigation of the cause, origin, and 85138
circumstances of fires, and in administration, including the 85139
supervision of subordinates. The chief, among other duties 85140
delegated to the chief by the fire marshal, shall be responsible, 85141
under the direction of the fire marshal, for the investigation of 85142
the cause, origin, and circumstances of fires and explosions in 85143
the state, and for assistance in the prosecution of persons 85144
believed to be guilty of arson or a similar crime. 85145

(D)(1) The fire marshal shall create, as part of the office 85146
of fire marshal, a bureau of code enforcement consisting of a 85147
chief of the bureau and additional assistant fire marshals as the 85148
fire marshal determines necessary for the efficient administration 85149
of the bureau. The chief shall be qualified, by education or 85150
experience, in fire inspection, fire code development, fire code 85151
enforcement, or any other similar field determined by the fire 85152

marshal, and in administration, including the supervision of 85153
subordinates. The chief is responsible, under the direction of the 85154
fire marshal, for fire inspection, fire code development, fire 85155
code enforcement, and any other duties delegated to the chief by 85156
the fire marshal. 85157

(2) The fire marshal, the chief deputy fire marshal, the 85158
chief of the bureau of code enforcement, or any assistant fire 85159
marshal under the direction of the fire marshal, the chief deputy 85160
fire marshal, or the chief of the bureau of code enforcement may 85161
cause to be conducted the inspection of all buildings, structures, 85162
and other places, the condition of which may be dangerous from a 85163
fire safety standpoint to life or property, or to property 85164
adjacent to the buildings, structures, or other places. 85165

(E) The fire marshal shall create, as a part of the office of 85166
fire marshal, a bureau of fire prevention consisting of a chief of 85167
the bureau and additional assistant fire marshals as the fire 85168
marshal determines necessary for the efficient administration of 85169
the bureau. The chief shall be qualified, by education or 85170
experience, to promote programs for rural and urban fire 85171
prevention and protection. The chief, among other duties delegated 85172
to the chief by the fire marshal, is responsible, under the 85173
direction of the fire marshal, for the promotion of rural and 85174
urban fire prevention and protection through public information 85175
and education programs. 85176

(F) The fire marshal shall cooperate with the director of ~~job~~ 85177
children and family services youth when the director adopts rules 85178
under section 5104.052 of the Revised Code regarding fire 85179
prevention and fire safety in licensed type B family day-care 85180
homes, as defined in section 5104.01 of the Revised Code, 85181
recommend procedures for inspecting type B homes to determine 85182
whether they are in compliance with those rules, and provide 85183
training and technical assistance to the director of children and 85184

youth and county directors of job and family services on the 85185
procedures for determining compliance with those rules. 85186

(G) The fire marshal, upon request of a provider of child 85187
care in a type B home that is not licensed by the director of ~~job~~ 85188
children and ~~family services~~ youth, as a precondition of approval 85189
by the state board of education under section 3313.813 of the 85190
Revised Code for receipt of United States department of 85191
agriculture child and adult care food program funds established 85192
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 85193
U.S.C. 1751, as amended, shall inspect the type B home to 85194
determine compliance with rules adopted under section 5104.052 of 85195
the Revised Code regarding fire prevention and fire safety in 85196
licensed type B homes. In municipal corporations and in townships 85197
where there is a certified fire safety inspector, the inspections 85198
shall be made by that inspector under the supervision of the fire 85199
marshal, according to rules adopted under section 5104.052 of the 85200
Revised Code. In townships outside municipal corporations where 85201
there is no certified fire safety inspector, inspections shall be 85202
made by the fire marshal. 85203

Sec. 3742.32. (A) The director of health shall appoint an 85204
advisory council to assist in the ongoing development and 85205
implementation of the child lead poisoning prevention program 85206
created under section 3742.31 of the Revised Code. The advisory 85207
council shall consist of the following members: 85208

(1) A representative of the department of medicaid; 85209

(2) A representative of the bureau of child care in the 85210
department of job and family services; 85211

(3) A representative of the department of environmental 85212
protection; 85213

(4) A representative of the department of education; 85214

(5) A representative of the <u>department of development</u>	85215
services agency;	85216
(6) <u>A representative of the department of children and youth;</u>	85217
(7) A representative of the Ohio apartment owner's	85218
association;	85219
(7)(8) A representative of the Ohio healthy homes network;	85220
(8)(9) A representative of the Ohio environmental health	85221
association;	85222
(9)(10) An Ohio representative of the American coatings	85223
association;	85224
(10)(11) A representative from Ohio realtors;	85225
(11)(12) A representative of the Ohio housing finance agency;	85226
(12)(13) A physician knowledgeable in the field of lead	85227
poisoning prevention;	85228
(13)(14) A representative of the public.	85229
(B) The advisory council shall do both of the following:	85230
(1) Provide the director with advice regarding the policies	85231
the child lead poisoning prevention program should emphasize,	85232
preferred methods of financing the program, and any other matter	85233
relevant to the program's operation;	85234
(2) Submit a report of the state's activities to the	85235
governor, president of the senate, and speaker of the house of	85236
representatives on or before the first day of March each year.	85237
(C) The advisory council is not subject to sections 101.82 to	85238
101.87 of the Revised Code.	85239
Sec. 3781.06. (A)(1) Any building that may be used as a place	85240
of resort, assembly, education, entertainment, lodging, dwelling,	85241
trade, manufacture, repair, storage, traffic, or occupancy by the	85242

public, any residential building, and all other buildings or parts 85243
and appurtenances of those buildings erected within this state, 85244
shall be so constructed, erected, equipped, and maintained that 85245
they shall be safe and sanitary for their intended use and 85246
occupancy. 85247

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 85248
3791.04 of the Revised Code shall be construed to limit the power 85249
of the division of industrial compliance of the department of 85250
commerce to adopt rules of uniform application governing 85251
manufactured home parks pursuant to section 4781.26 of the Revised 85252
Code. 85253

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 85254
Revised Code do not apply to any of the following: 85255

(1) Buildings or structures that are incident to the use for 85256
agricultural purposes of the land on which the buildings or 85257
structures are located, provided those buildings or structures are 85258
not used in the business of retail trade. For purposes of this 85259
division, a building or structure is not considered used in the 85260
business of retail trade if fifty per cent or more of the gross 85261
income received from sales of products in the building or 85262
structure by the owner or operator is from sales of products 85263
produced or raised in a normal crop year on farms owned or 85264
operated by the seller. 85265

(2) Existing single-family, two-family, and three-family 85266
detached dwelling houses for which applications have been 85267
submitted to the director of ~~job~~ children and ~~family services~~ 85268
youth pursuant to section 5104.03 of the Revised Code for the 85269
purposes of operating type A family day-care homes as defined in 85270
section 5104.01 of the Revised Code; 85271

(3) A mobile computing unit. As used in this division, 85272
"mobile computing unit" means an assembly that meets all of the 85273

following criteria:	85274
(a) Its purpose is to house and operate computers as defined in section 2913.01 of the Revised Code.	85275 85276
(b) Its exterior is integral to the protection or cooling, or both, of the computers housed within it.	85277 85278
(c) It is not attached to a permanent foundation.	85279
(d) It is not accessible to the public.	85280
(e) It is not designed for regular occupancy, but rather limited access for service and maintenance.	85281 85282
(f) It can be moved or transported as a single integrated unit.	85283 85284
(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:	85285 85286
(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.	85287 85288 85289 85290 85291
(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.	85292 85293 85294 85295
(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not	85296 85297 85298 85299 85300 85301 85302 85303

include a manufactured home as defined by division (C)(4) of this 85304
section or a mobile home as defined by division (O) of section 85305
4501.01 of the Revised Code. 85306

(4) "Manufactured home" means a building unit or assembly of 85307
closed construction that is fabricated in an off-site facility and 85308
constructed in conformance with the federal construction and 85309
safety standards established by the secretary of housing and urban 85310
development pursuant to the "Manufactured Housing Construction and 85311
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 85312
5403, and that has a permanent label or tag affixed to it, as 85313
specified in 42 U.S.C.A. 5415, certifying compliance with all 85314
applicable federal construction and safety standards. 85315

(5) "Permanent foundation" means permanent masonry, concrete, 85316
or a footing or foundation approved by the division of industrial 85317
compliance of the department of commerce pursuant to Chapter 4781. 85318
of the Revised Code, to which a manufactured or mobile home may be 85319
affixed. 85320

(6) "Permanently sited manufactured home" means a 85321
manufactured home that meets all of the following criteria: 85322

(a) The structure is affixed to a permanent foundation and is 85323
connected to appropriate facilities; 85324

(b) The structure, excluding any addition, has a width of at 85325
least twenty-two feet at one point, a length of at least 85326
twenty-two feet at one point, and a total living area, excluding 85327
garages, porches, or attachments, of at least nine hundred square 85328
feet; 85329

(c) The structure has a minimum 3:12 residential roof pitch, 85330
conventional residential siding, and a six-inch minimum eave 85331
overhang, including appropriate guttering; 85332

(d) The structure was manufactured after January 1, 1995; 85333

(e) The structure is not located in a manufactured home park 85334
as defined by section 4781.01 of the Revised Code. 85335

(7) "Safe," with respect to a building, means it is free from 85336
danger or hazard to the life, safety, health, or welfare of 85337
persons occupying or frequenting it, or of the public and from 85338
danger of settlement, movement, disintegration, or collapse, 85339
whether such danger arises from the methods or materials of its 85340
construction or from equipment installed therein, for the purpose 85341
of lighting, heating, the transmission or utilization of electric 85342
current, or from its location or otherwise. 85343

(8) "Sanitary," with respect to a building, means it is free 85344
from danger or hazard to the health of persons occupying or 85345
frequenting it or to that of the public, if such danger arises 85346
from the method or materials of its construction or from any 85347
equipment installed therein, for the purpose of lighting, heating, 85348
ventilating, or plumbing. 85349

(9) "Residential building" means a one-family, two-family, or 85350
three-family dwelling house, and any accessory structure 85351
incidental to that dwelling house. "Residential building" includes 85352
a one-family, two-family, or three-family dwelling house that is 85353
used as a model to promote the sale of a similar dwelling house. 85354
"Residential building" does not include an industrialized unit as 85355
defined by division (C)(3) of this section, a manufactured home as 85356
defined by division (C)(4) of this section, or a mobile home as 85357
defined by division (O) of section 4501.01 of the Revised Code. 85358

(10) "Nonresidential building" means any building that is not 85359
a residential building or a manufactured or mobile home. 85360

(11) "Accessory structure" means a structure that is attached 85361
to a residential building and serves the principal use of the 85362
residential building. "Accessory structure" includes, but is not 85363
limited to, a garage, porch, or screened-in patio. 85364

Sec. 3781.10. (A)(1) The board of building standards shall 85365
formulate and adopt rules governing the erection, construction, 85366
repair, alteration, and maintenance of all buildings or classes of 85367
buildings specified in section 3781.06 of the Revised Code, 85368
including land area incidental to those buildings, the 85369
construction of industrialized units, the installation of 85370
equipment, and the standards or requirements for materials used in 85371
connection with those buildings. The board shall incorporate those 85372
rules into separate residential and nonresidential building codes. 85373
The standards shall relate to the conservation of energy and the 85374
safety and sanitation of those buildings. 85375

(2) The rules governing nonresidential buildings are the 85376
lawful minimum requirements specified for those buildings and 85377
industrialized units, except that no rule other than as provided 85378
in division (C) of section 3781.108 of the Revised Code that 85379
specifies a higher requirement than is imposed by any section of 85380
the Revised Code is enforceable. The rules governing residential 85381
buildings are uniform requirements for residential buildings in 85382
any area with a building department certified to enforce the state 85383
residential building code. In no case shall any local code or 85384
regulation differ from the state residential building code unless 85385
that code or regulation addresses subject matter not addressed by 85386
the state residential building code or is adopted pursuant to 85387
section 3781.01 of the Revised Code. 85388

(3) The rules adopted pursuant to this section are complete, 85389
lawful alternatives to any requirements specified for buildings or 85390
industrialized units in any section of the Revised Code. Except as 85391
otherwise provided in division (I) of this section, the board 85392
shall, on its own motion or on application made under sections 85393
3781.12 and 3781.13 of the Revised Code, formulate, propose, 85394
adopt, modify, amend, or repeal the rules to the extent necessary 85395
or desirable to effectuate the purposes of sections 3781.06 to 85396

3781.18 of the Revised Code. 85397

(B) The board shall report to the general assembly proposals 85398
for amendments to existing statutes relating to the purposes 85399
declared in section 3781.06 of the Revised Code that public health 85400
and safety and the development of the arts require and shall 85401
recommend any additional legislation to assist in carrying out 85402
fully, in statutory form, the purposes declared in that section. 85403
The board shall prepare and submit to the general assembly a 85404
summary report of the number, nature, and disposition of the 85405
petitions filed under sections 3781.13 and 3781.14 of the Revised 85406
Code. 85407

(C) On its own motion or on application made under sections 85408
3781.12 and 3781.13 of the Revised Code, and after thorough 85409
testing and evaluation, the board shall determine by rule that any 85410
particular fixture, device, material, process of manufacture, 85411
manufactured unit or component, method of manufacture, system, or 85412
method of construction complies with performance standards adopted 85413
pursuant to section 3781.11 of the Revised Code. The board shall 85414
make its determination with regard to adaptability for safe and 85415
sanitary erection, use, or construction, to that described in any 85416
section of the Revised Code, wherever the use of a fixture, 85417
device, material, method of manufacture, system, or method of 85418
construction described in that section of the Revised Code is 85419
permitted by law. The board shall amend or annul any rule or issue 85420
an authorization for the use of a new material or manufactured 85421
unit on any like application. No department, officer, board, or 85422
commission of the state other than the board of building standards 85423
or the board of building appeals shall permit the use of any 85424
fixture, device, material, method of manufacture, newly designed 85425
product, system, or method of construction at variance with what 85426
is described in any rule the board of building standards adopts or 85427
issues or that is authorized by any section of the Revised Code. 85428

Nothing in this section shall be construed as requiring approval, 85429
by rule, of plans for an industrialized unit that conforms with 85430
the rules the board of building standards adopts pursuant to 85431
section 3781.11 of the Revised Code. 85432

(D) The board shall recommend rules, codes, and standards to 85433
help carry out the purposes of section 3781.06 of the Revised Code 85434
and to help secure uniformity of state administrative rulings and 85435
local legislation and administrative action to the bureau of 85436
workers' compensation, the director of commerce, any other 85437
department, officer, board, or commission of the state, and to 85438
legislative authorities and building departments of counties, 85439
townships, and municipal corporations, and shall recommend that 85440
they audit those recommended rules, codes, and standards by any 85441
appropriate action that they are allowed pursuant to law or the 85442
constitution. 85443

(E)(1) The board shall certify municipal, township, and 85444
county building departments, the personnel of those building 85445
departments, persons described in division (E)(7) of this section, 85446
and employees of individuals, firms, the state, or corporations 85447
described in division (E)(7) of this section to exercise 85448
enforcement authority, to accept and approve plans and 85449
specifications, and to make inspections, pursuant to sections 85450
3781.03, 3791.04, and 4104.43 of the Revised Code. 85451

(2) The board shall certify departments, personnel, and 85452
persons to enforce the state residential building code, to enforce 85453
the nonresidential building code, or to enforce both the 85454
residential and the nonresidential building codes. Any department, 85455
personnel, or person may enforce only the type of building code 85456
for which certified. 85457

(3) The board shall not require a building department, its 85458
personnel, or any persons that it employs to be certified for 85459
residential building code enforcement if that building department 85460

does not enforce the state residential building code. The board 85461
shall specify, in rules adopted pursuant to Chapter 119. of the 85462
Revised Code, the requirements for certification for residential 85463
and nonresidential building code enforcement, which shall be 85464
consistent with this division. The requirements for residential 85465
and nonresidential certification may differ. Except as otherwise 85466
provided in this division, the requirements shall include, but are 85467
not limited to, the satisfactory completion of an initial 85468
examination and, to remain certified, the completion of a 85469
specified number of hours of continuing building code education 85470
within each three-year period following the date of certification 85471
which shall be not less than thirty hours. The rules shall provide 85472
that continuing education credits and certification issued by the 85473
council of American building officials, national model code 85474
organizations, and agencies or entities the board recognizes are 85475
acceptable for purposes of this division. The rules shall specify 85476
requirements that are consistent with the provisions of section 85477
5903.12 of the Revised Code relating to active duty military 85478
service and are compatible, to the extent possible, with 85479
requirements the council of American building officials and 85480
national model code organizations establish. 85481

(4) The board shall establish and collect a certification and 85482
renewal fee for building department personnel, and persons and 85483
employees of persons, firms, or corporations as described in this 85484
section, who are certified pursuant to this division. 85485

(5) Any individual certified pursuant to this division shall 85486
complete the number of hours of continuing building code education 85487
that the board requires or, for failure to do so, forfeit 85488
certification. 85489

(6) This division does not require or authorize the board to 85490
certify personnel of municipal, township, and county building 85491
departments, and persons and employees of persons, firms, or 85492

corporations as described in this section, whose responsibilities 85493
do not include the exercise of enforcement authority, the approval 85494
of plans and specifications, or making inspections under the state 85495
residential and nonresidential building codes. 85496

(7) Enforcement authority for approval of plans and 85497
specifications and enforcement authority for inspections may be 85498
exercised, and plans and specifications may be approved and 85499
inspections may be made on behalf of a municipal corporation, 85500
township, or county, by any of the following who the board of 85501
building standards certifies: 85502

(a) Officers or employees of the municipal corporation, 85503
township, or county; 85504

(b) Persons, or employees of persons, firms, or corporations, 85505
pursuant to a contract to furnish architectural, engineering, or 85506
other services to the municipal corporation, township, or county; 85507

(c) Officers or employees of, and persons under contract 85508
with, a municipal corporation, township, county, health district, 85509
or other political subdivision, pursuant to a contract to furnish 85510
architectural, engineering, or other services; 85511

(d) Officers or employees of the division of industrial 85512
compliance in the department of commerce pursuant to a contract 85513
authorized by division (B) of section 121.083 of the Revised Code. 85514

(8) Municipal, township, and county building departments have 85515
jurisdiction within the meaning of sections 3781.03, 3791.04, and 85516
4104.43 of the Revised Code, only with respect to the types of 85517
buildings and subject matters for which they are certified under 85518
this section. 85519

(9) A certified municipal, township, or county building 85520
department may exercise enforcement authority, accept and approve 85521
plans and specifications, and make inspections pursuant to 85522
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 85523

park district created pursuant to Chapter 1545. of the Revised 85524
Code upon the approval, by resolution, of the board of park 85525
commissioners of the park district requesting the department to 85526
exercise that authority and conduct those activities, as 85527
applicable. 85528

(10) Certification shall be granted upon application by the 85529
municipal corporation, the board of township trustees, or the 85530
board of county commissioners and approval of that application by 85531
the board of building standards. The application shall set forth: 85532

(a) Whether the certification is requested for residential or 85533
nonresidential buildings, or both; 85534

(b) The number and qualifications of the staff composing the 85535
building department; 85536

(c) The names, addresses, and qualifications of persons, 85537
firms, or corporations contracting to furnish work or services 85538
pursuant to division (E)(7)(b) of this section; 85539

(d) The names of any other municipal corporation, township, 85540
county, health district, or political subdivision under contract 85541
to furnish work or services pursuant to division (E)(7) of this 85542
section; 85543

(e) The proposed budget for the operation of the building 85544
department. 85545

(11) The board of building standards shall adopt rules 85546
governing all of the following: 85547

(a) The certification of building department personnel and 85548
persons and employees of persons, firms, or corporations 85549
exercising authority pursuant to division (E)(7) of this section. 85550
The rules shall disqualify any employee of the department or 85551
person who contracts for services with the department from 85552
performing services for the department when that employee or 85553

person would have to pass upon, inspect, or otherwise exercise 85554
authority over any labor, material, or equipment the employee or 85555
person furnishes for the construction, alteration, or maintenance 85556
of a building or the preparation of working drawings or 85557
specifications for work within the jurisdictional area of the 85558
department. The department shall provide other similarly qualified 85559
personnel to enforce the residential and nonresidential building 85560
codes as they pertain to that work. 85561

(b) The minimum services to be provided by a certified 85562
building department. 85563

(12) The board of building standards may revoke or suspend 85564
certification to enforce the residential and nonresidential 85565
building codes, on petition to the board by any person affected by 85566
that enforcement or approval of plans, or by the board on its own 85567
motion. Hearings shall be held and appeals permitted on any 85568
proceedings for certification or revocation or suspension of 85569
certification in the same manner as provided in section 3781.101 85570
of the Revised Code for other proceedings of the board of building 85571
standards. 85572

(13) Upon certification, and until that authority is revoked, 85573
any county or township building department shall enforce the 85574
residential and nonresidential building codes for which it is 85575
certified without regard to limitation upon the authority of 85576
boards of county commissioners under Chapter 307. of the Revised 85577
Code or boards of township trustees under Chapter 505. of the 85578
Revised Code. 85579

(14) The board shall certify a person to exercise enforcement 85580
authority, to accept and approve plans and specifications, or to 85581
make inspections in this state in accordance with Chapter 4796. of 85582
the Revised Code if either of the following applies: 85583

(a) The person holds a license or certificate in another 85584

state. 85585

(b) The person has satisfactory work experience, a government 85586
certification, or a private certification as described in that 85587
chapter in the same profession, occupation, or occupational 85588
activity as the profession, occupation, or occupational activity 85589
for which the certificate is required in this state in a state 85590
that does not issue that license or certificate. 85591

(F) In addition to hearings sections 3781.06 to 3781.18 and 85592
3791.04 of the Revised Code require, the board of building 85593
standards shall make investigations and tests, and require from 85594
other state departments, officers, boards, and commissions 85595
information the board considers necessary or desirable to assist 85596
it in the discharge of any duty or the exercise of any power 85597
mentioned in this section or in sections 3781.06 to 3781.18, 85598
3791.04, and 4104.43 of the Revised Code. 85599

(G) The board shall adopt rules and establish reasonable fees 85600
for the review of all applications submitted where the applicant 85601
applies for authority to use a new material, assembly, or product 85602
of a manufacturing process. The fee shall bear some reasonable 85603
relationship to the cost of the review or testing of the 85604
materials, assembly, or products and for the notification of 85605
approval or disapproval as provided in section 3781.12 of the 85606
Revised Code. 85607

(H) The residential construction advisory committee shall 85608
provide the board with a proposal for a state residential building 85609
code that the committee recommends pursuant to division (D)(1) of 85610
section 4740.14 of the Revised Code. Upon receiving a 85611
recommendation from the committee that is acceptable to the board, 85612
the board shall adopt rules establishing that code as the state 85613
residential building code. 85614

(I)(1) The committee may provide the board with proposed 85615

rules to update or amend the state residential building code that 85616
the committee recommends pursuant to division (E) of section 85617
4740.14 of the Revised Code. 85618

(2) If the board receives a proposed rule to update or amend 85619
the state residential building code as provided in division (I)(1) 85620
of this section, the board either may accept or reject the 85621
proposed rule for incorporation into the residential building 85622
code. If the board does not act to either accept or reject the 85623
proposed rule within ninety days after receiving the proposed rule 85624
from the committee as described in division (I)(1) of this 85625
section, the proposed rule shall become part of the residential 85626
building code. 85627

(J) The board shall cooperate with the director of ~~job~~ 85628
children and ~~family services~~ youth when the director promulgates 85629
rules pursuant to section 5104.05 of the Revised Code regarding 85630
safety and sanitation in type A family day-care homes. 85631

(K) The board shall adopt rules to implement the requirements 85632
of section 3781.108 of the Revised Code. 85633

Sec. 3798.01. As used in this chapter: 85634

(A) "Administrative safeguards," "physical safeguards," and 85635
"technical safeguards" have the same meanings as in 45 C.F.R. 85636
164.304. 85637

(B) "Covered entity," "disclosure," "health care provider," 85638
"health information," "individually identifiable health 85639
information," "protected health information," and "use" have the 85640
same meanings as in 45 C.F.R. 160.103. 85641

(C) "Designated record set" has the same meaning as in 45 85642
C.F.R. 164.501. 85643

(D) "Direct exchange" means the activity of electronic 85644
transmission of health information through a direct connection 85645

between the electronic record systems of health care providers 85646
without the use of a health information exchange. 85647

(E) "Health care component" and "hybrid entity" have the same 85648
meanings as in 45 C.F.R. 164.103. 85649

(F) "Health information exchange" means any person or 85650
governmental entity that provides in this state a technical 85651
infrastructure to connect computer systems or other electronic 85652
devices used by covered entities to facilitate the secure 85653
transmission of health information. "Health information exchange" 85654
excludes health care providers engaged in direct exchange, 85655
including direct exchange through the use of a health information 85656
service provider. 85657

(G) "HIPAA privacy rule" means the standards for privacy of 85658
individually identifiable health information in 45 C.F.R. part 160 85659
and in 45 C.F.R. part 164, subparts A and E. 85660

(H) "Interoperability" means the capacity of two or more 85661
information systems to exchange information in an accurate, 85662
effective, secure, and consistent manner. 85663

(I) "Minor" means an unemancipated person under eighteen 85664
years of age or a mentally or physically disabled person under 85665
twenty-one years of age who meets criteria specified in rules 85666
adopted by the medicaid director under section 3798.13 of the 85667
Revised Code. 85668

(J) "More stringent" has the same meaning as in 45 C.F.R. 85669
160.202. 85670

(K) "Personal representative" means a person who has 85671
authority under applicable law to make decisions related to health 85672
care on behalf of an adult or emancipated minor, or the parent, 85673
legal guardian, or other person acting in loco parentis who is 85674
authorized under law to make health care decisions on behalf of an 85675
unemancipated minor. "Personal representative" does not include 85676

the parent or legal guardian of, or another person acting in loco 85677
parentis to, a minor who consents to the minor's own receipt of 85678
health care or a minor who makes medical decisions on the minor's 85679
own behalf pursuant to law, court approval, or because the minor's 85680
parent, legal guardian, or other person acting in loco parentis 85681
has assented to an agreement of confidentiality between the 85682
provider and the minor. 85683

(L) "Political subdivision" means a municipal corporation, 85684
township, county, school district, or other body corporate and 85685
politic responsible for governmental activities in a geographic 85686
area smaller than that of the state. 85687

(M) "State agency" means any one or more of the following: 85688

(1) The department of administrative services; 85689

(2) The department of aging; 85690

(3) The department of mental health and addiction services; 85691

(4) The department of developmental disabilities; 85692

(5) The department of education; 85693

(6) The department of health; 85694

(7) The department of insurance; 85695

(8) The department of job and family services; 85696

(9) The department of medicaid; 85697

(10) The department of rehabilitation and correction; 85698

(11) The department of youth services; 85699

(12) The department of children and youth; 85700

(13) The bureau of workers' compensation; 85701

~~(13)~~(14) The opportunities for Ohioans with disabilities 85702
agency; 85703

~~(14)~~(15) The office of the attorney general; 85704

~~(15)~~(16) A health care licensing board created under Title 85705
XLVII of the Revised Code that possesses individually identifiable 85706
health information. 85707

Sec. 4112.12. (A) There is hereby created the commission on 85708
African-American males, which shall consist of not more than 85709
~~twenty-five~~ twenty-six members as follows: the directors or their 85710
designees of the departments of health, development, mental health 85711
and addiction services, children and youth, and job and family 85712
services; the equal employment opportunity officer of the 85713
department of administrative services or the equal employment 85714
opportunity officer's designee; the executive director or the 85715
executive director's designee of the Ohio civil rights commission; 85716
the executive director or the executive director's designee of the 85717
division of criminal justice services in the department of public 85718
safety; the superintendent of public instruction; the chancellor 85719
of higher education or the chancellor's designee ~~of the Ohio board~~ 85720
~~of regents~~; two members of the house of representatives appointed 85721
by the speaker of the house of representatives each of whom shall 85722
be members of different political parties; and two members of the 85723
senate appointed by the president of the senate each of whom shall 85724
be members of different political parties. The members who are 85725
members of the general assembly shall be nonvoting members. The 85726
Ohio state university African American and African studies 85727
community extension center, in consultation with the governor, 85728
shall appoint four members from the private corporate sector, at 85729
least four members from the public sector, and two members from 85730
the nonprofit sector. 85731

(B) Terms of office shall be for three years, except that 85732
members of the general assembly appointed to the commission shall 85733
be members only so long as they are members of the general 85734
assembly. Each term ends on the same day of the same month as did 85735
the term that it succeeds. Each member shall hold office from the 85736

date of appointment until the end of the term for which the member 85737
was appointed. Members may be reappointed. Vacancies shall be 85738
filled in the manner provided for original appointments. Any 85739
member appointed to fill a vacancy occurring prior to the 85740
expiration date of the term for which the member's predecessor was 85741
appointed shall hold office as a member for the remainder of that 85742
term. A member shall continue in office subsequent to the 85743
expiration date of the member's term until the member's successor 85744
takes office or until a period of sixty days has elapsed, 85745
whichever occurs first. 85746

The commission annually shall elect a chairperson from among 85747
its members. 85748

(C) Members of the commission and members of subcommittees 85749
appointed under division (B) of section 4112.13 of the Revised 85750
Code shall not be compensated, but shall be reimbursed for their 85751
necessary and actual expenses incurred in the performance of their 85752
official duties. 85753

(D) The Ohio state university African American and African 85754
studies community extension center, in consultation with the 85755
governor, shall appoint an executive director of the commission on 85756
African-American males, who shall be in the unclassified civil 85757
service. The executive director shall supervise the commission's 85758
activities and report to the commission and to the Ohio state 85759
university African American and African studies community 85760
extension center on the progress of those activities. The 85761
executive director shall do all things necessary for the efficient 85762
and effective implementation of the duties of the commission. 85763

The responsibilities assigned to the executive director do 85764
not relieve the members of the commission from final 85765
responsibility for the proper performance of the requirements of 85766
this division. 85767

(E) The commission on African-American males shall do all of 85768
the following: 85769

(1) Employ, promote, supervise, and remove all employees, as 85770
needed, in connection with the performance of its duties under 85771
this section; 85772

(2) Maintain its office in Columbus; 85773

(3) Acquire facilities, equipment, and supplies necessary to 85774
house the commission, its employees, and files and records under 85775
its control, and to discharge any duty imposed upon it by law. The 85776
expense of these acquisitions shall be audited and paid for in the 85777
same manner as other state expenses. 85778

(4) Establish the overall policy and management of the 85779
commission in accordance with this chapter; 85780

(5) Follow all state procurement requirements; 85781

(6) Implement the policies and plans of the Ohio state 85782
university African American and African studies community 85783
extension center as those policies and plans are formulated and 85784
adopted by the Ohio state university African American and African 85785
studies community extension center; 85786

(7) Report to the Ohio state university African American and 85787
African studies community extension center on the progress of the 85788
commission on African-American males in implementing the policies 85789
and plans of the Ohio state university African American and 85790
African studies community extension center. 85791

(F) The commission on African-American males may: 85792

(1) Hold sessions at any place within the state, except that 85793
the commission on African-American males shall meet at least 85794
quarterly; 85795

(2) Establish, change, or abolish positions, and assign and 85796
reassign duties and responsibilities of any employee of the 85797

commission on African-American males as necessary to achieve the 85798
most efficient performance of its functions. 85799

(G) The Ohio state university African American and African 85800
studies community extension center shall establish the overall 85801
policy and management of the commission on African-American males 85802
and shall direct, manage, and oversee the commission. The Ohio 85803
state university African American and African studies community 85804
extension center shall develop overall policies and plans, and the 85805
commission on African-American males shall implement those 85806
policies and plans. The commission on African-American males, 85807
through its executive director, shall keep the Ohio state 85808
university African American and African studies community 85809
extension center informed as to the activities of the commission 85810
on African-American males in such manner and at such times as the 85811
Ohio state university African American and African studies 85812
community extension center shall determine. 85813

The Ohio state university African American and African 85814
studies community extension center may prescribe duties and 85815
responsibilities of the commission on African-American males in 85816
addition to those prescribed in section 4112.13 of the Revised 85817
Code. 85818

(H) The Ohio state university African American and African 85819
studies community extension center annually shall contract for a 85820
report on the status of African Americans in this state. Issues to 85821
be evaluated in the report shall include the criminal justice 85822
system, education, employment, health care, and housing, and such 85823
other issues as the Ohio state university African American and 85824
African studies community extension center may specify. The report 85825
shall include policy recommendations relating to the issues 85826
covered in the report. 85827

Sec. 5101.09. (A) When the director of job and family 85828

services or the director of children and youth is authorized by 85829
the Revised Code to adopt a rule, the director shall adopt the 85830
rule in accordance with the following: 85831

(1) Chapter 119. of the Revised Code if any of the following 85832
apply: 85833

(a) The rule concerns the administration or enforcement of 85834
Chapter 4141. of the Revised Code; 85835

(b) The rule concerns a program administered by the 85836
department of job and family services or the director of children 85837
and youth, unless the statute authorizing the rule requires that 85838
it be adopted in accordance with section 111.15 of the Revised 85839
Code; 85840

(c) The statute authorizing the rule requires that the rule 85841
be adopted in accordance with Chapter 119. of the Revised Code. 85842

(2) Section 111.15 of the Revised Code, excluding division 85843
(D) of that section, if either of the following apply: 85844

(a) The rule concerns the day-to-day staff procedures and 85845
operations of the department or financial and operational matters 85846
between the department and another government entity or a private 85847
entity receiving a grant from the department, unless the statute 85848
authorizing the rule requires that it be adopted in accordance 85849
with Chapter 119. of the Revised Code; 85850

(b) The statute authorizing the rule requires that the rule 85851
be adopted in accordance with section 111.15 of the Revised Code 85852
and, by the terms of division (D) of that section, division (D) of 85853
that section does not apply to the rule. 85854

(3) Section 111.15 of the Revised Code, including division 85855
(D) of that section, if the statute authorizing the rule requires 85856
that the rule be adopted in accordance with that section and the 85857
rule is not exempt from the application of division (D) of that 85858

section. 85859

(B) Except as otherwise required by the Revised Code, the 85860
adoption of a rule in accordance with Chapter 119. of the Revised 85861
Code does not make the department of job and family services, the 85862
department of children and youth, a county family services agency, 85863
or a local board subject to the notice, hearing, or other 85864
requirements of sections 119.06 to 119.13 of the Revised Code. As 85865
used in this division, "local board" has the same meaning as in 85866
section 6301.01 of the Revised Code. 85867

Sec. 5101.11. (A) As used in this section: 85868

(1) "Entity" includes an agency, board, commission, or 85869
department of the state or a political subdivision of the state; a 85870
private, nonprofit entity; a school district; a private school; or 85871
a public or private institution of higher education. 85872

(2) "Federal financial participation" means the federal 85873
government's share of expenditures made by an entity in 85874
implementing a program administered by the department of job and 85875
family services. 85876

(B) At the request of any public entity having authority to 85877
implement a program administered by the department of job and 85878
family services or the department of children and youth, or any 85879
private entity under contract with a public entity to implement a 85880
program administered by the applicable department, the applicable 85881
department may seek to obtain federal financial participation for 85882
costs incurred by the entity. Federal financial participation may 85883
be sought from programs operated pursuant to Title IV-A of the 85884
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E of the 85885
"Social Security Act," 42 U.S.C. 670 et seq.; the Food and 85886
Nutrition Act of 2008, 7 U.S.C. 2011 et seq.; and any other 85887
statute or regulation under which federal financial participation 85888
may be available, except that federal financial participation may 85889

be sought only for expenditures made with funds for which federal 85890
financial participation is available under federal law. 85891

(C) All funds collected by the department of job and family 85892
services or the department of children and youth pursuant to 85893
division (B) of this section shall be distributed to the entities 85894
that incurred the costs, except for any amounts retained by the 85895
applicable department pursuant to division (D)(3) of this section. 85896

(D) In distributing federal financial participation pursuant 85897
to this section, the department of job and family services or the 85898
department of children and youth may either enter into an 85899
agreement with the entity that is to receive the funds or 85900
distribute the funds in accordance with rules adopted under 85901
division (F) of this section. If ~~the department decides to enter~~ 85902
~~into~~ an agreement to distribute the funds is entered into, the 85903
agreement may include terms that do any of the following: 85904

(1) Provide for the whole or partial reimbursement of any 85905
cost incurred by the entity in implementing the program; 85906

(2) In the event that federal financial participation is 85907
disallowed or otherwise unavailable for any expenditure, require 85908
the applicable department or the entity, whichever party caused 85909
the disallowance or unavailability of federal financial 85910
participation, to assume responsibility for the expenditures; 85911

(3) Permit the applicable department to retain not more than 85912
five per cent of the amount of the federal financial participation 85913
to be distributed to the entity; 85914

(4) Require the public entity to certify the availability of 85915
sufficient unencumbered funds to match the federal financial 85916
participation it receives under this section; 85917

(5) Establish the length of the agreement, which may be for a 85918
fixed or a continuing period of time; 85919

(6) Establish any other requirements determined by the applicable department to be necessary for the efficient administration of the agreement.

(E) An entity that receives federal financial participation pursuant to this section for a program aiding children and their families shall establish a process for collaborative planning with the department of job and family services or the department of children and youth for the use of the funds to improve and expand the program.

(F) The director of job and family services and the director of children and youth each shall adopt rules as necessary to implement this section, including rules for the distribution of federal financial participation pursuant to this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. ~~The~~ Each director may adopt or amend any statewide plan required by the federal government for a program administered by ~~the~~ that department, as necessary to implement this section.

(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code.

Sec. 5101.111. The foundation grant fund is hereby created in the state treasury. Money the department of job and family services or the department of children and youth receives from private foundations in support of pilot projects that promote exemplary programs for enhancing the health, safety, and well-being of children and families shall be credited to the fund. The applicable department may expend the money on such projects, may use the money, to the extent allowable, to match federal funds in support of such projects, and shall comply with requirements the foundations have stipulated in their agreements with the applicable department as to the purposes for which the money may

be expended. 85951

Sec. 5101.12. The department of job and family services or 85952
department of children and youth may enter into contracts to 85953
maximize federal revenue without the expenditure of state money. 85954
In selecting private entities with which to contract, the 85955
applicable department shall engage in a request for proposals 85956
process. The applicable department, subject to the approval of the 85957
controlling board, may also directly enter into contracts with 85958
public entities providing revenue maximization services. 85959

Sec. 5101.13. (A) The department of ~~job and family services~~ 85960
children and youth shall establish and maintain a uniform 85961
statewide automated child welfare information system in accordance 85962
with the requirements of 42 U.S.C.A. 674(a)(3)(C) and related 85963
federal regulations and guidelines. The information system shall 85964
contain records regarding any of the following: 85965

(1) Investigations of children and families, and children's 85966
care in out-of-home care, in accordance with sections 2151.421 and 85967
5153.16 of the Revised Code; 85968

(2) Care and treatment provided to children and families; 85969

(3) Any other information related to children and families 85970
that state or federal law, regulation, or rule requires the 85971
department or a public children services agency to maintain. 85972

(B) The department shall plan implementation of the 85973
information system on a county-by-county basis and shall finalize 85974
statewide implementation by all public children services agencies 85975
as described in section 5153.02 of the Revised Code not later than 85976
January 1, 2008. 85977

(C) The department shall promptly notify all public children 85978
services agencies of the initiation and completion of statewide 85979
implementation of the statewide information system established 85980

under division (A) of this section. 85981

(D) "Out-of-home care" has the same meaning as in section 85982
2151.011 of the Revised Code. 85983

Sec. 5101.132. (A) Information contained in the information 85984
system established and maintained under section 5101.13 of the 85985
Revised Code may be accessed or entered only as follows: 85986

(1) The department of job and family services, the department 85987
of children and youth, a public children services agency, a title 85988
IV-E agency, a prosecuting attorney, a private child placing 85989
agency, and a private noncustodial agency may access or enter the 85990
information when either of the following is the case: 85991

(a) The access or entry is directly connected with 85992
assessment, investigation, or services regarding a child or 85993
family; 85994

(b) The access or entry is permitted by state or federal law, 85995
rule, or regulation. 85996

(2) A person may access or enter the information in a manner, 85997
to the extent, and for the purposes authorized by rules adopted by 85998
the department. 85999

(B) As used in this section, "title IV-E agency" means a 86000
public children services agency or a public entity with which the 86001
department of job and family services or department of children 86002
and youth has a title IV-E subgrant agreement in effect. 86003

Sec. 5101.134. (A) Notwithstanding any provision of the 86004
Revised Code that requires confidentiality of information that is 86005
contained in the uniform statewide automated child welfare 86006
information system established in section 5101.13 of the Revised 86007
Code, the department of ~~job and family services~~ children and youth 86008
shall adopt rules in accordance with Chapter 119. of the Revised 86009

Code regarding a private child placing agency's or private 86010
noncustodial agency's access, data entry, and use of information 86011
in the uniform statewide automated child welfare information 86012
system. 86013

(B)(1) The department of ~~job and family services~~ children and 86014
youth may adopt rules in accordance with section 111.15 of the 86015
Revised Code, as if they were internal management rules, as 86016
necessary to carry out the purposes of sections 5101.13 to 86017
5101.133 of the Revised Code. 86018

(2) The department may adopt rules in accordance with Chapter 86019
119. of the Revised Code as necessary to carry out the purposes of 86020
division (A)(2) of section 5101.132 of the Revised Code. 86021

(C) Public children services agencies shall implement and use 86022
the information system established pursuant to section 5101.13 of 86023
the Revised Code in accordance with rules adopted by the 86024
department. 86025

Sec. 5101.135. (A) A public children services employee who is 86026
entering a report of an investigation of child abuse in the 86027
statewide automated child welfare information system, as required 86028
by section 5101.13 of the Revised Code, shall make a notation on 86029
each case of child abuse that indicates whether the child abuse 86030
arose from an act that caused the child to suffer from, or 86031
resulted in the child suffering from, shaken baby syndrome. 86032

(B) ~~Beginning March 1, 2009, and each~~ On the first day of 86033
March ~~thereafter~~ of each year, the department of ~~job and family~~ 86034
~~services~~ children and youth shall report to the director of health 86035
the number of reports of child abuse that arose from an act that 86036
caused the child to suffer from, or resulted in the child 86037
suffering from, shaken baby syndrome and that arose during the 86038
calendar year immediately preceding the calendar year in which the 86039
report is made, as determined by an examination of the statewide 86040

automated child welfare information system established and 86041
maintained under section 5101.13 of the Revised Code. 86042

(C) As used in this section, "shaken baby syndrome" has the 86043
same meaning as in section ~~3701.63~~ 5180.14 of the Revised Code. 86044

Sec. 5101.14. (A) As used in this section and section 86045
5101.144 of the Revised Code, "children services" means services 86046
provided to children pursuant to Chapter 5153. of the Revised 86047
Code. 86048

(B) Within available funds, the department of ~~job~~ children 86049
and ~~family services~~ youth shall distribute funds to the counties 86050
within thirty days after the beginning of each calendar quarter 86051
for a part of the counties' costs for children services. 86052

Funds provided to the county under this section shall be 86053
deposited into the children services fund created pursuant to 86054
section 5101.144 of the Revised Code. 86055

(C) In each fiscal year, the amount of funds available for 86056
distribution under this section shall be allocated to counties as 86057
follows: 86058

(1) If the amount is less than the amount initially 86059
appropriated for the immediately preceding fiscal year, each 86060
county shall receive an amount equal to the percentage of the 86061
funding it received in the immediately preceding fiscal year, 86062
exclusive of any releases from or additions to the allocation or 86063
any sanctions imposed under this section; 86064

(2) If the amount is equal to the amount initially 86065
appropriated for the immediately preceding fiscal year, each 86066
county shall receive an amount equal to the amount it received in 86067
the preceding fiscal year, exclusive of any releases from or 86068
additions to the allocation or any sanctions imposed under this 86069
section; 86070

(3) If the amount is greater than the amount initially 86071
appropriated for the immediately preceding fiscal year, each 86072
county shall receive the amount determined under division (C)(2) 86073
of this section as a base allocation, plus a percentage of the 86074
amount that exceeds the amount initially appropriated for the 86075
immediately preceding fiscal year. The amount exceeding the amount 86076
initially appropriated in the immediately preceding fiscal year 86077
shall be allocated to the counties as follows: 86078

(a) Twelve per cent divided equally among all counties; 86079

(b) Forty-eight per cent in the ratio that the number of 86080
residents of the county under the age of eighteen bears to the 86081
total number of such persons residing in this state; 86082

(c) Forty per cent in the ratio that the number of residents 86083
of the county with incomes under the federal poverty guideline 86084
bears to the total number of such persons in this state. 86085

As used in division (C)(3)(c) of this section, "federal 86086
poverty guideline" means the poverty guideline as defined by the 86087
United States office of management and budget and revised by the 86088
United States secretary of health and human services in accordance 86089
with section 673 of the "Community Services Block Grant Act," 95 86090
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 86091

(D) Within ninety days after the end of each state fiscal 86092
biennium, each county shall return any unspent funds to the 86093
department. 86094

(E) The director of ~~job~~ children and ~~family services~~ youth 86095
may adopt the following rules in accordance with section 111.15 of 86096
the Revised Code: 86097

(1) Rules that are necessary for the allocation of funds 86098
under this section; 86099

(2) Rules prescribing reports on expenditures to be submitted 86100

by the counties as necessary for the implementation of this 86101
section. 86102

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1417 86103
of the Revised Code: 86104

(1) "Adopted young adult" means a person: 86105

(a) Who was in the temporary or permanent custody of a public 86106
children services agency; 86107

(b) Who was adopted at the age of sixteen or seventeen and 86108
attained the age of sixteen before a Title IV-E adoption 86109
assistance agreement became effective; 86110

(c) Who has attained the age of eighteen; and 86111

(d) Who has not yet attained the age of twenty-one. 86112

(2) "Child" means any of the following: 86113

(a) A person who meets the requirements of division (B)(3) of 86114
section 5153.01 of the Revised Code; 86115

(b) An adopted young adult; 86116

(c) An emancipated young adult. 86117

(3) "Emancipated young adult" means a person: 86118

(a) Who was in the temporary or permanent custody of a public 86119
children services agency, a planned permanent living arrangement, 86120
or in the Title-IV-E-eligible care and placement responsibility of 86121
a juvenile court or other governmental agency that provides Title 86122
IV-E reimbursable placement services; 86123

(b) Whose custody, arrangement, or care and placement was 86124
terminated on or after the person's eighteenth birthday; and 86125

(c) Who has not yet attained the age of twenty-one. 86126

(4) "Kinship guardianship young adult" means an individual 86127
that meets the following criteria: 86128

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section; 86129
86130
86131
86132

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective; 86133
86134
86135
86136

(c) Has attained the age of eighteen; 86137

(d) Has not yet attained the age of twenty-one. 86138

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older: 86139
86140

(a) The following individuals related by blood or adoption to the child: 86141
86142

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great"; 86143
86144

(ii) Siblings; 86145

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand"; 86146
86147
86148

(iv) First cousins and first cousins once removed. 86149

(b) Stepparents and stepsiblings of the child; 86150

(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section; 86151
86152

(d) A legal guardian of the child; 86153

(e) A legal custodian of the child; 86154

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties. 86155
86156
86157

(6) "Representative" means a person with whom the department 86158
of ~~job children~~ and ~~family services youth~~ has entered into a 86159
contract, pursuant to division (B)(2)(b) of this section. 86160

(7) "Title IV-E" means Title IV-E of the "Social Security 86161
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 86162

(B)(1) Except as provided in divisions (B)(2), (3), and (4) 86163
of this section, the department of ~~job children~~ and ~~family 86164
services youth~~ shall act as the single state agency to administer 86165
federal payments for foster care, kinship guardianship assistance, 86166
and adoption assistance made pursuant to Title IV-E. The director 86167
of ~~job children~~ and ~~family services youth~~ shall adopt rules to 86168
implement this authority. Rules governing financial and 86169
administrative requirements applicable to public children services 86170
agencies and government entities that provide Title IV-E 86171
reimbursable placement services to children shall be adopted in 86172
accordance with section 111.15 of the Revised Code, as if they 86173
were internal management rules. Rules governing requirements 86174
applicable to private child placing agencies and private 86175
noncustodial agencies and rules establishing eligibility, program 86176
participation, and other requirements concerning Title IV-E shall 86177
be adopted in accordance with Chapter 119. of the Revised Code. A 86178
public children services agency to which the department 86179
distributes Title IV-E funds shall administer the funds in 86180
accordance with those rules. 86181

(2) If the state plan is amended under divisions (A) and (B) 86182
of section 5101.1411 of the Revised Code, both of the following 86183
shall apply: 86184

(a) Implementation of the amendments to the plan shall begin 86185
fifteen months after September 13, 2016, the effective date of 86186
H.B. 50 of the 131st general assembly, if both of the following 86187
apply: 86188

(i) The plan as amended is approved by the secretary of health and human services; 86189
86190

(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended. 86191
86192

(b) The department shall have, exercise, and perform all new duties required under the plan as amended. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E. 86193
86194
86195
86196

(3) If the state plan is amended under division (C) of section 5101.1411 of the Revised Code, both of the following apply: 86197
86198
86199

(a) Implementation of the amendments to the plan shall begin fifteen months after ~~the effective date of this section~~ September 30, 2021, if both of the following apply: 86200
86201
86202

(i) The plan as amended is approved by the secretary of health and human services. 86203
86204

(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended. 86205
86206

(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E. 86207
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(4) If the state plan is amended under section 5101.1416 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after ~~the effective date of this section~~ September 30, 2021. 86211
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(C)(1) Except with regard to the new duties imposed on the department or its contractor under divisions (B)(2)(b) and (B)(3)(b) of this section that are not imposed on the county, the 86216
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86218

county, on behalf of each child eligible for foster care 86219
maintenance payments under Title IV-E, shall make payments to 86220
cover the cost of providing all of the following: 86221

(a) The child's food, clothing, shelter, daily supervision, 86222
and school supplies; 86223

(b) The child's personal incidentals; 86224

(c) Reasonable travel to the child's home for visitation. 86225

(2) In addition to payments made under division (C)(1) of 86226
this section, the county may, on behalf of each child eligible for 86227
foster care maintenance payments under Title IV-E, make payments 86228
to cover the cost of providing the following: 86229

(a) Liability insurance with respect to the child; 86230

(b) If the county is participating in the demonstration 86231
project established under division (A) of section 5101.142 of the 86232
Revised Code, services provided under the project. 86233

(3) With respect to a child who is in a child-care 86234
institution, including any type of group home designed for the 86235
care of children or any privately operated program consisting of 86236
two or more certified foster homes operated by a common 86237
administrative unit, the foster care maintenance payments made by 86238
the county on behalf of the child shall include the reasonable 86239
cost of the administration and operation of the institution, group 86240
home, or program, as necessary to provide the items described in 86241
divisions (C)(1) and (2) of this section. 86242

(D) To the extent that either foster care maintenance 86243
payments under division (C) of this section, Title IV-E kinship 86244
guardianship assistance, or Title IV-E adoption assistance 86245
payments for maintenance costs require the expenditure of county 86246
funds, the board of county commissioners shall report the nature 86247
and amount of each expenditure of county funds to the department. 86248

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance, kinship guardianship assistance, and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(G) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on

behalf of this state with agencies of any other states, for the 86280
provision of social services to children in relation to whom all 86281
of the following apply: 86282

(1) They have special needs. 86283

(2) This state or another state that is a party to the 86284
interstate compact is providing kinship guardianship assistance or 86285
adoption assistance on their behalf. 86286

(3) They move into this state from another state or move out 86287
of this state to another state. 86288

Sec. 5101.142. (A) The department of ~~job children and family~~ 86289
~~services youth~~ may apply to the United States secretary of health 86290
and human services for a waiver of requirements established under 86291
Title IV-E, or regulations adopted thereunder, to conduct a 86292
demonstration project expanding eligibility for and services 86293
provided under Title IV-E. The department may enter into 86294
agreements with the secretary necessary to implement the 86295
demonstration project, including agreements establishing the terms 86296
and conditions of the waiver authorizing the project. If a 86297
demonstration project is to be established, the department shall 86298
do all of the following: 86299

(1) Have the director of ~~job children and family services~~ 86300
~~youth~~ adopt rules in accordance with Chapter 119. of the Revised 86301
Code governing the project. The rules shall be consistent with the 86302
agreements the department enters into with the secretary. 86303

(2) Enter into agreements with public children services 86304
agencies that the department selects for participation in the 86305
project. The department shall not select an agency that objects to 86306
participation or refuses to be bound by the terms and conditions 86307
of the project. 86308

(3) Contract with persons or governmental agencies providing 86309

services under the project; 86310

(4) Amend the state plan required by section 471 of the 86311
"Social Security Act," 42 U.S.C.A. 671, as amended, as needed to 86312
implement the project; 86313

(5) Conduct ongoing evaluations of the project; 86314

(6) Perform other administrative and operational activities 86315
required by the agreement with the secretary. 86316

(B) The department may apply to the United States secretary 86317
of health and human services for a waiver of the requirements 86318
established under Title IV-B of the "Social Security Act of 1967," 86319
81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder 86320
and established under any other federal law or regulations that 86321
affect the children services functions prescribed by Chapter 5153. 86322
of the Revised Code, to conduct demonstration projects or 86323
otherwise improve the effectiveness and efficiency of the children 86324
services function. 86325

Sec. 5101.143. (A) The state adoption assistance loan fund is 86326
hereby created in the state treasury. The fund shall consist of 86327
all money appropriated or transferred to it and all loan 86328
repayments or other money, including interest and penalties, 86329
derived from state adoption assistance loans. The department of 86330
~~job children~~ and ~~family services youth~~ shall administer the fund. 86331
Money in the fund shall be used to make state adoption assistance 86332
loans to prospective adoptive parents applying for a loan under 86333
section 3107.018 of the Revised Code. All investment earnings of 86334
the fund shall be credited to the fund. 86335

(B) The director of ~~job children~~ and ~~family services youth~~ 86336
shall adopt rules in accordance with Chapter 119. of the Revised 86337
Code as necessary to implement this section, including rules for 86338
creating a loan application form, procedures and standards for 86339

reviewing and granting or denying loan applications, conditions on 86340
the use of the loan, loan repayment terms, procedures for 86341
collection of loan arrearages, and any monetary penalties for loan 86342
arrearages or improper use of loan funds. 86343

Sec. 5101.145. (A) In adopting rules under section 5101.141 86344
of the Revised Code regarding financial requirements applicable to 86345
public children services agencies, private child placing agencies, 86346
private noncustodial agencies, and government entities that 86347
provide Title IV-E reimbursable placement services to children, 86348
the department of ~~job~~ children and ~~family services~~ youth shall 86349
establish both of the following: 86350

(1) A single form for the agencies or entities to report 86351
costs reimbursable under Title IV-E and costs reimbursable under 86352
medicaid; 86353

(2) Procedures to monitor cost reports submitted by the 86354
agencies or entities. 86355

(B) The procedures established under division (A)(2) of this 86356
section shall be implemented not later than October 1, 2003. The 86357
procedures shall be used to do both of the following: 86358

(1) Determine which of the costs are reimbursable under Title 86359
IV-E; 86360

(2) Ensure that costs reimbursable under medicaid are 86361
excluded from determinations made under division (B)(1) of this 86362
section. 86363

Sec. 5101.146. The department of ~~job~~ children and ~~family~~ 86364
~~services~~ youth shall establish the following penalties, which 86365
shall be enforced at the discretion of the department, for the 86366
failure of a public children services agency, private child 86367
placing agency, private noncustodial agency, or government entity 86368
that provides Title IV-E reimbursable placement services to 86369

children to comply with procedures the department establishes to 86370
ensure fiscal accountability: 86371

(A) For initial failure, the department and the agency or 86372
entity involved shall jointly develop and implement a corrective 86373
action plan according to a specific schedule. If requested by the 86374
agency or entity involved, the department shall provide technical 86375
assistance to the agency or entity to ensure the fiscal 86376
accountability procedures and goals of the plan are met. 86377

(B) For subsequent failures or failure to achieve the goals 86378
of the plan described in division (A) of this section, one of the 86379
following: 86380

(1) For public children services agencies, the department may 86381
take any action permitted under division (C)(2), (4), (5), or (6) 86382
of section 5101.24 of the Revised Code. 86383

(2) For private child placing agencies or private 86384
noncustodial agencies, cancellation of any Title IV-E allowability 86385
rates for the agency involved pursuant to section 5101.141 of the 86386
Revised Code or revocation pursuant to Chapter 119. of the Revised 86387
Code of that agency's certificate issued under section 5103.03 of 86388
the Revised Code; 86389

(3) For government entities, other than public children 86390
services agencies, that provide Title IV-E reimbursable placement 86391
services to children, cancellation of any Title IV-E allowability 86392
rates for the entity involved pursuant to section 5101.141 of the 86393
Revised Code. 86394

Sec. 5101.147. If a public children services agency fails to 86395
comply with the fiscal accountability procedures established by 86396
the department of ~~job~~ children and ~~family services~~ youth, the 86397
department shall notify the board of county commissioners of the 86398
county served by the agency. If a private child placing agency or 86399

private noncustodial agency fails to comply with the fiscal 86400
accountability procedures, the department shall notify the 86401
executive director of each public children services agency that 86402
has entered into a contract for services with the private child 86403
placing agency or private noncustodial agency. 86404

Sec. 5101.148. If the department of ~~job~~ children and ~~family~~ 86405
~~services~~ youth sanctions a public children services agency, 86406
private child placing agency, or private noncustodial agency, it 86407
shall take every possible precaution to ensure that any foster 86408
children that have been placed by the agency under sanction are 86409
not unnecessarily removed from the certified foster homes in which 86410
they reside. 86411

Sec. 5101.1410. In addition to the remedies available under 86412
sections 5101.146 and 5101.24 of the Revised Code, the department 86413
of ~~job~~ children and ~~family services~~ youth may certify a claim to 86414
the attorney general under section 131.02 of the Revised Code for 86415
the attorney general to take action under that section against a 86416
public children services agency, private child placing agency, 86417
private noncustodial agency, or government entity that provides 86418
Title IV-E reimbursable placement services to children if all of 86419
the following are the case: 86420

(A) The agency or entity files a cost report with the 86421
department pursuant to rules adopted under division (B) of section 86422
5101.141 of the Revised Code. 86423

(B) The department receives and distributes federal Title 86424
IV-E reimbursement funds based on the cost report. 86425

(C) The agency's or entity's misstatement, misclassification, 86426
overstatement, understatement, or other inclusion or omission of 86427
any cost included in the cost report causes the United States 86428
department of health and human services to disallow all or part of 86429

the federal Title IV-E reimbursement funds the department received 86430
and distributed. 86431

(D) The agency's or entity's misstatement, misclassification, 86432
overstatement, understatement, or other inclusion or omission of 86433
any cost included in the cost report is not the direct result of a 86434
written directive concerning the agency or entity's cost report 86435
that the department issued to the agency or entity. 86436

Sec. 5101.1411. (A)(1) The director of job and family 86437
services shall, not later than nine months after September 13, 86438
2016, the effective date of H.B. 50 of the 131st general assembly, 86439
submit an amendment to the state plan required by 42 U.S.C. 671 to 86440
the United States secretary of health and human services to 86441
implement 42 U.S.C. 675(8) to make federal payments for foster 86442
care under Title IV-E directly to, or on behalf of, any 86443
emancipated young adult who meets the following requirements: 86444

(a) The emancipated young adult signs a voluntary 86445
participation agreement. 86446

(b) The emancipated young adult satisfies division (D) of 86447
this section. 86448

(2) Any emancipated young adult who meets the requirements of 86449
division (A)(1) of this section may apply for foster care payments 86450
and make the appropriate application at any time. 86451

(B)(1) The director of job and family services shall, not 86452
later than nine months after September 13, 2016, the effective 86453
date of H.B. 50 of the 131st general assembly, submit an amendment 86454
to the state plan required by 42 U.S.C. 671 to the United States 86455
secretary of health and human services to implement 42 U.S.C. 86456
675(8) to make federal payments for adoption assistance under 86457
Title IV-E available to any parent who meets all of the following 86458
requirements: 86459

(a) The parent adopted a person who is an adopted young adult 86460
and the parent entered into an adoption assistance agreement under 86461
42 U.S.C. 673 while the adopted person was age sixteen or 86462
seventeen. 86463

(b) The parent maintains parental responsibility for the 86464
adopted young adult. 86465

(c) The adopted young adult satisfies division (D) of this 86466
section. 86467

(2) Any parent who meets the requirements of division (B)(1) 86468
of this section that are applicable to a parent may request an 86469
extension of adoption assistance payments at any time before the 86470
adopted young adult reaches age twenty-one. 86471

(3) An adopted young adult who is eligible to receive 86472
adoption assistance payments is not considered an emancipated 86473
young adult and is therefore not eligible to receive payment under 86474
division (A) of this section. 86475

(C)(1) The director of job and family services shall, not 86476
later than nine months after ~~the effective date of this amendment~~ 86477
September 30, 2021, submit an amendment to the state plan required 86478
by 42 U.S.C. 671 to the United States secretary of health and 86479
human services to implement 42 U.S.C. 673(d) to provide kinship 86480
guardianship assistance under Title IV-E available to any relative 86481
who meets all of the following requirements: 86482

(a) Both of the following apply: 86483

(i) A juvenile court issued an order granting legal custody 86484
of a person who is a kinship guardianship young adult to the 86485
relative, or a probate court issued an order granting guardianship 86486
of a person who is a kinship guardianship young adult to the 86487
relative, and the order is not a temporary court order. 86488

(ii) The relative entered into a kinship guardianship 86489

assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen. 86490
86491

(b) The relative maintains parental responsibility for the kinship guardianship young adult. 86492
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(c) The kinship guardianship young adult satisfies division (D) of this section. 86494
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(2) Any person who meets the requirements of division (C)(1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one. 86496
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(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section. 86500
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(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria: 86504
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86506

(1) Is completing secondary education or a program leading to an equivalent credential; 86507
86508

(2) Is enrolled in an institution that provides post-secondary or vocational education; 86509
86510

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment; 86511
86512

(4) Is employed for at least eighty hours per month; 86513

(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan. 86514
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(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or 86518
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on whose behalf such foster care payments are received, or any 86520
relative described in division (C)(1) of this section who is 86521
receiving kinship guardianship assistance, or any parent receiving 86522
adoption assistance payments, may refuse the payments at any time. 86523

(F)(1) An emancipated young adult described in division 86524
(A)(1) of this section who is directly receiving foster care 86525
payments, or on whose behalf such foster care payments are 86526
received, or any relative described in division (C)(1) of this 86527
section who is receiving kinship guardianship assistance and the 86528
kinship guardianship young adult, or a parent receiving adoption 86529
assistance payments and the adopted young adult shall be eligible 86530
for services set forth in the federal, "Fostering Connections to 86531
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 86532
Stat. 3949. 86533

(2) An emancipated young adult described in division (A)(1) 86534
of this section who is directly receiving foster care payments, or 86535
on whose behalf such foster care payments are received, pursuant 86536
to this section, may be eligible to reside in a supervised 86537
independent living setting, including apartment living, room and 86538
board arrangements, college or university dormitories, host homes, 86539
and shared roommate settings. 86540

(G) Any determination by the department of job and family 86541
services or the department of children and youth that denies or 86542
terminates foster care assistance, kinship guardianship 86543
assistance, kinship support program payments, or adoption 86544
assistance payments shall be subject to a state hearing pursuant 86545
to section 5101.35 of the Revised Code. 86546

Sec. 5101.1412. (A) Without the approval of a court, an 86547
emancipated young adult who receives payments, or on whose behalf 86548
payments are received, under division (A) of section 5101.1411 of 86549
the Revised Code, may enter into a voluntary participation 86550

agreement with the department of ~~job children~~ and ~~family services~~
youth, or its representative, for the emancipated young adult's
care and placement. The agreement shall stay in effect until one
of the following occurs:

(1) The emancipated young adult enrolled in the program
notifies the department, or its representative, that they want to
terminate the agreement.

(2) The emancipated young adult becomes ineligible for the
program.

(B) In order to maintain Title IV-E eligibility for the
emancipated young adult, both of the following apply:

(1) Not later than one hundred eighty days after the
effective date of the voluntary participation agreement, the
department or its representative must petition the court for, and
obtain, a judicial determination that the emancipated young
adult's best interest is served by continuing the care and
placement with the department or its representative.

(2) Not later than twelve months after the effective date of
the voluntary participation agreement, and at least once every
twelve months thereafter, the department or its representative
must petition the court for, and obtain, a judicial determination
that the department or its representative has made reasonable
efforts to finalize a permanency plan to prepare the emancipated
young adult for independence.

Sec. 5101.1413. Notwithstanding section 5101.141 of the
Revised Code and any rules adopted thereunder, the department of
~~job children~~ and ~~family services~~ youth shall pay the full
nonfederal share of payments made pursuant to section 5101.1411 of
the Revised Code. No public children services agency shall be
responsible for the cost of any payments made pursuant to section

5101.1411 of the Revised Code. 86581

Sec. 5101.1414. (A) ~~Not later than nine months after~~ 86582
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 86583
~~general assembly, the~~ The department of ~~job children and family~~ 86584
~~services youth~~ shall adopt rules necessary to carry out the 86585
purposes of sections 5101.1411 to 5101.1413 of the Revised Code, 86586
including rules that do all of the following: 86587

(1) Allow an emancipated young adult described in division 86588
(A)(1) of section 5101.1411 of the Revised Code who is directly 86589
receiving foster care payments, or on whose behalf such foster 86590
care payments are received, or an adopted young adult whose 86591
adoptive parents are receiving adoption assistance payments, to 86592
maintain eligibility while transitioning into, or out of, 86593
qualified employment or educational activities; 86594

(2) Require that a thirty-day notice of termination be given 86595
by the department to an emancipated young adult described in 86596
division (A)(1) of section 5101.1411 of the Revised Code who is 86597
receiving foster care payments, or on whose behalf such foster 86598
care payments are received, or to a parent receiving adoption 86599
assistance payments for an adopted young adult described in 86600
division (B)(1) of section 5101.1411 of the Revised Code, who is 86601
determined to be ineligible for payments; 86602

(3) Establish the scope of practice and training necessary 86603
for case managers and supervisors who care for emancipated young 86604
adults described in division (A)(1) of section 5101.1411 of the 86605
Revised Code who are receiving foster care payments, or on whose 86606
behalf such foster care payments are received, under section 86607
5101.1411 of the Revised Code. 86608

(B) The department of ~~job children and family services youth~~ 86609
shall create an advisory council to evaluate and make 86610

recommendations for statewide implementation of sections 5101.1411 86611
and 5101.1412 of the Revised Code ~~not later than one month after~~ 86612
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 86613
~~general assembly.~~ 86614

Sec. 5101.1417. ~~Not later than nine months after the~~ 86615
~~effective date of this section, the~~ The department of ~~job~~ children 86616
and ~~family services~~ youth shall adopt rules necessary to carry out 86617
the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the 86618
Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," 86619
including rules that do all of the following: 86620

(A) Allow a kinship guardianship young adult described in 86621
division (C) of section 5101.1411 of the Revised Code on whose 86622
behalf kinship guardianship assistance is received, to maintain 86623
eligibility while transitioning into, or out of, qualified 86624
employment or educational activities; 86625

(B) Require that a thirty-day notice of termination be given 86626
by the department to a person receiving kinship guardianship 86627
assistance for a kinship guardianship young adult described in 86628
division (C) of section 5101.1411 of the Revised Code, who is 86629
determined to be ineligible for assistance. 86630

Sec. 5101.1418. (A)(1) If, after a child's adoption is 86631
finalized, the department of ~~job~~ children and ~~family services~~ 86632
youth considers the child to be in need of public care or 86633
protective services, the department may, to the extent state funds 86634
are available for this purpose, enter into an agreement with the 86635
child's adoptive parent under which the department may make post 86636
adoption special services subsidy payments on behalf of the child 86637
as needed when both of the following apply: 86638

(a) The child has a physical or developmental disability or 86639
mental or emotional condition that either: 86640

- (i) Existed before the adoption petition was filed; or 86641
- (ii) Developed after the adoption petition was filed and can 86642
be directly attributed to factors in the child's preadoption 86643
background, medical history, or biological family's background or 86644
medical history. 86645
- (b) The department determines the expenses necessitated by 86646
the child's disability or condition are beyond the adoptive 86647
parent's economic resources. 86648
- (2) Services for which the department may make post adoption 86649
special services subsidy payments on behalf of a child under this 86650
section shall include medical, surgical, psychiatric, 86651
psychological, and counseling services, including residential 86652
treatment. 86653
- (3) The department shall establish clinical standards to 86654
evaluate a child's physical or developmental disability or mental 86655
or emotional condition and assess the child's need for services. 86656
- (4) The total dollar value of post adoption special services 86657
subsidy payments made on a child's behalf shall not exceed ten 86658
thousand dollars in any fiscal year, unless the department 86659
determines that extraordinary circumstances exist that necessitate 86660
further funding of services for the child. Under such 86661
extraordinary circumstances, the value of the payments made on the 86662
child's behalf shall not exceed fifteen thousand dollars in any 86663
fiscal year. 86664
- (5) The adoptive parent or parents of a child who receives 86665
post adoption special services subsidy payments shall pay at least 86666
five per cent of the total cost of all services provided to the 86667
child; except that the department may waive this requirement if 86668
the gross annual income of the child's adoptive family is not more 86669
than two hundred per cent of the federal poverty guideline. 86670
- (6) The department may use other sources of revenue to make 86671

post adoption special services subsidy payments, in addition to 86672
any state funds appropriated for that purpose. 86673

(7) The department may contract with another person to carry 86674
out any of the duties described in this section. 86675

(B) No payment shall be made on behalf of any person eighteen 86676
years of age or older beyond the end of the school year during 86677
which the person attains the age of eighteen or on behalf of a 86678
mentally or physically disabled person twenty-one years of age or 86679
older. 86680

(C) The director of ~~job children~~ and ~~family services~~, ~~not~~ 86681
~~later than July 1, 2022,~~ youth shall adopt rules in accordance 86682
with Chapter 119. of the Revised Code necessary to implement this 86683
section. The rules shall establish all of the following: 86684

(1) The application process for all forms of assistance 86685
provided under this section; 86686

(2) Standards for determining the children who qualify to 86687
receive assistance provided under this section; 86688

(3) The method of determining the amount, duration, and scope 86689
of services provided to a child; 86690

(4) The method of transitioning the post adoption special 86691
services subsidy program from public children services agencies to 86692
the department; 86693

(5) Any other rule, requirement, or procedure the department 86694
considers appropriate for the implementation of this section. 86695

(D) The department shall implement this section not later 86696
than July 1, 2022. 86697

Sec. 5101.15. Within available funds the department of ~~job~~ 86698
~~children~~ and ~~family services~~ youth may reimburse counties in 86699
accordance with this section for a portion of the salaries paid to 86700

child welfare workers employed under section 5153.12 of the Revised Code. No county with a population of eighty thousand or less, according to the latest census accepted by the department as official, shall be entitled to reimbursement on the salaries of more than two child welfare workers, and no county with a population of more than eighty thousand, according to such census, shall be entitled to reimbursement on the salaries of more than two child welfare workers plus one additional child welfare worker for each one hundred thousand of population in excess of eighty thousand.

The maximum reimbursement to which a county may be entitled on any child welfare worker shall be as follows:

(A) Twenty-seven hundred dollars a year for a child welfare worker who is a graduate of an accredited high school, college, or university;

(B) Thirty-three hundred dollars a year for a child welfare worker who has one year or more of graduate training in social work or a field which the department finds to be related to social work;

(C) Thirty-nine hundred dollars a year for a child welfare worker who has completed two years of social work training.

The salary of the executive director, designated in accordance with section 5153.10 of the Revised Code, shall be subject to reimbursement under this section, provided that the executive director qualifies under division (A), (B), or (C) of this section. No funds shall be allocated under this section until the director of ~~job children and family services~~ youth has approved a plan of child welfare services for the county submitted by the public children services agency.

Sec. 5101.183. (A) The director of job and family services

and the director of children and youth, in accordance with section 86731
111.15 of the Revised Code, may adopt rules under which county 86732
family services agencies shall take action to recover the cost of 86733
the following benefits and services available under programs 86734
administered by the department of job and family services or the 86735
department of children and youth: 86736

(1) Benefits or services provided to any of the following: 86737

(a) Persons who were not eligible for the benefits or 86738
services but who secured the benefits or services through fraud or 86739
misrepresentation; 86740

(b) Persons who were eligible for the benefits or services 86741
but who intentionally diverted the benefits or services to other 86742
persons who were not eligible for the benefits or services. 86743

(2) Any benefits or services provided by a county family 86744
services agency for which recovery is required or permitted by 86745
federal law for the federal programs administered by the agency. 86746

(B) A county family services agency may bring a civil action 86747
against a recipient of benefits or services to recover any costs 86748
described in division (A) of this section. 86749

(C) A county family services agency shall retain any money it 86750
recovers under division (A) of this section and shall use the 86751
money to meet a family services duty, except that, if federal law 86752
requires the department of job and family services or the 86753
department of children and youth to return any portion of the 86754
money so recovered to the federal government, the county family 86755
services agency shall pay that portion to the department of job 86756
and family services or the department of children and youth. 86757

Sec. 5101.21. (A) As used in sections 5101.21 to 5101.212 of 86758
the Revised Code: 86759

(1) "County grantee" means all of the following: 86760

- (a) A board of county commissioners; 86761
- (b) A county children services board appointed under section 5153.03 of the Revised Code; 86762
86763
- (c) A county elected official that is a child support enforcement agency. 86764
86765
- (2) "County subgrant" means a grant that a county grantee awards to another entity. 86766
86767
- (3) "County subgrant agreement" means an agreement between a county grantee and another entity under which the county grantee awards the other entity one or more county subgrants. 86768
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- (4) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year. 86771
86772
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- (5) "Grant" means an award for one or more family services duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the department of job and family services or the department of children and youth and that ~~the~~ either department awards to a county grantee. "Grant" may include state funds the department awards to a county grantee to match the federal financial assistance. "Grant" does not mean either of the following: 86774
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- (a) Technical assistance that provides services instead of money; 86782
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- (b) Other assistance provided in the form of revenue sharing, loans, loan guarantees, interest subsidies, or insurance. 86784
86785
- (6) "Grant agreement" means an agreement between the department of job and family services or the department of children and youth and a county grantee under which ~~the~~ either department awards the county grantee one or more grants. 86786
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86789
- (B) ~~Effective July 1, 2008, the~~ The director of job and 86790

family services and the director of children and youth may award 86791
grants to counties only through grant agreements entered into 86792
under this section. 86793

(C) The ~~director~~ directors shall enter into one or more 86794
written grant agreements with the county grantees of each county. 86795
If a county has multiple county grantees, the director shall 86796
jointly enter into the grant agreement with all of the county 86797
grantees. ~~The initial grant agreement shall be entered into not~~ 86798
~~later than January 31, 2008, and shall be in effect for fiscal~~ 86799
~~year 2009.~~ Except as provided in rules adopted under this section, 86800
subsequent grant agreements shall be entered into before the first 86801
day of each successive fiscal biennial period and shall be in 86802
effect for that fiscal biennial period or, in the case of a grant 86803
agreement entered into after the first day of a fiscal biennial 86804
period and except as provided by section 5101.211 of the Revised 86805
Code, for the remainder of the fiscal biennial period. A grant 86806
agreement shall do all of the following: 86807

(1) Comply with all of the conditions, requirements, and 86808
restrictions applicable to the family services duties for which 86809
the grants included in the agreement are awarded, including the 86810
conditions, requirements, and restrictions established by the 86811
department, federal or state law, state plans for receipt of 86812
federal financial participation, agreements between the ~~department~~ 86813
departments and a federal agency, and executive orders issued by 86814
the governor; 86815

(2) Establish terms and conditions governing the 86816
accountability for and use of the grants included in the grant 86817
agreement; 86818

(3) Specify both of the following: 86819

(a) The family services duties for which the grants included 86820
in the agreement are awarded; 86821

(b) The private and government entities designated under 86822
section 307.981 of the Revised Code to serve as the county family 86823
services agencies performing the family services duties; 86824

(4) Provide for the department of job and family services and 86825
the department of children and youth to award the grants included 86826
in the agreement in accordance with a methodology for determining 86827
the amount of the award established by rules adopted under this 86828
section; 86829

(5) Specify the form of the grants which may be a cash draw, 86830
reimbursement, property, advance, working capital advance, or 86831
other forms specified in rules adopted under this section; 86832

(6) Provide that the grants are subject to the availability 86833
of federal funds and appropriations made by the general assembly; 86834

(7) Specify annual financial, administrative, or other 86835
incentive awards, if any, to be provided in accordance with 86836
section 5101.23 of the Revised Code; 86837

(8) Include the assurance of each county grantee that the 86838
county grantee will do all of the following: 86839

(a) Ensure that the grants included in the agreement are 86840
used, and the family services duties for which the grants are 86841
awarded are performed, in accordance with conditions, 86842
requirements, and restrictions applicable to the duties 86843
established by the ~~department~~ departments, a federal or state law, 86844
state plans for receipt of federal financial participation, 86845
agreements between the ~~department~~ departments and a federal 86846
agency, and executive orders issued by the governor; 86847

(b) Utilize a financial management system and other 86848
accountability mechanisms for the grants awarded under the 86849
agreement that meet requirements the ~~department~~ establishes 86850
departments establish; 86851

- (c) Do all of the following with regard to a county subgrant: 86852
- (i) Award the subgrant through a written county subgrant 86853
agreement that requires the entity awarded the county subgrant to 86854
comply with all conditions, requirements, and restrictions 86855
applicable to the county grantee regarding the grant that the 86856
county grantee subgrants to the entity, including the conditions, 86857
requirements, and restrictions of this section; 86858
- (ii) Monitor the entity that is awarded the subgrant to 86859
ensure that the entity uses the subgrant in accordance with 86860
conditions, requirements, and restrictions applicable to the 86861
family services duties for which the subgrant is awarded; 86862
- (iii) Take action to recover subgrants that are not used in 86863
accordance with the conditions, requirements, or restrictions 86864
applicable to the family services duties for which the subgrant is 86865
awarded. 86866
- (d) Promptly reimburse the ~~department~~ departments the amount 86867
that represents the amount the county grantee is responsible for, 86868
pursuant to action the ~~department takes~~ departments take under 86869
division (C) of section 5101.24 of the Revised Code, of funds the 86870
~~department pays~~ departments pay to any entity because of an 86871
adverse audit finding, adverse quality control finding, final 86872
disallowance of federal financial participation, or other sanction 86873
or penalty; 86874
- (e) Take prompt corrective action, including paying amounts 86875
resulting from an adverse finding, sanction, or penalty, if the 86876
~~department~~ departments, auditor of state, federal agency, or other 86877
entity authorized by federal or state law to determine compliance 86878
with the conditions, requirements, and restrictions applicable to 86879
a family services duty for which a grant included in the agreement 86880
is awarded determines compliance has not been achieved; 86881
- (f) Ensure that any matching funds, regardless of the source, 86882

that the county grantee manages are clearly identified and used in accordance with federal and state laws and the agreement.

(9) Provide for the ~~department~~ departments taking action pursuant to division (C) of section 5101.24 of the Revised Code if authorized by division (B)(1), (2), (3), or (4) of that section;

(10) Provide for timely audits required by federal and state law and require prompt release of audit findings and prompt action to correct problems identified in an audit;

(11) Provide for administrative review procedures in accordance with section 5101.24 of the Revised Code;

(12) Establish the method of amending or terminating the agreement and an expedited process for correcting terms or conditions of the agreement that the ~~director~~ directors and each county grantee agree are erroneous.

(D) A grant agreement does not have to be amended for a county grantee to be required to comply with a new or amended condition, requirement, or restriction for a family services duty established by federal or state law, state plan for receipt of federal financial participation, agreement between the ~~department~~ departments and a federal agency, or executive order issued by the governor.

(E) The ~~department~~ departments shall make payments authorized by a grant agreement on vouchers ~~it prepares~~ they prepare and may include any funds appropriated or allocated to ~~it~~ them for carrying out family services duties for which a grant included in the agreement is awarded, including funds for personal services and maintenance.

(F)(1) The ~~director~~ directors shall adopt rules in accordance with section 111.15 of the Revised Code governing grant agreements. The ~~director~~ directors shall adopt the rules as if they were internal management rules. Before adopting the rules,

the ~~director~~ directors shall give the public an opportunity to 86914
review and comment on the proposed rules. The rules shall 86915
establish methodologies to be used to determine the amount of the 86916
grants included in the agreements. The rules also shall establish 86917
terms and conditions under which an agreement may be entered into 86918
after the first day of a fiscal biennial period. The rules may do 86919
any or all of the following: 86920

(a) Govern the award of grants included in grant agreements, 86921
including the establishment of, and restrictions on, the form of 86922
the grants and the distribution of the grants; 86923

(b) Specify allowable uses of the grants included in the 86924
agreements; 86925

(c) Establish reporting, cash management, audit, and other 86926
requirements the ~~director determines~~ directors determine are 86927
necessary to provide accountability for the use of the grants 86928
included in the agreements and determine compliance with 86929
conditions, requirements, and restrictions established by the 86930
~~department~~ departments, a federal or state law, state plans for 86931
receipt of federal financial participation, agreements between the 86932
~~department~~ departments and a federal agency, and executive orders 86933
issued by the governor. 86934

(2) A requirement of a grant agreement established by a rule 86935
adopted under this division is applicable to a grant agreement 86936
without having to be restated in the grant agreement. A 86937
requirement established by a grant agreement is applicable to the 86938
grant agreement without having to be restated in a rule. 86939

Sec. 5101.214. The director of job and family services and 86940
the director of children and youth may enter into a written 86941
agreement with one or more state agencies, as defined in section 86942
117.01 of the Revised Code, and state universities and colleges to 86943
assist in the coordination, provision, or enhancement of the 86944

family services duties of a county family services agency or the 86945
workforce development activities of a local board, as defined in 86946
section 6301.01 of the Revised Code. The ~~director~~ directors also 86947
may enter into written agreements or contracts with, or issue 86948
grants to, private and government entities under which funds are 86949
provided for the enhancement or innovation of family services 86950
duties or workforce development activities on the state or local 86951
level. 86952

The ~~director~~ directors may adopt internal management rules in 86953
accordance with section 111.15 of the Revised Code to implement 86954
this section. 86955

Sec. 5101.216. The director of job and family services and 86956
the director of children and youth, as applicable, may enter into 86957
one or more written operational agreements with boards of county 86958
commissioners to do one or more of the following regarding family 86959
services duties: 86960

(A) Provide for the ~~director~~ directors to amend or rescind a 86961
rule the ~~director~~ directors previously adopted; 86962

(B) Provide for the ~~director~~ directors to modify procedures 86963
or establish alternative procedures to accommodate special 86964
circumstances in a county; 86965

(C) Provide for the ~~director~~ directors and board to jointly 86966
identify operational problems of mutual concern and develop a 86967
joint plan to address the problems; 86968

(D) Establish a framework for the ~~director~~ directors and 86969
board to modify the use of existing resources in a manner that is 86970
beneficial to the department of job and family services, the 86971
department of children and youth, and the county that the board 86972
serves and improves family services duties for the recipients of 86973
the services. 86974

Sec. 5101.22. The department of job and family services and 86975
the department of children and youth, as applicable, may establish 86976
performance and other administrative standards for the 86977
administration and outcomes of family services duties and 86978
determine at intervals the ~~department decides~~ departments decide 86979
the degree to which a county family services agency complies with 86980
a performance or other administrative standard. The ~~department~~ 86981
departments may use statistical sampling, performance audits, case 86982
reviews, or other methods ~~it determines~~ they determine necessary 86983
and appropriate to determine compliance with performance and 86984
administrative standards. 86985

Sec. 5101.221. (A) Except as provided by division (C) of this 86986
section, if the department of job and family services or the 86987
department of children and youth determines that a county family 86988
services agency has failed to comply with a performance or other 86989
administrative standard established under section 5101.22 of the 86990
Revised Code or by federal law for the administration or outcome 86991
of a family services duty, the department shall require the agency 86992
to develop, submit to the department for approval, and comply with 86993
a corrective action plan. 86994

(B) If a county family services agency fails to develop, 86995
submit to the department, or comply with a corrective action plan 86996
under division (A) of this section, or the department disapproves 86997
the agency's corrective action plan, the department may require 86998
the agency to develop, submit to the department for approval, and 86999
comply with a corrective action plan that requires the agency to 87000
commit existing resources to the plan. 87001

(C) The department may not require a county family services 87002
agency to take action under this section for failure to comply 87003
with a performance or other administrative standard established 87004
for an incentive awarded by the department. Instead, the 87005

department may require a county family services agency that fails 87006
to comply with that kind of performance or other administrative 87007
standard to take action in accordance with rules adopted by the 87008
department governing the standard. 87009

(D) At the request of a county family services agency, the 87010
department shall assist the agency with the development of a 87011
corrective action plan under this section and provide the agency 87012
technical assistance in the implementation of the plan. 87013

Sec. 5101.23. Subject to the availability of funds, the 87014
department of job and family services and the department of 87015
children and youth may provide annual financial, administrative, 87016
or other incentive awards to county family services agencies and 87017
local areas as defined in section 6301.01 of the Revised Code. A 87018
county family services agency or local area may spend an incentive 87019
awarded under this section only for the purpose for which the 87020
funds are appropriated. The ~~department~~ departments may adopt 87021
internal management rules in accordance with section 111.15 of the 87022
Revised Code to establish the amounts of awards, methodology for 87023
distributing the awards, types of awards, and standards for 87024
administration. 87025

There is hereby created in the state treasury the social 87026
services incentive fund. The director of job and family services 87027
and the director of children and youth may request that the 87028
director of budget and management transfer funds in the Title IV-A 87029
reserve fund created under section 5101.82 of the Revised Code and 87030
other funds appropriated for family services duties or workforce 87031
investment activities into the fund. If the director of budget and 87032
management determines that the funds identified by the director of 87033
job and family services or the director of children and youth are 87034
available and appropriate for transfer, the director of budget and 87035
management shall make the transfer. Money in the fund shall be 87036

used to provide incentive awards under this section. 87037

Sec. 5101.24. (A) As used in this section, "responsible 87038
county grantee" means whichever county grantee, as defined in 87039
section 5101.21 of the Revised Code, the director of job and 87040
family services ~~determines~~ and the director of children and youth 87041
determine is appropriate to take action against under division (C) 87042
of this section. 87043

(B) Regardless of whether a family services duty is performed 87044
by a county family services agency, private or government entity 87045
pursuant to a contract entered into under section 307.982 of the 87046
Revised Code or division (C)(2) of section 5153.16 of the Revised 87047
Code, or private or government provider of a family service duty, 87048
the department of job and family services or the department of 87049
children and youth may take action under division (C) of this 87050
section against the responsible county grantee if the department 87051
determines any of the following are the case: 87052

(1) A requirement of a grant agreement entered into under 87053
section 5101.21 of the Revised Code that includes a grant for the 87054
family services duty, including a requirement for grant agreements 87055
established by rules adopted under that section, is not complied 87056
with; 87057

(2) A county family services agency fails to develop, submit 87058
to the department, or comply with a corrective action plan under 87059
division (B) of section 5101.221 of the Revised Code, or the 87060
department disapproves the agency's corrective action plan 87061
developed under division (B) of section 5101.221 of the Revised 87062
Code; 87063

(3) A requirement for the family services duty established by 87064
the department or any of the following is not complied with: a 87065
federal or state law, state plan for receipt of federal financial 87066
participation, grant agreement between the department and a 87067

federal agency, or executive order issued by the governor; 87068

(4) The responsible county grantee is solely or partially 87069
responsible, as determined by the director of job and family 87070
services or the director of children and youth, for an adverse 87071
audit finding, adverse quality control finding, final disallowance 87072
of federal financial participation, or other sanction or penalty 87073
regarding the family services duty. 87074

(C) The department may take one or more of the following 87075
actions against the responsible county grantee when authorized by 87076
division (B)(1), (2), (3), or (4) of this section: 87077

(1) Require the responsible county grantee to comply with a 87078
corrective action plan pursuant to a time schedule specified by 87079
the department. The corrective action plan shall be established or 87080
approved by the department and shall not require a county grantee 87081
to commit resources to the plan. 87082

(2) Require the responsible county grantee to comply with a 87083
corrective action plan pursuant to a time schedule specified by 87084
the department. The corrective action plan shall be established or 87085
approved by the department and require a county grantee to commit 87086
to the plan existing resources identified by the agency. 87087

(3) Require the responsible county grantee to do one of the 87088
following: 87089

(a) Share with the department a final disallowance of federal 87090
financial participation or other sanction or penalty; 87091

(b) Reimburse the department the final amount the department 87092
pays to the federal government or another entity that represents 87093
the amount the responsible county grantee is responsible for of an 87094
adverse audit finding, adverse quality control finding, final 87095
disallowance of federal financial participation, or other sanction 87096
or penalty issued by the federal government, auditor of state, or 87097
other entity; 87098

(c) Pay the federal government or another entity the final amount that represents the amount the responsible county grantee is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;

(d) Pay the department the final amount that represents the amount the responsible county grantee is responsible for of an adverse audit finding or adverse quality control finding.

(4) Impose an administrative sanction issued by the department against the responsible county grantee. A sanction may be increased if the department has previously taken action against the responsible entity under this division.

(5) Perform, or contract with a government or private entity for the entity to perform, the family services duty until the department is satisfied that the responsible county grantee ensures that the duty will be performed satisfactorily. If the department performs or contracts with an entity to perform a family services duty under division (C)(5) of this section, the department may do either or both of the following:

(a) Spend funds in the county treasury appropriated by the board of county commissioners for the duty;

(b) Withhold funds allocated or reimbursements due to the responsible county grantee for the duty and spend the funds for the duty.

(6) Request that the attorney general bring mandamus proceedings to compel the responsible county grantee to take or cease the action that causes division (B)(1), (2), (3), or (4) of this section to apply. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request.

(7) If the department takes action under this division 87130
because of division (B)(3) of this section, temporarily withhold 87131
funds allocated or reimbursement due to the responsible county 87132
grantee until the department determines that the responsible 87133
county grantee is in compliance with the requirement. The 87134
department shall release the funds when the department determines 87135
that compliance has been achieved. 87136

(D) If the department proposes to take action against the 87137
responsible county grantee under division (C) of this section, the 87138
department shall notify the responsible county grantee, director 87139
of the appropriate county family services agency, and county 87140
auditor. The notice shall be in writing and specify the action the 87141
department proposes to take. The department shall send the notice 87142
by regular United States mail. 87143

Except as provided by division (E) of this section, the 87144
responsible county grantee may request an administrative review of 87145
a proposed action in accordance with administrative review 87146
procedures the department shall establish. The administrative 87147
review procedures shall comply with all of the following: 87148

(1) A request for an administrative review shall state 87149
specifically all of the following: 87150

(a) The proposed action specified in the notice from the 87151
department for which the review is requested; 87152

(b) The reason why the responsible county grantee believes 87153
the proposed action is inappropriate; 87154

(c) All facts and legal arguments that the responsible county 87155
grantee wants the department to consider; 87156

(d) The name of the person who will serve as the responsible 87157
county grantee's representative in the review. 87158

(2) If the department's notice specifies more than one 87159

proposed action and the responsible county grantee does not 87160
specify all of the proposed actions in its request pursuant to 87161
division (D)(1)(a) of this section, the proposed actions not 87162
specified in the request shall not be subject to administrative 87163
review and the parts of the notice regarding those proposed 87164
actions shall be final and binding on the responsible county 87165
grantee. 87166

(3) In the case of a proposed action under division (C)(1) of 87167
this section, the responsible county grantee shall have fifteen 87168
calendar days after the department mails the notice to the 87169
responsible county grantee to send a written request to the 87170
department for an administrative review. If it receives such a 87171
request within the required time, the department shall postpone 87172
taking action under division (C)(1) of this section for fifteen 87173
calendar days following the day it receives the request or 87174
extended period of time provided for in division (D)(5) of this 87175
section to allow a representative of the department and a 87176
representative of the responsible county grantee an informal 87177
opportunity to resolve any dispute during that fifteen-day or 87178
extended period. 87179

(4) In the case of a proposed action under division (C)(2), 87180
(3), (4), (5), or (7) of this section, the responsible county 87181
grantee shall have thirty calendar days after the department mails 87182
the notice to the responsible county grantee to send a written 87183
request to the department for an administrative review. If it 87184
receives such a request within the required time, the department 87185
shall postpone taking action under division (C)(2), (3), (4), (5), 87186
or (7) of this section for thirty calendar days following the day 87187
it receives the request or extended period of time provided for in 87188
division (D)(5) of this section to allow a representative of the 87189
department and a representative of the responsible county grantee 87190
an informal opportunity to resolve any dispute during that 87191

thirty-day or extended period. 87192

(5) If the informal opportunity provided in division (D)(3) 87193
or (4) of this section does not result in a written resolution to 87194
the dispute within the fifteen- or thirty-day period, the director 87195
of job and family services or the director of children and youth 87196
and representative of the responsible county grantee may enter 87197
into a written agreement extending the time period for attempting 87198
an informal resolution of the dispute under division (D)(3) or (4) 87199
of this section. 87200

(6) In the case of a proposed action under division (C)(3) of 87201
this section, the responsible county grantee may not include in 87202
its request disputes over a finding, final disallowance of federal 87203
financial participation, or other sanction or penalty issued by 87204
the federal government, auditor of state, or entity other than the 87205
department. 87206

(7) If the responsible county grantee fails to request an 87207
administrative review within the required time, the responsible 87208
county grantee loses the right to request an administrative review 87209
of the proposed actions specified in the notice and the notice 87210
becomes final and binding on the responsible county grantee. 87211

(8) If the informal opportunity provided in division (D)(3) 87212
or (4) of this section does not result in a written resolution to 87213
the dispute within the time provided by division (D)(3), (4), or 87214
(5) of this section, the director shall appoint an administrative 87215
review panel to conduct the administrative review. The review 87216
panel shall consist of department employees and one director or 87217
other representative of the type of county family services agency 87218
that is responsible for the kind of family services duty that is 87219
the subject of the dispute and serves a different county than the 87220
county served by the responsible county grantee. No individual 87221
involved in the department's proposal to take action against the 87222
responsible county grantee may serve on the review panel. The 87223

review panel shall review the responsible county grantee's 87224
request. The review panel may require that the department or 87225
responsible county grantee submit additional information and 87226
schedule and conduct an informal hearing to obtain testimony or 87227
additional evidence. A review of a proposal to take action under 87228
division (C)(3) of this section shall be limited solely to the 87229
issue of the amount the responsible county grantee shall share 87230
with the department, reimburse the department, or pay to the 87231
federal government, department, or other entity under division 87232
(C)(3) of this section. The review panel is not required to make a 87233
stenographic record of its hearing or other proceedings. 87234

(9) After finishing an administrative review, an 87235
administrative review panel appointed under division (D)(8) of 87236
this section shall submit a written report to the director setting 87237
forth its findings of fact, conclusions of law, and 87238
recommendations for action. The director may approve, modify, or 87239
disapprove the recommendations. If the director modifies or 87240
disapproves the recommendations, the director shall state the 87241
reasons for the modification or disapproval and the actions to be 87242
taken against the responsible county grantee. 87243

(10) The director's approval, modification, or disapproval 87244
under division (D)(9) of this section shall be final and binding 87245
on the responsible county grantee and shall not be subject to 87246
further departmental review. 87247

(E) The responsible county grantee is not entitled to an 87248
administrative review under division (D) of this section for any 87249
of the following: 87250

(1) An action taken under division (C)(6) of this section; 87251

(2) An action taken under section 5101.242 of the Revised 87252
Code; 87253

(3) An action taken under division (C)(3) of this section if 87254

the federal government, auditor of state, or entity other than the 87255
department has identified the responsible county grantee as being 87256
solely or partially responsible for an adverse audit finding, 87257
adverse quality control finding, final disallowance of federal 87258
financial participation, or other sanction or penalty; 87259

(4) An adjustment to an allocation, cash draw, advance, or 87260
reimbursement to a responsible county grantee that the department 87261
determines necessary for budgetary reasons; 87262

(5) Withholding of a cash draw or reimbursement due to 87263
noncompliance with a reporting requirement established in rules 87264
adopted under section 5101.243 of the Revised Code; 87265

(6) An action taken under division (C)(5) of this section if 87266
the department determines that an emergency exists. 87267

(F) This section does not apply to other actions the 87268
department takes against the responsible county grantee pursuant 87269
to authority granted by another state law unless the other state 87270
law requires the department to take the action in accordance with 87271
this section. 87272

(G) The director of job and family services and children and 87273
youth may adopt rules in accordance with Chapter 119. of the 87274
Revised Code as necessary to implement this section. 87275

Sec. 5101.243. The director of job and family services and 87276
the director of children and youth may adopt rules in accordance 87277
with section 111.15 of the Revised Code establishing reporting 87278
requirements for family services duties and workforce development 87279
activities. If the ~~director adopts~~ directors adopt the rules, the 87280
~~director~~ directors shall adopt the rules as if they were internal 87281
management rules and, before adopting the rules, give the public 87282
an opportunity to review and comment on the proposed rules. 87283

Sec. 5101.244. (A) If the department of job and family 87284

services or the department of children and youth determines that a 87285
grant awarded to a county grantee in a grant agreement entered 87286
into under section 5101.21 of the Revised Code, an allocation, 87287
advance, or reimbursement the department makes to a county family 87288
services agency, or a cash draw a county family services agency 87289
makes exceeds the allowable amount for the grant, allocation, 87290
advance, reimbursement, or cash draw, the department may take one 87291
or more of the following actions to recover the excess amount: 87292

(1) The department may adjust, offset, withhold, or reduce an 87293
allocation, cash draw, advance, reimbursement, or other financial 87294
assistance to the county grantee or county family services agency 87295
as necessary to recover the excess amount. 87296

(2) The department may enter into an agreement with the 87297
county grantee or county family services agency for repayment of 87298
the excess amount by the grantee or agency. The department may 87299
require that the repayment include interest on the excess amount, 87300
calculated from the day that the excess occurred at a rate not 87301
exceeding the rate per annum prescribed by section 5703.47 of the 87302
Revised Code. 87303

(3) The department may certify a claim to the attorney 87304
general under section 131.02 of the Revised Code for the attorney 87305
general to take action under that section against the county 87306
grantee or county family services agency to recover the excess 87307
amount. 87308

(B) In taking an action authorized under this section, the 87309
department is not required to take the action in accordance with 87310
section 5101.24 of the Revised Code. 87311

(C) The director of job and family services and the director 87312
of children and youth may adopt rules under section 111.15 of the 87313
Revised Code as necessary to implement this section. The ~~director~~ 87314
directors shall adopt the rules as if they were internal 87315

management rules. 87316

Sec. 5101.25. The department of ~~human~~ job and family 87317
services, and the department of children and youth in consultation 87318
with county representatives, shall develop annual training goals 87319
and model training curriculum for employees of county family 87320
services agencies and identify a variety of state funded training 87321
opportunities to meet the proposed goals. 87322

Sec. 5101.26. As used in this section and in sections 5101.27 87323
to 5101.30 of the Revised Code: 87324

(A) "County agency" means a county department of job and 87325
family services or a public children services agency. 87326

(B) "Fugitive felon" means an individual who is fleeing to 87327
avoid prosecution, or custody or confinement after conviction, 87328
under the laws of the place from which the individual is fleeing, 87329
for a crime or an attempt to commit a crime that is a felony under 87330
the laws of the place from which the individual is fleeing or, in 87331
the case of New Jersey, a high misdemeanor, regardless of whether 87332
the individual has departed from the individual's usual place of 87333
residence. 87334

(C) "Information" means records as defined in section 149.011 87335
of the Revised Code, any other documents in any format, and data 87336
derived from records and documents that are generated, acquired, 87337
or maintained by the department of job and family services, the 87338
department of children and youth, a county agency, or an entity 87339
performing duties on behalf of the department or a county agency. 87340

(D) "Law enforcement agency" means the state highway patrol, 87341
an agency that employs peace officers as defined in section 109.71 87342
of the Revised Code, the adult parole authority, a county 87343
department of probation, a prosecuting attorney, the attorney 87344
general, similar agencies of other states, federal law enforcement 87345

agencies, and postal inspectors. "Law enforcement agency" includes 87346
the peace officers and other law enforcement officers employed by 87347
the agency. 87348

(E) "Public assistance" means financial assistance or social 87349
services that are provided under a program administered by the 87350
department of job and family services or a county agency pursuant 87351
to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code 87352
or an executive order issued under section 107.17 of the Revised 87353
Code. "Public assistance" does not mean medical assistance 87354
provided under a medical assistance program, as defined in section 87355
5160.01 of the Revised Code. 87356

(F) "Public assistance recipient" means an applicant for or 87357
recipient or former recipient of public assistance. 87358

(G) "Publicly funded child care" has the same meaning as in 87359
section 5104.01 of the Revised Code. 87360

(H) "Tuberculosis control unit" means the county tuberculosis 87361
control unit designated by a board of county commissioners under 87362
section 339.72 of the Revised Code or the district tuberculosis 87363
control unit designated pursuant to an agreement entered into by 87364
two or more boards of community commissioners under that section. 87365

Sec. 5101.27. (A) Except as permitted by this section, 87366
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 87367
rules adopted under section 5101.30 of the Revised Code, or when 87368
required by federal law, no person or government entity shall 87369
knowingly solicit, disclose, receive, use, permit the use of, or 87370
participate in the use of any information regarding a public 87371
assistance recipient for any purpose not directly connected with 87372
the administration of a public assistance program. 87373

(B) To the extent permitted by federal law, the department of 87374
job and family services, the department of children and youth, and 87375

county agencies shall do all of the following: 87376

(1) Release information regarding a public assistance 87377
recipient for purposes directly connected to the administration of 87378
the program to a government entity responsible for administering 87379
that public assistance program; 87380

(2) Provide information regarding a public assistance 87381
recipient to a law enforcement agency for the purpose of any 87382
investigation, prosecution, or criminal or civil proceeding 87383
relating to the administration of that public assistance program; 87384

(3) Provide, for purposes directly connected to the 87385
administration of a program that assists needy individuals with 87386
the costs of public utility services, information regarding a 87387
recipient of financial assistance provided under a program 87388
administered by the department or a county agency pursuant to 87389
Chapter 5107. or 5108. of the Revised Code to an entity 87390
administering the public utility services program. 87391

(C)(1) To the extent permitted by federal law and subject to 87392
division (C)(2) of this section, the department of ~~job children~~ 87393
and ~~family services~~ youth shall release, for purposes directly 87394
connected to a public health investigation related to section 87395
3301.531 or 5104.037 of the Revised Code, information regarding a 87396
public assistance recipient who receives publicly funded child 87397
care, so long as all of the following conditions are met: 87398

(a) The department of health or the tuberculosis control unit 87399
has initiated a public health investigation related to section 87400
3301.531 or 5104.037 of the Revised Code and has assessed the 87401
investigation as an emergency. 87402

(b) The department of health or the tuberculosis control unit 87403
has notified the department of ~~job children~~ and ~~family services~~ 87404
youth about the investigation and has requested that the 87405
department of ~~job children~~ and ~~family services~~ youth release the 87406

information for purposes of the investigation. 87407

(c) The department of ~~job~~ children and ~~family services~~ youth 87408
is unable to timely obtain voluntary, written authorization that 87409
complies with section 5101.272 of the Revised Code. 87410

(2) If the conditions specified in division (C)(1) of this 87411
section are met, the department of ~~job~~ children and ~~family~~ 87412
~~services~~ youth shall release to the department of health or the 87413
tuberculosis control unit the minimum information necessary to 87414
fulfill the needs of the department of health or tuberculosis 87415
control unit related to the public health investigation. 87416

(3) If the department of ~~job~~ children and ~~family services~~ 87417
youth releases information pursuant to division (C) of this 87418
section, it shall immediately notify the public assistance 87419
recipient. 87420

(D) To the extent permitted by federal law and section 87421
1347.08 of the Revised Code, the ~~department~~ departments and county 87422
agencies shall provide access to information regarding a public 87423
assistance recipient to all of the following: 87424

(1) The recipient; 87425

(2) The authorized representative; 87426

(3) The legal guardian of the recipient; 87427

(4) The attorney of the recipient, if the attorney has 87428
written authorization that complies with section 5101.272 of the 87429
Revised Code from the recipient. 87430

(E) To the extent permitted by federal law and subject to 87431
division (F) of this section, the ~~department~~ departments and 87432
county agencies may do both of the following: 87433

(1) Release information about a public assistance recipient 87434
if the recipient gives voluntary, written authorization that 87435
complies with section 5101.272 of the Revised Code; 87436

(2) Release information regarding a public assistance 87437
recipient to a state, federal, or federally assisted program that 87438
provides cash or in-kind assistance or services directly to 87439
individuals based on need or for the purpose of protecting 87440
children to a government entity responsible for administering a 87441
children's protective services program. 87442

(F) Except when the release is required by division (B), (C), 87443
or (D) of this section or is authorized by division (E)(2) of this 87444
section, the department or county agency shall release the 87445
information only in accordance with the authorization. The 87446
department or county agency shall provide, at no cost, a copy of 87447
each written authorization to the individual who signed it. 87448

(G) The department of job and family services and the 87449
department of children and youth may adopt rules defining 87450
"authorized representative" for purposes of division (D)(2) of 87451
this section. 87452

Sec. 5101.29. When contained in a record held by the 87453
department of job and family services, the department of children 87454
and youth, or a county agency, the following are not public 87455
records for purposes of section 149.43 of the Revised Code: 87456

(A) Names and other identifying information regarding 87457
children enrolled in or attending a child day-care center or home 87458
subject to licensure or registration under Chapter 5104. of the 87459
Revised Code; 87460

(B) Names and other identifying information regarding 87461
children placed with an institution or association certified under 87462
section 5103.03 of the Revised Code; 87463

(C) Names and other identifying information regarding a 87464
person who makes an oral or written complaint regarding an 87465
institution, association, child day-care center, or home subject 87466

to licensure or registration to the department or other state or 87467
county entity responsible for enforcing Chapter 5103. or 5104. of 87468
the Revised Code; 87469

(D)(1) Except as otherwise provided in division (D)(2) of 87470
this section, names, documentation, and other identifying 87471
information regarding a foster caregiver or a prospective foster 87472
caregiver, including the foster caregiver application for 87473
certification under section 5103.03 of the Revised Code and the 87474
home study conducted pursuant to section 5103.0324 of the Revised 87475
Code. 87476

(2) Notwithstanding division (D)(1) of this section, the 87477
following are public records for the purposes of section 149.43 of 87478
the Revised Code, when contained in a record held by the 87479
department of job and family services, the department of children 87480
and youth, a county agency, or other governmental entity: 87481

(a) All of the following information regarding a currently 87482
certified foster caregiver who has had a foster care certificate 87483
revoked pursuant to Chapter 5103. of the Revised Code or, after 87484
receiving a current or current renewed certificate has been 87485
convicted of, pleaded guilty to, or indicted or otherwise charged 87486
with any offense described in division (C)(1) of section 2151.86 87487
of the Revised Code: 87488

(i) The foster caregiver's name, date of birth, and county of 87489
residence; 87490

(ii) The date of the foster caregiver's certification; 87491

(iii) The date of each placement of a foster child into the 87492
foster caregiver's home; 87493

(iv) If applicable, the date of the removal of a foster child 87494
from the foster caregiver's home and the reason for the foster 87495
child's removal unless release of such information would be 87496
detrimental to the foster child or other children residing in the 87497

foster caregiver's home; 87498

(v) If applicable, the date of the foster care certificate 87499
revocation and all documents related to the revocation unless 87500
otherwise not a public record pursuant to section 149.43 of the 87501
Revised Code. 87502

(b) Nonidentifying foster care statistics including, but not 87503
limited to, the number of foster caregivers and foster care 87504
certificate revocations. 87505

Sec. 5101.32. (A) The department of job and family services 87506
and the department of children and youth shall work with the 87507
superintendent of the bureau of criminal identification and 87508
investigation to develop procedures and formats necessary to 87509
produce the notices described in division (D) of section 109.5721 87510
of the Revised Code in a format that is acceptable for use by the 87511
applicable department. ~~The~~ Each department may adopt rules in 87512
accordance with section 111.15 of the Revised Code, as if they 87513
were internal management rules, necessary for such collaboration. 87514

(B) The department of job and family services and department 87515
of children and youth may adopt rules in accordance with Chapter 87516
119. of the Revised Code necessary for utilizing the information 87517
received pursuant to section 109.5721 of the Revised Code, ~~with a~~ 87518
~~final effective date that is not later than December 31, 2008.~~ 87519

Sec. 5101.35. (A) As used in this section: 87520

(1)(a) "Agency" means the following entities that administer 87521
a family services program: 87522

(i) The department of job and family services; 87523

(ii) The department of children and youth; 87524

(iii) A county department of job and family services; 87525

~~(iii)~~(iv) A public children services agency; 87526

~~(iv)~~(v) A private or government entity administering, in 87527
whole or in part, a family services program for or on behalf of 87528
the department of job and family services, the department of 87529
children and youth, or a county department of job and family 87530
services or public children services agency. 87531

(b) If the department of medicaid contracts with the 87532
department of job and family services to hear appeals authorized 87533
by section 5160.31 of the Revised Code regarding medical 87534
assistance programs, "agency" includes the department of medicaid. 87535

(2) "Appellant" means an applicant, participant, former 87536
participant, recipient, or former recipient of a family services 87537
program who is entitled by federal or state law to a hearing 87538
regarding a decision or order of the agency that administers the 87539
program. 87540

(3)(a) "Family services program" means all of the following: 87541

(i) A Title IV-A program as defined in section 5101.80 of the 87542
Revised Code; 87543

(ii) Programs that provide assistance under Chapter 5104. of 87544
the Revised Code; 87545

(iii) Programs that provide assistance under section 87546
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 87547
Revised Code; 87548

(iv) Title XX social services provided under section 5101.46 87549
of the Revised Code, other than such services provided by the 87550
department of mental health and addiction services, the department 87551
of developmental disabilities, a board of alcohol, drug addiction, 87552
and mental health services, or a county board of developmental 87553
disabilities. 87554

(b) If the department of medicaid contracts with the 87555
department of job and family services to hear appeals authorized 87556

by section 5160.31 of the Revised Code regarding medical 87557
assistance programs, "family services program" includes medical 87558
assistance programs. 87559

(4) "Medical assistance program" has the same meaning as in 87560
section 5160.01 of the Revised Code. 87561

(B) Except as provided by divisions (G) and (H) of this 87562
section, an appellant who appeals under federal or state law a 87563
decision or order of an agency administering a family services 87564
program shall, at the appellant's request, be granted a state 87565
hearing by the department of job and family services or the 87566
department of children and youth, as appropriate. This state 87567
hearing shall be conducted in accordance with rules adopted under 87568
this section. The state hearing shall be recorded, but neither the 87569
recording nor a transcript of the recording shall be part of the 87570
official record of the proceeding. Except as provided in section 87571
5160.31 of the Revised Code, a state hearing decision is binding 87572
upon the agency and department, unless it is reversed or modified 87573
on appeal to the director of job and family services, director of 87574
children and youth, or a court of common pleas. 87575

(C) Except as provided by division (G) of this section, an 87576
appellant who disagrees with a state hearing decision may make an 87577
administrative appeal to the director of job and family services 87578
or director of children and youth in accordance with rules adopted 87579
under this section. This administrative appeal does not require a 87580
hearing, but the director or the director's designee shall review 87581
the state hearing decision and previous administrative action and 87582
may affirm, modify, remand, or reverse the state hearing decision. 87583
An administrative appeal decision is the final decision of the 87584
department and, except as provided in section 5160.31 of the 87585
Revised Code, is binding upon the department and agency, unless it 87586
is reversed or modified on appeal to the court of common pleas. 87587

(D) An agency shall comply with a decision issued pursuant to 87588

division (B) or (C) of this section within the time limits 87589
established by rules adopted under this section. If a county 87590
department of job and family services or a public children 87591
services agency fails to comply within these time limits, the 87592
department may take action pursuant to section 5101.24 of the 87593
Revised Code. If another agency, other than the department of 87594
medicaid, fails to comply within the time limits, the department 87595
may force compliance by withholding funds due the agency or 87596
imposing another sanction established by rules adopted under this 87597
section. 87598

(E) An appellant who disagrees with an administrative appeal 87599
decision of the director of job and family services, the director 87600
of children and youth, or ~~the~~ either director's designee issued 87601
under division (C) of this section may appeal from the decision to 87602
the court of common pleas pursuant to section 119.12 of the 87603
Revised Code. The appeal shall be governed by section 119.12 of 87604
the Revised Code except that: 87605

(1) The person may appeal to the court of common pleas of the 87606
county in which the person resides, or to the court of common 87607
pleas of Franklin county if the person does not reside in this 87608
state. 87609

(2) The person may apply to the court for designation as an 87610
indigent and, if the court grants this application, the appellant 87611
shall not be required to furnish the costs of the appeal. 87612

(3) The appellant shall mail the notice of appeal to the 87613
department of job and family services or director of children and 87614
youth, as appropriate, and file notice of appeal with the court 87615
within thirty days after the department mails the administrative 87616
appeal decision to the appellant. For good cause shown, the court 87617
may extend the time for mailing and filing notice of appeal, but 87618
such time shall not exceed six months from the date the department 87619
mails the administrative appeal decision. Filing notice of appeal 87620

with the court shall be the only act necessary to vest 87621
jurisdiction in the court. 87622

(4) The department shall be required to file a transcript of 87623
the testimony of the state hearing with the court only if the 87624
court orders the department to file the transcript. The court 87625
shall make such an order only if it finds that the department and 87626
the appellant are unable to stipulate to the facts of the case and 87627
that the transcript is essential to a determination of the appeal. 87628
The department shall file the transcript not later than thirty 87629
days after the day such an order is issued. 87630

(F) The department of job and family service and department 87631
of children and youth, as applicable, shall adopt rules in 87632
accordance with Chapter 119. of the Revised Code to implement this 87633
section, including rules governing the following: 87634

(1) State hearings under division (B) of this section. The 87635
rules shall include provisions regarding notice of eligibility 87636
termination and the opportunity of an appellant appealing a 87637
decision or order of a county department of job and family 87638
services to request a county conference with the county department 87639
before the state hearing is held. 87640

(2) Administrative appeals under division (C) of this 87641
section; 87642

(3) Time limits for complying with a decision issued under 87643
division (B) or (C) of this section; 87644

(4) Sanctions that may be applied against an agency under 87645
division (D) of this section. 87646

(G) The department of job and family services and the 87647
department of children and youth, as applicable, may adopt rules 87648
in accordance with Chapter 119. of the Revised Code establishing 87649
an appeals process for an appellant who appeals a decision or 87650
order regarding a Title IV-A program identified under division 87651

(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.

(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.37. (A) The department of job and family services or the department of children and youth and each county department of job and family services and child support enforcement agency may conduct any audits or investigations that are necessary in the performance of their duties, and to that end they shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the

production of books or papers. 87683

The applicable department and each county department and 87684
agency shall keep a record of their audits and investigations 87685
stating the time, place, charges, or subject; witnesses summoned 87686
and examined; and their conclusions. 87687

Witnesses shall be paid the fees and mileage provided for 87688
under section 119.094 of the Revised Code. 87689

(B) In conducting hearings pursuant to Chapters 3119., 3121., 87690
and 3123. or pursuant to division (B) of section 5101.35 of the 87691
Revised Code, the applicable department and each child support 87692
enforcement agency have the same power as a judge of a county 87693
court to administer oaths and to enforce the attendance and 87694
testimony of witnesses and the production of books or papers. The 87695
applicable department and each agency shall keep a record of those 87696
hearings stating the time, place, charges, or subject; witnesses 87697
summoned and examined; and their conclusions. 87698

The issuance of a subpoena by the applicable department or a 87699
child support enforcement agency to enforce attendance and 87700
testimony of witnesses and the production of books or papers at a 87701
hearing is discretionary and the applicable department or agency 87702
is not required to pay the fees of witnesses for attendance and 87703
travel. 87704

(C) Any judge of any division of the court of common pleas, 87705
upon application of the applicable department or a county 87706
department or child support enforcement agency, may compel the 87707
attendance of witnesses, the production of books or papers, and 87708
the giving of testimony before the applicable department, county 87709
department, or agency, by a judgment for contempt or otherwise, in 87710
the same manner as in cases before those courts. 87711

(D) Until an audit report is formally released by the 87712

applicable department ~~of job and family services~~, the audit report 87713
or any working paper or other document or record prepared by the 87714
applicable department and related to the audit that is the subject 87715
of the audit report is not a public record under section 149.43 of 87716
the Revised Code. 87717

(E) The director of job and family services or director of 87718
children and youth may adopt rules as necessary to implement this 87719
section. The rules shall be adopted in accordance with section 87720
111.15 of the Revised Code as if they were internal management 87721
rules. 87722

Sec. 5101.46. (A) As used in this section: 87723

(1) "Title XX" means Title XX of the "Social Security Act," 87724
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 87725

(2) "Respective local agency" means, with respect to the 87726
department of job and family services and the department of 87727
children and youth, a county department of job and family 87728
services; with respect to the department of mental health and 87729
addiction services, a board of alcohol, drug addiction, and mental 87730
health services; and with respect to the department of 87731
developmental disabilities, a county board of developmental 87732
disabilities. 87733

(3) "Federal poverty guidelines" means the poverty guidelines 87734
as revised annually by the United States department of health and 87735
human services in accordance with section 673(2) of the "Omnibus 87736
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 87737
9902, as amended, for a family size equal to the size of the 87738
family of the person whose income is being determined. 87739

(B) The departments of job and family services, children and 87740
youth, mental health, and developmental disabilities, with their 87741
respective local agencies, shall administer the provision of 87742

social services funded through grants made under Title XX. The 87743
social services furnished with Title XX funds shall be directed at 87744
the following goals: 87745

(1) Achieving or maintaining economic self-support to 87746
prevent, reduce, or eliminate dependency; 87747

(2) Achieving or maintaining self-sufficiency, including 87748
reduction or prevention of dependency; 87749

(3) Preventing or remedying neglect, abuse, or exploitation 87750
of children and adults unable to protect their own interests, or 87751
preserving, rehabilitating, or reuniting families; 87752

(4) Preventing or reducing inappropriate institutional care 87753
by providing for community-based care, home-based care, or other 87754
forms of less intensive care; 87755

(5) Securing referral or admission for institutional care 87756
when other forms of care are not appropriate, or providing 87757
services to individuals in institutions. 87758

(C)(1) All federal funds received under Title XX shall be 87759
appropriated as follows: 87760

(a) Seventy-two and one-half per cent to the department of 87761
job and family services and the department of children and youth; 87762

(b) Twelve and ninety-three one-hundredths per cent to the 87763
department of mental health and addiction services; 87764

(c) Fourteen and fifty-seven one-hundredths per cent to the 87765
department of developmental disabilities. 87766

(2) Each of the state departments shall, subject to the 87767
approval of the controlling board, develop a formula for the 87768
distribution of the Title XX funds appropriated to the department 87769
to its respective local agencies. The formula developed by each 87770
state department shall take into account all of the following for 87771
each of its respective local agencies: 87772

(a) The total population of the area that is served by the
respective local agency; 87773
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(b) The percentage of the population in the area served that
falls below the federal poverty guidelines; 87775
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(c) The respective local agency's history of and ability to
utilize Title XX funds. 87777
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(3) Each of the state departments shall expend for state
administrative costs not more than three per cent of the Title XX
funds appropriated to the department. 87779
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Each state department shall establish for each of its
respective local agencies the maximum percentage of the Title XX
funds distributed to the respective local agency that the
respective local agency may expend for local administrative costs.
The percentage shall be established by rule and shall comply with
federal law governing the use of Title XX funds. The rules shall
be adopted in accordance with section 111.15 of the Revised Code
as if they were internal management rules. 87782
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(4) The department of job and family services and the
department of children and youth, as applicable, shall expend for
the training of the following not more than two per cent of the
Title XX funds appropriated to the department: 87790
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(a) Employees of county departments of job and family
services; 87794
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(b) Providers of services under contract with the state
departments' respective local agencies; 87796
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(c) Employees of a public children services agency directly
engaged in providing Title XX services. 87798
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(5) Title XX funds distributed for the purpose of providing
family planning services shall be distributed by the respective
local agencies according to the same order of priority that 87800
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applies to the department of job and family services under section 87803
5101.101 of the Revised Code. 87804

(D) The department of job and family services and the 87805
department of children and youth shall prepare an annual 87806
comprehensive Title XX social services plan on the intended use of 87807
Title XX funds. The ~~department~~ departments shall develop a method 87808
for obtaining public comment during the development of the plan 87809
and following its completion. 87810

For each federal fiscal year, the department of job and 87811
family services and the department of children and youth shall 87812
prepare a report on the actual use of Title XX funds. The 87813
department shall make the annual report available for public 87814
inspection. 87815

The departments of mental health and addiction services and 87816
developmental disabilities shall prepare and submit to the 87817
department of job and family services the portions of each annual 87818
plan and report that apply to services for mental health and 87819
developmental disabilities. Each respective local agency of the 87820
three state departments shall submit information as necessary for 87821
the preparation of annual plans and reports. 87822

(E) Each county department of job and family services shall 87823
adopt a county profile for the administration and provision of 87824
Title XX social services in the county. In developing its county 87825
profile, the county department shall take into consideration the 87826
comments and recommendations received from the public by the 87827
county family services planning committee pursuant to section 87828
329.06 of the Revised Code. As part of its preparation of the 87829
county profile, the county department may prepare a local needs 87830
report analyzing the need for Title XX social services. 87831

The county department shall submit the county profile to the 87832
board of county commissioners for its review. Once the county 87833

profile has been approved by the board, the county department 87834
shall file a copy of the county profile with the department of job 87835
and family services. The department shall approve the county 87836
profile if the department determines the profile provides for the 87837
Title XX social services to meet the goals specified in division 87838
(B) of this section. 87839

(F) Any of the three state departments and their respective 87840
local agencies may require that an entity under contract to 87841
provide social services with Title XX funds submit to an audit on 87842
the basis of alleged misuse or improper accounting of funds. If an 87843
audit is required, the social services provider shall reimburse 87844
the state department or respective local agency for the cost it 87845
incurred in conducting the audit or having the audit conducted. 87846

If an audit demonstrates that a social services provider is 87847
responsible for one or more adverse findings, the provider shall 87848
reimburse the appropriate state department or its respective local 87849
agency the amount of the adverse findings. The amount shall not be 87850
reimbursed with Title XX funds received under this section. The 87851
three state departments and their respective local agencies may 87852
terminate or refuse to enter into a Title XX contract with a 87853
social services provider if there are adverse findings in an audit 87854
that are the responsibility of the provider. 87855

(G) Except with respect to the matters for which each of the 87856
state departments must adopt rules under division (C)(3) of this 87857
section, the department of job and family services and the 87858
department of children and youth may adopt any rules ~~it considers~~ 87859
they consider necessary to implement and carry out the purposes of 87860
this section. Rules governing financial and operational matters of 87861
the ~~department~~ departments or matters between the ~~department~~ 87862
departments and county departments of job and family services 87863
shall be adopted as internal management rules in accordance with 87864
section 111.15 of the Revised Code. Rules governing eligibility 87865

for services, program participation, and other matters pertaining 87866
to applicants and participants shall be adopted in accordance with 87867
Chapter 119. of the Revised Code. 87868

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 87869
of this section, both of the following apply to the department of 87870
job and family services: 87871

(1) The department shall accept applications, determine 87872
eligibility, redetermine eligibility, and perform related 87873
administrative activities for the supplemental nutrition 87874
assistance program administered by the department pursuant to 87875
section 5101.54 of the Revised Code. 87876

The department may assign the duties described in division 87877
(A)(1) of this section to any county department of job and family 87878
services. 87879

(2) The department may accept applications, determine 87880
eligibility, redetermine eligibility, and perform related 87881
administrative activities for ~~one or more~~ either of the following: 87882

~~(a) Publicly funded child care provided under Chapter 5104.~~ 87883
~~of the Revised Code;~~ 87884

~~(b) Other programs~~ Programs administered by the department 87885
that the director of job and family services determines are 87886
supportive of children, adults, or families; 87887

~~(c)~~ (b) Other programs administered by the department 87888
regarding which the director determines administrative cost 87889
savings and efficiency may be achieved through the department 87890
accepting applications, determining eligibility, redetermining 87891
eligibility, or performing related administrative activities. 87892

(B) If federal law requires a face-to-face interview to 87893
complete an eligibility determination for a program specified in 87894
or pursuant to division (A) of this section, the face-to-face 87895

interview shall not be conducted by the department of job and family services. 87896
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(C) Subject to division (B) of this section, if the department is required or elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply: 87898
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(1) An individual seeking services under the program may apply for the program to the department or to the entity that state law governing the program authorizes to accept applications for the program. 87903
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(2) The department is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program. 87907
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~~(D)~~(D)(1) The department of children and youth may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for publicly funded child care provided under Chapter 5104. of the Revised Code. 87912
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(2) If the department elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for publicly funded child care, both of the following apply: 87916
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(a) An individual seeking publicly funded child care may apply to the department or to the entity that state law governing the program authorizes to accept applications for publicly funded child care. 87920
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(b) The department is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining 87924
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or redetermining eligibility, and performing related 87927
administrative activities for publicly funded childcare. 87928

(E) The director of job and family services and the director 87929
of children and youth may adopt rules as necessary to implement 87930
this section. 87931

Sec. 5101.76. (A) A residential camp, as defined in section 87932
2151.011 of the Revised Code, a child day camp, as defined in 87933
section 5104.01 of the Revised Code, or a child day camp operated 87934
by any county, township, municipal corporation, township park 87935
district created under section 511.18 of the Revised Code, park 87936
district created under section 1545.04 of the Revised Code, or 87937
joint recreation district established under section 755.14 of the 87938
Revised Code may procure epinephrine autoinjectors for use in 87939
emergency situations identified under division (C)(5) of this 87940
section by doing one of the following: 87941

(1) Having a licensed health professional authorized to 87942
prescribe drugs, acting in accordance with section 4723.483, 87943
4730.433, or 4731.96 of the Revised Code, personally furnish the 87944
epinephrine autoinjectors to the camp or issue a prescription for 87945
them in the name of the camp; 87946

(2) Obtaining a prescriber-issued protocol that includes 87947
definitive orders for epinephrine autoinjectors and the dosages of 87948
epinephrine to be administered through them. 87949

A camp that elects to procure epinephrine autoinjectors under 87950
this section is encouraged to maintain at least two epinephrine 87951
autoinjectors at all times. 87952

(B) A camp that elects to procure epinephrine autoinjectors 87953
under this section shall adopt a policy governing their 87954
maintenance and use. Before adopting the policy, the camp shall 87955
consult with a licensed health professional authorized to 87956

prescribe drugs. 87957

(C) The policy adopted under division (B) of this section shall do all of the following: 87958

(1) Identify the one or more locations in which an epinephrine autoinjector must be stored; 87960

(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed; 87962

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C)(5) of this section; 87964

(4) Specify any training that employees or contractors specified under division (C)(3) of this section must complete before being authorized to access and use an epinephrine autoinjector; 87970

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C)(3) of this section may access and use an epinephrine autoinjector; 87973

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used; 87977

(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section. 87980

(D)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with 87984

procuring, maintaining, accessing, or using an epinephrine 87987
autoinjector under this section, unless the act or omission 87988
constitutes willful or wanton misconduct: 87989

(a) A camp; 87990

(b) A camp employee or contractor; 87991

(c) A licensed health professional authorized to prescribe 87992
drugs who personally furnishes or prescribes epinephrine 87993
autoinjectors, provides a consultation, or issues a protocol 87994
pursuant to this section. 87995

(2) This section does not eliminate, limit, or reduce any 87996
other immunity or defense that a camp or camp employee or 87997
contractor or licensed health professional may be entitled to 87998
under Chapter 2744. or any other provision of the Revised Code or 87999
under the common law of this state. 88000

(E) A camp may accept donations of epinephrine autoinjectors 88001
from a wholesale distributor of dangerous drugs, as defined in 88002
section 4729.01 of the Revised Code, and may accept donations of 88003
money from any person to purchase epinephrine autoinjectors. 88004

(F) A camp that elects to procure epinephrine autoinjectors 88005
under this section shall report to the department of ~~job~~ children 88006
and ~~family services~~ youth each procurement and occurrence in which 88007
an epinephrine autoinjector is used from a camp's supply of 88008
epinephrine autoinjectors. 88009

(G) As used in this section, "licensed health professional 88010
authorized to prescribe drugs" and "prescriber" have the same 88011
meanings as in section 4729.01 of the Revised Code. 88012

Sec. 5101.77. (A) As used in this section, "inhaler" means a 88013
device that delivers medication to alleviate asthmatic symptoms, 88014
is manufactured in the form of a metered dose inhaler or dry 88015
powdered inhaler, and may include a spacer, holding chamber, or 88016

other device that attaches to the inhaler and is used to improve 88017
the delivery of the medication. 88018

(B) A residential camp, as defined in section 2151.011 of the 88019
Revised Code, a child day camp, as defined in section 5104.01 of 88020
the Revised Code, or a child day camp operated by any county, 88021
township, municipal corporation, township park district created 88022
under section 511.18 of the Revised Code, park district created 88023
under section 1545.04 of the Revised Code, or joint recreation 88024
district established under section 755.14 of the Revised Code may 88025
procure inhalers for use in emergency situations identified under 88026
division (D)(5) of this section. A camp that elects to procure 88027
inhalers under this section is encouraged to maintain at least two 88028
inhalers at all times. 88029

(C) A camp that elects to procure inhalers under this section 88030
shall adopt a policy governing their maintenance and use. Before 88031
adopting the policy, the camp shall consult with a licensed health 88032
professional authorized to prescribe drugs, as defined in section 88033
4729.01 of the Revised Code. 88034

(D) A component of a policy adopted by a camp under division 88035
(C) of this section shall be a prescriber-issued protocol 88036
specifying definitive orders for inhalers, including the dosages 88037
of medication to be administered through them, the number of times 88038
that each inhaler may be used before disposal, and the methods of 88039
disposal. The policy also shall do all of the following: 88040

(1) Identify the one or more locations in which an inhaler 88041
must be stored; 88042

(2) Specify the conditions under which an inhaler must be 88043
stored, replaced, and disposed; 88044

(3) Specify the individuals employed by or under contract 88045
with the camp who may access and use an inhaler to provide a 88046

dosage of medication to an individual in an emergency situation 88047
identified under division (D)(5) of this section; 88048

(4) Specify any training that employees or contractors 88049
specified under division (D)(3) of this section must complete 88050
before being authorized to access and use an inhaler; 88051

(5) Identify the emergency situations, including when an 88052
individual exhibits signs and symptoms of asthma, in which 88053
employees or contractors specified under division (D)(3) of this 88054
section may access and use an inhaler; 88055

(6) Specify that assistance from an emergency medical service 88056
provider must be requested immediately after an employee or 88057
contractor, other than a licensed health professional, uses an 88058
inhaler; 88059

(7) Specify the individuals to whom a dosage of medication 88060
may be administered through an inhaler in an emergency situation 88061
specified under division (D)(5) of this section. 88062

(E) A camp or camp employee or contractor is not liable in 88063
damages in a civil action for injury, death, or loss to person or 88064
property that allegedly arises from an act or omission associated 88065
with procuring, maintaining, accessing, or using an inhaler under 88066
this section, unless the act or omission constitutes willful or 88067
wanton misconduct. 88068

This section does not eliminate, limit, or reduce any other 88069
immunity or defense that a camp or camp employee or contractor may 88070
be entitled to under Chapter 2744. or any other provision of the 88071
Revised Code or under the common law of this state. 88072

(F) A camp may accept donations of inhalers from a wholesale 88073
distributor of dangerous drugs, as defined in section 4729.01 of 88074
the Revised Code, and may accept donations of money from any 88075
person to purchase inhalers. 88076

(G) A camp that elects to procure inhalers under this section 88077
shall report to the department of ~~job children~~ and ~~family services~~ 88078
youth each procurement and occurrence in which an inhaler is used 88079
from a camp's supply of inhalers. 88080

Sec. 5101.78. (A) As used in this section, "licensed health 88081
professional authorized to prescribe drugs" and "prescriber" have 88082
the same meanings as in section 4729.01 of the Revised Code. 88083

(B) A residential camp, as defined in section 2151.011 of the 88084
Revised Code; a child day camp, as defined in section 5104.01 of 88085
the Revised Code; or a child day camp operated by any county, 88086
township, municipal corporation, township park district created 88087
under section 511.18 of the Revised Code, park district created 88088
under section 1545.04 of the Revised Code, or joint recreation 88089
district established under section 755.14 of the Revised Code may 88090
procure injectable or nasally administered glucagon for use in 88091
emergency situations identified under division (D)(5) of this 88092
section by doing one of the following: 88093

(1) Having a licensed health professional authorized to 88094
prescribe drugs, acting in accordance with section 4723.4811, 88095
4730.437, or 4731.92 of the Revised Code, personally furnish the 88096
injectable or nasally administered glucagon to the camp or issue a 88097
prescription for the drug in the name of the camp; 88098

(2) Obtaining a prescriber-issued protocol that includes 88099
definitive orders for injectable or nasally administered glucagon 88100
and the dosages to be administered; 88101

A camp that elects to procure injectable or nasally 88102
administered glucagon under this section is encouraged to maintain 88103
at least two doses of the drug at all times. 88104

(C) A camp that elects to procure injectable or nasally 88105
administered glucagon under this section shall adopt a policy 88106

governing maintenance and use of the drug. Before adopting the 88107
policy, the camp shall consult with a licensed health professional 88108
authorized to prescribe drugs. 88109

(D) The policy adopted under division (C) of this section 88110
shall do all of the following: 88111

(1) Identify the one or more locations at the camp in which 88112
injectable or nasally administered glucagon must be stored; 88113

(2) Specify the conditions under which injectable or nasally 88114
administered glucagon must be stored, replaced, or disposed; 88115

(3) Specify the individuals employed by or under contract 88116
with the camp, or who volunteer at the camp, who may access and 88117
use injectable or nasally administered glucagon in an emergency 88118
situation identified under division (D)(5) of this section; 88119

(4) Specify any training that employees, contractors, or 88120
volunteers specified under division (D)(3) of this section must 88121
complete before being authorized to access and use injectable or 88122
nasally administered glucagon; 88123

(5) Identify the emergency situations, including when an 88124
individual exhibits signs and symptoms of severe hypoglycemia, in 88125
which employees, contractors, or volunteers specified under 88126
division (D)(3) of this section may access and use injectable or 88127
nasally administered glucagon; 88128

(6) Specify that assistance from an emergency medical service 88129
provider must be requested immediately after a dose of glucagon is 88130
administered; 88131

(7) Specify the individuals to whom a dose of glucagon may be 88132
administered in an emergency situation specified under division 88133
(D)(5) of this section. 88134

(E)(1) The following are not liable in damages in a civil 88135
action for injury, death, or loss to person or property that 88136

allegedly arises from an act or omission associated with 88137
procuring, maintaining, accessing, or using injectable or nasally 88138
administered glucagon under this section, unless the act or 88139
omission constitutes willful or wanton misconduct: 88140

(a) A camp; 88141

(b) A camp employee, contractor, or volunteer; 88142

(c) A licensed health professional authorized to prescribe 88143
drugs who personally furnishes or prescribes injectable or nasally 88144
administered glucagon, provides a consultation, or issues a 88145
protocol pursuant to this section; 88146

(2) This section does not eliminate, limit, or reduce any 88147
other immunity or defense that a camp; camp employee, contractor, 88148
or volunteer; or licensed health professional may be entitled to 88149
under Chapter 2744. or any other provision of the Revised Code or 88150
under the common law of this state. 88151

(F) A camp may accept donations of injectable or nasally 88152
administered glucagon from a wholesale distributor of dangerous 88153
drugs or manufacturer of dangerous drugs, as defined in section 88154
4729.01 of the Revised Code, and may accept donations of money 88155
from any person to purchase the drug. 88156

(G) A camp that elects to procure injectable or nasally 88157
administered glucagon under this section shall report to the 88158
department of ~~job~~ children and ~~family services~~ youth each 88159
procurement and each occurrence in which a dose of the drug is 88160
used from the camp's supply. 88161

Sec. 5101.80. (A) As used in this section and in section 88162
5101.801 of the Revised Code: 88163

(1) "County family services agency" has the same meaning as 88164
in section 307.981 of the Revised Code. 88165

(2) "State agency" has the same meaning as in section 9.82 of 88166

the Revised Code. 88167

(3) "Title IV-A administrative agency" means both of the 88168
following: 88169

(a) A county family services agency or state agency 88170
administering a Title IV-A program under the supervision of the 88171
department of job and family services or the department of 88172
children and youth; 88173

(b) A government agency or private, not-for-profit entity 88174
administering a project funded in whole or in part with funds 88175
provided under the Title IV-A demonstration program created under 88176
section 5101.803 of the Revised Code. 88177

(4) "Title IV-A program" means all of the following that are 88178
funded in part with funds provided under the temporary assistance 88179
for needy families block grant established by Title IV-A of the 88180
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 88181
amended: 88182

(a) The Ohio works first program established under Chapter 88183
5107. of the Revised Code; 88184

(b) The prevention, retention, and contingency program 88185
established under Chapter 5108. of the Revised Code; 88186

(c) A program established by the general assembly or an 88187
executive order issued by the governor that is administered or 88188
supervised by the department of job and family services or 88189
department of children and youth pursuant to section 5101.801 of 88190
the Revised Code; 88191

(d) The kinship permanency incentive program created under 88192
section 5101.802 of the Revised Code; 88193

(e) The Title IV-A demonstration program created under 88194
section 5101.803 of the Revised Code; 88195

(f) The Ohio parenting and pregnancy program created under 88196

section 5101.804 of the Revised Code; 88197

(g) A component of a Title IV-A program identified under 88198
divisions (A)(4)(a) to (f) of this section that the Title IV-A 88199
state plan prepared under division (C)(1) of this section 88200
identifies as a component. 88201

(B) The department of job and family services shall act as 88202
the single state agency to administer and supervise the 88203
administration of Title IV-A programs. The Title IV-A state plan 88204
and amendments to the plan prepared under division (C) of this 88205
section are binding on Title IV-A administrative agencies. No 88206
Title IV-A administrative agency may establish, by rule or 88207
otherwise, a policy governing a Title IV-A program that is 88208
inconsistent with a Title IV-A program policy established, in rule 88209
or otherwise, by the director of job and family services. 88210

(C) The department of job and family services shall do all of 88211
the following: 88212

(1) Prepare and submit to the United States secretary of 88213
health and human services a Title IV-A state plan for Title IV-A 88214
programs; 88215

(2) Prepare and submit to the United States secretary of 88216
health and human services amendments to the Title IV-A state plan 88217
that the department determines necessary, including amendments 88218
necessary to implement Title IV-A programs identified in divisions 88219
(A)(4)(c) to (g) of this section; 88220

(3) Prescribe forms for applications, certificates, reports, 88221
records, and accounts of Title IV-A administrative agencies, and 88222
other matters related to Title IV-A programs; 88223

(4) Make such reports, in such form and containing such 88224
information as the department may find necessary to assure the 88225
correctness and verification of such reports, regarding Title IV-A 88226
programs; 88227

- (5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program; 88228
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- (6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 88231
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- (7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 88235
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- (8) Conduct investigations and audits as are necessary regarding Title IV-A programs; 88243
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- (9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents; 88245
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- (10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following: 88248
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- (a) Examine issues of process, practice, impact, and outcomes; 88252
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- (b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, 88254
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whether and how often they have received benefits or services 88259
under the prevention, retention, and contingency program, and 88260
whether they are successfully self sufficient; 88261

(c) Provide the department with reports at times the 88262
department specifies. 88263

(11) Not later than the last day of each January and July, 88264
prepare a report containing information on the following: 88265

(a) Individuals exhausting the time limits for participation 88266
in Ohio works first set forth in section 5107.18 of the Revised 88267
Code. 88268

(b) Individuals who have been exempted from the time limits 88269
set forth in section 5107.18 of the Revised Code and the reasons 88270
for the exemption. 88271

(D) The department shall provide copies of the reports it 88272
receives under division (C)(10) of this section and prepares under 88273
division (C)(11) of this section to the governor, the president 88274
and minority leader of the senate, and the speaker and minority 88275
leader of the house of representatives. The department shall 88276
provide copies of the reports to any private or government entity 88277
on request. 88278

(E) An authorized representative of the department or a 88279
county family services agency or state agency administering a 88280
Title IV-A program shall have access to all records and 88281
information bearing thereon for the purposes of investigations 88282
conducted pursuant to this section. An authorized representative 88283
of a government entity or private, not-for-profit entity 88284
administering a project funded in whole or in part with funds 88285
provided under the Title IV-A demonstration program shall have 88286
access to all records and information bearing on the project for 88287
the purpose of investigations conducted pursuant to this section. 88288

Sec. 5101.801. (A) Except as otherwise provided by the law 88289
enacted by the general assembly or executive order issued by the 88290
governor establishing the Title IV-A program, a Title IV-A program 88291
identified under division (A)(4)(c), (d), (e), (f), or (g) of 88292
section 5101.80 of the Revised Code shall provide benefits and 88293
services that are not "assistance" as defined in 45 C.F.R. 88294
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 88295
excludes from the definition of assistance. 88296

(B)(1) Except as otherwise provided by the law enacted by the 88297
general assembly or executive order issued by the governor 88298
establishing the Title IV-A program, the department of job and 88299
family services or the department of children and youth, as 88300
appropriate, shall do either of the following regarding a Title 88301
IV-A program identified under division (A)(4)(c), (d), (e), (f), 88302
or (g) of section 5101.80 of the Revised Code: 88303

(a) Administer the program or supervise a county family 88304
services agency's administration of the program; 88305

(b) Enter into an interagency agreement with a state agency 88306
for the state agency to administer the program under the 88307
department's supervision. 88308

(2) The department of job and family services and the 88309
department of children and youth may enter into an agreement with 88310
a government entity and, to the extent permitted by federal law, a 88311
private, not-for-profit entity for the entity to receive funding 88312
for a project under the Title IV-A demonstration program created 88313
under section 5101.803 of the Revised Code. 88314

(3) To the extent permitted by federal law, the department of 88315
children and youth may enter into an agreement with a private, 88316
not-for-profit entity for the entity to receive funds under the 88317
Ohio parenting and pregnancy program created under section 88318
5101.804 of the Revised Code. 88319

(C) The department of job and family services and the department of children and youth, may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), and (g) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of ~~the~~ either department or between ~~the~~ either department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department of job and family services or the department of children and youth, enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

- (a) The benefits and services that the program or project is to provide; 88350
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- (b) The methods of program or project administration; 88352
- (c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services; 88353
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- (d) Other requirements that the department of job and family services or the department of children and youth, as applicable, requires be included. 88356
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- (3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 88359
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- (4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following: 88364
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- (a) Limitations on administrative costs; 88369
- (b) The department of job and family services or the department of children and youth, as applicable, at its discretion, doing either of the following: 88370
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- (i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project; 88373
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- (ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting 88377
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for the performance of, audits and other administrative functions 88380
associated with the program or project. 88381

(5) If the state agency or entity arranges by contract, 88382
grant, or other agreement for another entity to perform a function 88383
the state agency or entity would otherwise perform regarding the 88384
program or project, the state agency or entity's responsibilities 88385
for both of the following: 88386

(a) Ensuring that the other entity complies with the 88387
agreement between the state agency or entity and the department of 88388
job and family services or the department of children and youth, 88389
as applicable and federal statutes and regulations and state 88390
statutes and rules governing the use of funds for the program or 88391
project; 88392

(b) Auditing the other entity in accordance with requirements 88393
established by the United States office of management and budget. 88394

(6) The state agency or entity's responsibilities regarding 88395
the prompt payment, including any interest assessed, of any 88396
adverse audit finding, final disallowance of federal funds, or 88397
other sanction or penalty imposed by the federal government, 88398
auditor of state, department of job and family services or the 88399
department of children and youth, as applicable, a court, or other 88400
entity regarding funds for the program or project; 88401

(7) Provisions for the department of job and family services 88402
or the department of children and youth, as applicable, to 88403
terminate the agreement or withhold reimbursement from the state 88404
agency or entity if either of the following occur: 88405

(a) The federal government disapproves the program or project 88406
or reduces federal funds for the program or project; 88407

(b) The state agency or entity fails to comply with the terms 88408
of the agreement. 88409

(8) Provisions for both of the following: 88410

(a) The department of job and family services or the 88411
department of children and youth, as applicable, and state agency 88412
or entity determining the performance outcomes expected for the 88413
program or project; 88414

(b) An evaluation of the program or project to determine its 88415
success in achieving the performance outcomes determined under 88416
division (D)(8)(a) of this section. 88417

(E) To the extent consistent with the law enacted by the 88418
general assembly or executive order issued by the governor 88419
establishing the Title IV-A program and subject to the approval of 88420
the director of budget and management, the director of job and 88421
family services or the director of children and youth, as 88422
applicable, may terminate a Title IV-A program identified under 88423
division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of 88424
the Revised Code or reduce funding for the program if the 88425
applicable director ~~of job and family services~~ determines that 88426
federal or state funds are insufficient to fund the program. If 88427
the director of budget and management approves the termination or 88428
reduction in funding for such a program, the director ~~of job and~~ 88429
~~family services~~ of job and family services or the department of 88430
children and youth, as applicable, shall issue instructions for 88431
the termination or funding reduction. If a Title IV-A 88432
administrative agency is administering the program, the agency is 88433
bound by the termination or funding reduction and shall comply 88434
with the applicable director's instructions. 88435

(F) The director of job and family services and the director 88436
of children and youth may adopt internal management rules in 88437
accordance with section 111.15 of the Revised Code as necessary to 88438
implement this section. The rules are binding on each Title IV-A 88439
administrative agency. 88440

Sec. 5101.802. (A) As used in this section: 88441

(1) "Custodian," "guardian," and "minor child" have the same 88442
meanings as in section 5107.02 of the Revised Code. 88443

(2) "Federal poverty guidelines" has the same meaning as in 88444
section 5101.46 of the Revised Code. 88445

(3) "Kinship caregiver" has the same meaning as in section 88446
5101.85 of the Revised Code. 88447

(B) Subject to division (E) of section 5101.801 of the 88448
Revised Code, there is hereby created the kinship permanency 88449
incentive program to promote permanency for a minor child in the 88450
legal and physical custody of a kinship caregiver. The program 88451
shall provide an initial one-time incentive payment to the kinship 88452
caregiver to defray the costs of initial placement of the minor 88453
child in the kinship caregiver's home. The program may provide 88454
additional permanency incentive payments for the minor child at 88455
six-month intervals, based on the availability of funds. An 88456
eligible caregiver may receive a maximum of eight incentive 88457
payments per minor child. 88458

(C) A kinship caregiver may participate in the program if all 88459
of the following requirements are met: 88460

(1) The kinship caregiver applies to a public children 88461
services agency in accordance with the application process 88462
established in rules authorized by division (E) of this section; 88463

(2) Not earlier than July 1, 2005, a juvenile court issues an 88464
order granting legal custody to the kinship caregiver, or a 88465
probate court grants guardianship to the kinship caregiver, except 88466
that a temporary court order is not sufficient to meet this 88467
requirement; 88468

(3) The kinship caregiver is either the minor child's 88469
custodian or guardian; 88470

(4) The minor child resides with the kinship caregiver 88471
pursuant to a placement approval process established in rules 88472
authorized by division (E) of this section; 88473

(5) Excluding any income excluded under rules adopted under 88474
division (E) of this section, the gross income of the kinship 88475
caregiver's family, including the minor child, does not exceed 88476
three hundred per cent of the federal poverty guidelines. 88477

(6) The kinship caregiver is not receiving kinship 88478
guardianship assistance under Title IV-E of the "Social Security 88479
Act," 42 U.S.C. 673(d), as amended, or the program described in 88480
section 5101.1411 of the Revised Code or the program described in 88481
section 5153.163 of the Revised Code. 88482

(D) Public children services agencies shall make initial and 88483
ongoing eligibility determinations for the kinship permanency 88484
incentive program in accordance with rules authorized by division 88485
(E) of this section. The director of ~~job children and family~~ 88486
~~services youth~~ shall supervise public children services agencies' 88487
duties under this section. 88488

(E) The director of ~~job children and family services youth~~ 88489
shall adopt rules under division (C) of section 5101.801 of the 88490
Revised Code as necessary to implement the kinship permanency 88491
incentive program. The rules shall establish all of the following: 88492

(1) The application process for the program; 88493

(2) The placement approval process through which a minor 88494
child is placed with a kinship caregiver for the kinship caregiver 88495
to be eligible for the program; 88496

(3) The initial and ongoing eligibility determination process 88497
for the program, including the computation of income eligibility; 88498

(4) The amount of the incentive payments provided under the 88499
program; 88500

(5) The method by which the incentive payments are provided 88501
to a kinship caregiver. 88502

(F) The amendments made to this section by Am. Sub. H.B. 119 88503
of the 127th general assembly shall not affect the eligibility of 88504
any kinship caregiver whose eligibility was established before 88505
June 30, 2007. 88506

Sec. 5101.803. (A) Subject to division (E) of section 88507
5101.801 of the Revised Code, there is hereby created the Title 88508
IV-A demonstration program to provide funding for innovative and 88509
promising prevention and intervention projects that meet one or 88510
more of the four purposes of the temporary assistance for needy 88511
families block grant as specified in 42 U.S.C. 601 and are for 88512
individuals with specific and multiple barriers to achieving or 88513
maintaining self-sufficiency and personal responsibility. The 88514
department of job and family services and the department of 88515
children and youth, as applicable, may provide funding for such 88516
projects to government entities and, to the extent permitted by 88517
federal law, private, not-for-profit entities with which ~~the~~ 88518
either department enters into agreements under division (B)(2) of 88519
section 5101.801 of the Revised Code. 88520

In accordance with criteria the department develops, the 88521
department of job and family services or the department of 88522
children and youth, as applicable, may solicit proposals from 88523
entities seeking to enter into an agreement with the applicable 88524
department under division (B)(2) of section 5101.801 of the 88525
Revised Code. The department of job and family services or the 88526
department of children and youth, as applicable, may enter into 88527
such agreements with entities that do both of the following: 88528

(1) Meet the proposals' criteria; 88529

(2) If the entity's proposed project does not potentially 88530
affect persons in each county of the state, provides the 88531

department evidence that the entity has notified, in writing, the 88532
county department of job and family services of each county where 88533
persons may be affected by the implementation of the project. 88534

(B) In developing the criteria, soliciting the proposals, and 88535
entering in the agreements, the department of job and family 88536
services and the department of children and youth shall comply 88537
with all applicable federal and state laws, the Title IV-A state 88538
plan submitted to the United States secretary of health and human 88539
services under section 5101.80 of the Revised Code, amendments to 88540
the Title IV-A state plan submitted to the United States secretary 88541
under that section, and federal waivers the United States 88542
secretary grants. 88543

~~(C) The department shall begin implementation of the Title 88544
IV A demonstration program no later than January 1, 2006. 88545~~

Sec. 5101.804. (A) Subject to division (E) of section 88546
5101.801 of the Revised Code, there is hereby created the Ohio 88547
parenting and pregnancy program to provide services for pregnant 88548
women and parents or other relatives caring for children twelve 88549
months of age or younger that do both of the following: 88550

(1) Promote childbirth, parenting, and alternatives to 88551
abortion; 88552

(2) Meet one or more of the four purposes of the temporary 88553
assistance for needy families block grant as specified in 42 88554
U.S.C. 601. 88555

(B) To the extent permitted by federal law, the department of 88556
~~job children and family services youth~~ may provide funds under the 88557
program to entities with which the department enters into 88558
agreements under division (B)(3) of section 5101.801 of the 88559
Revised Code. In accordance with criteria the department develops, 88560
the department may solicit proposals from entities seeking to 88561

provide services under the program. The department may enter into 88562
an agreement with an entity only if it meets all of the following 88563
conditions: 88564

(1) Is a private, not-for-profit entity; 88565

(2) Is an entity whose primary purpose is to promote 88566
childbirth, rather than abortion, through counseling and other 88567
services, including parenting and adoption support; 88568

(3) Provides services to pregnant women and parents or other 88569
relatives caring for children twelve months of age or younger, 88570
including clothing, counseling, diapers, food, furniture, health 88571
care, parenting classes, postpartum recovery, shelter, and any 88572
other supportive services, programs, or related outreach; 88573

(4) Does not charge pregnant women and parents or other 88574
relatives caring for children twelve months of age or younger a 88575
fee for any services received; 88576

(5) Is not involved in or associated with any abortion 88577
activities, including providing abortion counseling or referrals 88578
to abortion clinics, performing abortion-related medical 88579
procedures, or engaging in pro-abortion advertising; 88580

(6) Does not discriminate in its provision of services on the 88581
basis of race, religion, color, age, marital status, national 88582
origin, disability, or gender. 88583

(C) An entity that has entered into an agreement with the 88584
department under division (B)(3) of section 5101.801 of the 88585
Revised Code may enter into a subcontract with another entity 88586
under which the other entity provides all or part of the services 88587
described in division (B)(3) of this section. A subcontract may be 88588
entered into with another entity only if that entity meets all of 88589
the following conditions: 88590

(1) Is a private, not-for-profit entity; 88591

(2) Is physically and financially separate from any entity, 88592
or component of an entity, that engages in abortion activities; 88593

(3) Is not involved in or associated with any abortion 88594
activities, including providing abortion counseling or referrals 88595
to abortion clinics, performing abortion-related medical 88596
procedures, or engaging in pro-abortion advertising. 88597

(D) The director of ~~job children and family services~~ youth 88598
shall adopt rules under division (C) of section 5101.801 of the 88599
Revised Code as necessary to implement the Ohio parenting and 88600
pregnancy program. 88601

Sec. 5101.83. (A) As used in this section: 88602

(1) "Assistance group" has the same meaning as in section 88603
5107.02 of the Revised Code, except that it also means a group 88604
provided benefits and services under the prevention, retention, 88605
and contingency program or the comprehensive case management and 88606
employment program. 88607

(2) "Fraudulent assistance" means assistance and services, 88608
including cash assistance, provided under the Ohio works first 88609
program established under Chapter 5107., or benefits and services 88610
provided under the prevention, retention, and contingency program 88611
established under Chapter 5108. of the Revised Code or under the 88612
comprehensive case management and employment program established 88613
under Chapter 5116. of the Revised Code, to or on behalf of an 88614
assistance group that is provided as a result of fraud by a member 88615
of the assistance group, including an intentional violation of the 88616
program's requirements. "Fraudulent assistance" does not include 88617
assistance or services to or on behalf of an assistance group that 88618
is provided as a result of an error that is the fault of a county 88619
department of job and family services ~~or~~, the Ohio department of 88620
job and family services, or the department of children and youth. 88621

(B) If a county director of job and family services 88622
determines that an assistance group has received fraudulent 88623
assistance, the assistance group is ineligible to participate in 88624
the Ohio works first program, the prevention, retention, and 88625
contingency program, or the comprehensive case management and 88626
employment program until a member of the assistance group repays 88627
the cost of the fraudulent assistance. If a member repays the cost 88628
of the fraudulent assistance and the assistance group otherwise 88629
meets the eligibility requirements for the Ohio works first 88630
program, the prevention, retention, and contingency program, or 88631
the comprehensive case management and employment program, the 88632
assistance group shall not be denied the opportunity to 88633
participate in the program. 88634

This section does not limit the ability of a county 88635
department of job and family services to recover erroneous 88636
payments under section 5107.76 of the Revised Code. 88637

The Ohio department of job and family services and the 88638
department of children and youth shall adopt rules in accordance 88639
with Chapter 119. of the Revised Code to implement this section. 88640

Sec. 5101.851. The department of ~~job~~ children and ~~family~~ 88641
~~services~~ youth shall establish a statewide kinship care navigator 88642
program to assist kinship caregivers who are seeking information 88643
regarding, or assistance obtaining, services and benefits 88644
available at the state and local level that address the needs of 88645
those caregivers residing in each county. The program shall 88646
provide to kinship caregivers information and referral services 88647
and assistance obtaining support services including the following: 88648

(A) Publicly funded child care; 88649

(B) Respite care; 88650

(C) Training related to caring for special needs children; 88651

(D) A toll-free telephone number that may be called to obtain 88652
basic information about the rights of, and services available to, 88653
kinship caregivers; 88654

(E) Legal services. 88655

Sec. 5101.853. The director of ~~job~~ children and ~~family~~ 88656
~~services~~ youth shall divide the state into not less than five and 88657
not greater than twelve regions, for the kinship care navigator 88658
program under section 5101.851 of the Revised Code. The director 88659
shall take the following into consideration when establishing the 88660
regions: 88661

(A) The population size; 88662

(B) The estimated number of kinship caregivers; 88663

(C) The expertise of kinship navigators; 88664

(D) Any other factor the director considers relevant. 88665

Sec. 5101.855. ~~Not later than one year after the effective~~ 88666
~~date of this amendment, the~~ The department of ~~job~~ children and 88667
~~family services~~ youth shall adopt rules to implement the kinship 88668
care navigator program. The rules shall be adopted under Chapter 88669
119. of the Revised Code, except that rules governing fiscal and 88670
administrative matters related to implementation of the program 88671
are internal management rules and shall be adopted under section 88672
111.15 of the Revised Code. 88673

Sec. 5101.856. (A)(1) The kinship care navigator program 88674
shall be funded to the extent that general revenue funds have been 88675
appropriated by the general assembly for that purpose. 88676

(2) The director of ~~job~~ children and ~~family services~~ youth 88677
shall take any action necessary to obtain funds available for the 88678
kinship care navigator program under Title IV-E of the "Social 88679

Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended. 88680

(B) The department shall pay the full nonfederal share for 88681
the kinship care navigator program. No county department of job 88682
and family services or public children services agency shall be 88683
responsible for the cost of the program. 88684

Sec. 5101.881. There is hereby established the kinship 88685
support program. The department of ~~job children~~ and ~~family~~ 88686
~~services youth~~ shall coordinate and administer the program to the 88687
extent funds are appropriated and allocated for this purpose. 88688

Sec. 5101.885. Kinship support program payments under section 88689
5101.884 of the Revised Code shall be ten dollars and twenty cents 88690
per child, per day, to the extent funds are available. The 88691
department of ~~job children~~ and ~~family services youth~~ shall 88692
increase the payment amount on January 1, 2022, and on the first 88693
day of each January thereafter by the cost-of-living adjustment 88694
made in the immediately preceding December. 88695

Sec. 5101.8811. The director of ~~job children~~ and ~~family~~ 88696
~~services youth~~ may adopt rules for the administration of the 88697
kinship support program in accordance with section 111.15 of the 88698
Revised Code. 88699

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the 88700
Revised Code: 88701

(A)(1) "Association" or "institution" includes all of the 88702
following: 88703

(a) Any incorporated or unincorporated organization, society, 88704
association, or agency, public or private, that receives or cares 88705
for children for two or more consecutive weeks; 88706

(b) Any individual, including the operator of a foster home, 88707

who, for hire, gain, or reward, receives or cares for children for 88708
two or more consecutive weeks, unless the individual is related to 88709
them by blood or marriage; 88710

(c) Any individual not in the regular employ of a court, or 88711
of an institution or association certified in accordance with 88712
section 5103.03 of the Revised Code, who in any manner becomes a 88713
party to the placing of children in foster homes, unless the 88714
individual is related to such children by blood or marriage or is 88715
the appointed guardian of such children. 88716

(2) "Association" or "institution" does not include any of 88717
the following: 88718

(a) Any organization, society, association, school, agency, 88719
child guidance center, detention or rehabilitation facility, or 88720
children's clinic licensed, regulated, approved, operated under 88721
the direction of, or otherwise certified by the department of 88722
education, a local board of education, the department of youth 88723
services, the department of mental health and addiction services, 88724
or the department of developmental disabilities; 88725

(b) Any individual who provides care for only a single-family 88726
group, placed there by their parents or other relative having 88727
custody; 88728

(c) A private, nonprofit therapeutic wilderness camp; 88729

(d) A qualified organization as defined in section 2151.90 of 88730
the Revised Code. 88731

(B) "Family foster home" means a foster home that is not a 88732
specialized foster home. 88733

(C) "Foster caregiver" means a person holding a valid foster 88734
home certificate issued under section 5103.03 of the Revised Code. 88735

(D) "Foster home" means a private residence in which children 88736
are received apart from their parents, guardian, or legal 88737

custodian, by an individual reimbursed for providing the children 88738
nonsecure care, supervision, or training twenty-four hours a day. 88739
"Foster home" does not include care provided for a child in the 88740
home of a person other than the child's parent, guardian, or legal 88741
custodian while the parent, guardian, or legal custodian is 88742
temporarily away. Family foster homes and specialized foster homes 88743
are types of foster homes. 88744

(E) "Kinship caregiver" has the same meaning as in section 88745
5101.85 of the Revised Code. 88746

(F) "Medically fragile foster home" means a foster home that 88747
provides specialized medical services designed to meet the needs 88748
of children with intensive health care needs who meet all of the 88749
following criteria: 88750

(1) Under rules adopted by the medicaid director governing 88751
medicaid payments for long-term care services, the children 88752
require a skilled level of care. 88753

(2) The children require the services of a doctor of medicine 88754
or osteopathic medicine at least once a week due to the 88755
instability of their medical conditions. 88756

(3) The children require the services of a registered nurse 88757
on a daily basis. 88758

(4) The children are at risk of institutionalization in a 88759
hospital, skilled nursing facility, or intermediate care facility 88760
for individuals with intellectual disabilities. 88761

(G) "Private, nonprofit therapeutic wilderness camp" means a 88762
structured, alternative residential setting for children who are 88763
experiencing emotional, behavioral, moral, social, or learning 88764
difficulties at home or school in which all of the following are 88765
the case: 88766

(1) The children spend the majority of their time, including 88767

overnight, either outdoors or in a primitive structure. 88768

(2) The children have been placed there by their parents or 88769
another relative having custody. 88770

(3) The camp accepts no public funds for use in its 88771
operations. 88772

(H) "Recommending agency" means a public children services 88773
agency, private child placing agency, or private noncustodial 88774
agency that recommends that the department of ~~job~~ children and 88775
~~family services~~ youth take any of the following actions under 88776
section 5103.03 of the Revised Code regarding a foster home: 88777

(1) Issue a certificate; 88778

(2) Deny a certificate; 88779

(3) Renew a certificate; 88780

(4) Deny renewal of a certificate; 88781

(5) Revoke a certificate. 88782

(I) "Resource caregiver" means a foster caregiver or a 88783
kinship caregiver. 88784

(J) "Resource family" means a foster home or the kinship 88785
caregiver family. 88786

(K) "Specialized foster home" means a medically fragile 88787
foster home or a treatment foster home. 88788

(L) "Treatment foster home" means a foster home that 88789
incorporates special rehabilitative services designed to treat the 88790
specific needs of the children received in the foster home and 88791
that receives and cares for children who are emotionally or 88792
behaviorally disturbed, who are chemically dependent, who have 88793
developmental disabilities, or who otherwise have exceptional 88794
needs. 88795

Sec. 5103.03. (A) The director of ~~job~~ children and ~~family~~
~~services~~ youth shall adopt rules as necessary for the adequate and
competent management and certification of institutions or
associations. The director shall ensure that foster care home
study rules adopted under this section align any home study
content, time period, and process with any home study content,
time period, and process required by rules adopted under section
3107.033 of the Revised Code.

(B)(1) Except for facilities under the control of the
department of youth services, places of detention for children
established and maintained pursuant to sections 2152.41 to 2152.44
of the Revised Code, and child day-care centers subject to Chapter
5104. of the Revised Code, the department of ~~job~~ children and
~~family services~~ youth shall pass upon the fitness of every
institution and association that receives, or desires to receive
and care for children, or places children in private homes, at a
frequency established by rules adopted under division (A) of this
section.

(2) When the department of ~~job~~ children and ~~family services~~
youth is satisfied as to the care given such children, and that
the requirements of the statutes and rules covering the management
of such institutions and associations are being complied with, it
shall issue to the institution or association a certificate to
that effect. A certificate is valid for a length of time
determined by rules adopted under division (A) of this section.
When determining whether an institution or association meets a
particular requirement for certification, the department may
consider the institution or association to have met the
requirement if the institution or association shows to the
department's satisfaction that it has met a comparable requirement
to be accredited by a nationally recognized accreditation
organization.

(3) The department may issue a temporary certificate valid 88828
for less than one year authorizing an institution or association 88829
to operate until minimum requirements have been met. 88830

(4) An institution or association that knowingly makes a 88831
false statement that is included as a part of certification under 88832
this section is guilty of the offense of falsification under 88833
section 2921.13 of the Revised Code and the department shall not 88834
certify that institution or association. 88835

(5) The department shall not issue a certificate to a 88836
prospective foster home or prospective specialized foster home 88837
pursuant to this section if the prospective foster home or 88838
prospective specialized foster home operates as a type A family 88839
day-care home pursuant to Chapter 5104. of the Revised Code. The 88840
department shall not issue a certificate to a prospective 88841
specialized foster home if the prospective specialized foster home 88842
operates a type B family day-care home pursuant to Chapter 5104. 88843
of the Revised Code. 88844

(C) The department may revoke a certificate if it finds that 88845
the institution or association is in violation of law or rule. No 88846
juvenile court shall commit a child to an association or 88847
institution that is required to be certified under this section if 88848
its certificate has been revoked or, if after revocation, the date 88849
of reissue is less than fifteen months prior to the proposed 88850
commitment. 88851

(D) On a frequency specified by the department by rules 88852
adopted under division (A) of this section, each institution or 88853
association desiring certification or recertification shall submit 88854
to the department a report showing its condition, management, 88855
competency to care adequately for the children who have been or 88856
may be committed to it or to whom it provides care or services, 88857
the system of visitation it employs for children placed in private 88858
homes, and other information the department requires. 88859

(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is licensed to operate a type B family day-care home under Chapter 5104. of the Revised Code.

(H) If the director of ~~job children~~ and ~~family services youth~~ determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of ~~job children~~ and ~~family services youth~~ may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or

safety of one or more children in the care of the institution or association is at imminent risk. 88891
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(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association. 88893
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Sec. 5103.031. Except as provided in section 5103.033 of the Revised Code, the department of ~~job children~~ and ~~family services youth~~ may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes preplacement training through a preplacement training program approved by the department of ~~job children~~ and ~~family services youth~~ under section 5103.038 of the Revised Code or preplacement training provided under division (B) of section 5103.30 of the Revised Code. 88896
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Sec. 5103.032. (A) Except as provided in division (B) of this section and in section 5103.033 of the Revised Code, the department of ~~job children~~ and ~~family services youth~~ may not renew a foster home certificate under section 5103.03 of the Revised Code unless the foster caregiver successfully completes continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code. 88905
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(B) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of ~~job children~~ and ~~family services youth~~ if either of the following applies: 88913
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(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period. 88918
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(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.033. (A) The department of ~~job children and family services~~ youth may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the prospective foster caregiver or foster caregiver successfully completes the following:

(1) A preplacement training program approved under section 5103.038 of the Revised Code or a program provided under division (B) of section 5103.30 of the Revised Code;

(2) Continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of ~~job children and family services~~ youth:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.034. (A) Private child placing agencies and private noncustodial agencies operating a preplacement or continuing training program approved by the department of ~~job~~ children and ~~family services~~ youth under section 5103.038 of the Revised Code shall make the program available to a prospective foster caregiver or foster caregiver without regard to the type of recommending agency from which the prospective foster caregiver or foster caregiver seeks a recommendation.

(B) A private child placing agency or private noncustodial agency operating a preplacement or continuing training program approved by the department of ~~job~~ children and ~~family services~~ youth under section 5103.038 of the Revised Code may condition the enrollment of a prospective foster caregiver or foster caregiver in the program on either or both of the following:

(1) Availability of space in the training program;

(2) Payment of an instruction or registration fee, if any, by the prospective foster caregiver or foster caregiver's recommending agency.

(C) A private child placing agency or private noncustodial agency operating a preplacement or continuing training program approved by the department of ~~job~~ children and ~~family services~~ youth under section 5103.038 of the Revised Code may contract with a person or governmental entity to administer the program.

Sec. 5103.036. (A) For the purpose of determining whether a

prospective foster caregiver or foster caregiver has satisfied the 88982
requirement of section 5103.031 or 5103.032 of the Revised Code, a 88983
recommending agency shall accept training obtained from either of 88984
the following: 88985

(1) Any preplacement or continuing training program approved 88986
by the department of ~~job~~ children and ~~family services~~ youth under 88987
section 5103.038 of the Revised Code; 88988

(2) The Ohio child welfare training program pursuant to 88989
divisions (B) and (C) of section 5103.30 of the Revised Code. 88990

(B) A recommending agency may require that a prospective 88991
foster caregiver or foster caregiver successfully complete 88992
additional training as a condition of the agency recommending that 88993
the department of ~~job~~ children and ~~family services~~ youth certify 88994
or recertify the prospective foster caregiver or foster 88995
caregiver's foster home under section 5103.03 of the Revised Code. 88996

Sec. 5103.037. (A) Prior to employing or appointing a person 88997
as board president, or as an administrator or officer, an 88998
institution or association shall do the following regarding the 88999
person: 89000

(1) Request a summary report of a search of the uniform 89001
statewide automated child welfare information system in accordance 89002
with divisions (A) and (B) of section 5103.18 of the Revised Code; 89003

(2) Request a certified search of the findings for recovery 89004
database; 89005

(3) Conduct a database review at the federal web site known 89006
as the system for award management; 89007

(4) Conduct a search of the United States department of 89008
justice national sex offender public web site. 89009

(B) The institution or association may refuse to hire or 89010
appoint a person as board president, or as an administrator or 89011

officer as follows: 89012

(1) Based solely on the findings of the summary report 89013
described in division (B)(1)(a) of section 5103.18 of the Revised 89014
Code or the results of the search described in division (A)(4) of 89015
this section; 89016

(2) Based on the results of a certified search or database 89017
review described in division (A)(2) or (3) of this section, when 89018
considered within the totality of circumstances. 89019

(C) The director of ~~job~~ children and ~~family services~~ youth 89020
shall adopt rules in accordance with Chapter 119. of the Revised 89021
Code necessary for the implementation and execution of this 89022
section. 89023

Sec. 5103.038. (A) Every other year by a date specified in 89024
rules adopted under section 5103.0316 of the Revised Code, each 89025
private child placing agency and private noncustodial agency that 89026
seeks to operate a preplacement training program or continuing 89027
training program under section 5103.034 of the Revised Code shall 89028
submit to the department of ~~job~~ children and ~~family services~~ youth 89029
a proposal outlining the program. The proposal may be the same as, 89030
a modification of, or different from, a model design developed by 89031
the department. 89032

(B) Not later than thirty days after receiving a proposal 89033
under division (A) of this section, the department shall either 89034
approve or disapprove the proposed program. The department shall 89035
approve a proposed preplacement training program if it complies 89036
with rules adopted under section 5103.0316 of the Revised Code, as 89037
appropriate, and, in the case of a proposal submitted by an agency 89038
operating a preplacement training program at the time the proposal 89039
is submitted, the department is satisfied with the agency's 89040
operation of the program. The department shall approve a proposed 89041
continuing training program if it complies with rules adopted 89042

under section 5103.0316 of the Revised Code and, in the case of a
proposal submitted by an agency operating a continuing training
program at the time the proposal is submitted, the department is
satisfied with the agency's operation of the program. If the
department disapproves a proposal, it shall provide the reason for
disapproval to the agency that submitted the proposal and advise
the agency of how to revise the proposal so that the department
can approve it.

(C) The department's approval under division (B) of this
section of a proposed preplacement training program or continuing
training program is valid only for two years following the year
the proposal for the program is submitted to the department under
division (A) of this section.

Sec. 5103.0310. (A) Prior to employing a person or engaging a
subcontractor, intern, or volunteer, an institution or
association, as defined in division (A)(1)(a) of section 5103.02
of the Revised Code, that is a residential facility, as defined in
division (A)(6) of section 5103.05 of the Revised Code, shall do
the following regarding the person, subcontractor, intern, or
volunteer:

(1) Obtain a search of the United States department of
justice national sex offender public web site regarding the
person;

(2) Obtain a summary report of a search of the uniform
statewide automated child welfare information system in accordance
with divisions (A) and (B) of section 5103.18 of the Revised Code.

(B) An institution or association, as defined in division
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a
residential facility, as defined in division (A)(6) of section
5103.05 of the Revised Code, shall obtain the search and summary
report described in division (A) of this section before hiring a

person, or engaging a subcontractor, intern, or volunteer, who 89074
will have access to children. 89075

(C) If, at the time of ~~the effective date of this amendment~~ 89076
September 30, 2021, the institution or association has not 89077
obtained a report required under division (A) or (B) of this 89078
section for the person, subcontractor, intern, or volunteer, the 89079
institution or association shall obtain the report. 89080

(D) The institution or association may refuse to employ the 89081
person or engage the subcontractor, intern, or volunteer based 89082
solely on the results of the search described in division (A)(1) 89083
or (B) of this section or the findings of the summary report 89084
described in division (B)(1)(a) of section 5103.18 of the Revised 89085
Code. 89086

(E) The director of ~~job children and family services youth~~ 89087
shall adopt rules in accordance with Chapter 119. of the Revised 89088
Code necessary for the implementation and execution of this 89089
section. 89090

Sec. 5103.0312. A public children services agency, private 89091
child placing agency, or private noncustodial agency acting as a 89092
recommending agency for a foster caregiver shall reimburse the 89093
foster caregiver in a lump sum for attending a preplacement 89094
training program operated under section 5103.034 or 5103.30 of the 89095
Revised Code and shall reimburse the foster caregiver a stipend 89096
for attending a continuing training program operated under section 89097
5103.034 or 5103.30 of the Revised Code. The amount of the lump 89098
sum reimbursement and the stipend rate shall be established by the 89099
department of ~~job children and family services youth~~ and shall be 89100
the same regardless of the type of recommending agency from which 89101
the foster caregiver seeks a recommendation. The department shall, 89102
pursuant to rules adopted under section 5103.0316 of the Revised 89103
Code, reimburse the recommending agency for stipend reimbursements 89104

it makes in accordance with this section. The department shall 89105
adopt rules under Chapter 119. of the Revised Code regarding the 89106
release of lump sum stipends to an individual for attending a 89107
preplacement training program. 89108

Sec. 5103.0313. Except as provided in section 5103.303 of the 89109
Revised Code, the department of ~~job~~ children and ~~family services~~ 89110
youth shall compensate a private child placing agency or private 89111
noncustodial agency for the cost of procuring or operating 89112
preplacement and continuing training programs approved by the 89113
department of ~~job~~ children and ~~family services~~ youth under section 89114
5103.038 of the Revised Code for prospective foster caregivers and 89115
foster caregivers who are recommended for initial certification or 89116
recertification by the agency. 89117

The compensation shall be paid to the agency in the form of 89118
an allowance to reimburse the agency for the cost of training 89119
pursuant to the rules adopted by the department of ~~job~~ children 89120
and ~~family services~~ youth in accordance with section 5103.0316 of 89121
the Revised Code. 89122

Sec. 5103.0314. The department of ~~job~~ children and ~~family~~ 89123
~~services~~ youth shall adopt rules regarding the compensation of a 89124
recommending agency for any training the agency requires a foster 89125
caregiver to undergo as a condition of the agency recommending the 89126
department certify the foster caregiver's foster home under 89127
section 5103.03 of the Revised Code if the training is in excess 89128
of the training required under section 5103.031 of the Revised 89129
Code. 89130

The department of ~~job~~ children and ~~family services~~ youth 89131
shall adopt rules regarding the compensation of a recommending 89132
agency for any training the agency requires a foster caregiver to 89133
undergo as a condition of the agency recommending the department 89134

recertify the foster caregiver's foster home under section 5103.03 89135
of the Revised Code if the training is in addition to the minimum 89136
training required under section 5103.032 of the Revised Code. 89137

Sec. 5103.0315. The department of ~~job~~ children and ~~family~~ 89138
~~services~~ youth shall seek federal financial participation for the 89139
cost of making payments under section 5103.0312 of the Revised 89140
Code and allowances under sections 5103.0313 and 5103.303 of the 89141
Revised Code. The department shall notify the governor, president 89142
of the senate, minority leader of the senate, speaker of the house 89143
of representatives, and minority leader of the house of 89144
representatives of any proposed federal legislation that endangers 89145
the federal financial participation. 89146

Sec. 5103.0316. The department of ~~job~~ children and ~~family~~ 89147
~~services~~ youth shall adopt rules in accordance with Chapter 119. 89148
of the Revised Code as necessary for the efficient administration 89149
of sections 5103.031 to 5103.0316 of the Revised Code. The rules 89150
shall provide for all of the following: 89151

(A) For the purpose of section 5103.038 of the Revised Code, 89152
the date by which a private child placing agency or private 89153
noncustodial agency that seeks to operate a preplacement training 89154
program or continuing training program under section 5103.034 of 89155
the Revised Code must submit to the department a proposal 89156
outlining the program; 89157

(B) Requirements governing the department's compensation of 89158
private child placing agencies and private noncustodial agencies 89159
under sections 5103.0312 and 5103.0313 of the Revised Code, 89160
including the allowance to reimburse the agencies for the cost of 89161
providing the training under sections 5103.031, 5103.032, and 89162
5103.033 of the Revised Code; 89163

(C) Requirements governing the continuing training required 89164

by sections 5103.032 and 5103.033 of the Revised Code; 89165

(D) The amount of training hours necessary for preplacement 89166
training and continuing training for purposes of sections 89167
5103.031, 5103.032, and 5103.033 of the Revised Code; 89168

(E) Courses necessary to meet the preplacement and continuing 89169
training requirements for foster homes under sections 5103.031, 89170
5103.032, and 5103.033 of the Revised Code; 89171

(F) Criteria used to create a written needs assessment and 89172
continuing training plan for each foster caregiver as required by 89173
section 5103.035 of the Revised Code; 89174

(G) The amount of preplacement and continuing training hours 89175
that may be completed online; 89176

(H) Any other matter the department considers appropriate. 89177

Sec. 5103.0317. The ~~Director~~ director of ~~Job~~ children and 89178
~~Family Services~~ youth shall adopt rules concerning the maximum 89179
number of children a foster home may receive and any exceptions to 89180
the maximum number. 89181

Sec. 5103.0319. (A) No foster caregiver or prospective foster 89182
caregiver shall fail to notify the recommending agency that 89183
recommended or is recommending the foster caregiver or prospective 89184
foster caregiver for certification in writing if a person at least 89185
twelve years of age but less than eighteen years of age residing 89186
with the foster caregiver or prospective foster caregiver has been 89187
convicted of or pleaded guilty to any of the following or has been 89188
adjudicated to be a delinquent child for committing an act that if 89189
committed by an adult would have constituted such a violation: 89190

(1) A violation of section 2903.01, 2903.02, 2903.03, 89191
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 89192
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 89193

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 89194
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 89195
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 89196
2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 2925.02, 89197
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 89198
Code, a violation of section 2905.04 of the Revised Code as it 89199
existed prior to July 1, 1996, a violation of section 2919.23 of 89200
the Revised Code that would have been a violation of section 89201
2905.04 of the Revised Code as it existed prior to July 1, 1996, 89202
had the violation been committed prior to that date, a violation 89203
of section 2925.11 of the Revised Code that is not a minor drug 89204
possession offense, a violation of section 2923.01 of the Revised 89205
Code that involved an attempt to commit aggravated murder or 89206
murder, an OVI or OVUAC violation if the person previously was 89207
convicted of or pleaded guilty to one or more OVI or OVUAC 89208
violations within the three years immediately preceding the 89209
current violation, or felonious sexual penetration in violation of 89210
former section 2907.12 of the Revised Code; 89211

(2) An offense that would be a felony if committed by an 89212
adult and the court determined that the child, if an adult, would 89213
be guilty of a specification found in section 2941.141, 2941.144, 89214
or 2941.145 of the Revised Code or in another section of the 89215
Revised Code that relates to the possession or use of a firearm, 89216
as defined in section 2923.11 of the Revised Code, during the 89217
commission of the act for which the child was adjudicated a 89218
delinquent child; 89219

(3) A violation of an existing or former law of this state, 89220
any other state, or the United States that is substantially 89221
equivalent to any of the offenses described in division (A)(1) or 89222
(2) of this section. 89223

(B) If a recommending agency learns that a foster caregiver 89224
has failed to comply with division (A) of this section, it shall 89225

notify the department of ~~job~~ children and ~~family services~~ youth 89226
and the department shall revoke the foster caregiver's foster home 89227
certificate. 89228

(C) As used in this section, "OVI or OVUAC violation" means a 89229
violation of section 4511.19 of the Revised Code or a violation of 89230
an existing or former law of this state, any other state, or the 89231
United States that is substantially equivalent to section 4511.19 89232
of the Revised Code. 89233

Sec. 5103.0320. The department of ~~job~~ children and ~~family~~ 89234
~~services~~ youth may deny a foster home certificate on the grounds 89235
that a person at least twelve years of age but less than eighteen 89236
years of age residing with the foster caregiver or prospective 89237
foster caregiver has been convicted of or pleaded guilty to an 89238
offense described in division (A) of section 5103.0319 of the 89239
Revised Code or has been adjudicated to be a delinquent child for 89240
committing an act that if committed by an adult would have 89241
constituted such an offense. 89242

Sec. 5103.0321. On receipt of notice under section 5103.0319 89243
of the Revised Code, the recommending agency shall do all of the 89244
following: 89245

(A) Review the foster caregiver's foster home certificate. 89246
After review, the agency may recommend that the department of ~~job~~ 89247
children and ~~family services~~ youth revoke the certificate. 89248

(B) Review the placement in the foster home of any child of 89249
whom the agency has temporary, legal, or permanent custody. After 89250
review, the agency may, consistent with any juvenile court order, 89251
remove the child from the foster home in which the child is 89252
residing and place the child in another certified foster home. 89253

(C) If the agency does not have temporary, legal, or 89254
permanent custody of a foster child residing in the foster home, 89255

notify the entity that has custody that it has received a notice 89256
under section 5103.0319 of the Revised Code. 89257

(D) Assess the foster caregiver's need for training because 89258
of the conviction, plea of guilty, or adjudication described in 89259
section 5103.0319 of the Revised Code and provide any necessary 89260
training. 89261

Sec. 5103.0322. On receipt of a recommendation from a public 89262
children services agency, private child placing agency, or private 89263
noncustodial agency regarding an application for, or renewal of, a 89264
family foster home or treatment foster home certification under 89265
section 5103.03 of the Revised Code, the department of ~~job~~ 89266
children and ~~family services~~ youth shall decide whether to issue 89267
or renew the certificate. The department shall notify the agency 89268
and the applicant or certificate holder of its decision. If the 89269
department's decision is different from the recommendation of the 89270
agency, the department shall state in the notice the reason that 89271
the decision is different from the recommendation. 89272

Sec. 5103.0323. (A) As used in this section, "American 89273
institute of certified public accountants auditing standards" and 89274
"AICPA auditing standards" mean the auditing standards published 89275
by the American institute of certified public accountants. 89276

(B) The first time that a private child placing agency or 89277
private noncustodial agency seeks renewal of a certificate issued 89278
under section 5103.03 of the Revised Code, it shall provide the 89279
department of ~~job~~ children and ~~family services~~ youth, as a 89280
condition of renewal, evidence of an independent financial 89281
statement audit performed by a licensed public accounting firm 89282
following applicable AICPA auditing standards for the most recent 89283
fiscal year. Thereafter, when an agency seeks renewal of its 89284
certificate, it shall provide the department evidence of an 89285

independent financial statement audit performed by a licensed 89286
public accounting firm following applicable AICPA auditing 89287
standards for the two most recent previous fiscal years it is 89288
possible for an independent audit to have been conducted. 89289

(C) For an agency to be eligible for renewal, the independent 89290
audits must demonstrate that the agency operated in a fiscally 89291
accountable manner as determined by the department of ~~job~~ children 89292
and ~~family services~~ youth. 89293

(D) The director of ~~job~~ children and ~~family services~~ youth 89294
may adopt rules as necessary to implement this section. The 89295
director shall adopt the rules in accordance with section 111.15 89296
of the Revised Code. 89297

Sec. 5103.0325. Notwithstanding section 106.03 of the Revised 89298
Code, the department of ~~job~~ children and ~~family services~~ youth 89299
shall review once every two years the department's rules governing 89300
visits and contacts by a public children services agency or 89301
private child placing agency with a child in the agency's custody 89302
and placed in foster care in this state. The department shall 89303
adopt rules in accordance with Chapter 119. of the Revised Code to 89304
ensure compliance with the department's rules governing agency 89305
visits and contacts with a child in its custody. 89306

Sec. 5103.0326. (A) A recommending agency may recommend that 89307
the department of ~~job~~ children and ~~family services~~ youth not renew 89308
a foster home certificate under section 5103.03 of the Revised 89309
Code if the foster caregiver refused to accept the placement of 89310
any children into the foster home during the current certification 89311
period. Based on the agency's recommendation, the department may 89312
refuse to renew a foster home certificate. 89313

(B) The department of ~~job~~ children and ~~family services~~ youth 89314
may revoke the certification of any foster caregiver who has not 89315

cared for one or more foster children in the foster caregiver's 89316
home within the preceding twelve months. Prior to the revocation 89317
of any certification pursuant to this division, the recommending 89318
agency shall have the opportunity to provide good cause for the 89319
department to continue the certification and not revoke the 89320
certification. If the department decides to revoke the 89321
certification, the department shall notify the recommending agency 89322
that the certification will be revoked. 89323

Sec. 5103.0328. (A) Not later than ninety-six hours after 89324
receiving notice from the superintendent of the bureau of criminal 89325
identification and investigation pursuant to section 109.5721 of 89326
the Revised Code that a foster caregiver has been arrested for, 89327
convicted of, or pleaded guilty to any foster 89328
caregiver-disqualifying offense, and not later than ninety-six 89329
hours after learning in any other manner that a foster caregiver 89330
has been arrested for, convicted of, or pleaded guilty to any 89331
foster caregiver-disqualifying offense, the department of ~~job~~ 89332
children and ~~family services~~ youth shall provide notice of that 89333
arrest, conviction, or guilty plea to both the recommending agency 89334
relative to the foster caregiver and the custodial agency of any 89335
child currently placed with that caregiver. 89336

(B) If a recommending agency receives notice from the 89337
department of ~~job~~ children and ~~family services~~ youth pursuant to 89338
division (A) of this section that a foster caregiver has been 89339
convicted of or pleaded guilty to any foster 89340
caregiver-disqualifying offense, or if a recommending agency 89341
learns in any other manner that a foster caregiver has been 89342
convicted of or pleaded guilty to any foster 89343
caregiver-disqualifying offense, the recommending agency shall 89344
assess the foster caregiver's overall situation for safety 89345
concerns and forward any recommendations, if applicable, for 89346
revoking the foster caregiver's certificate to the department for 89347

the department's review for possible revocation. 89348

(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in division (C)(1) of section 2151.86 of the Revised Code. 89349
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Sec. 5103.0329. (A) A recommending agency may submit a request to the department of ~~job children and family services~~ youth, on a case-by-case basis only, to waive any non-safety standards for a kinship caregiver seeking foster home certification. Non-safety standards include training hours and other requirements under sections 5103.031, 5103.032, and 5103.039 of the Revised Code and standards established by rules adopted under sections 5103.03 and 5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 (a)(10). 89352
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(B) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 89361
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Sec. 5103.04. No association whose object embraces the care of dependent, neglected, abused, or delinquent children, or the placing of such children in private homes, shall be incorporated unless the proposed articles of incorporation have been submitted first to the department of ~~job children and family services~~ youth. The secretary of state shall not issue a certificate of incorporation to such association until there is filed in the secretary of state's office the certificate of the department that it has examined the articles of incorporation, that in its judgment the incorporators are reputable and respectable persons, the proposed work is needed, and the incorporation of such association is desirable and for the public good. 89363
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Amendments proposed to the articles of incorporation of any such association shall be submitted in like manner to the department, and the secretary of state shall not record such 89375
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amendment or issue a certificate therefor until there is filed in 89378
the secretary of state's office the certificate of the department 89379
that it has examined such amendment, that the association in 89380
question is performing in good faith the work undertaken by it, 89381
and that such amendment is a proper one, and for the public good. 89382

Sec. 5103.05. (A) As used in this section and section 89383
5103.051 of the Revised Code: 89384

(1) "Children's residential center" means a facility that is 89385
operated by a private child placing agency, private noncustodial 89386
agency, or public children services agency, that has been 89387
certified by the department of ~~job children~~ and ~~family services~~ 89388
youth to operate a children's residential center, and in which 89389
eleven or more children, including the children of any staff 89390
residing at the facility, are given nonsecure care and supervision 89391
twenty-four hours a day. 89392

(2) "Children's crisis care facility" has the same meaning as 89393
in section 5103.13 of the Revised Code. 89394

(3) "County children's home" means a facility established 89395
under section 5153.21 of the Revised Code. 89396

(4) "District children's home" means a facility established 89397
under section 5153.42 of the Revised Code. 89398

(5) "Group home for children" means any public or private 89399
facility that is operated by a private child placing agency, 89400
private noncustodial agency, or public children services agency, 89401
that has been certified by the department to operate a group home 89402
for children, and that meets all of the following criteria: 89403

(a) Gives, for compensation, a maximum of ten children, 89404
including the children of the operator or any staff who reside in 89405
the facility, nonsecure care and supervision twenty-four hours a 89406
day by a person or persons who are unrelated to the children by 89407

blood or marriage, or who is not the appointed guardian of any of the children; 89408
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(b) Is not certified as a foster home; 89410

(c) Receives or cares for children for two or more consecutive weeks. 89411
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"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody. 89413
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(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility. 89417
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(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills. 89422
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(8) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility. 89431
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(B) Within ten days after the commencement of operations at a residential facility, the facility shall provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with 89435
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jurisdiction over the facility: 89439

(1) Written notice that the facility is located and will be 89440
operating in the agency's or department's jurisdiction. The 89441
written notice shall provide the address of the facility, identify 89442
the facility as a group home for children, children's crisis care 89443
facility, children's residential center, residential parenting 89444
facility, county children's home, or district children's home, and 89445
provide contact information for the facility. 89446

(2) A copy of the facility's procedures for emergencies and 89447
disasters established pursuant to rules adopted under section 89448
5103.03 of the Revised Code; 89449

(3) A copy of the facility's medical emergency plan 89450
established pursuant to rules adopted under section 5103.03 of the 89451
Revised Code; 89452

(4) A copy of the facility's community engagement plan 89453
established pursuant to rules adopted under section 5103.051 of 89454
the Revised Code. 89455

(C) Within ten days of a facility's recertification by the 89456
department, the facility shall provide to all county, municipal, 89457
or township law enforcement agencies, emergency management 89458
agencies, and fire departments with jurisdiction over the facility 89459
updated copies of the information required to be provided under 89460
divisions (B)(2), (3), and (4) of this section. 89461

(D) The department may adopt rules in accordance with Chapter 89462
119. of the Revised Code necessary to implement this section. 89463

Sec. 5103.051. (A) Each private child placing agency, private 89464
noncustodial agency, public children services agency, or 89465
superintendent of a county or district children's home shall 89466
establish a community engagement plan in accordance with rules 89467
adopted under division (B) of this section for each residential 89468

facility the agency, entity, or superintendent operates. 89469

~~(B)(1)(B)~~ The department of ~~job~~ children and ~~family services~~ 89470
youth shall adopt rules in accordance with Chapter 119. of the 89471
Revised Code that establish the following: 89472

~~(a)(1)~~ The contents of a community engagement plan to be 89473
established under division (A) of this section that includes the 89474
following: 89475

~~(i)(a)~~ Protocols for the community in which a residential 89476
facility is located to communicate concerns or other pertinent 89477
information directly to the agency or entity; 89478

~~(ii)(b)~~ Protocols for the agency or entity in responding to a 89479
communication made under division ~~(B)(1)(a)(i)(B)(1)(a)~~ of this 89480
section. 89481

~~(b)(2)~~ Orientation procedures for training residential 89482
facility staff on the implementation of the community engagement 89483
plan established under division (A) of this section and procedures 89484
for responding to incidents involving a child at the facility and 89485
neighbors or the police. 89486

~~(2) The department shall file initial rules adopted under 89487
division (B)(1) of this section within ninety days after the 89488
effective date of this section. 89489~~

Sec. 5103.07. The department of ~~job~~ children and ~~family~~ 89490
~~services~~ youth shall administer funds received under Title IV-B of 89491
the "Social Security Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, 89492
as amended, and the "Child Abuse Prevention and Treatment Act," 88 89493
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 89494
these funds, the department may establish a child welfare services 89495
program and a child abuse and neglect prevention and adoption 89496
reform program. The department has all powers necessary for the 89497
adequate administration of these funds and programs. The director 89498

of ~~job children~~ and ~~family services youth~~ may adopt rules as 89499
necessary to carry out the purposes of this section. 89500

Sec. 5103.08. The department of ~~job children~~ and ~~family 89501
services youth~~ may enter into contracts with the department of 89502
education authorizing the department of ~~job children~~ and ~~family 89503
services youth~~ to administer funds received by the department of 89504
education under the "State Dependent Care Development Grants Act," 89505
100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling 89506
its duties under such a contract, the department of ~~job children~~ 89507
and ~~family services youth~~ may make grants to or enter into 89508
contracts with other public or private entities. 89509

Sec. 5103.11. There is hereby created the foster care and 89510
adoption initiatives fund. The fund shall be in the custody of the 89511
treasurer of state, but shall not be part of the state treasury. 89512
The fund shall consist of moneys collected under section 2919.1912 89513
of the Revised Code. All interest earned on the fund shall be 89514
credited to the fund. The purpose of the fund is to provide 89515
funding for foster care and adoption services and initiatives. The 89516
department of ~~job children~~ and ~~family services youth~~ shall 89517
allocate moneys from the fund according to the following 89518
distribution: 89519

(A) Fifty per cent of the moneys in the fund shall be used 89520
for foster care services and initiatives. 89521

(B) Fifty per cent of the moneys in the fund shall be used 89522
for adoption services and initiatives. 89523

Sec. 5103.12. (A) As used in this section: 89524

(1) "Hearing" has the same meaning as in section 119.01 of 89525
the Revised Code. 89526

(2) "Permanent custody" has the same meaning as in section 89527

2151.011 of the Revised Code. 89528

(B) The department of ~~job children~~ and ~~family services youth~~ 89529
may enter into agreements with public children services agencies 89530
and private child placing agencies under which the department will 89531
make payments to encourage the adoptive placement of children in 89532
the permanent custody of a public children services agency. If the 89533
department terminates, or refuses to enter into or renew, an 89534
agreement with a public children services agency or private child 89535
placing agency under this section, the agency is entitled to a 89536
hearing. 89537

Notwithstanding section 127.16 of the Revised Code, the 89538
department is not required to follow competitive selection 89539
procedures or to receive the approval of the controlling board to 89540
enter into agreements under this section or to make payments 89541
pursuant to the agreements. 89542

(C) The director of ~~job children~~ and ~~family services youth~~ 89543
shall adopt rules in accordance with Chapter 119. of the Revised 89544
Code to implement this section, including rules that establish all 89545
of the following: 89546

(1) A single, uniform agreement that, at a minimum, 89547
prescribes a payment schedule and the terms and conditions with 89548
which a public children services agency or private child placing 89549
agency must comply to receive a payment; 89550

(2) Eligibility requirements a public children services 89551
agency or private child placing agency must meet to enter into an 89552
agreement with the department; 89553

(3) Eligibility requirements that a child who is the subject 89554
of an agreement must meet; 89555

(4) Other administrative and operational requirements. 89556

Sec. 5103.13. (A) As used in this section and section 89557

5103.131 of the Revised Code: 89558

(1)(a) "Children's crisis care facility" means a facility 89559
that has as its primary purpose the provision of residential and 89560
other care to either or both of the following: 89561

(i) One or more preteens voluntarily placed in the facility 89562
by the preteen's parent or other caretaker who is facing a crisis 89563
that causes the parent or other caretaker to seek temporary care 89564
for the preteen and referral for support services; 89565

(ii) One or more preteens placed in the facility by a public 89566
children services agency or private child placing agency that has 89567
legal custody or permanent custody of the preteen and determines 89568
that an emergency situation exists necessitating the preteen's 89569
placement in the facility rather than an institution certified 89570
under section 5103.03 of the Revised Code or elsewhere. 89571

(b) "Children's crisis care facility" does not include any of 89572
the following: 89573

(i) Any organization, society, association, school, agency, 89574
child guidance center, detention or rehabilitation facility, or 89575
children's clinic licensed, regulated, approved, operated under 89576
the direction of, or otherwise certified by the department of 89577
education, a local board of education, the department of youth 89578
services, the department of mental health and addiction services, 89579
or the department of developmental disabilities; 89580

(ii) Any individual who provides care for only a 89581
single-family group, placed there by their parents or other 89582
relative having custody; 89583

(iii) Any residential infant care center, as an entity deemed 89584
a residential infant care center under section 5103.602 of the 89585
Revised Code shall no longer be licensed as a children's crisis 89586
care center. 89587

(2) "Legal custody" and "permanent custody" have the same meanings as in section 2151.011 of the Revised Code. 89588
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(3) "Pediatric medical service" means medical service required to be provided by, or with oversight from, a licensed medical professional, including prescribing medication, administering rectal or intravenous medication, and outpatient laboratory service, and providing for sick visits, on-site well child exams, and children assisted by medical technology. 89590
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(4) "Preteen" means an individual under thirteen years of age. 89596
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(B) No person shall operate a children's crisis care facility or hold a children's crisis care facility out as a certified children's crisis care facility unless there is a valid children's crisis care facility certificate issued under this section for the facility. 89598
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(C)(1) A person seeking to operate a children's crisis care facility shall apply to the director of ~~job~~ children and ~~family services~~ youth to obtain a certificate for the facility. 89603
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(2)(a) The director shall certify the person's children's crisis care facility if the facility meets all of the certification standards established in rules adopted under division (H) of this section and the person complies with all of the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the facility from a requirement to obtain another certificate or license mandated by law. 89606
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(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section. 89615
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(D) No certified children's crisis care facility shall do any 89618

of the following: 89619

(1) Provide residential care to a preteen for more than one 89620
hundred twenty days in a calendar year; 89621

(2) Provide residential care to a preteen for more than 89622
ninety consecutive days, which shall include the aggregate of days 89623
spent at different facility locations if a preteen is transferred 89624
in accordance with division (E)(4) of this section; 89625

(3) Provide residential care to a preteen for more than 89626
fourteen consecutive days if a public children services agency or 89627
private child placing agency placed the preteen in the facility; 89628

(4) Fail to comply with section 2151.86 of the Revised Code. 89629

(E) A certified children's crisis care facility shall do the 89630
following: 89631

(1) Employ a licensed social worker, a licensed independent 89632
social worker, a licensed professional counselor, or a licensed 89633
professional clinical counselor; 89634

(2) Require, if pediatric medical service is provided at the 89635
facility, the following for the provision of pediatric medical 89636
service: 89637

(a) Medical service to be provided by a qualified, licensed, 89638
and insured medical professional; 89639

(b) All staff, volunteers, and interns to comply with the 89640
privacy requirements of the "Health Insurance Portability and 89641
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 89642
42 U.S.C. 1320d et seq., as amended; 89643

(c) If a preteen is admitted by the preteen's parent or 89644
caretaker and if the preteen requires ongoing medical care 89645
following discharge from the facility, a medical professional or 89646
licensed social worker to make the medical professional's or 89647
social worker's best effort to ensure the parent or caretaker is 89648

competent to provide the ongoing care; 89649

(d) The facility to have a dedicated and private enclosed 89650
space for the purpose of a medical professional to receive and 89651
treat patients and that contains a sink or tub, medical exam 89652
table, medical record system, and pediatric medical equipment. 89653

(3) Require, if a preteen is admitted by the preteen's parent 89654
or caretaker, the facility's licensed social worker, licensed 89655
independent social worker, licensed professional counselor, or 89656
licensed professional clinical counselor to make their best 89657
efforts to ensure the parent or caretaker is competent in the 89658
basic parenting skills needed to care for the preteen; 89659

(4) Require only a transfer summary for the transfer of a 89660
preteen from one certified children's crisis care facility 89661
location to another, if the facility has more than one location; 89662

(5) Require the facility to have a dedicated and private 89663
enclosed space for the purpose of completing required admission 89664
paperwork and medical forms; 89665

(6) Require the facility to develop a visitation plan for the 89666
preteen's parent or caretaker with the preteen while residential 89667
care is being provided, which shall occur during awake hours and 89668
not include overnight visits, for the parent or caretaker with the 89669
preteen. 89670

(F) A certified children's crisis care facility may do the 89671
following: 89672

(1) Count administrative staff, interns, and volunteers 89673
toward child staff ratios required under paragraph (G) of rule 89674
5101:2-9-36 of the Administrative Code for up to three hours if 89675
the administrative staff, interns, or volunteers meet the 89676
following requirements: 89677

(a) Completed training in the mission of the children's 89678

crisis care facility; 89679

(b) Completed training pursuant to rule 5101:2-9-03 of the 89680
Administrative Code; 89681

(c) Are supervised by facility staff. 89682

(2) Use contracted transportation providers, on whom criminal 89683
records checks have been conducted in accordance with section 89684
2151.86 of the Revised Code, to transport preteens, if such use is 89685
necessary for the facility to maintain required child staff 89686
ratios. 89687

(G) The director of ~~job children~~ and ~~family services youth~~ 89688
may suspend or revoke a children's crisis care facility's 89689
certificate pursuant to Chapter 119. of the Revised Code if the 89690
facility violates or fails to comply with any of the requirements 89691
under this section or ceases to meet any of the certification 89692
standards established in rules adopted under division (H) of this 89693
section or the facility's operator ceases to comply with any of 89694
the rules governing the certification of children's crisis care 89695
facilities adopted under that division. 89696

(H) ~~Not later than ninety days after September 21, 2006, the~~ 89697
~~The~~ director of ~~job children~~ and ~~family services youth~~ shall adopt 89698
rules pursuant to Chapter 119. of the Revised Code for the 89699
certification of children's crisis care facilities. The rules 89700
shall specify that a certificate shall not be issued to an 89701
applicant if the conditions at the children's crisis care facility 89702
would jeopardize the health or safety of the preteens placed in 89703
the facility. 89704

Sec. 5103.131. The department of ~~job children~~ and ~~family~~ 89705
~~services youth~~ may apply to the United States secretary of health 89706
and human services for a federal grant under the "Child Abuse 89707
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 89708

First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, 89709
to assist children's crisis care facilities certified under 89710
section 5103.13 of the Revised Code in providing temporary 89711
residential and other care to preteens. 89712

Sec. 5103.14. The department of ~~job~~ children and ~~family~~ 89713
~~services~~ youth shall enforce sections 2151.39, 5103.15, and 89714
5103.16 of the Revised Code. 89715

Sec. 5103.151. (A) As used in this section and in section 89716
5103.152 of the Revised Code, "identifying information" has the 89717
same meaning as in section 3107.01 of the Revised Code. 89718

(B) Except as provided in division (C) of this section, a 89719
parent of a minor who will be, if adopted, an adopted person as 89720
defined in section 3107.45 of the Revised Code shall do all of the 89721
following as a condition of a juvenile court approving the 89722
parent's agreement with a public children services agency or 89723
private child placing agency under division (B)(1) of section 89724
5103.15 of the Revised Code: 89725

(1) Appear personally before the court; 89726

(2) Sign the component of the form prescribed under division 89727
(A)(1)(a) of section 3107.083 of the Revised Code; 89728

(3) Check either the "yes" or "no" space provided on the 89729
component of the form prescribed under division (A)(1)(b) of 89730
section 3107.083 of the Revised Code and sign that component; 89731

(4) If the parent is the mother, complete and sign the 89732
component of the form prescribed under division (A)(1)(c) of 89733
section 3107.083 of the Revised Code. 89734

At the time the parent signs the components of the form 89735
prescribed under divisions (A)(1)(a), (b), and (c) of section 89736
3107.083 of the Revised Code, the parent may sign, if the parent 89737

chooses to do so, the components of the form prescribed under 89738
divisions (A)(1)(d), (e), and (f) of that section. After the 89739
parent signs the components required to be signed and any 89740
discretionary components the parent chooses to sign, the parent or 89741
agency shall file the form and agreement with the court. The court 89742
or agency shall give the parent a copy of the form and agreement. 89743
The court and agency shall keep a copy of the form and agreement 89744
in the court and agency's records. The agency shall file a copy of 89745
the form and agreement with the probate court with which a 89746
petition to adopt the child who is the subject of the agreement is 89747
filed. 89748

The juvenile court shall question the parent to determine 89749
that the parent understands the adoption process, the 89750
ramifications of entering into a voluntary permanent custody 89751
surrender agreement, each component of the form prescribed under 89752
division (A)(1) of section 3107.083 of the Revised Code, and that 89753
the child and adoptive parent may receive identifying information 89754
about the parent in accordance with section 3107.47 of the Revised 89755
Code unless the parent checks the "no" space provided on the 89756
component of the form prescribed under division (A)(1)(b) of 89757
section 3107.083 of the Revised Code or has a denial of release 89758
form filed with the department of health under section 3107.46 of 89759
the Revised Code. The court also shall question the parent to 89760
determine that the parent enters into the permanent custody 89761
surrender agreement voluntarily and any decisions the parent makes 89762
in filling out the form prescribed under division (A)(1) of 89763
section 3107.083 of the Revised Code are made voluntarily. 89764

(C) A juvenile court may approve an agreement entered into 89765
under division (B)(1) of section 5103.15 of the Revised Code 89766
between a public children services agency or private child placing 89767
agency and the parents of a child who is less than six months of 89768
age and will be, if adopted, an adopted person as defined in 89769

section 3107.45 of the Revised Code without the parents personally 89770
appearing before the court if both parents do all of the 89771
following: 89772

(1) Enter into the agreement with the agency; 89773

(2) Sign the component of the form prescribed under division 89774
(A)(1)(a) of section 3107.083 of the Revised Code; 89775

(3) Check either the "yes" or "no" space provided on the 89776
component of the form prescribed under division (A)(1)(b) of 89777
section 3107.083 of the Revised Code and sign that component. 89778

At the time the parents sign the components of the form 89779
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 89780
of the Revised Code, the mother shall complete and sign the 89781
component of the form prescribed under division (A)(1)(c) of that 89782
section and the agency shall provide the parents the opportunity 89783
to sign, if they choose to do so, the components of the form 89784
prescribed under divisions (A)(1)(d), (e), and (f) of that 89785
section. Not later than two business days after the parents enter 89786
into the agreements and sign the components of the form required 89787
to be signed and any discretionary components the parents choose 89788
to sign, the agency shall file the agreements and forms with the 89789
court. The agency shall give the parents a copy of the agreements 89790
and forms. At the time the agency files the agreements and forms 89791
with the court, the agency also shall file with the court all 89792
other documents the director of ~~job~~ children and ~~family services~~ 89793
youth requires by rules adopted under division (D) of section 89794
3107.083 of the Revised Code to be filed with the court. The court 89795
and agency shall keep a copy of the agreements, forms, and 89796
documents in the court and attorney's records. The agency shall 89797
file a copy of the agreements, forms, and documents with the 89798
probate court with which a petition to adopt the child who is the 89799
subject of the agreement is filed. 89800

(D) Except as provided in division (E) of this section, a parent of a minor, who will be, if adopted, an adopted person as defined in section 3107.38 of the Revised Code, shall do all of the following as a condition of a juvenile court approving the parent's agreement with a public children services agency or private child placing agency under division (B)(1) of section 5103.15 of the Revised Code:

(1) Appear personally before the court;

(2) Sign the component of the form prescribed under division (B)(1)(a) of section 3107.083 of the Revised Code;

(3) If the parent is the mother, complete and sign the component of the form prescribed under division (B)(1)(b) of section 3107.083 of the Revised Code.

At the time the parent signs the components prescribed under divisions (B)(1)(a) and (b) of section 3107.083 of the Revised Code, the parent may sign, if the parent chooses to do so, the components of the form prescribed under divisions (B)(1)(c), (d), and (e) of that section. After the parent signs the components required to be signed and any discretionary components the parent chooses to sign, the parent or agency shall file the form and agreement with the court. The court or agency shall give the parent a copy of the form and agreement. The court and agency shall keep a copy of the form and agreement in the court and agency's records. The agency shall file a copy of the form and agreement with the probate court with which a petition to adopt the child who is the subject of the agreement is filed.

The juvenile court shall question the parent to determine that the parent understands the adoption process, the ramifications of entering into a voluntary permanent custody surrender agreement, and each component of the form prescribed under division (B)(1) of section 3107.083 of the Revised Code. The

court also shall question the parent to determine that the parent 89832
enters into the permanent custody surrender agreement voluntarily 89833
and any decisions the parent makes in filling out the form are 89834
made voluntarily. 89835

(E) A juvenile court may approve an agreement entered into 89836
under division (B)(1) of section 5103.15 of the Revised Code 89837
between a public children services agency or private child placing 89838
agency and the parent of a child who is less than six months of 89839
age and will be, if adopted, an adopted person as defined in 89840
section 3107.38 of the Revised Code without the parent personally 89841
appearing before the court if the parent does both of the 89842
following: 89843

(1) Signs the component of the form prescribed under division 89844
(B)(1)(a) of section 3107.083 of the Revised Code; 89845

(2) If the parent is the mother, completes and signs the 89846
component of the form prescribed under division (B)(1)(b) of 89847
section 3107.083 of the Revised Code. 89848

At the time the parent signs that component, the agency shall 89849
provide the parent the opportunity to sign, if the parent chooses 89850
to do so, the components of the form prescribed under divisions 89851
(B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. 89852
Not later than two business days after the parent enters into the 89853
agreement and signs the components of the form required to be 89854
signed and any discretionary components the parent chooses to 89855
sign, the agency shall file the agreement and form with the court. 89856
The agency shall give the parent a copy of the agreement and form. 89857
At the time the agency files the agreement and form with the 89858
court, the agency also shall file with the court all other 89859
documents the director of ~~job~~ children and ~~family services~~ youth 89860
requires by rules adopted under division (D) of section 3107.083 89861
of the Revised Code to be filed with the court. The court and 89862
agency shall keep a copy of the agreement, form, and documents in 89863

the court and agency's records. The agency shall file a copy of 89864
the agreement, form, and documents with the probate court with 89865
which a petition to adopt the child who is the subject of the 89866
agreement is filed. 89867

Sec. 5103.152. Not less than seventy-two hours before a 89868
public children services agency or private child placing agency 89869
enters into an agreement with a parent under division (B) of 89870
section 5103.15 of the Revised Code, an assessor shall meet in 89871
person with the parent and do both of the following: 89872

(A) Provide the parent with a copy of the written materials 89873
about adoption prepared by the department of ~~job~~ children and 89874
~~family services~~ youth under division (C) of section 3107.083 of 89875
the Revised Code, discuss with the parent the adoption process and 89876
ramifications of a parent entering into a voluntary permanent 89877
custody surrender agreement, and provide the parent the 89878
opportunity to review the materials and ask questions about the 89879
materials, discussion, and related matters; 89880

(B) If the child who is the subject of the agreement, if 89881
adopted, will be an adopted person as defined in section 3107.45 89882
of the Revised Code, inform the parent that the parent's child and 89883
the adoptive parent may receive, in accordance with section 89884
3107.47 of the Revised Code, identifying information about the 89885
parent that is contained in the child's adoption file maintained 89886
by the department of health unless the parent checks the "no" 89887
space provided on the component of the form prescribed under 89888
division (A)(1)(b) of section 3107.083 of the Revised Code or 89889
signs and has filed with the department a denial of release form 89890
prescribed under section 3107.50 of the Revised Code. 89891

Sec. 5103.155. As used in this section, "children with 89892
special needs" has the same meaning as in rules adopted under 89893

section 5153.163 of the Revised Code. 89894

If the department of job and family services determines that 89895
money in the putative father registry fund created under section 89896
2101.16 of the Revised Code is more than is needed to perform its 89897
duties related to the putative father registry, the department may 89898
~~use~~ transfer surplus moneys in the fund to the department of 89899
children and youth to promote adoption of children with special 89900
needs. 89901

Sec. 5103.16. (A) Except as otherwise provided in this 89902
section, no child shall be placed or accepted for placement under 89903
any written or oral agreement or understanding that transfers or 89904
surrenders the legal rights, powers, or duties of the legal 89905
parent, parents, or guardian of the child into the temporary or 89906
permanent custody of any association or institution that is not 89907
certified by the department of ~~job children and family services~~ 89908
youth under section 5103.03 of the Revised Code, without the 89909
written consent of the office in the department that oversees the 89910
interstate compact for placement of children established under 89911
section 5103.20 of the Revised Code or the interstate compact on 89912
the placement of children established under section 5103.23 of the 89913
Revised Code, as applicable, or by a commitment of a juvenile 89914
court, or by a commitment of a probate court as provided in this 89915
section. A child may be placed temporarily without written consent 89916
or court commitment with persons related by blood or marriage or 89917
in a legally licensed boarding home. 89918

(B)(1) Associations and institutions certified under section 89919
5103.03 of the Revised Code for the purpose of placing children in 89920
free foster homes or for legal adoption shall keep a record of the 89921
temporary and permanent surrenders of children. This record shall 89922
be available for separate statistics, which shall include a copy 89923
of an official birth record and all information concerning the 89924

social, mental, and medical history of the children that will aid 89925
in an intelligent disposition of the children in case that becomes 89926
necessary because the parents or guardians fail or are unable to 89927
reassume custody. 89928

(2) No child placed on a temporary surrender with an 89929
association or institution shall be placed permanently in a foster 89930
home or for legal adoption. All surrendered children who are 89931
placed permanently in foster homes or for adoption shall have been 89932
permanently surrendered, and a copy of the permanent surrender 89933
shall be a part of the separate record kept by the association or 89934
institution. 89935

(C) Any agreement or understanding to transfer or surrender 89936
the legal rights, powers, or duties of the legal parent or parents 89937
and place a child with a person seeking to adopt the child under 89938
this section shall be construed to contain a promise by the person 89939
seeking to adopt the child to pay the expenses listed in divisions 89940
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 89941
if the person seeking to adopt the child refuses to accept 89942
placement of the child, to pay the temporary costs of routine 89943
maintenance and medical care for the child in a hospital, foster 89944
home, or other appropriate place for up to thirty days or until 89945
other custody is established for the child, as provided by law, 89946
whichever is less. 89947

(D) No child shall be placed or received for adoption or with 89948
intent to adopt unless placement is made by a public children 89949
services agency, an institution or association that is certified 89950
by the department of ~~job children~~ and ~~family services~~ youth under 89951
section 5103.03 of the Revised Code to place children for 89952
adoption, or custodians in another state or foreign country, or 89953
unless all of the following criteria are met: 89954

(1) Prior to the placement and receiving of the child, the 89955
parent or parents of the child personally have applied to, and 89956

appeared before, the probate court of the county in which the parent or parents reside, or in which the person seeking to adopt the child resides, for approval of the proposed placement specified in the application and have signed and filed with the court a written statement showing that the parent or parents are aware of their right to contest the decree of adoption subject to the limitations of section 3107.16 of the Revised Code;

(2) The court ordered an independent home study of the proposed placement to be conducted as provided in section 3107.031 of the Revised Code, and after completion of the home study, the court determined that the proposed placement is in the best interest of the child;

(3) The court has approved of record the proposed placement.

In determining whether a custodian has authority to place children for adoption under the laws of a foreign country, the probate court shall determine whether the child has been released for adoption pursuant to the laws of the country in which the child resides, and if the release is in a form that satisfies the requirements of the immigration and naturalization service of the United States department of justice for purposes of immigration to this country pursuant to section 101(b)(1)(F) of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 (b)(1)(F), as amended or reenacted.

If the parent or parents of the child are deceased or have abandoned the child, as determined under division (A) of section 3107.07 of the Revised Code, the application for approval of the proposed adoptive placement may be brought by the relative seeking to adopt the child, or by the department, board, or organization not otherwise having legal authority to place the orphaned or abandoned child for adoption, but having legal custody of the orphaned or abandoned child, in the probate court of the county in which the child is a resident, or in which the department, board,

or organization is located, or where the person or persons with 89989
whom the child is to be placed reside. Unless the parent, parents, 89990
or guardian of the person of the child personally have appeared 89991
before the court and applied for approval of the placement, notice 89992
of the hearing on the application shall be served on the parent, 89993
parents, or guardian. 89994

The consent to placement, surrender, or adoption executed by 89995
a minor parent before a judge of the probate court or an 89996
authorized deputy or referee of the court, whether executed within 89997
or outside the confines of the court, is as valid as though 89998
executed by an adult. A consent given as above before an employee 89999
of a children services agency that is licensed as provided by law, 90000
is equally effective, if the consent also is accompanied by an 90001
affidavit executed by the witnessing employee or employees to the 90002
effect that the legal rights of the parents have been fully 90003
explained to the parents, prior to the execution of any consent, 90004
and that the action was done after the birth of the child. 90005

If the court approves a placement, the prospective adoptive 90006
parent with whom the child is placed has care, custody, and 90007
control of the child pending further order of the court. 90008

(E)(1) This section does not apply to an adoption by a 90009
stepparent, a grandparent, a grandparent's husband or wife, a 90010
legal custodian, or a guardian. 90011

(2) As used in division (E)(1) of this section: 90012

(a) "Legal custodian" means a person who has been granted the 90013
legal custody of a child by a court of competent jurisdiction. 90014

(b) "Legal custody" has the same meaning as in section 90015
2151.011 of the Revised Code or in any other substantially 90016
equivalent statute. 90017

Sec. 5103.163. (A) The department of ~~job~~ children and ~~family~~ 90018

~~services~~ youth shall adopt rules in accordance with Chapter 119. 90019
of the Revised Code to establish and enforce a resource family 90020
bill of rights for resource families providing care for 90021
individuals who are in the custody or care and placement of an 90022
agency that provides Title IV-E reimbursable services pursuant to 90023
sections 5103.03 to 5103.181 of the Revised Code. 90024

(B) If the rights of the resource family conflict with the 90025
rights of the individual established by section 2151.316 of the 90026
Revised Code, division (B) of section 2151.316 of the Revised Code 90027
shall apply. 90028

(C) The rights established by rules under this section shall 90029
not create grounds for a civil action against the department, the 90030
recommending agency, or the custodial agency. 90031

Sec. 5103.17. (A) As used in this section: 90032

(1) "Advertise" means a method of communication that is 90033
electronic, written, visual, or oral and made by means of personal 90034
representation, newspaper, magazine, circular, billboard, direct 90035
mailing, sign, radio, television, telephone, or otherwise. 90036

(2) "Qualified adoptive parent" means a person who is 90037
eligible to adopt a child under section 3107.03 of the Revised 90038
Code and for whom an assessor has conducted a home study to 90039
determine whether the person is suitable to adopt a child, if 90040
required by section 3107.031 of the Revised Code. 90041

(B) Subject to section 5103.16 of the Revised Code and to 90042
division (C), (D), or (E) of this section, no person or government 90043
entity, other than a private child placing agency or private 90044
noncustodial agency certified by the department of ~~job~~ children 90045
and ~~family services~~ youth under section 5103.03 of the Revised 90046
Code or a public children services agency, shall advertise that 90047
the person or government entity will adopt children or place them 90048

in foster homes, hold out inducements to parents to part with 90049
their offspring or in any manner knowingly become a party to the 90050
separation of a child from the child's parents or guardians, 90051
except through a juvenile court or probate court commitment. 90052

(C) The biological parent of a child may advertise the 90053
availability for placement of the parent's child for adoption to a 90054
qualified adoptive parent. 90055

(D) A qualified adoptive parent may advertise that the 90056
qualified adoptive parent is available for placement of a child 90057
into the qualified adoptive parent's care for the purpose of 90058
adopting the child. 90059

(E) A government entity may advertise about its role in the 90060
placement of children for adoption or any other information that 90061
would be relevant to qualified adoptive parents. 90062

(F) Except as provided in section 3107.055 of the Revised 90063
Code, the following apply: 90064

(1) No person shall offer money or anything of value in 90065
exchange for placement of a child for adoption. 90066

(2) No biological parent may request money or anything of 90067
value in exchange for placement for adoption of the parent's child 90068
with a qualified adoptive parent. 90069

(G) If the department of ~~job children and family services~~ 90070
youth has reasonable cause to believe a violation of this section 90071
has been committed, the department shall notify the attorney 90072
general or the county prosecutor, city attorney, village 90073
solicitor, or other chief legal officer of the political 90074
subdivision in which the violation has allegedly occurred. On 90075
receipt of the notification, the attorney general, county 90076
prosecutor, city attorney, village solicitor, or other chief legal 90077
officer shall take action to enforce this section through 90078
injunctive relief or criminal charge. 90079

Sec. 5103.18. (A)(1) Prior to certification or 90080
recertification as a foster home under section 5103.03 of the 90081
Revised Code, a recommending agency shall obtain a summary report 90082
of a search of the uniform statewide automated child welfare 90083
information system, established under section 5101.13 of the 90084
Revised Code, from an entity listed in section 5101.132 of the 90085
Revised Code. 90086

(2) Whenever a prospective foster parent or any other person 90087
eighteen years of age or older who resides with a prospective 90088
foster parent has resided in another state within the five-year 90089
period immediately prior to the date on which a criminal records 90090
check is requested for the person under division (A) of section 90091
2151.86 of the Revised Code, the recommending agency shall request 90092
a check of the central registry of abuse and neglect of this state 90093
from the department of ~~job~~ children and ~~family services~~ youth 90094
regarding the prospective foster parent or the person eighteen 90095
years of age or older who resides with the prospective foster 90096
parent to enable the agency to check any child abuse and neglect 90097
registry maintained by that other state. The recommending agency 90098
shall make the request and shall review the results of the check 90099
before the prospective foster parent may be finally approved for 90100
placement of a child. Information received pursuant to such a 90101
request shall be considered for purposes of this chapter as if it 90102
were a summary report required under division (A) of this section. 90103
The department of ~~job~~ children and ~~family services~~ youth shall 90104
comply with any request to check the central registry that is 90105
similar to the request described in this division and that is 90106
received from any other state. 90107

(B)(1) The summary report required under division (A) of this 90108
section shall contain, if applicable, a chronological list of 90109
abuse and neglect determinations or allegations of which a person 90110
seeking to become a foster caregiver of a child is subject and in 90111

regards to which a public children services agency has done one of 90112
the following: 90113

(a) Determined that abuse or neglect occurred; 90114

(b) Initiated an investigation, and the investigation is 90115
ongoing; 90116

(c) Initiated an investigation, and the agency was unable to 90117
determine whether abuse or neglect occurred. 90118

(2) The summary report required under division (A) of this 90119
section shall not contain any of the following: 90120

(a) An abuse and neglect determination of which a person 90121
seeking to become a foster caregiver of a child is subject and in 90122
regards to which a public children services agency determined that 90123
abuse or neglect did not occur; 90124

(b) Information or reports the dissemination of which is 90125
prohibited by, or interferes with eligibility under, the "Child 90126
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 90127
5101 et seq., as amended; 90128

(c) The name of the person who or entity that made, or 90129
participated in the making of, the report of abuse or neglect. 90130

(C)(1) A foster home certification or recertification may be 90131
denied based on a summary report containing the information 90132
described under division (B)(1)(a) of this section, when 90133
considered within the totality of the circumstances. 90134

(2) A foster home certification or recertification shall not 90135
be denied solely based on a summary report containing the 90136
information described under division (B)(1)(b) or (c) of this 90137
section. 90138

(D) ~~Not later than January 1, 2008, the~~ The director of ~~job~~ 90139
children and ~~family services~~ youth shall adopt rules in accordance 90140
with Chapter 119. of the Revised Code necessary for the 90141

implementation and execution of this section. 90142

Sec. 5103.181. (A) Prior to certification or recertification 90143
of a foster home under section 5103.03 of the Revised Code, a 90144
recommending agency shall conduct a search of the United States 90145
department of justice national sex offender public web site 90146
regarding the prospective or current foster caregiver and all 90147
persons eighteen years of age or older who reside with the 90148
prospective or current foster caregiver. Certification or 90149
recertification may be denied based solely on the results of the 90150
search. 90151

(B) The director of ~~job~~ children and ~~family services~~ youth 90152
shall adopt rules in accordance with Chapter 119. of the Revised 90153
Code necessary for the implementation and execution of this 90154
section. 90155

Sec. 5103.21. The department of ~~job~~ children and ~~family~~ 90156
~~services~~ youth may adopt rules necessary for the implementation of 90157
section 5103.20 of the Revised Code. 90158

Sec. 5103.22. As used in division (B) of Article VIII of 90159
section 5103.20 of the Revised Code, "state human services 90160
administration" means the department of ~~job~~ children and ~~family~~ 90161
~~services~~ youth. 90162

Sec. 5103.232. The "appropriate public authorities" as used 90163
in Article III of ~~the interstate compact on the placement of~~ 90164
~~section 5103.20 of the Revised Code means the~~ department of ~~job~~ 90165
children and ~~family services~~ youth and that department shall 90166
receive and act with reference to notices required by said Article 90167
III. 90168

Sec. 5103.233. As used in paragraph (A) of Article V of the 90169

interstate compact on the placement of children, the phrase 90170
"appropriate authority in the receiving state" with reference to 90171
this state shall mean the department of ~~job~~ children and ~~family~~
~~services~~ youth. 90172
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Sec. 5103.30. The Ohio child welfare training program is 90174
hereby established in the department of ~~job~~ children and ~~family~~
~~services~~ youth as a statewide program. The program shall provide 90175
90176
all of the following: 90177

(A) The training that section 3107.014 of the Revised Code 90178
requires an assessor to complete; 90179

(B) The preplacement training that sections 5103.031 and 90180
5103.033 of the Revised Code require a prospective foster 90181
caregiver to complete; 90182

(C) The continuing training that sections 5103.032 and 90183
5103.033 of the Revised Code require a foster caregiver to 90184
complete; 90185

(D) The training that section 5153.122 of the Revised Code 90186
requires a PCSA caseworker to complete; 90187

(E) The training that section 5153.123 of the Revised Code 90188
requires a PCSA caseworker supervisor to complete; 90189

(F) The training required under section 5101.1414 of the 90190
Revised Code for a case manager and supervisor. 90191

Sec. 5103.303. When the Ohio child welfare training program 90192
provides preplacement or continuing training to a prospective 90193
foster caregiver or foster caregiver whose recommending agency is 90194
a private child placing agency or private noncustodial agency, the 90195
department of ~~job~~ children and ~~family services~~ youth shall not pay 90196
the Ohio child welfare training program the allowance the 90197
department would otherwise pay to the private child placing agency 90198

or private noncustodial agency under section 5103.0313 of the Revised Code for the training.

Sec. 5103.32. (A) As used in this section:

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended.

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980).

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) For purposes of adequately funding the Ohio child welfare training program, the department of ~~job children and family services~~ youth may use any of the following:

(1) The federal financial participation funds withheld pursuant to division (E) of section 5101.141 of the Revised Code in an amount determined by the department;

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;

(3) Other available state or federal funds;

(4) Funds that a person, including a foundation, makes available for the program.

Sec. 5103.33. The director of ~~job children and family services~~ youth shall adopt rules under Chapter 119. of the Revised Code as necessary to implement the Ohio child welfare training program.

Sec. 5103.34. The department of ~~job children and family services~~ youth shall monitor and evaluate the Ohio child welfare training program to ensure that the program satisfies all of the

requirements established by law enacted by the general assembly 90226
regarding the program and rules adopted under section 5103.33 of 90227
the Revised Code. As part of the monitoring and evaluation, the 90228
department shall ensure that the training provided under section 90229
5103.30 of the Revised Code meets all of the requirements of 90230
section 5103.31 of the Revised Code, including the requirement 90231
that the training be competency based. 90232

Sec. 5103.35. Each fiscal biennium, the department of ~~job~~ 90233
children and ~~family services~~ youth shall contract with an entity 90234
to serve as the Ohio child welfare training program coordinator. 90235
The department shall select the entity with which to contract from 90236
the entities that submit a proposal that meets, as determined 90237
under section 5103.362 of the Revised Code, the requirements of 90238
the request for proposals issued under section 5103.36 of the 90239
Revised Code. The department may contract with the entity the 90240
department contracted with the previous fiscal biennium even 90241
though no request for proposals is issued if, as specified in 90242
section 5103.361 of the Revised Code, a request for proposals is 90243
not required for the upcoming fiscal biennium. 90244

A contract entered into under this section shall be effective 90245
on the first day of the fiscal biennium for which it is entered 90246
into and terminate on the last day of that fiscal biennium. The 90247
contract shall require the coordinator to perform the duties 90248
specified in section 5103.37 of the Revised Code. 90249

Sec. 5103.36. The department of ~~job~~ children and ~~family~~ 90250
~~services~~ youth shall develop and issue or cause to be issued a 90251
request for proposals for an entity to serve as the Ohio child 90252
welfare training program coordinator. The department shall develop 90253
the request for proposals in consultation with individuals 90254
solicited under section 5103.365 of the Revised Code. The request 90255

for proposals shall explain the types of duties of the 90256
coordinator. 90257

Sec. 5103.362. After considering recommendations from the 90258
individuals solicited under section 5103.363 of the Revised Code, 90259
the department of ~~job~~ children and ~~family services~~ youth shall 90260
determine which of the proposals received in response to a request 90261
for proposals issued under section 5103.36 of the Revised Code 90262
meet the requirements of the request. 90263

Sec. 5103.363. The director of ~~job~~ children and ~~family~~ 90264
~~services~~ youth shall solicit representatives from all of the 90265
following organizations to perform the consultation and 90266
recommendation duties under sections 5103.36 and 5103.362 of the 90267
Revised Code: 90268

(A) Regional training centers established under section 90269
5103.42 of the Revised Code; 90270

(B) Staff of public children services agencies; 90271

(C) Staff of the ~~state~~ department of ~~job~~ children and ~~family~~ 90272
~~services~~ youth; 90273

(D) A statewide organization that represents the interests of 90274
public children services agencies. 90275

Sec. 5103.38. The department of ~~job~~ children and ~~family~~ 90276
~~services~~ youth shall oversee the Ohio child welfare training 90277
program coordinator's development, implementation, and management 90278
of the Ohio child welfare training program. 90279

Sec. 5103.39. The director of ~~job~~ children and ~~family~~ 90280
~~services~~ youth shall establish the Ohio child welfare training 90281
program steering committee. Sections 101.82 to 101.87 of the 90282
Revised Code do not apply to the committee. 90283

Sec. 5103.391. The director of ~~job~~ children and ~~family~~
~~services~~ youth shall appoint all of the following to serve on the
Ohio child welfare training program steering committee:

(A) Employees of the department of ~~job~~ children and ~~family~~
~~services~~ youth;

(B) One representative of each of the regional training
centers established under section 5103.42 of the Revised Code;

(C) One representative of a statewide organization that
represents the interests of public children services agencies;

(D) One representative of the Ohio child welfare training
program coordinator;

(E) Two current foster caregivers certified by the department
of ~~job~~ children and ~~family services~~ youth under section 5103.03 of
the Revised Code;

(F) Employees of public children services agencies.

Sec. 5103.40. The Ohio child welfare training program
steering committee shall do all of the following:

(A) Following procedures the committee shall establish,
adopt, amend, and rescind by-laws as necessary regarding the
committee's governance, frequency of meetings, and other matters
concerning the committee's operation;

(B) Conduct strategic planning activities regarding the Ohio
child welfare training program;

(C) Provide the department of ~~job~~ children and ~~family~~
~~services~~ youth and Ohio child welfare training program coordinator
recommendations regarding the program's operation;

(D) After reviewing individual training needs assessments
completed under sections 5153.125 and 5153.126 of the Revised

Code, consult with the Ohio child welfare training program 90312
coordinator on the design and content of the training that the 90313
program provides pursuant to divisions (D) and (E) of section 90314
5103.30 of the Revised Code; 90315

(E) Review curricula created for the training provided under 90316
section 5103.30 of the Revised Code; 90317

(F) Provide the department recommendations regarding the 90318
curricula reviewed under division (E) of this section as the 90319
committee determines necessary for the training to be relevant to 90320
the needs of the child welfare field; 90321

(G) Evaluate the training and provide the department 90322
recommendations as the committee determines necessary for the 90323
training to be able to enable all of the following: 90324

(1) Assessors to satisfy the training requirement of section 90325
3107.014 of the Revised Code; 90326

(2) Prospective foster caregivers and foster caregivers to 90327
satisfy the preplacement and continuing training requirements of 90328
sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 90329

(3) PCSA caseworkers to satisfy the training requirements of 90330
section 5153.122 of the Revised Code; 90331

(4) PCSA caseworker supervisors to satisfy the training 90332
requirements of section 5153.123 of the Revised Code. 90333

Sec. 5103.41. Prior to the beginning of the fiscal biennium 90334
that first follows October 5, 2000, the department of job and 90335
family services, in consultation with the Ohio child welfare 90336
training program steering committee, shall designate eight 90337
training regions in the state. The department of children and 90338
youth, at times it selects, shall review the composition of the 90339
training regions. The committee, at times it selects, shall also 90340
review the training regions' composition and provide the 90341

department recommendations on changes. The department of children 90342
and youth may change the composition of the training regions as 90343
the department considers necessary. Each training region shall 90344
contain only one regional training center established and 90345
maintained under section 5103.42 of the Revised Code. 90346

Sec. 5103.42. Prior to the beginning of the fiscal biennium 90347
that first follows October 5, 2000, the public children services 90348
agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, Lucas, 90349
and Summit counties shall each establish and maintain a regional 90350
training center. Prior to the beginning of the fiscal biennium 90351
that first follows ~~the effective date of this amendment~~ September 90352
29, 2013, the public children services agency of Butler county 90353
shall establish and maintain a regional training center. ~~At any~~ 90354
~~time after the beginning of the specified biennium, the~~ The 90355
department of ~~job~~ children and ~~family services~~ youth, on the 90356
recommendation of the Ohio child welfare training program steering 90357
committee, may direct a public children services agency to 90358
establish and maintain a training center to replace the center 90359
established by an agency under this section. There may be no more 90360
and no less than eight centers in existence at any time. The 90361
department of children and youth may make a grant to a public 90362
children services agency that establishes and maintains a regional 90363
training center under this section for the purpose of wholly or 90364
partially subsidizing the operation of the center. The department 90365
of children and youth shall specify in the grant all of the 90366
center's duties, including the duties specified in section 90367
5103.422 of the Revised Code. 90368

The regional training center established by the public 90369
children services agency of Butler county under this section 90370
replaces the regional training center previously established by 90371
the public children services agency of Hamilton county under this 90372
section. 90373

Sec. 5103.50. (A) As used in this section and sections 90374
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 90375
therapeutic wilderness camp" has the same meaning as in section 90376
5103.02 of the Revised Code. 90377

(B) The director of ~~job~~ children and ~~family services~~ youth 90378
shall adopt rules in accordance with Chapter 119. of the Revised 90379
Code to implement standards set forth in division (D) of this 90380
section and section 5103.54 of the Revised Code that are 90381
substantially similar, as determined by the director, to other 90382
similarly situated providers of residential care to children. 90383

(C) The director of ~~job~~ children and ~~family services~~ youth 90384
shall issue a license to a private, nonprofit therapeutic 90385
wilderness camp that submits an application to the director, on a 90386
form prescribed by the director, that indicates to the director's 90387
satisfaction that the camp meets the standards set forth in rules 90388
adopted under division (B) of this section. 90389

(D) In accordance with rules adopted by the director under 90390
division (B) of this section, the camp shall develop and implement 90391
written policies that establish all of the following: 90392

(1) Standards for hiring, training, and supervising staff; 90393

(2) Standards for behavioral intervention, including 90394
standards prohibiting the use of prone restraint and governing the 90395
use of other restraints or isolation; 90396

(3) Standards for recordkeeping, including specifying 90397
information that must be included in each child's record, who may 90398
access records, confidentiality, maintenance, security, and 90399
disposal of records; 90400

(4) A procedure for handling complaints about the camp from 90401
the children attending the camp, their families, staff, and the 90402
public; 90403

- (5) Standards for emergency and disaster preparedness, 90404
including procedures for emergency evacuation and standards 90405
requiring that a method of emergency communication be accessible 90406
at all times; 90407
- (6) Standards that ensure the protection of children's civil 90408
rights; 90409
- (7) Standards for the admission and discharge of children 90410
attending the camp, including standards for emergency discharge; 90411
- (8) Standards for the supervision of children, including 90412
minimum staff to child ratios; 90413
- (9) Standards for ensuring proper medical care, including 90414
administration of medications; 90415
- (10) Standards for proper notification of critical incidents; 90416
- (11) Standards regarding the health and safety of residents, 90417
including proper health department approvals, fire inspections, 90418
and food service licenses; 90419
- (12) Standards for ensuring the reporting requirements under 90420
section 2151.421 of the Revised Code are met. 90421
- (E) The camp shall ensure that no child resides at the camp 90422
for more than twelve consecutive months, unless the camp has 90423
completed a full evaluation that determines the child is not ready 90424
for reunification with the child's family or guardian. Such 90425
evaluation shall include any outside professional determined to be 90426
necessary by the director of ~~job children and family services~~ 90427
youth. This evaluation shall be conducted in accordance with rules 90428
adopted by the director. 90429
- (F) The camp shall cooperate with any request from the 90430
director for an inspection or for access to records or written 90431
policies of the camp. 90432
- (G) The camps shall ensure that no child is left without 90433

supervision of camp staff at any time. 90434

(H) The camp shall ensure that if there is a weather 90435
emergency or warning issued by the national weather service in the 90436
camp's geographic area, the children will be moved to a safe 90437
structure guarded from the weather event. 90438

(I) The camp shall ensure that all sharp tools used in the 90439
camp, including axes and knives, are locked unless in use by camp 90440
staff or otherwise under camp staff supervision. 90441

Sec. 5103.51. A license issued under section 5103.50 of the 90442
Revised Code is valid for two years, unless earlier revoked by the 90443
director of ~~job~~ children and ~~family services~~ youth. The license 90444
may be renewed. 90445

Each private, nonprofit therapeutic wilderness camp seeking 90446
license renewal shall submit to the director an application for 90447
license renewal on such form as the director prescribes. 90448

Sec. 5103.52. (A) The director of ~~job~~ children and ~~family~~ 90449
~~services~~ youth may inspect a private, nonprofit therapeutic 90450
wilderness camp at any time. 90451

(B) The director may request access to the camp's records or 90452
to the written policies adopted by the camp pursuant to section 90453
5103.50 of the Revised Code. 90454

Sec. 5103.53. A private, nonprofit therapeutic wilderness 90455
camp shall not operate without a license issued under section 90456
5103.50 of the Revised Code. If the director of ~~job~~ children and 90457
~~family services~~ youth determines that a camp is operating without 90458
a license, the director may petition the court of common pleas in 90459
the county in which the camp is located for an order enjoining its 90460
operation. The court shall grant injunctive relief upon a showing 90461
that the camp is operating without a license. 90462

Sec. 5103.54. (A) The director of ~~job~~ children and ~~family~~ youth services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the following:

(1) Policies and procedures for enforcing the minimum standards of operation for private, nonprofit therapeutic wilderness camps;

(2) Procedures the director shall follow if the director determines that conditions at a camp pose imminent risk to the life, health, or safety of one or more children at a camp.

(B) Rules adopted under this section shall be substantially similar, as determined by the director, to rules applicable to other residential care providers to children.

(C) The director may issue, deny, or revoke a license according to procedures set forth in rules adopted under this section or section 5103.50 of the Revised Code.

Sec. 5103.58. (A) Professional treatment staff employed by a public children services agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

(B)(1) Professional treatment staff employed by a private child placing agency or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of:

(a) Section 5153.112 of the Revised Code; and

(b) Section 5153.122 of the Revised Code, except that, with respect to the training requirements during the first year of continuous employment, staff shall be required to have training only in the courses described in divisions (A), (B), (C), (G),

(H), (J), and (L) of that section and only for the number of hours needed to complete those courses. 90492
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(2) Subject to divisions (B)(3) and (4) of this section, the training required under division (B)(1) of this section may be offered by a private child placing agency, private noncustodial agency, or qualified nonprofit organization. 90494
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(3) Prior to the department of ~~job children and family services~~ youth establishing a training program under section 5103.59 of the Revised Code, training that meets the requirements described in division (B)(1) of this section may be offered only upon approval by the department. The department shall approve or disapprove a program not later than sixty days after the program is submitted for approval. 90498
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(4) A private child placing agency, private noncustodial agency, or qualified nonprofit organization shall cease to provide a training program approved under division (B)(3) of this section once the department establishes a training program described in section 5103.59 of the Revised Code, after which all training shall be provided by the department only. 90505
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Sec. 5103.59. The department of ~~job children and family services~~ youth shall work with private child placing agencies and private noncustodial agencies to establish a comprehensive, competency-based professional treatment staff training program for employees of private child placing agencies and private noncustodial agencies that meets the requirements of division (B)(1) of section 5103.58 of the Revised Code. 90511
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Sec. 5103.602. (A) A person seeking to operate a residential infant care center after ~~the effective date of this section~~ June 13, 2022, shall apply to the director of ~~job children and family services~~ youth to obtain a certificate for the facility. 90518
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(B) A person who, on ~~the effective date of this section~~ June 13, 2022, is operating a children's crisis care facility that has as its primary purpose the provision of residential services for infants affected by substance use and the preservation of families through infant diversion practices and programs shall be deemed a residential infant care center by the director if the center is in compliance with the requirements and rules described under division (B) of section 5103.603 of the Revised Code.

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

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

(B)(1) Pursuant to division (B) of section 5103.602 of the Revised Code if the center is in compliance with all of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and rules adopted under division (H) of section 5103.13 of the Revised Code, except the rules described in division (B) of section 5103.6011 of the Revised Code, on ~~the effective date of this section~~ June 13, 2022.

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

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

(A) If using medication to treat infants, hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code. 90552
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(B) Comply, except as otherwise provided in this section and section 5103.6011 of the Revised Code, with all requirements under rule 5101:2-9-02 of the Administrative Code; 90555
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(C) Develop a plan of safe care in accordance with the "Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 114-198, for an infant born substance exposed as follows: 90558
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(1) Assist with the health and substance use disorder treatment needs of the infant and affected family or caregiver; 90561
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(2) Develop and implement a program to monitor, support, and connect affected families or caregivers through the provision of and referral to appropriate services for the infant and affected family or caregiver. 90563
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(D) Develop and implement a program for parents and caregivers that, either individually or in a group setting, teaches parenting skills, bonding, and caring for the infant's special needs. 90567
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(E) Require both of the following: 90571

(1) Child-care staff, volunteers, and interns in positions responsible for the daily direct care or supervision of children to be at least eighteen years old and have a high school diploma or certificate of high school equivalence; 90572
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(2) Volunteers and interns who are under twenty-one years of age to be supervised. 90576
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(F) Request a criminal records check with respect to volunteers and interns in accordance with section 2151.86 of the Revised Code; 90578
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(G) Employ registered nurses, patient care assistants, or 90581

licensed professional nurses to meet required child-to-staff ratios; 90582
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(H) Require the center's peer supporter, family advocate, licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following: 90584
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(1) Provide wraparound services to affected family and caregivers; 90588
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(2) Coordinate and cooperate with any transferring hospital, public children services agency, and private child placing agency; 90590
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(3) Refer affected families or caregivers to appropriate community agencies and services for support and aftercare; 90592
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(4) Follow up with affected families and caregivers following the infant's discharge. 90594
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(I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education; 90596
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(2) Provide the following for dyad care and rooming-in: 90599

(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets; 90600
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(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area; 90602
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(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in. 90604
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(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled. 90606
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(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one 90609
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changing station, and a door with a full-length glass window for safety and observation; 90611
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(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants; 90613
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(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep; 90615
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(M) Follow the department of ~~health's~~ children and youth's safe sleep education program recommendations established under section ~~3701.66~~ 5180.16 of the Revised Code. 90618
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Sec. 5103.6011. (A) A residential infant care center shall not be required to do the following: 90621
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(1) Provide toilets or potty chairs for infants. 90623

(2) Comply with the following rules: 90624

(a) Paragraph (E) of rule 5101:2-5-09 of the Administrative Code. 90625
90626

(b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code. 90627
90628

(c) Rule 5101:2-9-19 of the Administrative Code. 90629

(d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code. 90630
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(e) Rules 5101:2-9-21 and 5101:2-9-22 of the Administrative Code. 90632
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(f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code. 90634
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(g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (Q), and (S) of rule 5101:2-9-28 of the Administrative Code. 90636
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(h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the 90638

Administrative Code. 90639

(3) Require registered nurses and licensed professional 90640
nurses employed by the center to comply with the requirements 90641
under paragraph (M)(3) of rule 5101:2-9-02 and paragraphs (J) to 90642
(L) of rule 5101:2-9-03 of the Administrative Code. 90643

(B) The provisions of this section do not apply on and after 90644
the date the department of ~~job~~ children and ~~family services~~ youth 90645
adopts rules regarding certification under section 5103.6018 of 90646
the Revised Code. 90647

Sec. 5103.6015. The department of ~~job~~ children and ~~family~~ 90648
~~services~~ youth may apply to the United States secretary of health 90649
and human services for a federal grant under the "Child Abuse 90650
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 90651
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 90652
to assist residential infant care centers certified under section 90653
5103.603 of the Revised Code in providing temporary residential 90654
and other care to infants. 90655

Sec. 5103.6017. The director of ~~job~~ children and ~~family~~ 90656
~~services~~ youth may suspend or revoke a residential infant care 90657
center's certificate pursuant to Chapter 119. of the Revised Code 90658
if the center violates or fails to comply with any of the 90659
requirements under sections 5103.608 to 5103.6012 of the Revised 90660
Code and, as applicable, the rules adopted under section 5103.6018 90661
of the Revised Code or division (H) of section 5103.13 of the 90662
Revised Code. 90663

Sec. 5103.6018. The director of ~~job~~ children and ~~family~~ 90664
~~services~~ youth shall adopt rules pursuant to Chapter 119. of the 90665
Revised Code for the certification of residential infant care 90666
centers. 90667

Sec. 5103.611. A person who holds an active license to 90668
operate a children's crisis care facility under section 5103.13 of 90669
the Revised Code or a residential infant care center under section 90670
5103.602 of the Revised Code may apply to the director of ~~job~~ 90671
children and ~~family services~~ youth to obtain a certificate as a 90672
family preservation center under this section. 90673

Sec. 5103.612. (A) The director of ~~job~~ children and ~~family~~ 90674
~~services~~ youth shall certify the person's family preservation 90675
center if the center complies with all of the requirements imposed 90676
under section 5103.614 of the Revised Code and all of the rules 90677
adopted under section 5103.617 of the Revised Code. 90678

(B) The director shall not issue a waiver to a person of 90679
compliance with any of the requirements imposed under this section 90680
or any of the rules adopted under section 5103.617 of the Revised 90681
Code. 90682

Sec. 5103.615. The director of ~~job~~ children and ~~family~~ 90683
~~services~~ youth may suspend or revoke a family preservation 90684
center's certificate pursuant to Chapter 119. of the Revised Code 90685
if the center violates or fails to comply with section 5103.614 of 90686
the Revised Code or any of the rules adopted under section 90687
5103.617 of the Revised Code. 90688

Sec. 5103.617. Not later than ninety days ~~after the effective~~ 90689
~~date of this section~~ June 13, 2022, the director of ~~job~~ children 90690
and ~~family services~~ youth shall adopt rules pursuant to Chapter 90691
119. of the Revised Code for the certification of family 90692
preservation centers. 90693

Sec. 5104.01. As used in this chapter: 90694

(A) "Administrator" means the person responsible for the 90695

daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person. 90696
90697

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 90698
90699

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 90700
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90703

(1) Communicate on the owner's behalf; 90704

(2) Submit on the owner's behalf applications for licensure or approval; 90705
90706

(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 90707
90708

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 90709
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(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 90713
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90715

(1) Uses a framework approved by the director of ~~job children~~ and ~~family services~~ youth to document formal education, training, experience, and specialized credentials and certifications; 90716
90717
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(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six. 90719
90720
90721

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a 90722
90723
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guardian of a child whose presence in the home is needed as the 90726
caretaker of the child, and any other person who stands in loco 90727
parentis with respect to the child and whose presence in the home 90728
is needed as the caretaker of the child. 90729

(G) "Chartered nonpublic school" means a school that meets 90730
standards for nonpublic schools prescribed by the state board of 90731
education for nonpublic schools pursuant to section 3301.07 of the 90732
Revised Code. 90733

(H) "Child" includes an infant, toddler, preschool-age child, 90734
or school-age child. 90735

(I) "Child care block grant act" means the "Child Care and 90736
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 90737
U.S.C. 9858, as amended. 90738

(J) "Child day camp" means a program in which only school-age 90739
children attend or participate, that operates for no more than 90740
twelve hours per day and no more than fifteen weeks during the 90741
summer. For purposes of this division, the maximum twelve hours of 90742
operation time does not include transportation time from a child's 90743
home to a child day camp and from a child day camp to a child's 90744
home. 90745

(K) "Child care" means all of the following: 90746

(1) Administering to the needs of infants, toddlers, 90747
preschool-age children, and school-age children outside of school 90748
hours; 90749

(2) By persons other than their parents, guardians, or 90750
custodians; 90751

(3) For part of the twenty-four-hour day; 90752

(4) In a place other than a child's own home, except that an 90753
in-home aide provides child care in the child's own home; 90754

(5) By a provider required by this chapter to be licensed or 90755

approved by the department of ~~job children~~ and ~~family services~~ 90756
youth, certified by a county department of job and family services 90757
, or under contract with the department to provide publicly funded 90758
child care as described in section 5104.32 of the Revised Code. 90759

(L) "Child day-care center" and "center" mean any place that 90760
is not the permanent residence of the licensee or administrator in 90761
which child care or publicly funded child care is provided for 90762
seven or more children at one time. "Child day-care center" and 90763
"center" do not include any of the following: 90764

(1) A place located in and operated by a hospital, as defined 90765
in section 3727.01 of the Revised Code, in which the needs of 90766
children are administered to, if all the children whose needs are 90767
being administered to are monitored under the on-site supervision 90768
of a physician licensed under Chapter 4731. of the Revised Code or 90769
a registered nurse licensed under Chapter 4723. of the Revised 90770
Code, and the services are provided only for children who, in the 90771
opinion of the child's parent, guardian, or custodian, are 90772
exhibiting symptoms of a communicable disease or other illness or 90773
are injured; 90774

(2) A child day camp; 90775

(3) A place that provides care, if all of the following 90776
apply: 90777

(a) An organized religious body provides the care; 90778

(b) A parent, custodian, or guardian of at least one child 90779
receiving care is on the premises and readily accessible at all 90780
times; 90781

(c) The care is not provided for more than thirty days a 90782
year; 90783

(d) The care is provided only for preschool-age and 90784
school-age children. 90785

(M) "Child care resource and referral service organization"	90786
means a community-based nonprofit organization that provides child	90787
care resource and referral services but not child care.	90788
(N) "Child care resource and referral services" means all of	90789
the following services:	90790
(1) Maintenance of a uniform data base of all child care	90791
providers in the community that are in compliance with this	90792
chapter, including current occupancy and vacancy data;	90793
(2) Provision of individualized consumer education to	90794
families seeking child care;	90795
(3) Provision of timely referrals of available child care	90796
providers to families seeking child care;	90797
(4) Recruitment of child care providers;	90798
(5) Assistance in developing, conducting, and disseminating	90799
training for child care professionals and provision of technical	90800
assistance to current and potential child care providers,	90801
employers, and the community;	90802
(6) Collection and analysis of data on the supply of and	90803
demand for child care in the community;	90804
(7) Technical assistance concerning locally, state, and	90805
federally funded child care and early childhood education	90806
programs;	90807
(8) Stimulation of employer involvement in making child care	90808
more affordable, more available, safer, and of higher quality for	90809
their employees and for the community;	90810
(9) Provision of written educational materials to caretaker	90811
parents and informational resources to child care providers;	90812
(10) Coordination of services among child care resource and	90813
referral service organizations to assist in developing and	90814
maintaining a statewide system of child care resource and referral	90815

services if required by the department of ~~job~~ children and family 90816
~~services~~ youth; 90817

(11) Cooperation with the county department of job and family 90818
services in encouraging the establishment of parent cooperative 90819
child care centers and parent cooperative type A family day-care 90820
homes. 90821

(O) "Child-care staff member" means an employee of a child 90822
day-care center, type A family day-care home, licensed type B 90823
family day-care home, or approved child day camp who is primarily 90824
responsible for the care and supervision of children. The 90825
administrator, authorized representative, or owner may be a 90826
child-care staff member when not involved in other duties. 90827

(P) "Drop-in child day-care center," "drop-in center," 90828
"drop-in type A family day-care home," and "drop-in type A home" 90829
mean a center or type A home that provides child care or publicly 90830
funded child care for children on a temporary, irregular basis. 90831

(Q) "Employee" means a person who either: 90832

(1) Receives compensation for duties performed in a child 90833
day-care center, type A family day-care home, licensed type B 90834
family day-care home, or approved child day camp; 90835

(2) Is assigned specific working hours or duties in a child 90836
day-care center, type A family day-care home, licensed type B 90837
family day-care home, or approved child day camp. 90838

(R) "Employer" means a person, firm, institution, 90839
organization, or agency that operates a child day-care center, 90840
type A family day-care home, licensed type B family day-care home, 90841
or approved child day camp subject to licensure or approval under 90842
this chapter. 90843

(S) "Federal poverty line" means the official poverty 90844
guideline as revised annually in accordance with section 673(2) of 90845

the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 90846
U.S.C. 9902, as amended, for a family size equal to the size of 90847
the family of the person whose income is being determined. 90848

(T) "Head start program" means a school-readiness program 90849
that satisfies all of the following: 90850

(1) Is for children from birth to age five who are from 90851
low-income families; 90852

(2) Receives funds distributed under the "Improving Head 90853
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 90854
amended; 90855

(3) Is licensed as a child care program. 90856

(U) "Homeless child care" means child care provided to a 90857
child who satisfies any of the following: 90858

(1) Is homeless as defined in 42 U.S.C. 11302; 90859

(2) Is a homeless child or youth as defined in 42 U.S.C. 90860
11434a; 90861

(3) Resides temporarily with a caretaker in a facility 90862
providing emergency shelter for homeless families or is determined 90863
by a county department of job and family services to be homeless. 90864

(V) "Income" means gross income, as defined in section 90865
5107.10 of the Revised Code, less any amounts required by federal 90866
statutes or regulations to be disregarded. 90867

(W) "Indicator checklist" means an inspection tool, used in 90868
conjunction with an instrument-based program monitoring 90869
information system, that contains selected licensing requirements 90870
that are statistically reliable indicators or predictors of a 90871
child day-care center's type A family day-care home's, or licensed 90872
type B family day-care home's compliance with licensing 90873
requirements. 90874

(X) "Infant" means a child who is less than eighteen months 90875

of age. 90876

(Y) "In-home aide" means a person who does not reside with 90877
the child but provides care in the child's home and is certified 90878
by a county director of job and family services pursuant to 90879
section 5104.12 of the Revised Code to provide publicly funded 90880
child care to a child in a child's own home pursuant to this 90881
chapter and any rules adopted under it. 90882

(Z) "Instrument-based program monitoring information system" 90883
means a method to assess compliance with licensing requirements 90884
for child day-care centers, type A family day-care homes, and 90885
licensed type B family day-care homes in which each licensing 90886
requirement is assigned a weight indicative of the relative 90887
importance of the requirement to the health, growth, and safety of 90888
the children that is used to develop an indicator checklist. 90889

(AA) "License capacity" means the maximum number in each age 90890
category of children who may be cared for in a child day-care 90891
center, type A family day-care home, or licensed type B family 90892
day-care home at one time as determined by the director of ~~job~~ 90893
children and ~~family services~~ youth considering building occupancy 90894
limits established by the department of commerce, amount of 90895
available indoor floor space and outdoor play space, and amount of 90896
available play equipment, materials, and supplies. 90897

(BB) "Licensed child care program" means any of the 90898
following: 90899

(1) A child day-care center licensed by the department of ~~job~~ 90900
children and ~~family services~~ youth pursuant to this chapter; 90901

(2) A type A family day-care home or type B family day-care 90902
home licensed by the department of ~~job~~ children and ~~family~~ 90903
~~services~~ youth pursuant to this chapter; 90904

(3) A licensed preschool program or licensed school child 90905
program. 90906

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of ~~job~~ children and family services ~~youth~~ pursuant to section 5104.03 of the Revised Code.

(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child day-care center," "part-time center," 90938
"part-time type A family day-care home," and "part-time type A 90939
home" mean a center or type A home that provides child care or 90940
publicly funded child care for not more than four hours a day for 90941
any child or not more than fifteen consecutive weeks per year, 90942
regardless of the number of hours per day. 90943

(JJ) "Place of worship" means a building where activities of 90944
an organized religious group are conducted and includes the 90945
grounds and any other buildings on the grounds used for such 90946
activities. 90947

(KK) "Preschool-age child" means a child who is three years 90948
old or older but is not a school-age child. 90949

(LL) "Protective child care" means publicly funded child care 90950
for the direct care and protection of a child to whom all of the 90951
following apply: 90952

(1) A case plan has been prepared and maintained for the 90953
child pursuant to section 2151.412 of the Revised Code. 90954

(2) The case plan indicates a need for protective care. 90955

(3) The child resides with a parent, stepparent, guardian, or 90956
another person who stands in loco parentis as defined in rules 90957
adopted under section 5104.38 of the Revised Code. 90958

(MM) "Publicly funded child care" means administering to the 90959
needs of infants, toddlers, preschool-age children, and school-age 90960
children under age thirteen during any part of the 90961
twenty-four-hour day by persons other than their caretaker parents 90962
for remuneration wholly or in part with federal or state funds, 90963
including funds available under the child care block grant act, 90964
Title IV-A, and Title XX, distributed by the department of ~~job~~ 90965
children and family services youth. 90966

(NN) "Religious activities" means any of the following: 90967

worship or other religious services; religious instruction; Sunday 90968
school classes or other religious classes conducted during or 90969
prior to worship or other religious services; youth or adult 90970
fellowship activities; choir or other musical group practices or 90971
programs; meals; festivals; or meetings conducted by an organized 90972
religious group. 90973

(OO) "School-age child" means a child who is enrolled in or 90974
is eligible to be enrolled in a grade of kindergarten or above but 90975
is less than fifteen years old or, in the case of a child who is 90976
receiving special needs child care, is less than eighteen years 90977
old. 90978

(PP) "Serious risk noncompliance" means a licensure or 90979
certification rule violation that leads to a great risk of harm 90980
to, or death of, a child, and is observable, not inferable. 90981

(QQ) "Special needs child care" means child care provided to 90982
a child who is less than eighteen years of age and either has one 90983
or more chronic health conditions or does not meet age appropriate 90984
expectations in one or more areas of development, including 90985
social, emotional, cognitive, communicative, perceptual, motor, 90986
physical, and behavioral development and that may include on a 90987
regular basis such services, adaptations, modifications, or 90988
adjustments needed to assist in the child's function or 90989
development. 90990

(RR) "Title IV-A" means Title IV-A of the "Social Security 90991
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 90992

(SS) "Title XX" means Title XX of the "Social Security Act," 90993
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 90994

(TT) "Toddler" means a child who is at least eighteen months 90995
of age but less than three years of age. 90996

(UU) "Type A family day-care home" and "type A home" mean the 90997
permanent residence of the administrator in which child care or 90998

publicly funded child care is provided for seven to twelve 90999
children at one time or a permanent residence of the administrator 91000
in which child care is provided for four to twelve children at one 91001
time if four or more children at one time are under two years of 91002
age. In counting children for the purposes of this division, any 91003
children under six years of age who are related to a licensee, 91004
administrator, or employee and who are on the premises of the type 91005
A home shall be counted. "Type A family day-care home" and "type A 91006
home" do not include any child day camp. 91007

(VV) "Type B family day-care home" and "type B home" mean a 91008
permanent residence of the provider in which care is provided for 91009
one to six children at one time and in which no more than three 91010
children are under two years of age at one time. In counting 91011
children for the purposes of this division, any children under six 91012
years of age who are related to the provider and who are on the 91013
premises of the type B home shall be counted. "Type B family 91014
day-care home" and "type B home" do not include any child day 91015
camp. 91016

Sec. 5104.013. (A) As used in this section: 91017

(1) "Applicant" means either of the following: 91018

(a) A person who is under final consideration for appointment 91019
to or employment in a position with a licensed preschool program 91020
or licensed school child program that provides publicly funded 91021
child care, child day-care center, type A family day-care home, 91022
licensed type B family day-care home, or child day camp; 91023

(b) A person who would serve in any position with a licensed 91024
preschool program or licensed school child program that provides 91025
publicly funded child care, child day-care center, type A family 91026
day-care home, licensed type B family day-care home, or child day 91027
camp pursuant to a contract with another entity. 91028

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 91029
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(B)(1) At the times specified in division (B)(2)(a) of this section, the director of ~~job~~ children and ~~family services~~ youth shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for each of the following persons: 91031
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(a) Any owner or licensee of a child day-care center; 91036

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home; 91037
91038
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(c) Any owner of an approved child day camp; 91040

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 91041
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(e) Any in-home aide; 91043

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 91044
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(2)(a) The director shall request a criminal records check at the following times: 91049
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(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 91051
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 91056
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of

investigation as part of the criminal records check for the 91090
person, including fingerprint-based checks of national crime 91091
information databases as described in 42 U.S.C. 671 for the person 91092
subject to the criminal records check. 91093

(3) With respect to a criminal records check requested for a 91094
person described in division (B)(1) of this section, the director 91095
of ~~job~~ children and ~~family services~~ youth shall do all of the 91096
following: 91097

(a) Provide to the person a copy of the form prescribed 91098
pursuant to division (C)(1) of section 109.572 of the Revised Code 91099
and a standard impression sheet to obtain fingerprint impressions 91100
prescribed pursuant to division (C)(2) of that section; 91101

(b) Obtain the completed form and impression sheet from the 91102
person; 91103

(c) Forward the completed form and impression sheet to the 91104
superintendent of the bureau of criminal identification and 91105
investigation; 91106

(d) Review the results of the criminal records check. 91107

(4) A person who receives from the director a copy of the 91108
form and standard impression sheet and who is requested to 91109
complete the form and provide a set of fingerprint impressions 91110
shall complete the form or provide all of the information 91111
necessary to complete the form and shall provide the impression 91112
sheet with the impressions of the person's fingerprints. If the 91113
person, upon request, fails to provide the information necessary 91114
to complete the form or fails to provide impressions of the 91115
person's fingerprints, the director of children and youth or a 91116
county director of job and family services may consider the 91117
failure a reason to deny licensure, approval, or certification or 91118
to determine an employee ineligible for employment. 91119

(5) Except as provided in rules adopted under division (F) of 91120

this section: 91121

(a) The director of ~~job~~ children and ~~family services~~ youth 91122
shall refuse to issue a license to or approve a center, type A 91123
home, type B home, child day camp, preschool program, or school 91124
child program, and shall revoke a license or approval, and a 91125
county director of job and family services shall not certify an 91126
in-home aide and shall revoke a certification, if a person for 91127
whom a criminal records check was required under division 91128
(B)(1)(a) to (B)(1)(e) of this section has been convicted of or 91129
pleaded guilty to any of the violations described in division 91130
(A)(5) of section 109.572 of the Revised Code. 91131

(b) The director of ~~job~~ children and ~~family services~~ youth 91132
shall not issue a license to a type A home or type B home if a 91133
resident of the type A home or type B home is under eighteen years 91134
of age and has been adjudicated a delinquent child for committing 91135
either a violation of any section listed in division (A)(5) of 91136
section 109.572 of the Revised Code or an offense of another state 91137
or the United States that is substantially equivalent to an 91138
offense listed in division (A)(5) of section 109.572 of the 91139
Revised Code. 91140

(c) The director shall determine an applicant or employee 91141
ineligible for employment if the person has been convicted of or 91142
pleaded guilty to any of the violations described in division 91143
(A)(5) of section 109.572 of the Revised Code. 91144

(6) Each child day-care center, type A home, type B home, 91145
approved child day camp, licensed child care program, licensed 91146
school child program, and in-home aide shall pay to the bureau of 91147
criminal identification and investigation the fee prescribed 91148
pursuant to division (C)(3) of section 109.572 of the Revised Code 91149
for each criminal records check conducted in accordance with that 91150
section upon a request made pursuant to division (B) of this 91151
section. 91152

A center, home, camp, preschool program, or school child program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount the center, home, camp, or program pays under this section. If a fee is charged, the center, home, camp, or program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, home, camp, or program will not consider the applicant for employment.

(7) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (B) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of ~~job~~ children and ~~family services~~ youth, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the criminal records check.

(C)(1) At the times specified in division (C)(2) of this section, the director of ~~job~~ children and ~~family services~~ youth shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which any of the following persons is a subject:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years

of age or older who resides in the home; 91185

(c) Any owner of an approved child day camp; 91186

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 91187
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(e) Any in-home aide; 91189

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 91190
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(2) The director shall search the information system at the following times: 91195
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~~(i)~~(a) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 91197
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~~(ii)~~(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 91202
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~~(iii)~~(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 91205
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~~(iv)~~(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 91209
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~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)~~(C)(2)(f)~~ of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years 91212
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thereafter; 91215

~~(vi)~~(f) In the case of an applicant who has been determined 91216
eligible for employment after a search of the uniform statewide 91217
automated child welfare information system within the past five 91218
years and who has been employed by a licensed preschool program or 91219
licensed school child program that provides publicly funded child 91220
care, child day-care center, type A family day-care home, licensed 91221
type B family day-care home, or approved child day camp within the 91222
past one hundred eighty consecutive days, every five years after 91223
the date of the initial determination. 91224

(3) The director shall consider any information discovered 91225
pursuant to division (C)(1) of this section or that is provided by 91226
a public children services agency pursuant to section 5153.175 of 91227
the Revised Code. If the director determines that the information, 91228
when viewed within the totality of the circumstances, reasonably 91229
leads to the conclusion that the person may directly or indirectly 91230
endanger the health, safety, or welfare of children, the director 91231
of children and youth or county director of job and family 91232
services shall do any of the following: 91233

(a) Refuse to issue a license to or approve a center, type A 91234
home, type B home, child day camp, preschool program, or school 91235
child program; 91236

(b) Revoke a license or approval; 91237

(c) Refuse to certify an in-home aide or revoke a 91238
certification; 91239

(d) Determine an applicant or employee ineligible for 91240
employment with the center, type A home, licensed type B home, 91241
child day camp, preschool program, or school child program. 91242

(4) Any information obtained under division (C) of this 91243
section is confidential and not a public record for the purposes 91244
of section 149.43 of the Revised Code. The information shall not 91245

be made available to any person other than the person who is the 91246
subject of the search or the person's representative, the director 91247
of ~~job~~ children and ~~family services~~ youth, the director of a 91248
county department of job and family services, and any court, 91249
hearing officer, or other necessary individual involved in a case 91250
dealing with a denial or revocation of licensure, approval, or 91251
certification related to the search. 91252

(D)(1) At the times specified in division (D)(2) of this 91253
section, the director of ~~job~~ children and ~~family services~~ youth 91254
shall inspect the state registry of sex offenders and child-victim 91255
offenders established under section 2950.13 of the Revised Code 91256
and the national sex offender registry as described in 42 U.S.C. 91257
16901 to determine if any of the following persons is registered 91258
or required to be registered as an offender: 91259

(a) Any owner or licensee of a child day-care center; 91260

(b) Any owner or licensee of a type A family day-care home or 91261
licensed type B family day-care home and any person eighteen years 91262
of age or older who resides in the home; 91263

(c) Any owner of an approved child day camp; 91264

(d) Any director of a licensed preschool program or licensed 91265
school child program that provides publicly funded child care; 91266

(e) Any in-home aide; 91267

(f) Any applicant or employee, including an administrator, of 91268
a child day-care center, type A family day-care home, licensed 91269
type B family day-care home, approved child day camp, or licensed 91270
preschool program or licensed school child program that provides 91271
publicly funded child care. 91272

(2) The director shall inspect each registry at the following 91273
times: 91274

~~(i)~~(a) In the case of an owner or licensee of child day-care 91275

center or an owner or licensee of a type A family day-care home or 91276
type B family day-care home or a resident of such a home, at the 91277
time of initial application for licensure and every five years 91278
thereafter; 91279

~~(ii)~~(b) In the case of an owner of an approved child day 91280
camp, at the time of initial application for approval and every 91281
five years thereafter; 91282

~~(iii)~~(c) In the case of a director of a licensed child care 91283
program or licensed school child program, at the time of initial 91284
application to provide publicly funded child care; 91285

~~(iv)~~(d) In the case of an in-home aide, at the time of 91286
initial application for certification and every five years 91287
thereafter; 91288

~~(v)~~(e) Except as provided in division (D)(2)(a)~~(vi)~~(f) of 91289
this section, in the case of an applicant or employee, at the time 91290
of initial application for employment and every five years 91291
thereafter; 91292

~~(vi)~~(f) In the case of an applicant who has been determined 91293
eligible for employment after an inspection of the state registry 91294
of sex offenders and child-victim offenders established under 91295
section 2950.13 of the Revised Code and the national sex offender 91296
registry as described in 42 U.S.C. 16901 within the past five 91297
years and who has been employed by a licensed preschool program or 91298
licensed school child program that provides publicly funded child 91299
care, child day-care center, type A family day-care home, licensed 91300
type B family day-care home, or approved child day camp within the 91301
past one hundred eighty consecutive days, every five years after 91302
the date of the initial determination. 91303

(3) If the director determines that the person is registered 91304
or required to be registered on either registry, the director of 91305
children and youth or county director of job and family services 91306

shall do any of the following: 91307

(a) Refuse to issue a license to or approve a center, type A 91308
home, type B home, child day camp, preschool program, or school 91309
child program; 91310

(b) Revoke a license or approval; 91311

(c) Refuse to certify an in-home aide or revoke a 91312
certification; 91313

(d) Determine an applicant or employee ineligible for 91314
employment with the center, type A home, licensed type B home, 91315
child day camp, preschool program, or school child program. 91316

(4) Any information obtained under division (D) of this 91317
section is confidential and not a public record for the purposes 91318
of section 149.43 of the Revised Code. The information shall not 91319
be made available to any person other than the person who is the 91320
subject of the inspection or the person's representative, the 91321
director of ~~job children~~ and ~~family services~~ youth, the director 91322
of a county department of job and family services, and any court, 91323
hearing officer, or other necessary individual involved in a case 91324
dealing with a denial or revocation of licensure, approval, or 91325
certification related to the search. 91326

(E) Whenever the director of ~~job children~~ and ~~family services~~ 91327
youth determines a person ineligible for employment under division 91328
(B), (C), or (D) of this section, the director shall as soon as 91329
practicable notify the following of that determination: the 91330
licensed preschool program or licensed school child program that 91331
provides publicly funded child care, child day-care center, type A 91332
family day-care home, licensed type B family day-care home, or 91333
approved child day camp that is considering the person for 91334
appointment or employment. A licensed preschool program or 91335
licensed school child program that provides publicly funded child 91336
care, child day-center, type A family day-care home, licensed type 91337

B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment.

(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at the time of initial application for employment and every five years thereafter.

(2) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(4) With respect to a criminal records check requested under division (F) of this section, the administrator shall do all of the following:

(a) Provide to the applicant or employee a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the

Revised Code and a standard impression sheet to obtain fingerprint 91369
impressions prescribed pursuant to division (C)(2) of that 91370
section; 91371

(b) Obtain the completed form and impression sheet from the 91372
applicant or employee; 91373

(c) Forward the completed form and impression sheet to the 91374
superintendent of the bureau of criminal identification and 91375
investigation; 91376

(d) Review the results of the criminal records check. 91377

(5) An applicant or employee who receives from the 91378
administrator a copy of the form and standard impression sheet and 91379
who is requested to complete the form and provide a set of 91380
fingerprint impressions shall complete the form or provide all of 91381
the information necessary to complete the form and shall provide 91382
the impression sheet with the impressions of the person's 91383
fingerprints. If the applicant or employee, upon request, fails to 91384
provide the information necessary to complete the form or fails to 91385
provide impressions of the person's fingerprints, the 91386
administrator may consider the failure a reason to determine an 91387
applicant or employee ineligible for employment. 91388

(6) A child day camp, other than an approved child day camp, 91389
may employ an applicant or continue to employ an employee until 91390
the criminal records check required by this section is completed 91391
and the camp receives the results of the check. Until the 91392
administrator has reviewed the results of the criminal records 91393
check and determines that the applicant or employee is eligible 91394
for employment, the camp shall not grant the applicant or employee 91395
sole responsibility for the care, custody, or control of a child. 91396
If the results indicate that the applicant or employee is 91397
ineligible for employment, the camp shall immediately release the 91398
applicant or employee from employment. 91399

(7) Except as provided in rules adopted under this section, 91400
the administrator shall determine an applicant or employee 91401
ineligible for employment if the person has been convicted of or 91402
pleaded guilty to any of the violations described in division 91403
(A)(5) of section 109.572 of the Revised Code. If the applicant or 91404
employee is determined ineligible, the child day camp shall not 91405
employ the applicant or employee or contract with another entity 91406
for the services of the applicant or employee. 91407

(8) Each child day camp shall pay to the bureau of criminal 91408
identification and investigation the fee prescribed pursuant to 91409
division (C)(3) of section 109.572 of the Revised Code for each 91410
criminal records check conducted in accordance with that section 91411
upon a request made pursuant to division (F) of this section. A 91412
camp may charge an applicant or employee a fee for the costs it 91413
incurs in obtaining a criminal records check under division (F) of 91414
this section. A fee charged under this division shall not exceed 91415
the fees the camp pays under this section. If a fee is charged, 91416
the camp shall notify the applicant at the time of the applicant's 91417
initial application for employment of the amount of the fee and 91418
that, unless the fee is paid, the camp will not consider the 91419
applicant for employment. 91420

(9) The report of any criminal records check conducted by the 91421
bureau of criminal identification and investigation in accordance 91422
with section 109.572 of the Revised Code and pursuant to a request 91423
made under division (F) of this section is confidential and not a 91424
public record for the purposes of section 149.43 of the Revised 91425
Code. The report shall not be made available to any person other 91426
than the person who is the subject of the criminal records check 91427
or the person's representative, the director of ~~job~~ children and 91428
~~family services~~ youth, the administrator, and any court, hearing 91429
officer, or other necessary individual involved in a case dealing 91430
with a denial or revocation of registration related to the 91431

criminal records check. 91432

(G) The director of ~~job children and family services~~ youth 91433
shall adopt rules as necessary to implement this section. The 91434
rules shall be adopted in accordance with Chapter 119. of the 91435
Revised Code. The rules shall specify exceptions to the 91436
prohibitions in ~~division~~ divisions (B), (E), and (F) of this 91437
section for a person who has been convicted of or pleaded guilty 91438
to a criminal offense listed in division (A)(5) of section 109.572 91439
of the Revised Code but who meets standards in regard to 91440
rehabilitation set by the director. 91441

(H)(1) Whenever the director of ~~job children and family~~ 91442
~~services~~ youth requests a criminal records check, searches the 91443
uniform statewide automated child welfare information system, or 91444
inspects the state registry of sex offenders and child-victim 91445
offenders and national sex offender registry as required by this 91446
section and finds that a person who is subject to the requirements 91447
of division (B), (C), or (D) of this section resided in another 91448
state during the previous five years, the director shall request 91449
the following from the other state: a criminal records check and 91450
information from the uniform statewide automated child welfare 91451
information system or state registry of sex offenders. 91452

(2) Whenever the director receives from an agency of another 91453
state a request for a criminal records check or for information 91454
from the uniform statewide automated child welfare information 91455
system or state registry of sex offenders that is related to a 91456
child care license or the provision of publicly funded child care, 91457
the director shall provide to that other state's agency the 91458
results of the records check and information from the system and 91459
registry. 91460

Sec. 5104.015. The director of ~~job children and family~~ 91461
~~services~~ youth shall adopt rules in accordance with Chapter 119. 91462

of the Revised Code governing the operation of child day-care 91463
centers, including parent cooperative centers, part-time centers, 91464
and drop-in centers. The rules shall reflect the various forms of 91465
child care and the needs of children receiving child care or 91466
publicly funded child care and shall include specific rules for 91467
school-age child care centers that are developed in consultation 91468
with the department of education. The rules shall include the 91469
following: 91470

(A) Submission of a site plan and descriptive plan of 91471
operation to demonstrate how the center proposes to meet the 91472
requirements of this chapter and rules adopted pursuant to this 91473
chapter for the initial license application; 91474

(B) Standards for ensuring that the physical surroundings of 91475
the center are safe and sanitary including the physical 91476
environment, the physical plant, and the equipment of the center; 91477

(C) Standards for the supervision, care, and discipline of 91478
children receiving child care or publicly funded child care in the 91479
center; 91480

(D) Standards for a program of activities, and for play 91481
equipment, materials, and supplies, to enhance the development of 91482
each child; however, any educational curricula, philosophies, and 91483
methodologies that are developmentally appropriate and that 91484
enhance the social, emotional, intellectual, and physical 91485
development of each child shall be permissible. As used in this 91486
division, "program" does not include instruction in religious or 91487
moral doctrines, beliefs, or values that is conducted at child 91488
day-care centers owned and operated by churches and does include 91489
methods of disciplining children at child day-care centers. 91490

(E) Admissions policies and procedures; 91491

(F) Health care policies and procedures, including procedures 91492
for the isolation of children with communicable diseases; 91493

(G) First aid and emergency procedures;	91494
(H) Procedures for discipline and supervision of children;	91495
(I) Standards for the provision of nutritious meals and snacks;	91496 91497
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	91498 91499 91500
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	91501 91502
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	91503 91504 91505 91506
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	91507 91508 91509
(N) Procedures for record keeping, organization, and administration;	91510 91511
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	91512 91513 91514
(P) Inspection procedures;	91515
(Q) Procedures and standards for setting initial license application fees;	91516 91517
(R) Procedures for receiving, recording, and responding to complaints about centers;	91518 91519
(S) Procedures for enforcing section 5104.04 of the Revised Code;	91520 91521
(T) Minimum qualifications for employment as an administrator	91522

or child-care staff member; 91523

(U) Requirements for the training of administrators and 91524
child-care staff members, including training in first aid, in 91525
prevention, recognition, and management of communicable diseases, 91526
and in child abuse recognition and prevention; 91527

(V) Standards providing for the needs of children who have 91528
disabilities or who require treatment for health conditions while 91529
the child is receiving child care or publicly funded child care in 91530
the center; 91531

(W) A procedure for reporting of injuries of children that 91532
occur at the center; 91533

(X) Standards for licensing child day-care centers for 91534
children with short-term illnesses and other temporary medical 91535
conditions; 91536

(Y) Minimum requirements for instructional time for child 91537
day-care centers rated through the step up to quality program 91538
established pursuant to section 5104.29 of the Revised Code; 91539

(Z) Any other procedures and standards necessary to carry out 91540
the provisions of this chapter regarding child day-care centers. 91541

Sec. 5104.016. The director of ~~job~~ children and ~~family~~ 91542
~~services~~ youth, in addition to the rules adopted under section 91543
5104.015 of the Revised Code, shall adopt rules establishing 91544
minimum requirements for child day-care centers. The rules shall 91545
include the requirements set forth in sections 5104.032 to 91546
5104.034 of the Revised Code. Except as provided in section 91547
5104.07 of the Revised Code, the rules shall not change the square 91548
footage requirements of section 5104.032 of the Revised Code or 91549
the maximum number of children per child-care staff member and 91550
maximum group size requirements of section 5104.033 of the Revised 91551
Code. However, the rules shall provide procedures for determining 91552

compliance with those requirements. 91553

Sec. 5104.017. The director of ~~job~~ children and ~~family~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, and drop-in type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following: 91554
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(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application; 91561
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(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home; 91565
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(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home; 91569
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(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible; 91572
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(E) Admissions policies and procedures; 91578

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases; 91579
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(G) First aid and emergency procedures; 91581

(H) Procedures for discipline and supervision of children;	91582
(I) Standards for the provision of nutritious meals and snacks;	91583 91584
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	91585 91586 91587
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	91588 91589
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	91590 91591 91592 91593
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	91594 91595 91596
(N) Procedures for record keeping, organization, and administration;	91597 91598
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	91599 91600 91601
(P) Inspection procedures;	91602
(Q) Procedures and standards for setting initial license application fees;	91603 91604
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	91605 91606
(S) Procedures for enforcing section 5104.04 of the Revised Code;	91607 91608
(T) A standard requiring the inclusion of a current department of job <u>children</u> and family services <u>youth</u> toll-free	91609 91610

telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter; 91611
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(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention; 91614
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(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home; 91618
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(W) Standards for the maximum number of children per child-care staff member; 91622
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(X) Requirements for the amount of usable indoor floor space for each child; 91624
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(Y) Requirements for safe outdoor play space; 91626

(Z) Qualifications and training requirements for administrators and for child-care staff members; 91627
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(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation; 91629
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(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code; 91632
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(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes. 91635
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Sec. 5104.018. The director of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family 91637
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day-care homes. The rules shall provide for safeguarding the 91640
health, safety, and welfare of children receiving child care or 91641
publicly funded child care in a licensed type B family day-care 91642
home and shall include all of the following: 91643

(A) Requirements for the type B home to notify parents with 91644
children in the type B home that the type B home is certified as a 91645
foster home under section 5103.03 of the Revised Code; 91646

(B) Standards for ensuring that the type B home and the 91647
physical surroundings of the type B home are safe and sanitary, 91648
including physical environment, physical plant, and equipment; 91649

(C) Standards for the supervision, care, and discipline of 91650
children receiving child care or publicly funded child care in the 91651
home; 91652

(D) Standards for a program of activities, and for play 91653
equipment, materials, and supplies to enhance the development of 91654
each child; however, any educational curricula, philosophies, and 91655
methodologies that are developmentally appropriate and that 91656
enhance the social, emotional, intellectual, and physical 91657
development of each child shall be permissible; 91658

(E) Admission policies and procedures; 91659

(F) Health care, first aid and emergency procedures; 91660

(G) Procedures for the care of sick children; 91661

(H) Procedures for discipline and supervision of children; 91662

(I) Nutritional standards; 91663

(J) Procedures for screening children, including any 91664
necessary physical examinations and the immunizations required 91665
pursuant to section 5104.014 of the Revised Code; 91666

(K) Procedures for screening administrators and employees, 91667
including any necessary physical examinations and immunizations; 91668

(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	91669 91670 91671 91672
(M) Standards for the safe transport of children when under the care of administrators;	91673 91674
(N) Procedures for issuing, denying, or revoking licenses;	91675
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	91676 91677 91678
(P) Procedures for record keeping and evaluation;	91679
(Q) Procedures for receiving, recording, and responding to complaints;	91680 91681
(R) Standards providing for the needs of children who have disabilities or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	91682 91683 91684 91685
(S) Requirements for the amount of usable indoor floor space for each child;	91686 91687
(T) Requirements for safe outdoor play space;	91688
(U) Qualification and training requirements for administrators;	91689 91690
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	91691 91692 91693
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	91694 91695 91696
(X) Minimum requirements for instructional time for type B	91697

homes rated through the step up to quality program established 91698
pursuant to section 5104.29 of the Revised Code; 91699

(Y) Any other procedures and standards necessary to carry out 91700
the provisions of this chapter regarding licensure of type B 91701
homes. 91702

Sec. 5104.019. The director of ~~job~~ children and ~~family~~ 91703
~~services~~ youth shall adopt rules in accordance with Chapter 119. 91704
of the Revised Code governing the certification of in-home aides. 91705
The rules shall provide for safeguarding the health, safety, and 91706
welfare of children receiving publicly funded child care in their 91707
own home and shall include the following: 91708

(A) Standards for ensuring that the child's home and the 91709
physical surroundings of the child's home are safe and sanitary, 91710
including physical environment, physical plant, and equipment; 91711

(B) Standards for the supervision, care, and discipline of 91712
children receiving publicly funded child care in their own home; 91713

(C) Standards for a program of activities, and for play 91714
equipment, materials, and supplies to enhance the development of 91715
each child; however, any educational curricula, philosophies, and 91716
methodologies that are developmentally appropriate and that 91717
enhance the social, emotional, intellectual, and physical 91718
development of each child shall be permissible; 91719

(D) Health care, first aid, and emergency procedures, 91720
procedures for the care of sick children, procedures for 91721
discipline and supervision of children, nutritional standards, and 91722
procedures for screening children and in-home aides, including any 91723
necessary physical examinations and immunizations; 91724

(E) Methods of encouraging parental participation and 91725
ensuring that the rights of children, parents, and in-home aides 91726
are protected and the responsibilities of parents and in-home 91727

aides are met;	91728
(F) Standards for the safe transport of children when under the care of in-home aides;	91729 91730
(G) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	91731 91732
(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	91733 91734
(I) Procedures for record keeping and evaluation;	91735
(J) Procedures for receiving, recording, and responding to complaints;	91736 91737
(K) Qualifications and training requirements for in-home aides;	91738 91739
(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	91740 91741 91742 91743
(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.	91744 91745 91746
Sec. 5104.0111. (A) The director of job <u>children</u> and family services <u>youth</u> shall do all of the following:	91747 91748
(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care centers, type A homes, and type B homes;	91749 91750 91751 91752
(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;	91753 91754 91755
(3) At least thirty days before the effective date of a rule,	91756

provide, in either paper or electronic form, a copy of the adopted rule to each licensee; 91757
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(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed; 91759
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(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date; 91763
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(6) Review all rules adopted pursuant to this chapter at least once every seven years. 91766
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(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each in-home aide. 91768
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(C) Additional copies of proposed and adopted rules shall be made available by the director of ~~job children~~ and ~~family services youth~~ to the public on request at no charge. 91778
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(D) The director of ~~job children~~ and ~~family services youth~~ may adopt rules in accordance with Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or omission that constitutes a serious risk noncompliance. The sanctions imposed shall be based on the scope and severity of the violations. 91781
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The director shall make a dispute resolution process 91788
available for the implementation of sanctions. The process may 91789
include an opportunity for appeal pursuant to Chapter 119. of the 91790
Revised Code. 91791

(E) The director of ~~job~~ children and ~~family services~~ youth 91792
shall adopt rules in accordance with Chapter 119. of the Revised 91793
Code that establish standards for the training of individuals who 91794
inspect or investigate type B family day-care homes pursuant to 91795
section 5104.03 of the Revised Code. The department shall provide 91796
training in accordance with those standards for individuals in the 91797
categories described in this division. 91798

Sec. 5104.0112. Notwithstanding any provision of the Revised 91799
Code, the director of ~~job~~ children and ~~family services~~ youth shall 91800
not regulate in any way under this chapter or rules adopted 91801
pursuant to this chapter, instruction in religious or moral 91802
doctrines, beliefs, or values. 91803

Sec. 5104.02. (A) The director of ~~job~~ children and ~~family~~ 91804
~~services~~ youth is responsible for licensing child day-care 91805
centers, type A family day-care homes, and type B family day-care 91806
homes. Each entity operating a head start program shall meet the 91807
criteria for, and be licensed as, a child day-care center. The 91808
director is responsible for the enforcement of this chapter and of 91809
rules promulgated pursuant to this chapter. 91810

No person, firm, organization, institution, or agency shall 91811
operate, establish, manage, conduct, or maintain a child day-care 91812
center or type A family day-care home without a license issued 91813
under section 5104.03 of the Revised Code. The current license 91814
shall be posted in the center or home in a conspicuous place that 91815
is accessible to parents, custodians, or guardians and employees 91816
of the center or home at all times when the center or home is in 91817

operation.	91818
(B) A person, firm, institution, organization, or agency	91819
operating any of the following programs is exempt from the	91820
requirements of this chapter:	91821
(1) A program caring for children that operates for two	91822
consecutive weeks or less and not more than six weeks total in	91823
each calendar year;	91824
(2) Caring for children in places of worship during religious	91825
activities while at least one parent, guardian, or custodian of	91826
each child is participating in such activities and is readily	91827
available;	91828
(3) Supervised training, instruction, or activities of	91829
children in specific areas, including, but not limited to: art;	91830
drama; dance; music; athletic skills or sports; computers; or an	91831
educational subject conducted on an organized or periodic basis	91832
that a child does not attend for more than eight total hours per	91833
week;	91834
(4) Programs in which the director determines that at least	91835
one parent, custodian, or guardian of each child who is not an	91836
employee of the facility engaged in employment duties is on the	91837
premises of the facility that offers care and is readily	91838
accessible at all times;	91839
(5) Programs that provide care and are regulated by state	91840
departments other than the department of job <u>children</u> and family	91841
services <u>youth</u> or the state board of education.	91842
(6) Any preschool program or school child program, except a	91843
head start program, that is subject to licensure by the department	91844
of education <u>children and youth</u> under sections 3301.52 to 3301.59	91845
of the Revised Code.	91846
(7) Any program providing care that meets all of the	91847

following requirements and, on October 20, 1987, was being 91848
operated by a nonpublic school that holds a charter issued by the 91849
state board of education for kindergarten only: 91850

(a) The nonpublic school has given the notice to the state 91851
board and the director of ~~job~~ children and ~~family services~~ youth 91852
required by Section 4 of Substitute House Bill No. 253 of the 91853
117th general assembly; 91854

(b) The nonpublic school continues to be chartered by the 91855
state board for kindergarten, or receives and continues to hold a 91856
charter from the state board for kindergarten through grade five; 91857

(c) The program is conducted in a school building; 91858

(d) The program is operated in accordance with rules 91859
promulgated by the ~~state board~~ department of children and youth 91860
under section 3301.53 of the Revised Code. 91861

(8) A youth development program operated outside of school 91862
hours to which all of the following apply: 91863

(a) The children enrolled in the program are under nineteen 91864
years of age and enrolled in or eligible to be enrolled in a grade 91865
of kindergarten or above. 91866

(b) The program provides informal care, which is care that 91867
does not require parental signature, permission, or notice for the 91868
child receiving the care to enter or leave the program. 91869

(c) The program provides any of the following supervised 91870
activities: educational, recreational, culturally enriching, 91871
social, and personal development activities. 91872

(d) The entity operating the program is exempt from federal 91873
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 91874

(9) A preschool program operated by a nonchartered, 91875
nontax-supported school if the preschool program meets all of the 91876
following conditions: 91877

(a) The program complies with state and local health, fire, and safety laws. 91878
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(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of ~~job children~~ and ~~family services youth~~ on or before the thirtieth day of September of each year. 91880
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(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools. 91885
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(d) The program is associated with a nonchartered, nontax-supported primary or secondary school. 91889
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(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code. 91891
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Sec. 5104.021. The director of ~~job children~~ and ~~family services youth~~ may issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)(8) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license. 91897
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Sec. 5104.022. In no case shall the director of ~~job children~~ and ~~family services youth~~ issue a license to operate a type A family day-care home if the type A home is certified as a foster home or specialized foster home pursuant to Chapter 5103. of the 91904
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Revised Code. In no case shall the director issue a license to 91908
operate a type B family day-care home if the type B home is 91909
certified as a specialized foster home pursuant to Chapter 5103. 91910
of the Revised Code. 91911

Sec. 5104.03. (A) As used in this section, "owner" has the 91912
same meaning as in section 5104.01 of the Revised Code, except 91913
that "owner" also includes a firm, organization, institution, or 91914
agency, as well as any individual governing board members, 91915
partners, or authorized representatives of the owner. 91916

(B) Any person, firm, organization, institution, or agency 91917
seeking to establish a child day-care center, type A family 91918
day-care home, or licensed type B family day-care home shall apply 91919
for a license to the director of ~~job~~ children and ~~family services~~ 91920
youth on such form as the director prescribes. The director shall 91921
provide at no charge to each applicant for licensure a copy of the 91922
child care license requirements in this chapter and a copy of the 91923
rules adopted pursuant to this chapter. The copies may be provided 91924
in paper or electronic form. 91925

Fees shall be set by the director pursuant to sections 91926
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 91927
paid at the time of application for a license to operate a center, 91928
type A home, or type B home. Fees collected under this section 91929
shall be paid into the state treasury to the credit of the general 91930
revenue fund. 91931

(C)(1) Upon filing of the application for a license, the 91932
director shall investigate and inspect the center, type A home, or 91933
type B home to determine the license capacity for each age 91934
category of children of the center, type A home, or type B home 91935
and to determine whether the center, type A home, or type B home 91936
complies with this chapter and rules adopted pursuant to this 91937
chapter. When, after investigation and inspection, the director is 91938

satisfied that this chapter and rules adopted pursuant to it are 91939
complied with, subject to division (G) of this section, a license 91940
shall be issued as soon as practicable in such form and manner as 91941
prescribed by the director. The license shall be designated as 91942
provisional and shall be valid for at least twelve months from the 91943
date of issuance and until the continuous license is issued or 91944
until the provisional license is revoked or suspended pursuant to 91945
section 5104.042 of the Revised Code. 91946

(2) The director may contract with a government entity or a 91947
private nonprofit entity for the entity to inspect type A or type 91948
B family day-care homes pursuant to this section. If the director 91949
contracts with a government entity or private nonprofit entity for 91950
that purpose, the entity may contract with another government 91951
entity or private nonprofit entity for the other entity to inspect 91952
type A or type B homes pursuant to this section. The director, 91953
government entity, or private nonprofit entity shall conduct an 91954
inspection prior to the issuance of a license for a type A or type 91955
B home and, as part of that inspection, ensure that the home is 91956
safe and sanitary. 91957

(D) The director shall investigate and inspect the center, 91958
type A home, or type B home at least once during operation under a 91959
license designated as provisional. If after the investigation and 91960
inspection the director determines that the requirements of this 91961
chapter and rules adopted pursuant to this chapter are met, 91962
subject to division (G) of this section, the director shall issue 91963
a continuous license to the center or home. 91964

(E) Each license shall state the name of the licensee, the 91965
name of the administrator, the address of the center, type A home, 91966
or licensed type B home, and the license capacity for each age 91967
category of children. The license shall include thereon, in 91968
accordance with sections 5104.015, 5104.017, and 5104.018 of the 91969
Revised Code, the toll-free telephone number to be used by persons 91970

suspecting that the center, type A home, or licensed type B home 91971
has violated a provision of this chapter or rules adopted pursuant 91972
to this chapter. A license is valid only for the licensee, 91973
administrator, address, and license capacity for each age category 91974
of children designated on the license. The license capacity 91975
specified on the license is the maximum number of children in each 91976
age category that may be cared for in the center, type A home, or 91977
licensed type B home at one time. 91978

A center or home licensee shall notify the director in 91979
writing when the administrator, address, or license capacity of 91980
the center or home changes. The director shall amend the current 91981
license to reflect a change in any of the following: 91982

(1) An administrator, if the administrator meets the 91983
requirements of this chapter and rules adopted pursuant to this 91984
chapter; 91985

(2) Address, if the new address meets the requirements of 91986
this chapter and rules adopted pursuant to this chapter; 91987

(3) License capacity for any age category of children as 91988
determined by the director of ~~job~~ children and ~~family services~~ 91989
youth. 91990

(F) If the director revokes the license of a center, a type A 91991
home, or a type B home, the director shall not issue another 91992
license to the owner of the center, type A home, or type B home 91993
until five years have elapsed from the date the license is 91994
revoked. 91995

If the director denies an application for a license, the 91996
director shall not consider another application from the applicant 91997
until five years have elapsed from the date the application is 91998
denied. 91999

(G)(1) Except as provided in division (G)(2) of this section, 92000
all actions of the director with respect to licensing centers, 92001

type A homes, or type B homes, refusal to license, and revocation 92002
of a license shall be in accordance with Chapter 119. of the 92003
Revised Code. Except as provided in division (G)(2) of this 92004
section, any applicant who is denied a license or any owner whose 92005
license is revoked may appeal in accordance with section 119.12 of 92006
the Revised Code. 92007

(2) The following actions by the director are not subject to 92008
Chapter 119. of the Revised Code: 92009

(a) The director ceases its review of an application because 92010
the owner of a center, type A home, or type B home sought a 92011
license before five years had elapsed from the date the previous 92012
license was revoked and the director does not issue the license. 92013

(b) The director ceases its review of an application because 92014
the applicant applied for licensure before five years had elapsed 92015
from the date the previous application was denied and the director 92016
does not issue the license. 92017

(c) The director closes a license because the director has 92018
determined that the center, type A home, or type B home is no 92019
longer operating at the address stated on the license and did not 92020
notify the director of the address change as described in division 92021
(E) of this section. 92022

(H) In no case shall the director issue a license under this 92023
section for a center, type A home, or type B home if the director, 92024
based on documentation provided by the appropriate county 92025
department of job and family services, determines that the 92026
applicant had been certified as an in-home aide, that the county 92027
department revoked that certification within the immediately 92028
preceding five years, that the revocation was based on the 92029
applicant's refusal or inability to comply with the criteria for 92030
certification, and that the refusal or inability resulted in a 92031
risk to the health or safety of children. 92032

(I) An owner of a type B family day-care home that receives a license pursuant to this section is an independent contractor and is not an employee of the department of ~~job~~ children and ~~family services~~ youth.

Sec. 5104.034. Each child day-care center shall have on the center premises and readily available at all times at least one child-care staff member who has completed a course in first aid, one staff member who has completed a course in prevention, recognition, and management of communicable diseases which is approved by the state department of health, and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of ~~job~~ children and ~~family services~~ youth.

Sec. 5104.038. The administrator of each child day-care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director of children and youth upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.04. (A) The department of ~~job~~ children and ~~family services~~ youth shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers,

type A family day-care homes, and licensed type B family day-care homes. 92063
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(B)(1)(a) The department shall, at least once during every 92065
twelve-month period of operation of a center, type A home, or 92066
licensed type B home, inspect the center, type A home, or licensed 92067
type B home. The department shall inspect a part-time center or 92068
part-time type A home at least once during every twelve-month 92069
period of operation. The department shall provide a written 92070
inspection report to the licensee within a reasonable time after 92071
each inspection. 92072

Inspections may be unannounced. No person, firm, 92073
organization, institution, or agency shall interfere with the 92074
inspection of a center, type A home, or licensed type B home by 92075
any state or local official engaged in performing duties required 92076
of the state or local official by this chapter or rules adopted 92077
pursuant to this chapter, including inspecting the center, type A 92078
home, or licensed type B home, reviewing records, or interviewing 92079
licensees, employees, children, or parents. 92080

(b) Upon receipt of any complaint that a center, type A home 92081
or licensed type B home is out of compliance with the requirements 92082
of this chapter or rules adopted pursuant to this chapter, the 92083
department shall investigate the center or home, and both of the 92084
following apply: 92085

(i) If the complaint alleges that a child suffered physical 92086
harm while receiving child care at the center or home or that the 92087
noncompliance alleged in the complaint involved, resulted in, or 92088
poses a substantial risk of physical harm to a child receiving 92089
child care at the center or home, the department shall inspect the 92090
center or home. 92091

(ii) If division (B)(1)(b)(i) of this section does not apply 92092
regarding the complaint, the department may inspect the center or 92093

home. 92094

(c) Division (B)(1)(b) of this section does not limit, 92095
restrict, or negate any duty of the department to inspect a 92096
center, type A home, or licensed type B home that otherwise is 92097
imposed under this section, or any authority of the department to 92098
inspect a center, type A home, or licensed type B home that 92099
otherwise is granted under this section. 92100

(2) If the department implements an instrument-based program 92101
monitoring information system, it may use an indicator checklist 92102
to comply with division (B)(1) of this section. 92103

(C) The department may deny an application or revoke a 92104
license of a center, type A home, or licensed type B home, if the 92105
applicant knowingly submits falsified information to the 92106
department or if the center or home does not comply with the 92107
requirements of this chapter or rules adopted pursuant to this 92108
chapter. 92109

(D) If the department finds, after notice and hearing 92110
pursuant to Chapter 119. of the Revised Code, that any applicant, 92111
person, firm, organization, institution, or agency applying for 92112
licensure or licensed under section 5104.03 of the Revised Code is 92113
in violation of any provision of this chapter or rules adopted 92114
pursuant to this chapter, the department may issue an order of 92115
denial to the applicant or an order of revocation to the center, 92116
type A home, or licensed type B home revoking the license 92117
previously issued by the department. Upon the issuance of such an 92118
order, the person whose application is denied or whose license is 92119
revoked may appeal in accordance with section 119.12 of the 92120
Revised Code. 92121

(E) The surrender of a center, type A home, or licensed type 92122
B home license to the department or the withdrawal of an 92123
application for licensure by the owner or administrator of the 92124

center, type A home, or licensed type B home shall not prohibit 92125
the department from instituting any of the actions set forth in 92126
this section. 92127

(F) Whenever the department receives a complaint, is advised, 92128
or otherwise has any reason to believe that a center or type A 92129
home is providing child care without a license issued pursuant to 92130
section 5104.03 and is not exempt from licensing pursuant to 92131
section 5104.02 of the Revised Code, the department shall 92132
investigate the center or type A home and may inspect the areas 92133
children have access to or areas necessary for the care of 92134
children in the center or type A home during suspected hours of 92135
operation to determine whether the center or type A home is 92136
subject to the requirements of this chapter or rules adopted 92137
pursuant to this chapter. 92138

(G) The department, upon determining that the center or type 92139
A home is operating without a license, shall notify the attorney 92140
general, the prosecuting attorney of the county in which the 92141
center or type A home is located, or the city attorney, village 92142
solicitor, or other chief legal officer of the municipal 92143
corporation in which the center or type A home is located, that 92144
the center or type A home is operating without a license. Upon 92145
receipt of the notification, the attorney general, prosecuting 92146
attorney, city attorney, village solicitor, or other chief legal 92147
officer of a municipal corporation shall file a complaint in the 92148
court of common pleas of the county in which the center or type A 92149
home is located requesting that the court grant an order enjoining 92150
the owner from operating the center or type A home in violation of 92151
section 5104.02 of the Revised Code. The court shall grant such 92152
injunctive relief upon a showing that the respondent named in the 92153
complaint is operating a center or type A home and is doing so 92154
without a license. 92155

(H) The department shall prepare an annual report on 92156

inspections conducted under this section. The report shall include 92157
the number of inspections conducted, the number and types of 92158
violations found, and the steps taken to address the violations. 92159
The department shall file the report with the governor, the 92160
president and minority leader of the senate, and the speaker and 92161
minority leader of the house of representatives on or before the 92162
first day of January of each year, beginning in 1999. 92163

Sec. 5104.041. (A) All type A family day-care homes and 92164
licensed type B family day-care homes shall procure and maintain 92165
one of the following: 92166

(1) Liability insurance issued by an insurer authorized to do 92167
business in this state under Chapter 3905. of the Revised Code 92168
insuring the type A or type B family day-care home against 92169
liability arising out of, or in connection with, the operation of 92170
the family day-care home. The insurance procured shall cover any 92171
cause for which the type A or type B family day-care home would be 92172
liable, in the amount of at least one hundred thousand dollars per 92173
occurrence and three hundred thousand dollars in the aggregate. 92174

(2) A written statement signed by the parent, guardian, or 92175
custodian of each child receiving child care from the type A or 92176
type B family day-care home that states all of the following: 92177

(a) The family day-care home does not carry liability 92178
insurance described in division (A)(1) of this section; 92179

(b) If the licensee of a type A family day-care home or a 92180
type B family day-care home is not the owner of the real property 92181
where the family day-care home is located, the liability 92182
insurance, if any, of the owner of the real property may not 92183
provide for coverage of any liability arising out of, or in 92184
connection with, the operation of the family day-care home. 92185

(B) If the licensee of a type A family day-care home or a 92186

type B family day-care home is not the owner of the real property 92187
where the family day-care home is located and the family day-care 92188
home procures liability insurance described in division (A)(1) of 92189
this section, that licensee shall name the owner of the real 92190
property as an additional insured party on the liability insurance 92191
policy if all of the following apply: 92192

(1) The owner of the real property requests the licensee or 92193
provider, in writing, to add the owner of the real property to the 92194
liability insurance policy as an additional insured party. 92195

(2) The addition of the owner of the real property does not 92196
result in cancellation or nonrenewal of the insurance policy 92197
procured by the type A or type B family day-care home. 92198

(3) The owner of the real property pays any additional 92199
premium assessed for coverage of the owner of the real property. 92200

(C) Proof of insurance or written statement required under 92201
division (A) of this section shall be maintained at the type A or 92202
type B family day-care home and made available for review during 92203
inspection or investigation as required under this chapter. 92204

(D) The director of ~~job~~ children and ~~family services~~ youth 92205
shall adopt rules for the enforcement of this section. 92206

Sec. 5104.042. (A) The department of ~~job~~ children and ~~family~~ 92207
~~services~~ youth may suspend, without a prior hearing, the license 92208
of a child day-care center, type A family day-care home, or 92209
licensed type B family day-care home if any of the following 92210
occur: 92211

(1) A child dies or suffers a serious injury while receiving 92212
child care in the center, type A home, or licensed type B home. 92213

(2) A public children services agency receives a report 92214
pursuant to section 2151.421 of the Revised Code, and the person 92215
alleged to have inflicted abuse or neglect on the child who is the 92216

subject of the report is any of the following: 92217

(a) The owner, licensee, or administrator of the center, type 92218
A home, or licensed type B home; 92219

(b) An employee of the center, type A home, or licensed type 92220
B home who has not immediately been placed on administrative leave 92221
or released from employment; 92222

(c) Any person who resides in the type A home or licensed 92223
type B home. 92224

(3) An owner, licensee, administrator, or employee of the 92225
center, type A home, or licensed type B home, or a resident of the 92226
type A home or licensed type B home is charged by an indictment, 92227
information, or complaint with an offense relating to the abuse or 92228
neglect of a child. 92229

(4) The department or a county department of job and family 92230
services determines that the center, type A home, or licensed type 92231
B home created a serious risk to the health or safety of a child 92232
receiving child care in the center, type A home, or licensed type 92233
B home that resulted in or could have resulted in a child's death 92234
or injury. 92235

(5) The department determines that the owner or licensee of 92236
the center, type A home, or licensed type B home does not meet the 92237
requirements of section 5104.013 of the Revised Code. 92238

(B) The department shall issue a written order of suspension 92239
and furnish a copy to the licensee either by certified mail or in 92240
person as described in section 119.07 of the Revised Code. The 92241
licensee may request an adjudicatory hearing before the department 92242
pursuant to sections 119.06 to 119.12 of the Revised Code. 92243

(C) Any summary suspension imposed under this section shall 92244
remain in effect until any of the following occurs: 92245

(1) The public children services agency completes its 92246

investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of ~~job children~~ and ~~family services youth~~ may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.043. (A) If the department of ~~job children~~ and ~~family services youth~~ determines that an act or omission of a child day-care center, type A family day-care home, or licensed type B family day-care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination.

(B) With respect to the notice required by division (A) of this section, all of the following apply:

(1) The licensee shall notify caretaker parents not later

than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee shall notify caretaker parents not later than five business days after the department has completed its review.

(2) The notice shall include a statement informing each caretaker parent of the web site maintained by the department and the location of further information regarding the determination.

(3) The licensee may provide written or electronic notice to caretaker parents.

(4) The licensee shall provide a copy of the notice to the department.

(C) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules to enforce this section.

(D) The requirements of this section do not apply if the department suspends the license of a child day-care center, type A family day-care home, or licensed type B family day-care home pursuant to section 5104.042 of the Revised Code.

Sec. 5104.05. (A) The director of ~~job~~ children and ~~family services~~ youth shall issue a license or provisional license for the operation of a child day-care center, if the director finds, after investigation of the applicant and inspection of the center, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of commerce or a certified municipal, township, or county building department for the purpose of operating a child day-care center. Any structure used for the operation of a center shall be constructed, equipped, repaired, altered, and maintained in

accordance with applicable provisions of Chapters 3781. and 3791. 92307
of the Revised Code and with regulations adopted by the board of 92308
building standards under Chapter 3781. of the Revised Code and 92309
this division for the safety and sanitation of structures erected 92310
for this purpose. 92311

(2) The state fire marshal or the fire chief or fire 92312
prevention officer of the municipal corporation or township in 92313
which the center is located has inspected the center annually 92314
within the preceding license period and has found the center to be 92315
in compliance with rules promulgated by the fire marshal pursuant 92316
to section 3737.83 of the Revised Code regarding fire prevention 92317
and fire safety in a child day-care center. 92318

(3) The center has received a food service operation license 92319
under Chapter 3717. of the Revised Code if meals are to be served 92320
to children other than children of the licensee or administrator, 92321
whether or not a consideration is received for the meals. 92322

(B) The director of ~~job children~~ and ~~family services youth~~ 92323
shall issue a license or provisional license for the operation of 92324
a type A family day-care home, if the director finds, after 92325
investigation of the applicant and inspection of the type A home, 92326
that other requirements of this chapter, rules promulgated 92327
pursuant to this chapter, and the following requirements are met: 92328

(1) The state fire marshal or the fire chief or fire 92329
prevention officer of the municipal corporation or township in 92330
which the type A family day-care home is located has inspected the 92331
type A home annually within the preceding license period and has 92332
found the type A home to be in compliance with rules promulgated 92333
by the fire marshal pursuant to section 3737.83 of the Revised 92334
Code regarding fire prevention and fire safety in a type A home. 92335

(2) The type A home is in compliance with rules set by the 92336
director of ~~job children~~ and ~~family services youth~~ in cooperation 92337

with the director of health pursuant to section 3701.80 of the Revised Code regarding meal preparation and meal service in the home. The director of ~~job~~ children and ~~family services~~ youth, in accordance with procedures recommended by the director of health, shall inspect each type A home to determine compliance with those rules.

(3) The type A home is in compliance with rules promulgated by the director of ~~job~~ children and ~~family services~~ youth in cooperation with the board of building standards regarding safety and sanitation pursuant to section 3781.10 of the Revised Code.

Sec. 5104.052. The director of ~~job~~ children and ~~family services~~ youth, in cooperation with the fire marshal pursuant to section 3737.22 of the Revised Code, shall adopt rules regarding fire prevention and fire safety in licensed type B family day-care homes. In accordance with those rules, the director shall inspect each type B home that applies to be licensed that is providing or is to provide publicly funded child care.

Sec. 5104.053. As a precondition of approval by the state board of education pursuant to section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family day-care home that is not licensed by the director of ~~job~~ children and ~~family services~~ youth shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

Sec. 5104.054. Any type B family day-care home, whether

licensed or not licensed by the director of ~~job~~ children and ~~family services~~ youth, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care home.

Sec. 5104.06. (A) The director of ~~job~~ children and ~~family services~~ youth shall provide consultation, technical assistance, and training to child day-care centers, type A family day-care homes, and type B family day-care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of ~~job~~ children and ~~family services~~ youth shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of ~~job~~ children and ~~family services~~ youth may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director shall develop standards as required by federal laws and regulations for child care programs supported by federal funds.

(B)(1) ~~On or before February 28, 1992, the~~ The department of ~~job~~ children and ~~family services~~ youth shall develop a statewide

plan for child care resource and referral services. The plan shall 92398
be based upon the experiences of other states with respect to 92399
child care resource and referral services, the experiences of 92400
communities in this state that have child care resource and 92401
referral service organizations, and the needs of communities in 92402
this state that do not have child care resource and referral 92403
service organizations. The plan shall be designed to ensure that 92404
child care resource and referral services are available in each 92405
county in the state to families who need child care. The 92406
department shall consider the special needs of migrant workers 92407
when it develops the plan and shall include in the plan procedures 92408
designed to accommodate the needs of migrant workers. 92409

(2) In addition to the requirements described in division 92410
(B)(1) of this section, the plan shall include all of the 92411
following: 92412

(a) A description of the services that a child care resource 92413
and referral service organization is required to provide to 92414
families who need child care; 92415

(b) The qualifications for a child care resource and referral 92416
service organization; 92417

(c) A description of the procedures for providing federal and 92418
state funding for county or multicounty child care resource and 92419
referral service organizations; 92420

(d) A timetable for providing child care resource and 92421
referral services to all communities in the state; 92422

(e) Uniform information gathering and reporting procedures 92423
that are designed to be used in compatible computer systems; 92424

(f) Procedures for establishing statewide nonprofit technical 92425
assistance services to coordinate uniform data collection and to 92426
publish reports on child care supply, demand, and cost and to 92427
provide technical assistance to communities that do not have child 92428

care resource and referral service organizations and to existing 92429
child care resource and referral service organizations; 92430

(g) Requirements governing contracts entered into under 92431
division (C) of this section, which may include limits on the 92432
percentage of funds distributed by the department that may be used 92433
for the contracts. 92434

(C) Child care resource and referral service organizations 92435
receiving funds distributed by the department may enter into 92436
contracts with local governmental entities, nonprofit 92437
organizations including nonprofit organizations that provide child 92438
care, and individuals under which the entities, organizations, or 92439
individuals may provide child care resource and referral services 92440
in the community with those funds, if the contracts are submitted 92441
to and approved by the department prior to execution. 92442

Sec. 5104.08. (A) There is hereby created in the department 92443
of ~~job children~~ and ~~family services youth~~ a child care advisory 92444
council to advise and assist the department in the administration 92445
of this chapter and in the development of child care. The council 92446
shall consist of twenty-two voting members appointed by the 92447
director of ~~job children~~ and ~~family services youth~~ with the 92448
approval of the governor. The director of job and family services, 92449
the director of children and youth, the director of developmental 92450
disabilities, the director of mental health and addiction 92451
services, the superintendent of public instruction, the director 92452
of health, the director of commerce, and the state fire marshal 92453
shall serve as nonvoting members of the council. 92454

Six members shall be representatives of child care centers 92455
subject to licensing, the members to represent a variety of 92456
centers, including nonprofit and proprietary, from different 92457
geographical areas of the state. At least three members shall be 92458
parents, guardians, or custodians of children receiving child care 92459

or publicly funded child care in the child's own home, a center, a type A home, a head start program, a licensed type B home, or a type B home at the time of appointment. Three members shall be representatives of in-home aides, type A homes, licensed type B homes, or type B homes or head start programs. At least six members shall represent county departments of job and family services. The remaining members shall be representatives of the teaching, child development, and health professions, and other individuals interested in the welfare of children. At least six members of the council shall not be employees or licensees of a child day-care center, head start program, or type A home, or providers operating a licensed type B home or type B home, or in-home aides.

Appointments shall be for three-year terms. Vacancies shall be filled for the unexpired terms. A member of the council is subject to removal by the director of ~~job~~ children and ~~family services~~ youth for a willful and flagrant exercise of authority or power that is not authorized by law, for a refusal or willful neglect to perform any official duty as a member of the council imposed by law, or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of ~~job~~ children and ~~family services~~ youth or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses.

(B) The child care advisory council shall advise the director 92492
on matters affecting the licensing of centers, type A homes, and 92493
type B homes and the certification of in-home aides. The council 92494
shall make an annual report to the director of ~~job~~ children and 92495
~~family services~~ youth that addresses the availability, 92496
affordability, accessibility, and quality of child care and that 92497
summarizes the recommendations and plans of action that the 92498
council has proposed to the director during the preceding fiscal 92499
year. The director of ~~job~~ children and ~~family services~~ youth shall 92500
provide copies of the report to the governor, speaker and minority 92501
leader of the house of representatives, and the president and 92502
minority leader of the senate and, on request, shall make copies 92503
available to the public. 92504

(C) The director of ~~job~~ children and ~~family services~~ youth 92505
shall adopt rules in accordance with Chapter 119. of the Revised 92506
Code to implement this section. 92507

Sec. 5104.081. The department of ~~job~~ children and ~~family~~ 92508
~~services~~ youth shall employ at least one senior-level, full-time 92509
employee who shall manage and oversee all child care functions 92510
under the authority of the department. 92511

Sec. 5104.10. No employer shall discharge, demote, suspend, 92512
or threaten to discharge, demote, suspend, or in any manner 92513
discriminate against any employee based solely on the employee 92514
taking any of the following actions: 92515

(A) Making any good faith oral or written complaint to the 92516
director of ~~job~~ children and ~~family services~~ youth or other agency 92517
responsible for enforcing Chapter 5104. of the Revised Code 92518
regarding a violation of this chapter or the rules adopted 92519
pursuant to Chapter 5104. of the Revised Code; 92520

(B) Instituting or causing to be instituted any proceeding 92521

against the employer under section 5104.04 of the Revised Code; 92522

(C) Acting as a witness in any proceeding under section 92523
5104.04 of the Revised Code; 92524

(D) Refusing to perform work that constitutes a violation of 92525
Chapter 5104., or the rules adopted pursuant to Chapter 5104. of 92526
the Revised Code. 92527

Sec. 5104.12. (A)(1) A county director of job and family 92528
services may certify in-home aides to provide publicly funded 92529
child care pursuant to this chapter and any rules adopted under 92530
it. Any in-home aide who receives a certificate pursuant to this 92531
section to provide publicly funded child care is an independent 92532
contractor and is not an employee of the county department of job 92533
and family services that issues the certificate. 92534

(2) Every person desiring to receive certification as an 92535
in-home aide shall apply for certification to a county director of 92536
job and family services on such forms as the director of ~~job~~ 92537
children and ~~family services~~ youth prescribes. A county director 92538
shall provide at no charge to each applicant a copy of rules for 92539
certifying in-home aides adopted pursuant to this chapter. 92540

(B) To be eligible for certification as an in-home aide, a 92541
person shall not be either of the following: 92542

(1) The owner of a center or home whose license was revoked 92543
pursuant to section 5104.04 of the Revised Code within the 92544
previous five years; 92545

(2) An in-home aide whose certificate was revoked under 92546
division (C)(2) of this section within the previous five years. 92547

(C)(1) If the county director of job and family services 92548
determines that the applicant complies with this chapter and any 92549
rules adopted under it, the county director shall certify the 92550
person as an in-home aide and issue the person a certificate to 92551

provide publicly funded child care for twenty-four months. The 92552
county director shall furnish a copy of the certificate to the 92553
parent, custodian, or guardian. The certificate shall state the 92554
name and address of the in-home aide, the expiration date of the 92555
certification, and the name and telephone number of the county 92556
director who issued the certificate. 92557

(2) The county director may revoke the certificate in either 92558
of the following circumstances: 92559

(a) The county director determines, pursuant to rules adopted 92560
under Chapter 119. of the Revised Code, that revocation is 92561
necessary; 92562

(b) The in-home aide does not comply with division (C)(2) of 92563
section 5104.32 of the Revised Code. 92564

(D)(1) The county director of job and family services shall 92565
inspect every home of a child who is receiving publicly funded 92566
child care in the child's own home while the in-home aide is 92567
providing the services. Inspections may be unannounced. Upon 92568
receipt of a complaint, the county director shall investigate the 92569
in-home aide, shall investigate the home of a child who is 92570
receiving publicly funded child care in the child's own home, and 92571
division (D)(2) of this section applies regarding the complaint. 92572
The caretaker parent shall permit the county director to inspect 92573
any part of the child's home. The county director shall prepare a 92574
written inspection report and furnish one copy each to the in-home 92575
aide and the caretaker parent within a reasonable time after the 92576
inspection. 92577

(2) Upon receipt of a complaint as described in division 92578
(D)(1) of this section, in addition to the investigations that are 92579
required under that division, both of the following apply: 92580

(a) If the complaint alleges that a child suffered physical 92581
harm while receiving publicly funded child care in the child's own 92582

home from an in-home aide or that the noncompliance with law or 92583
act alleged in the complaint involved, resulted in, or poses a 92584
substantial risk of physical harm to a child receiving publicly 92585
funded child care in the child's own home from an in-home aide, 92586
the county director shall inspect the home of the child. 92587

(b) If division (D)(2)(a) of this section does not apply 92588
regarding the complaint, the county director may inspect the home 92589
of the child. 92590

(3) Division (D)(2) of this section does not limit, restrict, 92591
or negate any duty of the county director to inspect a home of a 92592
child who is receiving publicly funded child care from an in-home 92593
aide that otherwise is imposed under this section, or any 92594
authority of the county director to inspect such a home that 92595
otherwise is granted under this section when the county director 92596
believes the inspection is necessary and it is permitted under the 92597
grant. 92598

Sec. 5104.13. The department of ~~job~~ children and ~~family~~ 92599
~~services~~ youth shall prepare a guide describing the state statutes 92600
and rules governing the licensure of type B family day-care homes. 92601
The department may publish the guide electronically or otherwise 92602
and shall do so in a manner that the guide is accessible to the 92603
public, including type B home providers. 92604
92605

Sec. 5104.14. All materials that are supplied by the 92606
department of ~~job~~ children and ~~family services~~ youth to type A 92607
family day-care home providers, type B family day-care home 92608
providers, in-home aides, persons seeking to be type A family 92609
day-care home providers, type B family day-care home providers, or 92610
in-home aides, and caretaker parents shall be written at no higher 92611
than the sixth grade reading level. The department may employ a 92612

readability expert to verify its compliance with this section. 92613

Sec. 5104.21. (A) The department of ~~job~~ children and ~~family~~ services youth shall register child day camps and enforce this 92614
section and sections 5104.211 and 5104.22 of the Revised Code and 92615
the rules adopted pursuant to those sections. No person, firm, 92616
organization, institution, or agency shall operate a child day 92617
camp without annually registering with the department. 92618
92619

(B) A person, firm, institution, organization, or agency 92620
operating any of the following programs is exempt from the 92621
provisions of this section and sections 5104.211 and 5104.22 of 92622
the Revised Code: 92623

(1) A child day camp that operates for two consecutive weeks 92624
or less and for no more than a total of two weeks during each 92625
calendar year; 92626

(2) Supervised training, instruction, or activities of 92627
children that is conducted on an organized or periodic basis in 92628
specific areas or in a combination of areas for a maximum of eight 92629
hours each week, including art, drama, dance, music, athletic 92630
skill or sport, computers, or an educational subject; 92631

(3) Programs in which the department determines that at least 92632
one parent, custodian, or guardian of each child attending or 92633
participating in the child day camp is on the child day camp 92634
activity site and is readily accessible at all times, except that 92635
a child day camp on the premises of a parent's, custodian's, or 92636
guardian's place of employment shall be registered in accordance 92637
with division (A) of this section; 92638

(4) Child day camps regulated by any state department other 92639
than the department of ~~job~~ children and ~~family services~~ youth; 92640

(5) A program that provides activities for children who are 92641
five years of age or older and is operated by any county, 92642

township, municipal corporation, township park district created 92643
under section 511.18 of the Revised Code, park district created 92644
under section 1545.04 of the Revised Code, or joint recreation 92645
district established under section 755.04 of the Revised Code. 92646

(C) A person, firm, organization, institution, or agency 92647
operating a child day camp that is exempt under division (B) of 92648
this section from registering under division (A) of this section 92649
may elect to register itself under division (A) of this section. 92650
All requirements of this section and the rules adopted pursuant to 92651
this section shall apply to any exempt child day camp that so 92652
elects to register. 92653

(D) The director of ~~job~~ children and ~~family services~~ youth 92654
shall adopt pursuant to Chapter 119. of the Revised Code rules 92655
prescribing the registration form and establishing the procedure 92656
for the child day camps to register. The form shall state both of 92657
the following: 92658

(1) That the child day camp administrator or the 92659
administrator's representative agrees to provide the parents of 92660
each school-age child who attends or participates in that child 92661
day camp with the telephone number of the county department of 92662
health and the public children services agency of the county in 92663
which the child day camp is located; 92664

(2) That the child day camp administrator or the 92665
administrator's representative agrees to permit a public children 92666
services agency or the county department of health to review or 92667
inspect the child day camp if a complaint is made to that 92668
department or any other state department or public children 92669
services agency against that child day camp. 92670

(E) The department may charge a fee to register a child day 92671
camp. The fee for each child day camp shall be twenty-five 92672
dollars. No organization that operates, or owner of, child day 92673

camps shall pay a fee that exceeds two hundred fifty dollars for 92674
all of its child day camps. 92675

(F) If a child day camp that is required to register under 92676
this section fails to register with the department in accordance 92677
with this section or the rules adopted pursuant to it or if a 92678
child day camp that files a registration form under this section 92679
knowingly provides false or misleading information on the 92680
registration form, the department shall require the child day camp 92681
to register or register correctly and to pay a registration fee 92682
that equals three times the registration fee as set forth in 92683
division (E) of this section. 92684

(G) A child day camp administrator or the administrator's 92685
representative shall provide the parents of each school-age child 92686
who attends or participates in that child day camp with both of 92687
the following: 92688

(1) Telephone numbers of the county department of health and 92689
the county public children services agency of the county in which 92690
the child day camp is located; 92691

(2) A statement that the parents may contact the county 92692
department or agency to make a complaint regarding the child day 92693
camp. 92694

Sec. 5104.211. (A) The director of ~~job children~~ and ~~family~~ 92695
~~services~~ youth may periodically conduct a random sampling of child 92696
day camps to determine compliance with section 5104.013 of the 92697
Revised Code. 92698

(B)(1) No child day camp shall fail to comply with section 92699
5104.013 of the Revised Code in regards to a person it appoints or 92700
employs. 92701

(2) If the director determines that a camp has violated 92702
division (B)(1) of this section, the director shall do both of the 92703

following: 92704

(a) Consider imposing a civil penalty on the camp in an amount that shall not exceed ten per cent of the camp's gross revenues for the full month immediately preceding the month in which the violation occurred. If the camp was not operating for the entire calendar month preceding the month in which the violation occurred, the penalty shall be five hundred dollars. 92705
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(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 92711
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92713

(3) If, within the specified period of time, the camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the director shall do both of the following: 92714
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92718

(a) Impose a civil penalty in an amount that is not less than the amount previously imposed and that does not exceed twice the amount permitted by division (B)(2)(a) of this section; 92719
92720
92721

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 92722
92723
92724

(C) If the director determines that a child day camp has violated division (B)(1) of this section, the director may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 5104.013 of the Revised Code. 92725
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(D) The director may include on the web site of the department of ~~job children~~ and ~~family services~~ youth a list of 92733
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child day camps that the director has determined to not be in 92735
compliance with the criminal records check requirements of section 92736
5104.013 of the Revised Code. The director shall remove a camp's 92737
name from the list when the camp demonstrates to the director that 92738
the camp is in compliance with that section. 92739

(E) For the purposes of divisions (C) and (D) of this 92740
section, a child day camp will be considered to be in compliance 92741
with section 5104.013 of the Revised Code by doing any of the 92742
following: 92743

(1) Requesting that the bureau of criminal identification and 92744
investigation conduct a criminal records check regarding the 92745
person who is the subject of the violation of division (B)(1) of 92746
this section and, if the person does not qualify for the 92747
appointment or employment, releasing the person from the 92748
appointment or employment; 92749

(2) Releasing the person who is the subject of the violation 92750
from the appointment or employment. 92751

(F) The attorney general shall commence and prosecute to 92752
judgment a civil action in a court of competent jurisdiction to 92753
collect any civil penalty imposed under this section that remains 92754
unpaid. 92755

(G) This section does not apply to a child day camp that is 92756
an approved child day camp. 92757

Sec. 5104.22. (A) The director of children and ~~family~~ 92758
~~services youth~~, ~~no later than September 1, 1993,~~ and pursuant to 92759
Chapter 119. of the Revised Code, shall adopt rules establishing a 92760
procedure and standards for the approval of child day camps that 92761
will enable an approved child day camp to receive public moneys 92762
pursuant to sections 5104.30 to 5104.39 of the Revised Code. The 92763
department of ~~job~~ children and ~~family services youth~~ may charge a 92764

reasonable fee to inspect a child day camp to determine whether 92765
that child day camp meets the standards set forth in this section 92766
or in the rules adopted under this section. The department shall 92767
approve any child day camp that meets both of the following: 92768

(1) The department inspects the camp and determines that it 92769
meets the standards established in rules adopted under this 92770
section; 92771

(2) The camp is accredited by the American camp association 92772
or a nationally recognized organization that accredits child day 92773
camps by using standards that the department has determined are 92774
substantially similar and comparable to those of the American camp 92775
association. The department shall approve a child day camp for a 92776
period of one year and shall inspect an approved child day camp on 92777
an annual basis. 92778

(B) An approved child day camp shall comply with this section 92779
and section 5104.21 of the Revised Code and the rules adopted 92780
pursuant to those sections. If an approved child day camp is not 92781
in substantial compliance with those sections or rules at any 92782
time, the department shall terminate the child day camp's approval 92783
until the child day camp complies with those sections and rules or 92784
for a period of two years, whichever period is longer. 92785

Sec. 5104.25. (A) Except as otherwise provided in division 92786
(C) of this section, no child day-care center shall permit any 92787
person to smoke in any indoor or outdoor space that is part of the 92788
center. 92789

The administrator of a child day-care center shall post in a 92790
conspicuous place at the main entrance of the center a notice 92791
stating that smoking is prohibited in any indoor or outdoor space 92792
that is part of the center, except under the conditions described 92793
in division (C) of this section. 92794

(B) Except as otherwise provided in division (C) of this section, no type A family day-care home or licensed type B family day-care home shall permit any person to smoke in any indoor or outdoor space that is part of the home during the hours the home is in operation. Smoking may be permitted during hours other than the hours of operation if the administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family day-care home or a licensed type B family day-care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child day-care center, type A family day-care home, or licensed type B family home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of ~~job~~ children and ~~family services~~ youth, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child day-care center, type A family day-care home, or licensed type B family home if its design and structure do not allow

persons to smoke under the conditions described in division (C) of 92826
this section or if repeated violations of division (A) or (B) of 92827
this section have occurred there. 92828

Sec. 5104.29. (A) As used in this section, "early learning 92829
and development program" has the same meaning as "licensed child 92830
care program" as defined in section 5104.01 of the Revised Code. 92831

(B) There is hereby created in the department of ~~job children~~ 92832
and ~~family services~~ youth the step up to quality program, under 92833
which the department of ~~job children~~ and ~~family services~~ youth, in 92834
cooperation with the department of education, shall develop a 92835
tiered quality rating and improvement system for all early 92836
learning and development programs in this state. The step up to 92837
quality program shall include all of the following components: 92838

(1) Quality program standards for early learning and 92839
development programs; 92840

(2) Accountability measures that include tiered ratings 92841
representing each program's level of quality; 92842

(3) Program and provider outreach and support to help 92843
programs meet higher standards and promote participation in the 92844
step up to quality program; 92845

(4) Financial incentives for early learning and development 92846
programs that provide publicly funded child care and are linked to 92847
achieving and maintaining quality standards; 92848

(5) Parent and consumer education to help parents learn about 92849
program quality and ratings so they can make informed choices on 92850
behalf of their children. 92851

(C) The step up to quality program shall have the following 92852
goals: 92853

(1) Increasing the number of low-income children, special 92854
needs children, and children with limited English proficiency 92855

participating in quality early learning and development programs; 92856

(2) Providing families with an easy-to-use tool for 92857
evaluating the quality of early learning and development programs; 92858

(3) Recognizing and supporting early learning and development 92859
programs that achieve higher levels of quality; 92860

(4) Providing incentives and supports to help early learning 92861
and development programs implement continuous quality improvement 92862
systems. 92863

(D) Under the step up to quality program, participating early 92864
learning and development programs may be eligible for grants, 92865
technical assistance, training, and other assistance. Programs 92866
that maintain a quality rating may be eligible for unrestricted 92867
monetary awards. 92868

(E) The tiered ratings developed pursuant to this section 92869
shall be based on an early learning and development program's 92870
performance in meeting program standards in the following four 92871
domains: 92872

(1) Learning and development; 92873

(2) Administration and leadership practices; 92874

(3) Staff quality and professional development; 92875

(4) Family and community partnerships. 92876

(F) The director of ~~job children and family services youth~~, 92877
in collaboration with the superintendent of public instruction, 92878
shall adopt rules in accordance with Chapter 119. of the Revised 92879
Code to implement the step up to quality program described in this 92880
section. 92881

Sec. 5104.30. (A) The department of ~~job children and family~~ 92882
~~services youth~~ is hereby designated as the state agency 92883
responsible for administration and coordination of federal and 92884

state funding for publicly funded child care in this state. 92885

Publicly funded child care shall be provided to the following: 92886

(1) Recipients of transitional child care as provided under 92887
section 5104.34 of the Revised Code; 92888

(2) Participants in the Ohio works first program established 92889
under Chapter 5107. of the Revised Code; 92890

(3) Individuals who would be participating in the Ohio works 92891
first program if not for a sanction under section 5107.16 of the 92892
Revised Code and who continue to participate in a work activity, 92893
developmental activity, or alternative work activity pursuant to 92894
an assignment under section 5107.42 of the Revised Code; 92895

(4) A family receiving publicly funded child care on October 92896
1, 1997, until the family's income reaches one hundred fifty per 92897
cent of the federal poverty line; 92898

(5) Subject to available funds, other individuals determined 92899
eligible in accordance with rules adopted under section 5104.38 of 92900
the Revised Code. 92901

The department shall apply to the United States department of 92902
health and human services for authority to operate a coordinated 92903
program for publicly funded child care, if the director of ~~job~~ 92904
children and ~~family services~~ youth determines that the application 92905
is necessary. For purposes of this section, the department of ~~job~~ 92906
children and ~~family services~~ youth may enter into agreements with 92907
other state agencies that are involved in regulation or funding of 92908
child care. The department shall consider the special needs of 92909
migrant workers when it administers and coordinates publicly 92910
funded child care and shall develop appropriate procedures for 92911
accommodating the needs of migrant workers for publicly funded 92912
child care. 92913

(B) The department of ~~job~~ children and ~~family services~~ youth 92914

shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and

related programs. If authorized by rules adopted by the department 92945
pursuant to section 5104.42 of the Revised Code, county 92946
departments of job and family services may purchase child care 92947
from funds obtained through any other means. 92948

(D) The department shall encourage the development of 92949
suitable child care throughout the state, especially in areas with 92950
high concentrations of recipients of public assistance and 92951
families with low incomes. The department shall encourage the 92952
development of suitable child care designed to accommodate the 92953
special needs of migrant workers. On request, the department, 92954
through its employees or contracts with state or community child 92955
care resource and referral service organizations, shall provide 92956
consultation to groups and individuals interested in developing 92957
child care. The department of ~~job children~~ and ~~family services~~ 92958
youth may enter into interagency agreements with the department of 92959
education, the chancellor of higher education, the department of 92960
development, and other state agencies and entities whenever the 92961
cooperative efforts of the other state agencies and entities are 92962
necessary for the department of ~~job children~~ and ~~family services~~ 92963
youth to fulfill its duties and responsibilities under this 92964
chapter. 92965

The department shall develop and maintain a registry of 92966
persons providing child care. The director shall adopt rules in 92967
accordance with Chapter 119. of the Revised Code establishing 92968
procedures and requirements for the registry's administration. 92969

(E)(1) The director shall adopt rules in accordance with 92970
Chapter 119. of the Revised Code establishing both of the 92971
following: 92972

(a) Reimbursement rates for providers of publicly funded 92973
child care not later than the first day of July in each 92974
odd-numbered year; 92975

(b) A procedure for reimbursing and paying providers of publicly funded child care.	92976 92977
(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:	92978 92979 92980
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	92981 92982
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	92983 92984 92985
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.	92986 92987 92988 92989
(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:	92990 92991 92992
(a) Geographic location of the provider;	92993
(b) Type of care provided;	92994
(c) Age of the child served;	92995
(d) Special needs of the child served;	92996
(e) Whether the expanded hours of service are provided;	92997
(f) Whether weekend service is provided;	92998
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	92999 93000
(h) Any other factors the director considers appropriate.	93001
Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent	93002 93003

cooperative child day-care centers and parent cooperative type A 93004
family day-care homes for recipients of publicly funded child 93005
care. A program established under this section may include any of 93006
the following: 93007

(A) Recruitment of parents interested in organizing a parent 93008
cooperative child day-care center or parent cooperative type A 93009
family day-care home; 93010

(B) Provision of technical assistance in organizing a parent 93011
cooperative child day-care center or parent cooperative type A 93012
family day-care home; 93013

(C) Assistance in the developing, conducting, and 93014
disseminating training for parents interested in organizing a 93015
parent cooperative child day-care center or parent cooperative 93016
type A family day-care home. 93017

A county department that implements a program under this 93018
section shall receive from funds available under the child care 93019
block grant act a five thousand dollar incentive payment for each 93020
parent cooperative child day-care center or parent cooperative 93021
type A family day-care home organized pursuant to this section. 93022

Parents of children enrolled in a parent cooperative child 93023
day-care center or parent cooperative type A family day-care home 93024
pursuant to this section shall be required to work in the center 93025
or home a minimum of four hours per week. 93026

The director of ~~job~~ children and ~~family services~~ youth shall 93027
adopt rules governing the establishment and operation of programs 93028
under this section. 93029

Sec. 5104.31. (A) Publicly funded child care may be provided 93030
only by the following: 93031

(1) Any of the following licensed by the department of ~~job~~ 93032
children and ~~family services~~ youth pursuant to section 5104.03 of 93033

the Revised Code or pursuant to rules adopted under section 93034
5104.018 of the Revised Code: 93035

(a) A child day-care center, including a parent cooperative 93036
child day-care center; 93037

(b) A type A family day-care home, including a parent 93038
cooperative type A family day-care home; 93039

(c) A licensed type B family day-care home. 93040

(2) An in-home aide who has been certified by the county 93041
department of job and family services pursuant to section 5104.12 93042
of the Revised Code; 93043

(3) A child day camp approved pursuant to section 5104.22 of 93044
the Revised Code; 93045

(4) A licensed preschool program; 93046

(5) A licensed school child program; 93047

(6) A border state child care provider, except that a border 93048
state child care provider may provide publicly funded child care 93049
only to an individual who resides in an Ohio county that borders 93050
the state in which the provider is located. 93051

(B) Publicly funded child day-care may be provided in a 93052
child's own home only by an in-home aide. 93053

(C)(1) Except as provided in division (C)(2) of this section, 93054
a licensed child care program may provide publicly funded child 93055
care only if the program is rated through the step up to quality 93056
program established pursuant to section 5104.29 of the Revised 93057
Code. 93058

(2) A licensed child care program that is any of the 93059
following may provide publicly funded child care without being 93060
rated through the step up to quality program: 93061

(a) A program that operates only during the summer and for 93062

not more than fifteen consecutive weeks;	93063
(b) A program that operates only during school breaks;	93064
(c) A program that operates only on weekday evenings, weekends, or both;	93065 93066
(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;	93067 93068
(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;	93069 93070 93071
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;	93072 93073 93074
(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;	93075 93076
(h) A program that is a type A family day-care home or licensed type B family day-care home.	93077 93078
Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job children and family services <u>youth</u> . All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure	93079 93080 93081 93082 93083 93084 93085 93086 93087 93088 93089 93090 93091 93092

of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child care or the reimbursement rate of payment established pursuant to section 5104.30 of the Revised Code;

(2) That, if a provider provides child care to an individual potentially eligible for publicly funded child care who is subsequently determined to be eligible, the department agrees to pay for all child care provided between the date the county department of job and family services receives the individual's completed application and the date the individual's eligibility is determined;

(3) Whether the county department of job and family services, the provider, or a child care resource and referral service organization will make eligibility determinations, whether the provider or a child care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(4) That the provider, other than a border state child care

provider, shall continue to be licensed, approved, or certified 93124
pursuant to this chapter and shall comply with all standards and 93125
other requirements in this chapter and in rules adopted pursuant 93126
to this chapter for maintaining the provider's license, approval, 93127
or certification; 93128

(5) That, in the case of a border state child care provider, 93129
the provider shall continue to be licensed, certified, or 93130
otherwise approved by the state in which the provider is located 93131
and shall comply with all standards and other requirements 93132
established by that state for maintaining the provider's license, 93133
certificate, or other approval; 93134

(6) Whether the provider will be paid by the ~~state~~ department 93135
of ~~job~~ children and ~~family services~~ youth or in some other manner 93136
as prescribed by rules adopted under section 5104.42 of the 93137
Revised Code; 93138

(7) That the contract is subject to the availability of state 93139
and federal funds. 93140

(C)(1) The department shall establish an automated child care 93141
system to track attendance and calculate payments for publicly 93142
funded child care. 93143

(2) Each eligible provider that provides publicly funded 93144
child care shall participate in the automated child care system. A 93145
provider participating in the system shall not do any of the 93146
following: 93147

(a) Use or have possession of a personal identification 93148
number or password issued to a caretaker parent under the 93149
automated child care system; 93150

(b) Falsify attendance records; 93151

(c) Knowingly seek or accept payment for publicly funded 93152
child care that was not provided or for which the provider was not 93153

eligible; 93154

(d) Knowingly seek or accept payment for child care provided 93155
to a child who resides in the provider's own home. 93156

(D) The department may withhold any money due under this 93157
chapter and may recover through any appropriate method any money 93158
erroneously paid under this chapter if evidence demonstrates that 93159
a provider of publicly funded child care failed to comply with 93160
either of the following: 93161

(1) The terms of the contract entered into under this 93162
section; 93163

(2) This chapter or any rules adopted under it. 93164

(E) If the department has evidence that a provider has 93165
employed an individual who is ineligible for employment under 93166
section 5104.013 of the Revised Code and the provider has not 93167
released the individual from employment upon notice that the 93168
individual is ineligible, the department may terminate immediately 93169
the contract entered into under this section to provide publicly 93170
funded child care. 93171

(F) Any decision by the department concerning publicly funded 93172
child care, including the recovery of funds, overpayment 93173
determinations, and contract terminations is final and is not 93174
subject to appeal, hearing, or further review under Chapter 119. 93175
of the Revised Code. 93176

Sec. 5104.33. (A) The department of ~~job~~ children and family 93177
~~services~~ youth shall prescribe an application form for use in 93178
making eligibility determinations for publicly funded child care. 93179
The form shall be as brief and simple as practicable. 93180

(B) In administering the process of applying for publicly 93181
funded child care, the county department of job and family 93182
services shall implement policies designed to ensure that the 93183

application process is as accessible to the public as possible. 93184
These policies shall include making the application forms 93185
available at appropriate locations selected by the county 93186
department and making arrangements that enable applicants to 93187
complete the application process at times outside their normal 93188
working hours, and at locations, convenient for them. The 93189
arrangements may include stationing certain of their employees at 93190
various sites in the county for the purpose of assisting 93191
applicants in completing the application process and of making 93192
eligibility determinations at those locations. The arrangements 93193
may also include providing training and technical assistance to 93194
appropriate entities that qualify them to provide assistance in 93195
completing the application process and, to the extent permitted by 93196
federal law, to make eligibility determinations. 93197

Each county department of job and family services shall 93198
submit to the department of ~~job~~ children and ~~family services~~ youth 93199
for approval its plan for ensuring that the application process is 93200
as accessible to the public as possible and complies with this 93201
division. The county department shall make any changes to its plan 93202
that the department determines are necessary for compliance with 93203
this division and with any state standards adopted for the 93204
administration of this division. 93205

Sec. 5104.34. (A)(1) Each county department of job and family 93206
services shall implement procedures for making determinations of 93207
eligibility for publicly funded child care. Under those 93208
procedures, the eligibility determination for each applicant shall 93209
be made no later than thirty calendar days from the date the 93210
county department receives a completed application for publicly 93211
funded child care. Each applicant shall be notified promptly of 93212
the results of the eligibility determination. An applicant 93213
aggrieved by a decision or delay in making an eligibility 93214
determination may appeal the decision or delay to the department 93215

of ~~job~~ children and ~~family services~~ youth in accordance with 93216
section 5101.35 of the Revised Code. The due process rights of 93217
applicants shall be protected. 93218

To the extent permitted by federal law, the county department 93219
may make all determinations of eligibility for publicly funded 93220
child care, may contract with child care providers or child care 93221
resource and referral service organizations for the providers or 93222
resource and referral service organizations to make all or any 93223
part of the determinations, and may contract with child care 93224
providers or child care resource and referral service 93225
organizations for the providers or resource and referral service 93226
organizations to collect specified information for use by the 93227
county department in making determinations. If a county department 93228
contracts with a child care provider or a child care resource and 93229
referral service organization for eligibility determinations or 93230
for the collection of information, the contract shall require the 93231
provider or resource and referral service organization to make 93232
each eligibility determination no later than thirty calendar days 93233
from the date the provider or resource and referral organization 93234
receives a completed application that is the basis of the 93235
determination and to collect and transmit all necessary 93236
information to the county department within a period of time that 93237
enables the county department to make each eligibility 93238
determination no later than thirty days after the filing of the 93239
application that is the basis of the determination. 93240

The county department may station employees of the department 93241
in various locations throughout the county to collect information 93242
relevant to applications for publicly funded child care and to 93243
make eligibility determinations. The county department, child care 93244
provider, and child care resource and referral service 93245
organization shall make each determination of eligibility for 93246
publicly funded child care no later than thirty days after the 93247

filing of the application that is the basis of the determination, 93248
shall make each determination in accordance with any relevant 93249
rules adopted pursuant to section 5104.38 of the Revised Code, and 93250
shall notify promptly each applicant for publicly funded child 93251
care of the results of the determination of the applicant's 93252
eligibility. 93253

The director of ~~job children~~ and ~~family services~~ youth shall 93254
adopt rules in accordance with Chapter 119. of the Revised Code 93255
for monitoring the eligibility determination process. In 93256
accordance with those rules, the state department shall monitor 93257
eligibility determinations made by county departments of job and 93258
family services and shall direct any entity that is not in 93259
compliance with this division or any rule adopted under this 93260
division to implement corrective action specified by the 93261
department. 93262

(2)(a) All eligibility determinations for publicly funded 93263
child care shall be made in accordance with rules adopted pursuant 93264
to division (A) of section 5104.38 of the Revised Code. Except as 93265
otherwise provided in this section, all of the following apply: 93266

(i) Publicly funded child care may be provided only to 93267
eligible infants, toddlers, preschool-age children, school-age 93268
children under age thirteen, or children receiving special needs 93269
child care. 93270

(ii) For an applicant to be eligible for publicly funded 93271
child care, the caretaker parent must be employed or participating 93272
in a program of education or training for an amount of time 93273
reasonably related to the time that the parent's children are 93274
receiving publicly funded child care. This restriction does not 93275
apply to families whose children are eligible for protective child 93276
care. 93277

(iii) The eligibility period for publicly funded child care 93278

shall be at least twelve months. 93279

(b) In accordance with rules adopted under division (B) of 93280
section 5104.38 of the Revised Code, an applicant may receive 93281
publicly funded child care while the county department determines 93282
eligibility. An applicant may receive publicly funded child care 93283
while a county department determines eligibility only once during 93284
a twelve-month period. If the county department determines that an 93285
applicant is not eligible for publicly funded child care, the 93286
child care provider shall be paid for providing publicly funded 93287
child care for up to five days after that determination if the 93288
county department received a completed application with all 93289
required documentation. A program may appeal a denial of payment 93290
under this division. 93291

(c) If a caretaker parent who has been determined eligible to 93292
receive publicly funded child care no longer meets the 93293
requirements of division (A)(2)(a)(ii) of this section, the 93294
caretaker parent may continue to receive publicly funded child 93295
care for a period of at least three but not more than four months 93296
not to extend beyond the caretaker parent's eligibility period. 93297

(d) If a child turns thirteen, or if a child receiving 93298
special needs child care turns eighteen, during the eligibility 93299
period, the caretaker parent may continue to receive publicly 93300
funded child care until the end of that eligibility period. 93301

Subject to available funds, the department of ~~job~~ children 93302
and ~~family services~~ youth shall allow a family to receive publicly 93303
funded child care unless the family's income exceeds the maximum 93304
income eligibility limit. Initial and continued eligibility for 93305
publicly funded child care is subject to available funds unless 93306
the family is receiving child care pursuant to division (A)(1), 93307
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 93308
department must limit eligibility due to lack of available funds, 93309
it shall give first priority for publicly funded child care to an 93310

assistance group whose income is not more than the maximum income 93311
eligibility limit that received transitional child care in the 93312
previous month but is no longer eligible because the eligibility 93313
period has expired. Such an assistance group shall continue to 93314
receive priority for publicly funded child care until its income 93315
exceeds the maximum income eligibility limit. 93316

(3) An assistance group that ceases to participate in the 93317
Ohio works first program established under Chapter 5107. of the 93318
Revised Code is eligible for transitional child care at any time 93319
during the immediately following twelve-month period that both of 93320
the following apply: 93321

(a) The assistance group requires child care due to 93322
employment; 93323

(b) The assistance group's income is not more than one 93324
hundred fifty per cent of the federal poverty line. 93325

An assistance group ineligible to participate in the Ohio 93326
works first program pursuant to section 5101.83 or section 5107.16 93327
of the Revised Code is not eligible for transitional child care. 93328

(B) To the extent permitted by federal law, the department of 93329
~~job children~~ and ~~family services youth~~ may require a caretaker 93330
parent determined to be eligible for publicly funded child care to 93331
pay a fee according to the schedule of fees established in rules 93332
adopted under section 5104.38 of the Revised Code. The department 93333
shall make protective child care services and homeless child care 93334
services available to children without regard to the income or 93335
assets of the caretaker parent of the child. 93336

(C) A caretaker parent receiving publicly funded child care 93337
shall report to the entity that determined eligibility any changes 93338
in status with respect to employment or participation in a program 93339
of education or training not later than ten calendar days after 93340
the change occurs. 93341

(D) If the department of ~~job children~~ and ~~family services~~ youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.36. The licensee or administrator of a child day-care center, type A family day-care home, or licensed type B family day-care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of ~~job children~~ and ~~family services~~ youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;	93372
(C) The name and address of the caretaker parent's place of employment or program of education or training;	93373 93374
(D) The hours for which child care services have been provided for the child;	93375 93376
(E) Any other information required by the county department of job and family services or the state department of job children and family services <u>youth</u> .	93377 93378 93379
Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of job children and family services <u>youth</u> shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:	93380 93381 93382 93383 93384 93385
(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.	93386 93387 93388 93389 93390 93391 93392 93393 93394 93395 93396 93397
(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a child care provider may appeal a denial of payment	93398 93399 93400 93401

under division (A)(2)(b) of section 5104.34 of the Revised Code; 93402

(C) A schedule of fees requiring all eligible caretaker 93403
parents to pay a fee for publicly funded child care according to 93404
income and family size, which shall be uniform for all types of 93405
publicly funded child care, except as authorized by rule, and, to 93406
the extent permitted by federal law, shall permit the use of state 93407
and federal funds to pay the customary deposits and other advance 93408
payments that a provider charges all children who receive child 93409
care from that provider. 93410

(D) A formula for determining the amount of state and federal 93411
funds appropriated for publicly funded child care that may be 93412
allocated to a county department to use for administrative 93413
purposes; 93414

(E) Procedures to be followed by the department and county 93415
departments in recruiting individuals and groups to become 93416
providers of child care; 93417

(F) Procedures to be followed in establishing state or local 93418
programs designed to assist individuals who are eligible for 93419
publicly funded child care in identifying the resources available 93420
to them and to refer the individuals to appropriate sources to 93421
obtain child care; 93422

(G) Procedures to deal with fraud and abuse committed by 93423
either recipients or providers of publicly funded child care; 93424

(H) Procedures for establishing a child care grant or loan 93425
program in accordance with the child care block grant act; 93426

(I) Standards and procedures for applicants to apply for 93427
grants and loans, and for the department to make grants and loans; 93428

(J) A definition of "person who stands in loco parentis" for 93429
the purposes of division (LL)(3) of section 5104.01 of the Revised 93430
Code; 93431

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

Sec. 5104.382. In adopting rules under division (A) of section 5104.38 of the Revised Code establishing criteria for eligibility for publicly funded child care, the director of ~~job children~~ and ~~family services youth~~ may prescribe the amount, duration, and scope of benefits available as publicly funded child care.

Sec. 5104.39. (A) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules in accordance with Chapter 119 of the Revised Code establishing a procedure for monitoring the expenditures for publicly funded child care to ensure that

expenditures do not exceed the available federal and state funds 93462
for publicly funded child care. The department of ~~job~~ children and 93463
~~family services~~ youth, with the assistance of the office of budget 93464
and management and the child care advisory council created 93465
pursuant to section 5104.08 of the Revised Code, shall monitor the 93466
anticipated future expenditures for publicly funded child care and 93467
shall compare those anticipated future expenditures to available 93468
federal and state funds for publicly funded child care. Whenever 93469
the department determines that the anticipated future expenditures 93470
for publicly funded child care will exceed the available federal 93471
and state funds, the department shall promptly notify the county 93472
departments of job and family services and, before the available 93473
state and federal funds are used, the director shall issue and 93474
implement an administrative order that shall specify both of the 93475
following: 93476

(1) Priorities for expending the remaining available federal 93477
and state funds for publicly funded child care; 93478

(2) Instructions and procedures to be used by the county 93479
departments regarding eligibility determinations. 93480

(B) The order may do any or all of the following: 93481

(1) Suspend enrollment of all new participants in any program 93482
of publicly funded child care; 93483

(2) Limit enrollment of new participants to those with 93484
incomes at or below a specified percentage of the federal poverty 93485
line; 93486

(3) Disenroll existing participants with income above a 93487
specified percentage of the federal poverty line; 93488

(4) Change the schedule of fees paid by eligible caretaker 93489
parents that has been established pursuant to section 5104.38 of 93490
the Revised Code; 93491

(5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code. 93492
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(C) Each county department shall comply with the order no later than thirty days after it is issued. 93495
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(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued. 93497
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(E) The department of ~~job~~ children and ~~family services~~ youth shall do all of the following: 93508
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(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code; 93510
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(2) Prepare reports based upon the evaluations that specify for each county the number of participants and amount of expenditures; 93513
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(3) Provide copies of the reports to both houses of the general assembly and, on request, to interested parties. 93516
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Sec. 5104.42. (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules pursuant to section 111.15 of the Revised Code establishing a payment procedure for publicly funded child care. 93518
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(B) The director, by rule adopted in accordance with section 111.15 of the Revised Code, may establish a methodology for allocating the state and federal funds appropriated for publicly funded child care.

Sec. 5104.44. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

Sec. ~~3301.90~~ 5104.50. The governor shall create the early childhood advisory council in accordance with 42 U.S.C. 9837b(b)(1) and shall appoint one of its members to serve as chairperson of the council. The council shall serve as the state advisory council on early childhood education and care, as described in 42 U.S.C. 9837b(b)(1). In addition to the duties specified in 42 U.S.C. 9837b(b)(1), the council shall promote family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.

Sec. 5104.51. The department of children and youth shall license a preschool program pursuant to sections 3301.52 to 3301.59 of the Revised Code.

Sec. 5104.52. (A) The department of children and youth shall develop a diagnostic assessment designed to measure each student's readiness for kindergarten. The kindergarten readiness assessment shall not include components to identify gifted students. Blank copies of the kindergarten readiness assessment shall be public

records. 93551

(B) When the kindergarten readiness assessment has been 93552
completed, the department shall inform all school districts of its 93553
completion and the department shall make the kindergarten 93554
readiness assessment available to districts at no cost to the 93555
district. 93556

(C) School districts shall administer the kindergarten 93557
readiness assessment pursuant to section 3301.0715 of the Revised 93558
Code beginning the first school year following the development of 93559
the kindergarten readiness assessment. Prior to that school year, 93560
school districts shall administer the kindergarten readiness 93561
assessment that was developed by the department of education under 93562
section 3301.0715 of the Revised as it existed prior to the 93563
effective date of this section. 93564

Sec. 5107.24. (A) As used in this section: 93565

(1) "Adult-supervised living arrangement" means a family 93566
setting approved, licensed, or certified by the department of job 93567
and family services, the department of mental health and addiction 93568
services, the department of developmental disabilities, the 93569
department of youth services, a public children services agency, a 93570
private child placing agency, or a private noncustodial agency 93571
that is maintained by a person age eighteen or older who assumes 93572
responsibility for the care and control of a minor parent, 93573
pregnant minor, or child of a minor parent or provides the minor 93574
parent, pregnant minor, or child of a minor parent supportive 93575
services, including counseling, guidance, and supervision. 93576
"Adult-supervised living arrangement" does not mean a public 93577
institution. 93578

(2) "Child of a minor parent" means a child born to a minor 93579
parent, except that the child ceases to be considered a child of 93580

minor parent when the minor parent attains age eighteen. 93581

(3) "Minor parent" means a parent who is under age eighteen 93582
and is not married. 93583

(4) "Pregnant minor" means a pregnant person who is under age 93584
eighteen and not married. 93585

(B)(1) Except as provided in division (B)(2) of this section 93586
and to the extent permitted by Title IV-A and federal regulations 93587
adopted under Title IV-A, a pregnant minor, minor parent, or child 93588
of a minor parent must reside in a place of residence maintained 93589
by a parent, guardian, custodian, or specified relative of the 93590
pregnant minor or minor parent as the parent's, guardian's, 93591
custodian's, or specified relative's own home to be eligible to 93592
participate in Ohio works first. 93593

(2) To the extent permitted by Title IV-A and federal 93594
regulations adopted under it, a pregnant minor, minor parent, or 93595
child of a minor parent is exempt from the requirement of division 93596
(B)(1) of this section if any of the following apply: 93597

(a) The minor parent or pregnant minor does not have a 93598
parent, guardian, custodian, or specified relative living or whose 93599
whereabouts are known. 93600

(b) No parent, guardian, custodian, or specified relative of 93601
the minor parent or pregnant minor will allow the pregnant minor, 93602
minor parent, or minor parent's child to live in the parent's, 93603
guardian's, custodian's, or specified relative's home. 93604

(c) The department of job and family services, the department 93605
of children and youth, a county department of job and family 93606
services, or a public children services agency determines that the 93607
physical or emotional health or safety of the pregnant minor, 93608
minor parent, or minor parent's child would be in jeopardy if the 93609
pregnant minor, minor parent, or minor parent's child lived in the 93610
same home as the parent, guardian, custodian, or specified 93611

relative. 93612

(d) The department of job and family services, the department of children and youth, a county department of job and family services, or a public children services agency otherwise determines that it is in the best interest of the pregnant minor, minor parent, or minor parent's child to waive the requirement of division (B)(1) of this section. 93613
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(C) A pregnant minor, minor parent, or child of a minor parent exempt from the requirement of division (B)(1) of this section must reside in an adult-supervised living arrangement to be eligible to participate in Ohio works first. 93619
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(D) The department of job and family services, whenever possible and to the extent permitted by Title IV-A and federal regulations adopted under it, shall provide cash assistance under Ohio works first to the parent, guardian, custodian, or specified relative of a pregnant minor or minor parent on behalf of the pregnant minor, minor parent, or minor parent's child. 93623
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Sec. 5123.02. The department of developmental disabilities shall do the following: 93629
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(A) Promote comprehensive statewide programs and services for persons with developmental disabilities and their families wherever they reside in the state. These programs shall include public awareness, prevention, assessment, treatment, training, and care. 93631
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(B) Provide administrative leadership for statewide services; 93636

(C) Develop and maintain, to the extent feasible, data on all services and programs that governmental and private agencies provide for persons with developmental disabilities; 93637
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(D) Provide leadership to local authorities in planning and developing community-wide services for persons with developmental 93640
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disabilities and their families; 93642

(E) Promote programs of professional training and research in 93643
cooperation with other state departments, agencies, and 93644
institutions of higher learning; 93645

~~(F) Serve as the "lead agency," as described by 20 U.S.C. 93646
1435(a)(10), to implement the state's part C early intervention 93647
services program, through which early intervention services are 93648
provided to eligible infants and toddlers in accordance with part 93649
C of the "Individuals with Disabilities Education Act," 20 U.S.C. 93650
1431 et seq., and regulations implementing that part in 34 C.F.R. 93651
part 303. 93652~~

Sec. 5123.026. (A) The director of developmental disabilities 93653
shall establish a technology first task force consisting of 93654
representatives from the office of innovateohio; the departments 93655
of developmental disabilities, education, medicaid, aging, job and 93656
family services, mental health and addiction services, children 93657
and youth, and transportation; and the opportunities for Ohioans 93658
with disabilities agency. 93659

(B) The task force shall do all of the following: 93660

(1) Expand innovative technology solutions within the 93661
operation and delivery of services to individuals with 93662
developmental disabilities; 93663

(2) Use technology to reduce the barriers individuals with 93664
developmental disabilities experience; 93665

(3) Align policies for all state agencies on the task force. 93666

(C) The department of developmental disabilities may enter 93667
into interagency agreements with any of the government entities on 93668
the task force. The interagency agreements may specify either or 93669
both of the following: 93670

(1) The roles and responsibilities of the government entities 93671

that are members of the task force, including any money to be 93672
contributed by those entities; 93673

(2) The projects and activities of the task force. 93674

(D) The department and state agencies may adopt rules to 93675
implement the task force. 93676

Sec. 5139.39. The department of youth services, in the manner 93677
provided in this chapter and Chapter 2151. of the Revised Code, 93678
may transfer to a foster care facility certified by the department 93679
of ~~job children~~ and ~~family services youth~~ under section 5103.03 of 93680
the Revised Code, any child committed to it and, in the event of a 93681
transfer of that nature, unless otherwise mutually agreed, the 93682
department of youth services shall bear the cost of care and 93683
services provided for the child in the foster care facility. A 93684
juvenile court may transfer to any foster facility certified by 93685
the department of ~~job children~~ and ~~family services youth~~ any child 93686
between twelve and eighteen years of age, other than a psychotic 93687
child or a child with an intellectual disability, who has been 93688
designated a delinquent child and placed on probation by order of 93689
the juvenile court as a result of having violated any law of this 93690
state or the United States or any ordinance of a political 93691
subdivision of this state. 93692

Sec. 5153.01. (A) As used in the Revised Code, "public 93693
children services agency" means an entity specified in section 93694
5153.02 of the Revised Code that has assumed the powers and duties 93695
of the children services function prescribed by this chapter for a 93696
county. 93697

(B) As used in this chapter: 93698

(1) "Certified foster home" means a foster home, as defined 93699
in section 5103.02 of the Revised Code, certified under section 93700
5103.03 of the Revised Code. 93701

(2) "Certified organization" means any organization holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.

(3) "Child" means any person under eighteen years of age or a mentally or physically handicapped person, as defined by rule adopted by the director of ~~job~~ children and ~~family services~~ youth, under twenty-one years of age.

(4) "Executive director" means the person charged with the responsibility of administering the powers and duties of a public children services agency appointed pursuant to section 5153.10 of the Revised Code.

(5) "Organization" means any public, semipublic, or private institution, including maternity homes and day nurseries, and any private association, society, or agency, located or operating in this state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children or the placement of children in certified foster homes or elsewhere.

(6) "PCSA caseworker" means an individual employed by a public children services agency as a caseworker.

(7) "PCSA caseworker supervisor" means an individual employed by a public children services agency to supervise PCSA caseworkers.

Sec. 5153.111. (A)(1) The executive director of a public children services agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this

state for the five-year period immediately prior to the date upon 93732
which the criminal records check is requested or does not provide 93733
evidence that within that five-year period the superintendent has 93734
requested information about the applicant from the federal bureau 93735
of investigation in a criminal records check, the executive 93736
director shall request that the superintendent obtain information 93737
from the federal bureau of investigation as a part of the criminal 93738
records check for the applicant. If the applicant presents proof 93739
that the applicant has been a resident of this state for that 93740
five-year period, the executive director may request that the 93741
superintendent include information from the federal bureau of 93742
investigation in the criminal records check. 93743

(2) Any person required by division (A)(1) of this section to 93744
request a criminal records check shall provide to each applicant a 93745
copy of the form prescribed pursuant to division (C)(1) of section 93746
109.572 of the Revised Code, provide to each applicant a standard 93747
impression sheet to obtain fingerprint impressions prescribed 93748
pursuant to division (C)(2) of section 109.572 of the Revised 93749
Code, obtain the completed form and impression sheet from each 93750
applicant, and forward the completed form and impression sheet to 93751
the superintendent of the bureau of criminal identification and 93752
investigation at the time the person requests a criminal records 93753
check pursuant to division (A)(1) of this section. 93754

(3) Any applicant who receives pursuant to division (A)(2) of 93755
this section a copy of the form prescribed pursuant to division 93756
(C)(1) of section 109.572 of the Revised Code and a copy of an 93757
impression sheet prescribed pursuant to division (C)(2) of that 93758
section and who is requested to complete the form and provide a 93759
set of fingerprint impressions shall complete the form or provide 93760
all the information necessary to complete the form and shall 93761
provide the impression sheet with the impressions of the 93762
applicant's fingerprints. If an applicant, upon request, fails to 93763

provide the information necessary to complete the form or fails to 93764
provide impressions of the applicant's fingerprints, that agency 93765
shall not employ that applicant for any position for which a 93766
criminal records check is required by division (A)(1) of this 93767
section. 93768

(B)(1) Except as provided in rules adopted by the director of 93769
~~job~~ children and ~~family services~~ youth in accordance with division 93770
(E) of this section, no public children services agency shall 93771
employ a person as a person responsible for the care, custody, or 93772
control of a child if the person previously has been convicted of 93773
or pleaded guilty to any of the following: 93774

(a) A violation of section 2903.01, 2903.02, 2903.03, 93775
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 93776
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 93777
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 93778
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 93779
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 93780
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 93781
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 93782
violation of section 2905.04 of the Revised Code as it existed 93783
prior to July 1, 1996, a violation of section 2919.23 of the 93784
Revised Code that would have been a violation of section 2905.04 93785
of the Revised Code as it existed prior to July 1, 1996, had the 93786
violation occurred prior to that date, a violation of section 93787
2925.11 of the Revised Code that is not a minor drug possession 93788
offense, or felonious sexual penetration in violation of former 93789
section 2907.12 of the Revised Code; 93790

(b) A violation of an existing or former law of this state, 93791
any other state, or the United States that is substantially 93792
equivalent to any of the offenses or violations described in 93793
division (B)(1)(a) of this section. 93794

(2) A public children services agency may employ an applicant 93795

conditionally until the criminal records check required by this 93796
section is completed and the agency receives the results of the 93797
criminal records check. If the results of the criminal records 93798
check indicate that, pursuant to division (B)(1) of this section, 93799
the applicant does not qualify for employment, the agency shall 93800
release the applicant from employment. 93801

(C)(1) Each public children services agency shall pay to the 93802
bureau of criminal identification and investigation the fee 93803
prescribed pursuant to division (C)(3) of section 109.572 of the 93804
Revised Code for each criminal records check conducted in 93805
accordance with that section upon the request pursuant to division 93806
(A)(1) of this section of the executive director of the agency. 93807

(2) A public children services agency may charge an applicant 93808
a fee for the costs it incurs in obtaining a criminal records 93809
check under this section. A fee charged under this division shall 93810
not exceed the amount of fees the agency pays under division 93811
(C)(1) of this section. If a fee is charged under this division, 93812
the agency shall notify the applicant at the time of the 93813
applicant's initial application for employment of the amount of 93814
the fee and that, unless the fee is paid, the agency will not 93815
consider the applicant for employment. 93816

(D) The report of any criminal records check conducted by the 93817
bureau of criminal identification and investigation in accordance 93818
with section 109.572 of the Revised Code and pursuant to a request 93819
under division (A)(1) of this section is not a public record for 93820
the purposes of section 149.43 of the Revised Code and shall not 93821
be made available to any person other than the applicant who is 93822
the subject of the criminal records check or the applicant's 93823
representative, the public children services agency requesting the 93824
criminal records check or its representative, and any court, 93825
hearing officer, or other necessary individual involved in a case 93826
dealing with the denial of employment to the applicant. 93827

(E) The director of ~~job~~ children and ~~family services~~ youth 93828
shall adopt rules pursuant to Chapter 119. of the Revised Code to 93829
implement this section, including rules specifying circumstances 93830
under which a public children services agency may hire a person 93831
who has been convicted of an offense listed in division (B)(1) of 93832
this section but who meets standards in regard to rehabilitation 93833
set by the department. 93834

(F) Any person required by division (A)(1) of this section to 93835
request a criminal records check shall inform each person, at the 93836
time of the person's initial application for employment, that the 93837
person is required to provide a set of impressions of the person's 93838
fingerprints and that a criminal records check is required to be 93839
conducted and satisfactorily completed in accordance with section 93840
109.572 of the Revised Code if the person comes under final 93841
consideration for appointment or employment as a precondition to 93842
employment for that position. 93843

(G) As used in this section: 93844

(1) "Applicant" means a person who is under final 93845
consideration for appointment or employment in a position with the 93846
agency as a person responsible for the care, custody, or control 93847
of a child. 93848

(2) "Criminal records check" has the same meaning as in 93849
section 109.572 of the Revised Code. 93850

(3) "Minor drug possession offense" has the same meaning as 93851
in section 2925.01 of the Revised Code. 93852

Sec. 5153.113. (A)(1) As used in this section, "applicant" 93853
has the same meaning as in section 5153.111 of the Revised Code, 93854
and includes an intern applicant or a volunteer applicant. 93855

(2) "Intern applicant" means a trainee seeking practical 93856
educational and career experience who is under consideration for a 93857

position with a public children services agency to work, with or 93858
without monetary gain or compensation, as a person responsible for 93859
the care, custody, or control of a child; 93860

(3) "Volunteer applicant" means a person who is under 93861
consideration for a position with a public children services 93862
agency to perform services within the agency voluntarily, without 93863
monetary gain or compensation, as a person responsible for the 93864
care, custody, or control of a child. 93865

(B) Notwithstanding division (I)(1) of section 2151.421, 93866
section 5153.17, and any other section of the Revised Code 93867
pertaining to confidentiality, before a public children services 93868
agency employs an applicant, the executive director of the agency, 93869
or the executive director's designee within the agency, shall 93870
review promptly any information the agency determines to be 93871
relevant for the purpose of evaluating the fitness of the 93872
applicant, including, but not limited to, the following: 93873

(1) Abuse and neglect reports made pursuant to section 93874
2151.421 of the Revised Code of which the applicant is the subject 93875
where it has been determined that abuse or neglect occurred; 93876

(2) The final disposition of investigations of the abuse and 93877
neglect reports, or if the investigations have not been completed, 93878
the status of the investigations; 93879

(3) Any underlying documentation concerning the reports. 93880

(C) The information reviewed under division (B) of this 93881
section shall not include the name of the person or entity that 93882
made the report or participated in the making of the report of 93883
child abuse or neglect. 93884

(D) The director of ~~job children~~ and ~~family services~~ youth 93885
shall adopt rules pursuant to Chapter 119. of the Revised Code to 93886
implement this section. 93887

Sec. 5153.121. (A) The board of county commissioners and the county children services board may agree to permit any employee of the department of ~~job~~ children and ~~family services~~ youth also to perform duties for the county children services board, or to permit any employee of the county children services board also to perform duties for the department of ~~job~~ children and ~~family services~~ youth.

(B) An agreement made under division (A) of this section may require the board of county commissioners to pay a portion of the wages of any employee of the county children services board who also performs duties for the department of ~~job~~ children and ~~family services~~ youth or require the county children services board to pay a portion of the wages of any employee of the department of ~~job~~ children and ~~family services~~ youth who also performs duties for the county children services board.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;

(B) Assessing child safety;

(C) Assessing risks;

(D) Interviewing persons;

(E) Investigating cases;	93918
(F) Intervening;	93919
(G) Providing services to children and their families;	93920
(H) The importance of and need for accurate data;	93921
(I) Preparation for court;	93922
(J) Maintenance of case record information;	93923
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	93924 93925 93926 93927 93928 93929
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	93930 93931 93932
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	93933 93934 93935 93936
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job <u>children</u> and family services <u>youth</u> shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.	93937 93938 93939 93940 93941 93942 93943 93944 93945
Sec. 5153.123. Each PCSA caseworker supervisor shall complete	93946

at least sixty hours of in-service training during the first year 93947
of the supervisor's continuous employment as a PCSA caseworker 93948
supervisor. The training shall include courses in screening 93949
reports of child abuse, neglect, or dependency. After a PCSA 93950
caseworker supervisor's first year of continuous employment as a 93951
PCSA caseworker supervisor, the supervisor annually shall complete 93952
thirty hours of training in areas relevant to the supervisor's 93953
assigned duties. During the first two years of continuous 93954
employment as a PCSA caseworker supervisor, each PCSA caseworker 93955
supervisor shall complete at least twelve hours of training in 93956
recognizing the signs of domestic violence and its relationship to 93957
child abuse as established in rules the director of ~~job~~ children 93958
and ~~family services~~ youth shall adopt pursuant to Chapter 119. of 93959
the Revised Code. The twelve hours may be in addition to the 93960
training required during the supervisor's first year of employment 93961
or part of the training required during the second year of 93962
employment. 93963

Sec. 5153.124. (A)(1) The director of ~~job~~ children and ~~family~~ 93964
~~services~~ youth shall adopt rules as necessary to implement the 93965
training requirements of sections 5153.122 and 5153.123 of the 93966
Revised Code. 93967

(2) Not later than nine months after ~~the effective date of~~ 93968
~~the amendment to this section by H.B. 110 of the 134th general~~ 93969
~~assembly~~ September 30, 2021, the director shall adopt rules in 93970
accordance with Chapter 119. of the Revised Code to establish the 93971
circumstances under which an executive director of a public 93972
children services agency may waive portions of in-service training 93973
for PCSA caseworkers, in addition to the waiver described in 93974
section 5153.122 of the Revised Code. 93975

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 93976
5153.122 to 5153.127 of the Revised Code, the department of ~~job~~ 93977

children and ~~family services~~ youth may require additional training 93978
for PCSA caseworkers and PCSA caseworker supervisors as necessary 93979
to comply with federal requirements. 93980

Sec. 5153.14. The executive director shall prepare and submit 93981
an annual report to the public children services agency at the end 93982
of each calendar year and shall file copies of such report with 93983
the department of ~~job~~ children and ~~family services~~ youth, the 93984
board of county commissioners, and the juvenile court. The 93985
executive director shall submit the inspection reports required 93986
under section 5153.16 of the Revised Code and such other reports 93987
as are required by law, by the rules of the director of ~~job~~ 93988
children and ~~family services~~ youth, or by the board of county 93989
commissioners to specified governmental bodies and officers and 93990
shall provide reports to the public, when so authorized. 93991

Sec. 5153.16. (A) Except as provided in section 2151.422 of 93992
the Revised Code, in accordance with rules adopted under section 93993
5153.166 of the Revised Code, and on behalf of children in the 93994
county whom the public children services agency considers to be in 93995
need of public care or protective services, the public children 93996
services agency shall do all of the following: 93997

(1) Make an investigation concerning any child alleged to be 93998
an abused, neglected, or dependent child; 93999

(2) Enter into agreements with the parent, guardian, or other 94000
person having legal custody of any child, or with the department 94001
of ~~job~~ children and ~~family services~~ youth, department of mental 94002
health and addiction services, department of developmental 94003
disabilities, other department, any certified organization within 94004
or outside the county, or any agency or institution outside the 94005
state, having legal custody of any child, with respect to the 94006
custody, care, or placement of any child, or with respect to any 94007

matter, in the interests of the child, provided the permanent 94008
custody of a child shall not be transferred by a parent to the 94009
public children services agency without the consent of the 94010
juvenile court; 94011

(3) Accept custody of children committed to the public 94012
children services agency by a court exercising juvenile 94013
jurisdiction; 94014

(4) Provide such care as the public children services agency 94015
considers to be in the best interests of any child adjudicated to 94016
be an abused, neglected, or dependent child the agency finds to be 94017
in need of public care or service; 94018

(5) Provide social services to any unmarried girl adjudicated 94019
to be an abused, neglected, or dependent child who is pregnant 94020
with or has been delivered of a child; 94021

(6) Make available to the children with medical handicaps 94022
program of the department of health at its request any information 94023
concerning a child with a disability found to be in need of 94024
treatment under sections 3701.021 to 3701.028 of the Revised Code 94025
who is receiving services from the public children services 94026
agency; 94027

(7) Provide temporary emergency care for any child considered 94028
by the public children services agency to be in need of such care, 94029
without agreement or commitment; 94030

(8) Find certified foster homes, within or outside the 94031
county, for the care of children, including children with 94032
disabilities from other counties attending special schools in the 94033
county; 94034

(9) Subject to the approval of the board of county 94035
commissioners and the ~~state~~ department of ~~job~~ children and ~~family~~ 94036
~~services~~ youth, establish and operate a training school or enter 94037
into an agreement with any municipal corporation or other 94038

political subdivision of the county respecting the operation, 94039
acquisition, or maintenance of any children's home, training 94040
school, or other institution for the care of children maintained 94041
by such municipal corporation or political subdivision; 94042

(10) Acquire and operate a county children's home, establish, 94043
maintain, and operate a receiving home for the temporary care of 94044
children, or procure certified foster homes for this purpose; 94045

(11) Enter into an agreement with the trustees of any 94046
district children's home, respecting the operation of the district 94047
children's home in cooperation with the other county boards in the 94048
district; 94049

(12) Cooperate with, make its services available to, and act 94050
as the agent of persons, courts, the department of ~~job~~ children 94051
and ~~family services~~ youth, the department of health, and other 94052
organizations within and outside the state, in matters relating to 94053
the welfare of children, except that the public children services 94054
agency shall not be required to provide supervision of or other 94055
services related to the exercise of parenting time rights granted 94056
pursuant to section 3109.051 or 3109.12 of the Revised Code or 94057
companionship or visitation rights granted pursuant to section 94058
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 94059
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 94060
a common pleas court, pursuant to division (E)(6) of section 94061
3113.31 of the Revised Code, requires the provision of supervision 94062
or other services related to the exercise of the parenting time 94063
rights or companionship or visitation rights; 94064

(13) Make investigations at the request of any superintendent 94065
of schools in the county or the principal of any school concerning 94066
the application of any child adjudicated to be an abused, 94067
neglected, or dependent child for release from school, where such 94068
service is not provided through a school attendance department; 94069

- (14) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section 5101.141 of the Revised Code; 94070
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94073
- (15) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code; 94074
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94076
- (16) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of ~~job~~ children and ~~family services~~ youth, to assist the public children services agency in determining the risk of abuse or neglect to a child; 94077
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- (17) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency; 94081
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- (18) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code; 94088
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- (19) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child; 94095
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- (20) Administer a Title IV-A program identified under 94100

division (A)(4)(c) or (g) of section 5101.80 of the Revised Code 94101
that the department of ~~job~~ children and ~~family services~~ youth 94102
provides for the public children services agency to administer 94103
under the department's supervision pursuant to section 5101.801 of 94104
the Revised Code; 94105

(21) Administer the kinship permanency incentive program 94106
created under section 5101.802 of the Revised Code under the 94107
supervision of the director of ~~job~~ children and ~~family services~~ 94108
youth; 94109

(22) Provide independent living services pursuant to sections 94110
2151.81 to 2151.84 of the Revised Code; 94111

(23) File a missing child report with a local law enforcement 94112
agency upon becoming aware that a child in the custody of the 94113
public children services agency is or may be missing. 94114

(B) The public children services agency shall use the system 94115
implemented pursuant to division (A)(16) of this section in 94116
connection with an investigation undertaken pursuant to division 94117
(G)(1) of section 2151.421 of the Revised Code to assess both of 94118
the following: 94119

(1) The ongoing safety of the child; 94120

(2) The appropriateness of the intensity and duration of the 94121
services provided to meet child and family needs throughout the 94122
duration of a case. 94123

(C) Except as provided in section 2151.422 of the Revised 94124
Code, in accordance with rules of the director of ~~job~~ children and 94125
~~family services~~ youth, and on behalf of children in the county 94126
whom the public children services agency considers to be in need 94127
of public care or protective services, the public children 94128
services agency may do the following: 94129

(1) Provide or find, with other child serving systems, 94130

specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code; 94131
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(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties: 94134
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(i) County departments of job and family services; 94137

(ii) Boards of alcohol, drug addiction, and mental health services; 94138
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(iii) County boards of developmental disabilities; 94140

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code; 94141
94142

(v) Private and government providers of services; 94143

(vi) Managed care organizations and prepaid health plans. 94144

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules. 94145
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(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties. 94150
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Sec. 5153.163. (A) As used in this section: 94158

(1) "Adoptive parent" means, as the context requires, a 94159

prospective adoptive parent or an adoptive parent.	94160
(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code.	94161 94162
(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:	94163 94164 94165 94166 94167 94168
(a) The child is a child with special needs.	94169
(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted.	94170 94171 94172
(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.	94173 94174
(d) The needs of the child are beyond the economic resources of the adoptive parent.	94175 94176
(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.	94177 94178 94179
(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.	94180 94181 94182 94183 94184 94185
(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.	94186 94187 94188
(2) State adoption maintenance subsidy payment agreements	94189

must be made by either the public children services agency that 94190
has permanent custody of the child or the public children services 94191
agency of the county in which the private child placing agency 94192
that has permanent custody of the child is located. 94193

(3) State adoption maintenance subsidy payments shall be made 94194
in accordance with the agreement between the public children 94195
services agency and the adoptive parent and are subject to an 94196
annual redetermination of need. 94197

(4) Payments under this division may begin either before or 94198
after issuance of the final adoption decree, except that payments 94199
made before issuance of the final adoption decree may be made only 94200
while the child is living in the adoptive parent's home. 94201
Preadoption payments may be made for not more than twelve months, 94202
unless the final adoption decree is not issued within that time 94203
because of a delay in court proceedings. Payments that begin 94204
before issuance of the final adoption decree may continue after 94205
its issuance. 94206

(C)(1) A public children services agency may enter into an 94207
agreement with a child's relative under which the agency, to the 94208
extent state funds are available, may provide state kinship 94209
guardianship assistance as needed on behalf of the child when all 94210
of the following apply: 94211

(a) The relative has cared for the eligible child as a foster 94212
caregiver as defined by section 5103.02 of the Revised Code for at 94213
least six consecutive months. 94214

(b) Both of the following apply: 94215

(i) A juvenile court issued an order granting legal custody 94216
of the child to the relative, or a probate court issued an order 94217
granting guardianship of the child to the relative, and the order 94218
is not a temporary court order. 94219

(ii) The relative has committed to care for the child on a 94220

permanent basis. 94221

(c) The relative signed a state kinship guardianship 94222
assistance agreement prior to assuming legal guardianship or legal 94223
custody of the child. 94224

(d) The child had been removed from home pursuant to a 94225
voluntary placement agreement or as a result of a judicial 94226
determination to the effect that continuation in the home would be 94227
contrary to the welfare of the child. 94228

(e) Returning the child home or adoption are not appropriate 94229
permanency options for the child. 94230

(f) The child demonstrates a strong attachment to the 94231
relative and the relative has a strong commitment to caring 94232
permanently for the child. 94233

(g) With respect to a child who has attained fourteen years 94234
of age, the child has been consulted regarding the state kinship 94235
guardianship assistance arrangement. 94236

(h) The child is not eligible for kinship guardianship 94237
assistance payments under Title IV-E of the "Social Security Act," 94238
42 U.S.C. 673(d), as amended. 94239

(2) The public children services agency that had custody of a 94240
child immediately prior to a court granting legal custody or 94241
guardianship of the child to a relative of the child described in 94242
division (C)(1) of this section is authorized to enter into a 94243
state kinship guardianship assistance agreement with that 94244
relative. 94245

(3) State kinship guardianship assistance for a child shall 94246
be provided in accordance with a state kinship guardianship 94247
assistance agreement entered into between the public children 94248
services agency and relative of the child described in division 94249
(C)(1) of this section and is subject to an annual redetermination 94250

of need. 94251

(4) Not later than fifteen months after ~~the effective date of~~ 94252
~~this section~~ September 30, 2021, if the amended state plan 94253
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 94254
described in section 5101.1416 of the Revised Code is approved, 94255
division (C) of this section shall be implemented. 94256

(D) No payment shall be made under division (B) or (C) of 94257
this section on behalf of any person eighteen years of age or 94258
older beyond the end of the school year during which the person 94259
attains the age of eighteen or on behalf of a mentally or 94260
physically handicapped person twenty-one years of age or older. 94261

(E) The director of ~~job~~ children and ~~family services~~ youth 94262
shall adopt rules in accordance with Chapter 119. of the Revised 94263
Code that are needed to implement this section. The rules shall 94264
establish all of the following: 94265

(1) The application process for all forms of assistance 94266
provided under this section; 94267

(2) The method to determine the amount of assistance payable 94268
under division (B) of this section; 94269

(3) The definition of "child with special needs" for this 94270
section; 94271

(4) The process whereby a child's continuing need for 94272
services provided under division (B) or (C) of this section is 94273
annually redetermined; 94274

(5) Any other rule, requirement, or procedure the department 94275
considers appropriate for the implementation of this section. 94276

(F) The state adoption special services subsidy program 94277
ceases to exist on July 1, 2004, except that, subject to the 94278
findings of the annual redetermination process established under 94279
division (E) of this section and the child's individual need for 94280

services, a public children services agency may continue to 94281
provide state adoption special services subsidy payments on behalf 94282
of a child for whom payments were being made prior to July 1, 94283
2004. 94284

(G) Benefits and services provided under this section are 94285
inalienable whether by way of assignment, charge, or otherwise and 94286
exempt from execution, attachment, garnishment, and other like 94287
processes. 94288

Sec. 5153.166. In addition to other rules specifically 94289
authorized by the Revised Code, the director of ~~job~~ children and 94290
~~family services~~ youth may adopt rules governing public children 94291
services agencies' performance of their family services duties, 94292
including the family services duties that public children services 94293
agencies have under sections 5153.16 to 5153.19 of the Revised 94294
Code. 94295

Sec. 5153.17. The public children services agency shall 94296
prepare and keep written records of investigations of families, 94297
children, and foster homes, and of the care, training, and 94298
treatment afforded children, and shall prepare and keep such other 94299
records as are required by the department of ~~job~~ children and 94300
~~family services~~ youth. Such records shall be confidential, but, 94301
except as provided by division (B) of section 3107.17 of the 94302
Revised Code, shall be open to inspection by the agency, the 94303
director of ~~job~~ children and ~~family services~~ youth, and the 94304
director of the county department of job and family services, and 94305
by other persons upon the written permission of the executive 94306
director. 94307

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 94308
2151.421, section 5153.17, and any other section of the Revised 94309
Code pertaining to confidentiality, when a public children 94310

services agency has determined that child abuse or neglect 94311
occurred and that abuse or neglect involves a person who has 94312
applied for licensure as a type A family day-care home or type B 94313
family day-care home, the agency shall promptly provide to the 94314
department of ~~job children~~ and ~~family services~~ youth any 94315
information the agency determines to be relevant for the purpose 94316
of evaluating the fitness of the person, including, but not 94317
limited to, both of the following: 94318

(1) A summary report of the chronology of abuse and neglect 94319
reports made pursuant to section 2151.421 of the Revised Code of 94320
which the person is the subject where the agency determined that 94321
abuse or neglect occurred and the final disposition of the 94322
investigation of the reports or, if the investigations have not 94323
been completed, the status of the investigations; 94324

(2) Any underlying documentation concerning those reports. 94325

(B) The agency shall not include in the information provided 94326
to the department under division (A) of this section the name of 94327
the person or entity that made the report or participated in the 94328
making of the report of child abuse or neglect. 94329

(C) Upon provision of information under division (A) of this 94330
section, the agency shall notify the department of both of the 94331
following: 94332

(1) That the information is confidential; 94333

(2) That unauthorized dissemination of the information is a 94334
violation of division (I)(2) of section 2151.421 of the Revised 94335
Code and any person who permits or encourages unauthorized 94336
dissemination of the information is guilty of a misdemeanor of the 94337
fourth degree pursuant to section 2151.99 of the Revised Code. 94338

Sec. 5153.20. (A)(1) Except as provided in division (B) of 94339
this section, the cost of care furnished by the public children 94340

services agency or the board of county commissioners to any child 94341
having a legal residence in another county shall be charged to the 94342
county of legal residence. No expense shall be incurred by the 94343
agency or the board of county commissioners, on account of such 94344
care, except for temporary or emergency care, without the consent 94345
of the agency or board of county commissioners, or as provided by 94346
this section. If such consent cannot be obtained the board of 94347
county commissioners may file a petition in the court of common 94348
pleas of the county in which the child is found for a 94349
determination of legal residence of such child. Summons in such a 94350
proceeding shall be served, as in other civil actions, upon the 94351
board of county commissioners and the executive director of the 94352
agency of the county alleged to be the county of legal residence, 94353
but the answer day shall be the tenth day after the issuance of 94354
such summons. The return day shall be the fifth day after issuance 94355
of the summons. The cause shall be set for hearing not less than 94356
ten nor more than thirty days after the issuance of the summons. 94357
The finding and determination by the court upon such application, 94358
subject to the right of appeal, shall be final and conclusive as 94359
to the county chargeable under this section with the costs of the 94360
care of such child. The board of county commissioners out of its 94361
general funds shall reimburse the agency furnishing such care, 94362
upon receipt of itemized statements. 94363

(2) Any moneys received by the agency furnishing such care 94364
from persons liable for the cost of any part of such care, by 94365
agreement or otherwise, shall be credited to the county of legal 94366
residence. 94367

(3) The agency may remove and deliver any child, having legal 94368
residence in another county in Ohio and deemed to be in need of 94369
public care, to the public children services agency of the county 94370
of legal residence. All cost incidental to the transportation of 94371
such child and of any escort required shall be paid by the public 94372

children services agency which delivers back the child. With the 94373
approval of the department of ~~job children~~ and ~~family services~~ 94374
youth, any child whose legal residence has been found to be in 94375
another state or country may be transferred to the department for 94376
return to the place of legal residence, or such child may be 94377
returned by the agency. All costs incidental to the transportation 94378
of such child and of any escort required shall be paid by the 94379
department of ~~job children~~ and ~~family services~~ youth if it returns 94380
the child, otherwise the cost shall be paid by the agency, subject 94381
in either case to such reimbursement as may be obtained from the 94382
responsible persons or authorities of the place of legal 94383
residence. The department of ~~job children~~ and ~~family services~~ 94384
youth may enter into agreements with the authorities of other 94385
states relative to the placement and return of children. 94386

(B)(1) If a court determines that reasonable efforts have 94387
been made to prevent removal of an adopted child from the child's 94388
home pursuant to section 2151.419 of the Revised Code and an 94389
adopted child is placed in the temporary or permanent custody of a 94390
public children services agency or a private child placing agency 94391
within thirty-six months of the date that the child's adoption was 94392
finalized, the agency that previously held permanent custody of 94393
the child when the child was placed with the adoptive parent shall 94394
be given opportunity to participate in planning for the child's 94395
care and treatment and shall assume fifty per cent of the 94396
financial responsibility for the care and treatment. Shared 94397
planning and financial responsibility shall cease on the first day 94398
of the thirty-seventh month after the date that the child's 94399
adoption was finalized and, on this date, the custodial agency 94400
shall then assume full planning and financial responsibility. The 94401
custodial agency and the agency that previously held permanent 94402
custody of the child may enter into a written agreement for shared 94403
financial responsibility that differs from the responsibilities 94404
allocated in this division. 94405

(2) Division (B)(1) of this section does not apply to any of the following:	94406 94407
(a) An adoption by a stepparent whose spouse is a biological or adoptive parent of the child;	94408 94409
(b) An international adoption;	94410
(c) An adoption where either the custodial agency or agency that previously held permanent custody of the child is not in this state.	94411 94412 94413
(3) Nothing in division (B) of this section shall prevent a court or a child support enforcement agency from issuing a child support order.	94414 94415 94416
Sec. 5153.21. The board of county commissioners may establish a children's home upon the recommendation of the public children services agency and subject to certification by the department of job children and family services youth under section 5103.03 of the Revised Code and the requirements of sections 5103.05 and 5103.051 of the Revised Code.	94417 94418 94419 94420 94421 94422
Sec. 5153.22. If there is no children's home in the county or if the facilities for institutional care are inadequate, the public children services agency may, subject to the approval of the department of job children and family services youth and the board of county commissioners, enter into an agreement with the public children services agency of, or a certified organization located in, another county, or with the board of trustees of any district or semipublic children's home, or with any agency or institution outside the state for the furnishing of institutional care to children of the county.	94423 94424 94425 94426 94427 94428 94429 94430 94431 94432
Sec. 5153.27. A public children services agency operating a children's home or other institution is subject to sections	94433 94434

5103.03 and 5103.04 of the Revised Code respecting certification 94435
by the department of ~~job~~ children and ~~family services~~ youth. 94436

Sec. 5153.29. The board of county commissioners of any county 94437
having a county children's home, may, upon the recommendation of 94438
the public children services agency and with the approval of the 94439
department of ~~job~~ children and ~~family services~~ youth, abandon the 94440
use of such home and proceed to sell or lease the site, building, 94441
furniture, and equipment of such home in the manner most 94442
advantageous to the county, or it may use the home for other 94443
necessary and proper purposes. The net proceeds of any such sale 94444
or lease shall be paid into the county treasury. 94445

Sec. 5153.30. The public children services agency may accept 94446
and receive bequests, donations, and gifts of funds or property, 94447
real or personal, for child care and services. The facilities or 94448
services to be established or maintained through any such gift 94449
shall be subject to the approval of the department of ~~job~~ children 94450
and ~~family services~~ youth. 94451

Sec. 5153.32. Any corporation, organized under the laws of 94452
this state for the purpose of establishing, conducting, and 94453
maintaining a child welfare institution or agency, which is 94454
unable, for any reason, to conduct and maintain such institution 94455
or agency, and which has not, for a period of three consecutive 94456
years, conducted or maintained a place or establishment for the 94457
care of children, and which has in its hands funds or properties 94458
acquired by it for the purpose of establishing, conducting, and 94459
maintaining such institution or agency, may, subject to the 94460
approval of the department of ~~job~~ children and ~~family services~~ 94461
youth, and subject to the terms of any deed, will, or other 94462
instrument pursuant to which such funds or properties were 94463
acquired, transfer such funds or properties to the public children 94464

services agency, to be used for the purposes for which such funds 94465
or property were acquired. The transfer of such funds or 94466
properties to the agency shall be a full discharge of the 94467
obligation or liability of such corporation and its trustees with 94468
respect to the funds and properties so transferred. 94469

Sec. 5153.35. The boards of county commissioners shall levy 94470
taxes and make appropriations sufficient to enable the public 94471
children services agency to perform its functions and duties under 94472
this chapter. If the board of county commissioners levies a tax 94473
for children services and the children services functions are 94474
transferred from a county children services board to the 94475
department of ~~job~~ children and ~~family services~~ youth, or from the 94476
department of ~~job~~ children and ~~family services~~ youth to a county 94477
children services board, the levy shall continue in effect for the 94478
period for which it was approved by the electors for the use by 94479
the public children services agency that provides children 94480
services pursuant to the transfer. 94481

In addition to making the usual appropriations, there may be 94482
allowed annually to the executive director an amount not to exceed 94483
one-half the executive director's official salary to provide for 94484
necessary expenses which are incurred by the executive director or 94485
the executive director's staff in the performance of their 94486
official duties. Upon the order of the executive director, the 94487
county auditor shall draw a warrant on the county treasurer 94488
payable to the executive director or such other person as the 94489
order designates, for such amount as the order requires, not 94490
exceeding the amount provided for in this section, and to be paid 94491
out of the general fund of the county. The bond of the executive 94492
director provided for by section 5153.13 of the Revised Code shall 94493
at all times be in sufficient amount to cover the additional 94494
appropriations provided for by this section. 94495

The executive director, annually, before the first Monday of 94496
January, shall file with the auditor a detailed and itemized 94497
statement, verified by the executive director, as to the manner in 94498
which the fund has been expended during the current year, and if 94499
any part of such fund remains in the executive director's hands 94500
unexpended, forthwith shall pay that amount into the county 94501
treasury. 94502

Sec. 5153.36. The boards of county commissioners of two or 94503
more adjoining counties, not to exceed four, may, upon the 94504
recommendation of the public children services agencies of such 94505
counties, and subject to the approval of the department of ~~job~~ 94506
children and ~~family services~~ youth form themselves into a joint 94507
board, and proceed to organize a district for the establishment 94508
and support of a children's home, by using a site and buildings 94509
already established in one such county, or by providing for the 94510
purchase of a site and the erection of necessary buildings 94511
thereon. 94512

Sec. 5153.38. When any person donates or bequeaths the 94513
person's real or personal estate, or any part thereof, to the use 94514
and benefit of a district children's home, the board of trustees 94515
of the home may accept and use such donation or bequest as they 94516
deem for the best interests of the institution, and consistent 94517
with the conditions of such bequest. The facilities or services to 94518
be established or maintained through any such gift shall be 94519
subject to the approval of the department of ~~job~~ children and 94520
~~family services~~ youth. 94521

Sec. 5153.49. The board of county commissioners of any county 94522
within a children's home district may, upon the recommendation of 94523
the public children services agency, and subject to the approval 94524
of the department of ~~job~~ children and ~~family services~~ youth, 94525

withdraw from such district and dispose of its interest in such 94526
home by selling or leasing its right, title, and interest in the 94527
site, buildings, furniture, and equipment to any counties in the 94528
district, at such price and on such terms as are agreed upon among 94529
the boards of county commissioners of the counties concerned. 94530
Section 307.10 of the Revised Code does not apply to this section. 94531
The net proceeds of any such sale or lease shall be paid into the 94532
county treasury of the withdrawing county. 94533

Members of the board of trustees of a district children's 94534
home who are residents of a county withdrawing from such district 94535
are deemed to have resigned their positions upon completion of the 94536
withdrawal procedure provided by this section. Vacancies thus 94537
created shall be filled according to sections 5153.39 and 5153.45 94538
of the Revised Code. 94539

Sec. 5153.52. The board of county commissioners of any county 94540
which has no county children's home may aid an incorporated 94541
children's home or other unincorporated society, whose object is 94542
the care, aid, and education of neglected or destitute children, 94543
by contributing toward the purchase of land for such home or 94544
society, the erection of buildings by it, or of additions to 94545
existing buildings, or other improvements, to an amount not to 94546
exceed twenty-five hundred dollars in any one year. 94547

The board of any such county may submit to the people of such 94548
county, under section 133.18 of the Revised Code, the question of 94549
whether bonds of such county shall be issued for the purposes of 94550
this section. If the people of such county approve the issue of 94551
bonds, the board may issue the bonds under Chapter 133. of the 94552
Revised Code, as if they were being issued for the construction of 94553
a county children's home owned by the county, and may use the 94554
proceeds of such bond issue for the purposes of and without the 94555
restriction as to amount imposed by this section. 94556

The board may contribute an amount not to exceed five hundred 94557
dollars in any one year for the purpose of keeping such property 94558
in repair. If such children's home ceases to exist, so that the 94559
property so purchased ceases to be used for the purpose of a 94560
children's home by the corporation, such county shall have a lien 94561
upon the property for the amount of money contributed for its 94562
purchase, and if such corporation fails to maintain, manage, and 94563
control such home so as to subserve the purpose of a children's 94564
home for which it was incorporated, the board may enforce such 94565
lien or, if it prefers may, upon approval of the department of ~~job~~ 94566
children and ~~family services~~, youth first being obtained, organize 94567
such home into a county children's home. The title to such 94568
property, where the county has contributed the whole amount of the 94569
purchase money, shall vest in and be the property of such county. 94570
94571

Sec. 5160.011. References to the department or director of 94572
public welfare, department or director of human services, 94573
department or director of job and family services, department or 94574
director of children and youth, office of medical assistance, or 94575
medical assistance director in any statute, rule, contract, grant, 94576
or other document is deemed to refer to the department of medicaid 94577
or medicaid director, as the case may be, to the extent the 94578
reference is about a duty or authority of the department of 94579
medicaid or medicaid director regarding a medical assistance 94580
program. 94581

Sec. 5162.11. (A) The department of medicaid shall enter into 94582
an agreement with the department of administrative services for 94583
the department of administrative services to contract through 94584
competitive selection pursuant to section 125.07 of the Revised 94585
Code with a vendor to perform an assessment of the data collection 94586
and data warehouse functions of the medicaid data warehouse 94587

system, including the ability to link the data sets of all 94588
agencies serving medicaid recipients. 94589

The assessment of the data system shall include functions 94590
related to fraud and abuse detection, program management and 94591
budgeting, and performance measurement capabilities of all 94592
agencies serving medicaid recipients, including the departments of 94593
aging, health, job and family services, medicaid, mental health 94594
and addiction services, children and youth, and developmental 94595
disabilities. 94596

A qualified vendor with whom the department of administrative 94597
services contracts to assess the data system shall also assist the 94598
medicaid agencies in the definition of the requirements for an 94599
enhanced data system or a new data system and assist the 94600
department of administrative services in the preparation of a 94601
request for proposals to enhance or develop a data system. 94602

(B) Based on the assessment performed pursuant to division 94603
(A) of this section, the department of administrative services 94604
shall seek a qualified vendor through competitive selection 94605
pursuant to Chapter 125. of the Revised Code to develop or enhance 94606
a data collection and data warehouse system for the department of 94607
medicaid and all agencies serving medicaid recipients. 94608

The department of medicaid shall seek enhanced federal 94609
financial participation for ninety per cent of the funds required 94610
to establish or enhance the data system. The department of 94611
administrative services shall not award a contract for 94612
establishing or enhancing the data system until the department of 94613
medicaid receives approval from the United States secretary of 94614
health and human services for the ninety per cent federal 94615
financial participation. 94616

Sec. 5162.135. (A) As used in this section, "stillbirth" has 94617

the same meaning as in section ~~3701.97~~ 5180.12 of the Revised Code. 94618
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(B) The department of medicaid shall create an infant mortality scorecard. The scorecard shall report all of the following: 94620
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94622

(1) The performance of the fee-for-service component of medicaid and each medicaid managed care organization on population health measures, including the infant mortality rate, preterm birth rate, ~~and~~ low-birthweight rate, and stillbirth rate, delineated in accordance with division (C) of this section; 94623
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94625
94626
94627

(2) The performance of the fee-for-service component of medicaid and each medicaid managed care organization on service utilization and outcome measures using claims data and data from vital records; 94628
94629
94630
94631

(3) The number and percentage of women who are at least fifteen but less than forty-four years of age who are medicaid recipients; 94632
94633
94634

(4) The number of medicaid recipients who delivered a newborn and the percentage of those who reported tobacco use at the time of delivery; 94635
94636
94637

(5) The number of prenatal, postpartum, and adolescent wellness visits made by medicaid recipients; 94638
94639

(6) The percentage of pregnant medicaid recipients who initiated progesterone therapy during pregnancy; 94640
94641

(7) The percentage of female medicaid recipients of childbearing age who participate in a tobacco cessation program or use a tobacco cessation product; 94642
94643
94644

(8) The percentage of female medicaid recipients of childbearing age who use long-acting reversible contraception; 94645
94646

(9) A comparison of the low-birthweight rate of medicaid recipients with the low-birthweight rate of women who are not medicaid recipients; 94647
94648
94649

(10) Any other information on maternal and child health that the department considers appropriate. 94650
94651

(C) To the extent possible, the performance measures described in division (B)(1) of this section shall be delineated in the scorecard as follows: 94652
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94654

(1) For each region of the state and the state as a whole, by race and ethnic group; 94655
94656

(2) For the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code, as well as for any other communities that are the subject of targeted infant mortality reduction initiatives administered by one or more state agencies, by race, ethnic group, and census tract. 94657
94658
94659
94660
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The scorecard shall be updated each calendar quarter and made available on the department's internet web site. 94662
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(D) The department shall make available the data sources and methodology used to complete the scorecard to any person or government entity on request. 94664
94665
94666

Sec. 5164.15. (A) As used in this section: 94667

(1) "Community mental health services provider or facility" means a community mental health services provider or facility that has its community mental health services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code or by the department of ~~job~~ children and family services youth under section 5103.03 of the Revised Code. 94668
94669
94670
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(2) "Mental health professional" means a person qualified to work with mentally ill persons under the standards established by 94675
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the director of mental health and addiction services pursuant to 94677
section 5119.36 of the Revised Code. 94678

(B) The medicaid program may cover the following mental 94679
health services when provided by community mental health services 94680
providers or facilities: 94681

(1) Outpatient mental health services, including, but not 94682
limited to, preventive, diagnostic, therapeutic, rehabilitative, 94683
and palliative interventions rendered to individuals in an 94684
individual or group setting by a mental health professional in 94685
accordance with a plan of treatment appropriately established, 94686
monitored, and reviewed; 94687

(2) Partial-hospitalization mental health services rendered 94688
by persons directly supervised by a mental health professional; 94689

(3) Unscheduled, emergency mental health services of a kind 94690
ordinarily provided to persons in crisis when rendered by persons 94691
supervised by a mental health professional; 94692

(4) Assertive community treatment and intensive home-based 94693
mental health services. 94694

(C) The department of medicaid shall enter into a separate 94695
contract with the department of mental health and addiction 94696
services under section 5162.35 of the Revised Code with regard to 94697
the mental health services the medicaid program covers pursuant to 94698
this section. 94699

Sec. 5166.01. As used in this chapter: 94700

"209(b) option" means the option described in section 1902(f) 94701
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 94702
medicaid program's eligibility requirements for aged, blind, and 94703
disabled individuals are more restrictive than the eligibility 94704
requirements for the supplemental security income program. 94705

"Administrative agency" means, with respect to a home and 94706

community-based services medicaid waiver component, the department 94707
of medicaid or, if a state agency or political subdivision 94708
contracts with the department under section 5162.35 of the Revised 94709
Code to administer the component, that state agency or political 94710
subdivision. 94711

"Care management system" has the same meaning as in section 94712
5167.01 of the Revised Code. 94713

"Dual eligible individual" has the same meaning as in section 94714
5160.01 of the Revised Code. 94715

"Enrollee" has the same meaning as in section 5167.01 of the 94716
Revised Code. 94717

"Expansion eligibility group" has the same meaning as in 94718
section 5163.01 of the Revised Code. 94719

"Federal poverty line" has the same meaning as in section 94720
5162.01 of the Revised Code. 94721

"Home and community-based services medicaid waiver component" 94722
means a medicaid waiver component under which home and 94723
community-based services are provided as an alternative to 94724
hospital services, nursing facility services, or ICF/IID services. 94725

"Hospital" has the same meaning as in section 3727.01 of the 94726
Revised Code. 94727

"Hospital long-term care unit" has the same meaning as in 94728
section 5168.40 of the Revised Code. 94729

"ICDS participant" has the same meaning as in section 5164.01 94730
of the Revised Code. 94731

"ICF/IID" and "ICF/IID services" have the same meanings as in 94732
section 5124.01 of the Revised Code. 94733

"Integrated care delivery system" and "ICDS" have the same 94734
meanings as in section 5164.01 of the Revised Code. 94735

"Level of care determination" means a determination of 94736
whether an individual needs the level of care provided by a 94737
hospital, nursing facility, or ICF/IID and whether the individual, 94738
if determined to need that level of care, would receive hospital 94739
services, nursing facility services, or ICF/IID services if not 94740
for a home and community-based services medicaid waiver component. 94741

"Medicaid buy-in for workers with disabilities program" has 94742
the same meaning as in section 5163.01 of the Revised Code. 94743

"Medicaid MCO plan" has the same meaning as in section 94744
5167.01 of the Revised Code. 94745

"Medicaid provider" has the same meaning as in section 94746
5164.01 of the Revised Code. 94747

"Medicaid services" has the same meaning as in section 94748
5164.01 of the Revised Code. 94749

"Medicaid waiver component" means a component of the medicaid 94750
program authorized by a waiver granted by the United States 94751
department of health and human services under section 1115 or 1915 94752
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 94753
waiver component" does not include the care management system or 94754
services delivered under a prepaid inpatient health plan, as 94755
defined in 42 C.F.R. 438.2. 94756

"Medically fragile child" means an individual who is under 94757
eighteen years of age, has intensive health care needs, and is 94758
considered blind or disabled under section 1614(a)(2) or (3) of 94759
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 94760

"Nursing facility" and "nursing facility services" have the 94761
same meanings as in section 5165.01 of the Revised Code. 94762

"Ohio home care waiver program" means the home and 94763
community-based services medicaid waiver component that is known 94764
as Ohio home care and was created pursuant to section 5166.11 of 94765

the Revised Code. 94766

"Provider agreement" has the same meaning as in section 94767
5164.01 of the Revised Code. 94768

"Residential treatment facility" means a residential facility 94769
licensed by the department of mental health and addiction services 94770
under section 5119.34 of the Revised Code, or an institution 94771
certified by the department of ~~job children~~ and ~~family services~~ 94772
youth under section 5103.03 of the Revised Code, that serves 94773
children and either has more than sixteen beds or is part of a 94774
campus of multiple facilities or institutions that, combined, have 94775
a total of more than sixteen beds. 94776

"Skilled nursing facility" has the same meaning as in section 94777
5165.01 of the Revised Code. 94778

"Unified long-term services and support medicaid waiver 94779
component" means the medicaid waiver component authorized by 94780
section 5166.14 of the Revised Code. 94781

Sec. 5167.16. (A) As used in this section: 94782

(1) "Help me grow program" means the program established by 94783
the department of health pursuant to section ~~3701.61~~ 5180.21 of 94784
the Revised Code. 94785

(2) "Targeted case management" has the same meaning as in 42 94786
C.F.R. 440.169(b). 94787

(B) A medicaid managed care organization shall provide to a 94788
medicaid recipient who meets the criteria in division (C) of this 94789
section, or arrange for such recipient to receive, both of the 94790
following types of services: 94791

(1) Home visits, which shall include depression screenings, 94792
for which federal financial participation is available under the 94793
targeted case management benefit; 94794

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit. 94795
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(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of a child under five years of age. 94799
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(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it. 94805
94806
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Sec. ~~3701.68~~ 5180.10. (A) As used in this section: 94810

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals. 94811
94812

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code. 94813
94814

(B) There is hereby created the commission on infant mortality. The commission shall do all of the following: 94815
94816

(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state; 94817
94818
94819

(2) For each service identified under division (B)(1) of this section, determine both of the following: 94820
94821

(a) The sources of the funds that are used to pay for the service; 94822
94823

(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.

(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.

(C) The commission shall consist of the following members:

(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;

(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;

(3) The governor or the governor's designee;

(4) The medicaid director or the director's designee;

(5) The director of children and youth or the director's designee;

(6) The director of health or the director's designee;

~~(6)~~(7) The director of developmental disabilities or the director's designee;

~~(7)~~(8) The executive director of the commission on minority health or the executive director's designee;

~~(8)~~(9) The attorney general or the attorney general's designee;

~~(9)~~(10) A health commissioner of a city or general health district, appointed by the governor;

~~(10)~~(11) A coroner, deputy coroner, or other person who

conducts death scene investigations, appointed by the governor; 94853

~~(11)~~(12) An individual who represents the Ohio hospital 94854
association, appointed by the association's president; 94855

~~(12)~~(13) An individual who represents the Ohio children's 94856
hospital association, appointed by the association's president; 94857

~~(13)~~(14) Two individuals who represent community-based 94858
programs that serve pregnant women or new mothers whose infants 94859
tend to be at a higher risk for infant mortality, appointed by the 94860
governor; 94861

~~(14)~~(15) Two individuals who represent children's interests, 94862
one to be appointed by the speaker of the house of representatives 94863
and one to be appointed by the senate president. 94864

(D) An appointed commission member shall hold office until a 94865
successor is appointed. A vacancy shall be filled in the same 94866
manner as the original appointment. 94867

From among the members, the president of the senate and 94868
speaker of the house of representatives shall appoint two to serve 94869
as co-chairpersons of the commission. 94870

A member shall serve without compensation except to the 94871
extent that serving on the commission is considered part of the 94872
member's regular duties of employment. 94873

(E) The commission may request assistance from the staff of 94874
the legislative service commission. 94875

(F) For purposes of division (B)(3) of this section, the 94876
state registrar shall ensure that the commission and academic 94877
medical centers located in this state have access to any 94878
electronic system of vital records the state registrar or 94879
department of health maintains, including the Ohio public health 94880
information warehouse. Not later than six months after March 19, 94881
2015, the commission on infant mortality shall prepare a written 94882

report of its findings and recommendations concerning the matters 94883
described in division (B) of this section. On completion, the 94884
commission shall submit the report to the governor and, in 94885
accordance with section 101.68 of the Revised Code, the general 94886
assembly. 94887

(G) The president of the senate and speaker of the house of 94888
representatives shall determine the responsibilities of the 94889
commission following submission of the report under division (F) 94890
of this section. 94891

(H) The commission is not subject to sections 101.82 to 94892
101.87 of the Revised Code. 94893

(I) The commission shall provide information to the Ohio 94894
housing finance agency for the purposes of division (A) of section 94895
175.14 of the Revised Code. 94896

Sec. ~~3701.951~~ 5180.11. (A) As used in this section: 94897

(1) "Preliminary infant mortality and preterm birth rates" 94898
means infant mortality and preterm birth rates that are derived 94899
from vital records as defined in section 3705.01 of the Revised 94900
Code, are not considered finalized by the department of health, 94901
and are subject to modification as additional birth and death data 94902
are received by the department and added to vital records. 94903

(2) "Stillbirth" has the same meaning as in section ~~3701.97~~ 94904
5180.12 of the Revised Code. 94905

(B) Each calendar quarter, the department of ~~health~~ children 94906
and youth shall determine the state's preliminary infant mortality 94907
and preterm birth rates, as well as the stillbirth rate, 94908
delineated by race and ethnic group. The rates shall be determined 94909
using a simple rolling average. The department shall publish the 94910
rates in a quarterly report, which shall also include a 94911
description of the data sources and methodology used to determine 94912

the rates. The department shall make each report available on its internet web site not later than five business days after the rates are determined.

Sec. ~~3701.97~~ 5180.12. (A) As used in this section, "stillbirth" means death prior to the complete expulsion or extraction from its mother of a product of human conception of at least twenty weeks of gestation, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(B) The director of ~~health~~ children and youth shall do all of the following:

(1) Publish stillbirth data compiled from the department of health's fetal death statistical file and make it available on the ~~department's~~ department of children and youth's internet web site;

(2) Review the stillbirth data described in division (B)(1) of this section and identify potential trends in the incidence of stillbirth and the possible causes of, and conditions that could lead to or indicate the possible occurrence of, stillbirth;

(3) Develop educational materials in conjunction with statewide medical associations that may be used to apprise health care providers of trends, if any, that were identified through a review described in division (B)(2) of this section;

(4) Electronically disseminate the educational materials developed under division (B)(3) of this section to the state medical board and statewide medical associations and make them available on the department of ~~health's~~ children and youth's web site in an easily accessible format.

Sec. ~~3701.953~~ 5180.13. (A) The department of ~~health~~ children and youth shall create an infant mortality scorecard. The

scorecard shall report all of the following: 94943

(1) The state's performance on population health measures, 94944
including the infant mortality rate, preterm birth rate, and low 94945
birth weight rate, delineated by race, ethnic group, region of the 94946
state, and the state as a whole; 94947

(2) Preliminary data the department possesses on the state's 94948
unexpected infant death rate; 94949

(3) To the extent such information is available, the state's 94950
performance on outcome measures identified by the department that 94951
are related to preconception health, reproductive health, prenatal 94952
care, labor and delivery, smoking, infant safe sleep practices, 94953
breastfeeding, and behavioral health, delineated by race, ethnic 94954
group, region of the state, and the state as a whole; 94955

(4) A comparison of the state's performance on the population 94956
health measures specified in division (A)(1) of this section and, 94957
to the extent such information is available, the state's 94958
performance on outcome measures specified in division (A)(3) of 94959
this section with the targets for the measures, or the targets for 94960
the objectives similar to the measures, established by the United 94961
States department of health and human services through the healthy 94962
people 2020 initiative or a subsequent initiative; 94963

(5) Any other information on maternal and child health that 94964
the department considers appropriate. 94965

(B) The scorecard shall be updated each calendar quarter and 94966
made available on the department's internet web site. 94967

(C) The scorecard shall include a description of the data 94968
sources and methodology used to complete the scorecard. 94969

Sec. ~~3701.63~~ 5180.14. (A) As used in this section and 94970
sections ~~3701.64~~ 5180.15, ~~3701.66~~ 5180.16, and ~~3701.67~~ 5180.17 of 94971

the Revised Code: 94972

(1) "Child day-care center," "type A family day-care home," 94973
and "licensed type B family day-care home" have the same meanings 94974
as in section 5104.01 of the Revised Code. 94975

(2) "Child care facility" means a child day-care center, a 94976
type A family day-care home, or a licensed type B family day-care 94977
home. 94978

(3) "Foster caregiver" has the same meaning as in section 94979
5103.02 of the Revised Code. 94980

(4) "Freestanding birthing center" has the same meaning as in 94981
section 3701.503 of the Revised Code. 94982

(5) "Hospital" has the same meaning as in section 3722.01 of 94983
the Revised Code to which either of the following applies: 94984

(a) The hospital has a maternity unit. 94985

(b) The hospital receives for care infants who have been 94986
transferred to it from other facilities and who have never been 94987
discharged to their residences following birth. 94988

(6) "Infant" means a child who is less than one year of age. 94989

(7) "Maternity unit" means the distinct portion of a hospital 94990
in which maternity services are provided. 94991

(8) "Other person responsible for the infant" includes a 94992
foster caregiver. 94993

(9) "Parent" means either parent, unless the parents are 94994
separated or divorced or their marriage has been dissolved or 94995
annulled, in which case "parent" means the parent who is the 94996
residential parent and legal custodian of the child. "Parent" also 94997
means a prospective adoptive parent with whom a child is placed. 94998

(10) "Shaken baby syndrome" means signs and symptoms, 94999
including, but not limited to, retinal hemorrhages in one or both 95000

eyes, subdural hematoma, or brain swelling, resulting from the 95001
violent shaking or the shaking and impacting of the head of an 95002
infant or small child. 95003

(B) The director of ~~health~~ children and youth shall establish 95004
the shaken baby syndrome education program by doing all of the 95005
following: 95006

(1) Developing educational materials that present readily 95007
comprehensible information on shaken baby syndrome; 95008

(2) Making available on the department of ~~health~~ children and
youth web site in an easily accessible format the educational 95009
materials developed under division (B)(1) of this section; 95010
95011

(3) Annually assessing the effectiveness of the shaken baby 95012
syndrome education program by doing all of the following: 95013

(a) Evaluating the reports received pursuant to section 95014
5101.135 of the Revised Code; 95015

(b) Reviewing the content of the educational materials to 95016
determine if updates or improvements should be made; 95017

(c) Reviewing the manner in which the educational materials 95018
are distributed, as described in section ~~3701.64~~ 5180.15 of the 95019
Revised Code, to determine if modifications to that manner should 95020
be made. 95021

(C) In meeting the requirements under division (B) of this 95022
section, the director shall develop educational materials that, to 95023
the extent possible, minimize administrative or financial burdens 95024
on any of the entities or persons listed in section ~~3701.64~~ 95025
5180.15 of the Revised Code. 95026

Sec. ~~3701.64~~ 5180.15. (A) A copy of the shaken baby syndrome 95027
educational materials developed under section ~~3701.63~~ 5180.14 of 95028
the Revised Code shall be distributed in the following manner: 95029

(1) By ~~child birth~~ childbirth educators and the staff of 95030
obstetricians' offices, to an expectant parent who uses their 95031
services; 95032

(2) By the staff of pediatric physicians' offices, to any of 95033
the following who use their services: an infant's parent, 95034
guardian, or other person responsible for the infant; 95035

(3) By the staff of a hospital or freestanding birthing 95036
center, to an infant's parent, guardian, or other person 95037
responsible for the infant, before the child is discharged from 95038
the facility to the infant's residence following birth; 95039

(4) By the staff of the help me grow program established 95040
pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, to an 95041
infant's parent, guardian, or other person responsible for the 95042
infant, during home-visiting services conducted in accordance with 95043
that section; 95044

(5) By each child care facility operating in this state, to 95045
each of its employees; 95046

(6) By a public children services agency, when the agency has 95047
initial contact with an infant's parent, guardian, or other person 95048
responsible for the infant. 95049

(B) An entity or person required to distribute educational 95050
materials pursuant to division (A) of this section is not liable 95051
for damages in a civil action for injury, death, or loss to person 95052
or property that allegedly arises from an act or omission 95053
associated with the dissemination of those educational materials 95054
unless the act or omission constitutes willful or wanton 95055
misconduct. 95056

An entity or person required to distribute educational 95057
materials in accordance with division (A) of this section is not 95058
subject to criminal prosecution or, to the extent that a person is 95059
regulated under Title XLVII of the Revised Code, professional 95060

disciplinary action under that title, for an act or omission 95061
associated with the dissemination of those educational materials. 95062

This division does not eliminate, limit, or reduce any other 95063
immunity or defense that an entity or person may be entitled to 95064
under Chapter 2744. of the Revised Code, or any other provision of 95065
the Revised Code, or the common law of this state. 95066

Sec. ~~3701.66~~ 5180.16. (A) As used in this section, "sudden 95067
unexpected infant death" means the death of an infant that occurs 95068
suddenly and unexpectedly, the cause of which is not immediately 95069
obvious prior to investigation. 95070

(B) The department of ~~health~~ children and youth shall 95071
establish the safe sleep education program by doing all of the 95072
following: 95073

(1) ~~By not later than sixty days after March 19, 2015,~~ 95074
~~developing~~ Developing educational materials that present readily 95075
comprehensible information on safe sleeping practices for infants 95076
and possible causes of sudden unexpected infant death; 95077

(2) Making available on the department's internet web site in 95078
an easily accessible format the educational materials developed 95079
under division (B)(1) of this section; 95080

(3) Providing annual training classes at no cost to 95081
individuals who provide safe sleep education to parents and infant 95082
caregivers who reside in the urban and rural communities specified 95083
under section 3701.142 of the Revised Code, including child care 95084
providers as defined in section 2151.011 of the Revised Code, 95085
hospital staff and volunteers, local health department staff, 95086
social workers, individuals who provide home visiting services, 95087
and community health workers; 95088

(4) ~~Beginning in 2015, annually~~ Annually assessing the 95089
effectiveness of the safe sleep education program by evaluating 95090

the reports submitted by child fatality review boards to the 95091
department pursuant to section 307.626 of the Revised Code. 95092

(C) In meeting the requirements under division (B) of this 95093
section, the department shall develop educational materials that, 95094
to the extent possible, minimize administrative or financial 95095
burdens on any of the entities or persons required by division (D) 95096
of this section to distribute the materials. 95097

(D) A copy of the safe sleep educational materials developed 95098
under this section shall be distributed by entities and persons 95099
with and in the same manner as the shaken baby syndrome 95100
educational materials are distributed pursuant to section ~~3701.64~~ 95101
5180.15 of the Revised Code. 95102

An entity or person required to distribute the educational 95103
materials is not liable for damages in a civil action for injury, 95104
death, or loss to person or property that allegedly arises from an 95105
act or omission associated with the dissemination of those 95106
educational materials unless the act or omission constitutes 95107
willful or wanton misconduct. 95108

An entity or person required to distribute the educational 95109
materials is not subject to criminal prosecution or, to the extent 95110
that a person is regulated under Title XLVII of the Revised Code, 95111
professional disciplinary action under that title, for an act or 95112
omission associated with the dissemination of those educational 95113
materials. 95114

This division does not eliminate, limit, or reduce any other 95115
immunity or defense that an entity or person may be entitled to 95116
under Chapter 2744. of the Revised Code, or any other provision of 95117
the Revised Code, or the common law of this state. 95118

(E) Each entity or person that is required to distribute the 95119
educational materials and has infants regularly sleeping at a 95120
facility or location under the entity's or person's control shall 95121

adopt an internal infant safe sleep policy. The policy shall 95122
specify when and to whom educational materials on infant safe 95123
sleep practices are to be delivered to individuals working or 95124
volunteering at the facility or location and be consistent with 95125
the model internal infant safe sleep policy adopted under division 95126
(F) of this section. 95127

(F) The director of ~~health~~ children and youth shall adopt a 95128
model internal infant safe sleep policy for use by entities and 95129
persons that must comply with division (E) of this section. The 95130
policy shall specify safe infant sleep practices, include images 95131
depicting safe infant sleep practices, and specify sample content 95132
for an infant safe sleep education program that entities and 95133
persons may use when conducting new staff orientation programs. 95134

Sec. ~~3701.67~~ 5180.17. (A) As used in this section: 95135

(1) "Contractor" means a person who provides personal 95136
services pursuant to a contract. 95137

(2) "Critical access hospital" means a facility designated as 95138
a critical access hospital by the director of health under section 95139
3701.073 of the Revised Code. 95140

(3) "Crib" includes a portable play yard or other suitable 95141
sleeping place. 95142

(B) Each hospital and freestanding birthing center shall 95143
implement an infant safe sleep screening procedure. The purpose of 95144
the procedure is to determine whether there will be a safe crib 95145
for an infant to sleep in once the infant is discharged from the 95146
facility to the infant's residence following birth. The procedure 95147
shall consist of questions that facility staff or volunteers must 95148
ask the infant's parent, guardian, or other person responsible for 95149
the infant regarding the infant's intended sleeping place and 95150
environment. 95151

The director of ~~health~~ children and youth shall develop 95152
questions that facilities may use when implementing the infant 95153
safe sleep screening procedure required by this division. The 95154
director may consult with persons and government entities that 95155
have expertise in infant safe sleep practices when developing the 95156
questions. 95157

(C) If, prior to an infant's discharge from a facility to the 95158
infant's residence following birth, a facility other than a 95159
critical access hospital or a facility identified under division 95160
(D) of this section determines through the procedure implemented 95161
under division (B) of this section that the infant is unlikely to 95162
have a safe crib at the infant's residence, the facility shall 95163
make a good faith effort to arrange for the parent, guardian, or 95164
other person responsible for the infant to obtain a safe crib at 95165
no charge to that individual. In meeting this requirement, the 95166
facility may do any of the following: 95167

(1) Obtain a safe crib with its own resources; 95168

(2) Collaborate with or obtain assistance from persons or 95169
government entities that are able to procure a safe crib or 95170
provide money to purchase a safe crib; 95171

(3) Refer the parent, guardian, or other person responsible 95172
for the infant to a person or government entity described in 95173
division (C)(2) of this section to obtain a safe crib free of 95174
charge from that source; 95175

(4) If funds are available for the cribs for kids program or 95176
a successor program administered by the department of ~~health~~ 95177
children and youth, refer the parent, guardian, or other person 95178
responsible for the infant to a site, designated by the department 95179
for purposes of the program, at which a safe crib may be obtained 95180
at no charge. 95181

If a safe crib is procured as described in division (C)(1), 95182

(2), or (3) of this section, the facility shall ensure that the crib recipient receives safe sleep education and crib assembly instructions from the facility or another source. If a safe crib is procured as described in division (C)(4) of this section, the department of ~~health~~ children and youth shall ensure that the cribs for kids program or a successor program administered by the department provides safe sleep education and crib assembly instructions to the recipient.

(D) The director of ~~health~~ children and youth shall identify the facilities in this state that are not critical access hospitals and are not served by a site described in division (C)(4) of this section. The director shall identify not less than annually the facilities that meet both criteria and notify those that do so.

(E) When a facility that is a hospital registers with the department of health under section 3701.07 of the Revised Code or a facility that is a freestanding birthing center renews its license in accordance with rules adopted under section 3702.30 of the Revised Code, the facility shall report the following information to the department of children and youth in a manner the department prescribes:

(1) The number of safe cribs that the facility obtained and distributed by using its own resources as described in division (C)(1) of this section since the last time the facility reported this information to the department;

(2) The number of safe cribs that the facility obtained and distributed by collaborating with or obtaining assistance from another person or government entity as described in division (C)(2) of this section since the last time the facility reported this information to the department;

(3) The number of referrals that the facility made to a

person or government entity as described in division (C)(3) of 95214
this section since the last time the facility reported this 95215
information to the department; 95216

(4) The number of referrals that the facility made to a site 95217
designated by the department as described in division (C)(4) of 95218
this section since the last time the facility reported this 95219
information to the department; 95220

(5) Demographic information specified by the director of 95221
~~health~~ children and youth regarding the individuals to whom safe 95222
cribs were distributed as described in division (E)(1) or (2) of 95223
this section or for whom a referral described in division (E)(3) 95224
or (4) of this section was made; 95225

(6) In the case of a critical access hospital or a facility 95226
identified under division (D) of this section, demographic 95227
information specified by the director of ~~health~~ children and youth 95228
regarding each parent, guardian, or other person responsible for 95229
the infant determined to be unlikely to have a safe crib at the 95230
infant's residence pursuant to the procedure implemented under 95231
division (B) of this section; 95232

(7) Any other information collected by the facility regarding 95233
infant sleep environments and intended infant sleep environments 95234
that the director determines to be appropriate. 95235

(F) The director of ~~health~~ children and youth shall prepare a 95236
written report that summarizes the information collected under 95237
division (E) of this section for the preceding twelve months, 95238
assesses whether at-risk families are sufficiently being served by 95239
the crib distribution and referral system established by this 95240
section, makes suggestions for system improvements, and provides 95241
any other information the director considers appropriate for 95242
inclusion in the report. On completion, the report shall be 95243
submitted to the general assembly with, and in the same manner as, 95244

the report that the department of medicaid submits to the general 95245
assembly and joint medicaid oversight committee pursuant to 95246
section 5162.13 of the Revised Code. A copy of the report also 95247
shall be submitted to the governor. 95248

(G) A facility, and any employee, contractor, or volunteer of 95249
a facility, that implements an infant safe sleep procedure in 95250
accordance with division (B) of this section is not liable for 95251
damages in a civil action for injury, death, or loss to person or 95252
property that allegedly arises from an act or omission associated 95253
with implementation of the procedure, unless the act or omission 95254
constitutes willful or wanton misconduct. 95255

A facility, and any employee, contractor, or volunteer of a 95256
facility, that implements an infant safe sleep screening procedure 95257
in accordance with division (B) of this section is not subject to 95258
criminal prosecution or, to the extent that a person is regulated 95259
under Title XLVII of the Revised Code, professional disciplinary 95260
action under that title, for an act or omission associated with 95261
implementation of the procedure. 95262

This division does not eliminate, limit, or reduce any other 95263
immunity or defense that a facility, or an employee, contractor, 95264
or volunteer of a facility, may be entitled to under Chapter 2744. 95265
of the Revised Code, or any other provision of the Revised Code, 95266
or the common law of this state. 95267

(H) A facility, and any employee, contractor, or volunteer of 95268
a facility, is neither liable for damages in a civil action, nor 95269
subject to criminal prosecution, for injury, death, or loss to 95270
person or property that allegedly arises from a crib obtained by a 95271
parent, guardian, or other person responsible for the infant as a 95272
result of any action the facility, employee, contractor, or 95273
volunteer takes to comply with division (C) of this section. 95274

The immunity provided by this division does not require 95275

compliance with division (D) of section 2305.37 of the Revised Code. 95276
95277

Sec. ~~3701.671~~ 5180.18. The director of ~~health~~ children and youth shall require each recipient of a grant the department of ~~health~~ children and youth administers that pertains to safe crib procurement to report annually to the department both of the following: 95278
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95282

(A) Demographic information specified by the director of ~~health~~ children and youth regarding the individuals to whom safe cribs were distributed; 95283
95284
95285

(B) If known, the extent to which distributed cribs are being used. 95286
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Sec. ~~3701.952~~ 5180.19. (A) The department of ~~health~~ children and youth shall create a population-based questionnaire designed to examine maternal behaviors and experiences before, during, and after a woman's pregnancy, as well as during the early infancy of the woman's child. The questionnaire shall collect information that is similar to the information collected by the pregnancy risk assessment monitoring system (PRAMS) questionnaire that the department of health most recently used prior to ~~the effective date of this section~~ April 6, 2017, as well as any additional information suggested by the United States centers for disease control and prevention (CDC) for PRAMS questionnaires. 95288
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(B) The department shall implement and use the questionnaires created under division (A) of this section in a manner that is consistent with the standardized data collection methodology for PRAMS questionnaires prescribed by the CDC model surveillance protocol. In addition, for the purpose of having statistically valid data for local analyses, the department shall oversample women in Cuyahoga, Franklin, and Hamilton counties on an annual 95299
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basis, and shall oversample women in the remaining counties that 95306
constitute the Ohio equity institute cohort (Butler, Stark, 95307
Mahoning, Montgomery, Summit, and Lucas counties) on a biennial 95308
basis. 95309

(C) The department shall report results from the 95310
questionnaires not less than annually in a manner consistent with 95311
guidelines established by the CDC for the reporting of PRAMS 95312
questionnaire results. 95313

Sec. ~~3701.95~~ 5180.20. (A) ~~As used in this section,~~ 95314
~~"government program providing public benefits" has the same~~ 95315
~~meaning as in section 191.01 of the Revised Code.~~ 95316

~~(B)~~ The director of ~~health~~ children and youth shall identify 95317
each government program providing benefits, other than the help me 95318
grow program established by the department of ~~health~~ children and 95319
youth pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, 95320
that has the goal of reducing infant mortality and negative birth 95321
outcomes or the goal of reducing disparities among women who are 95322
pregnant or capable of becoming pregnant and who belong to a 95323
racial or ethnic minority. A program shall be identified only if 95324
it provides education, training, and support services related to 95325
those goals to program participants in their homes. The director 95326
may consult with the Ohio partnership to build stronger families 95327
for assistance with identifying the programs. 95328

~~(C)~~(B) An administrator of a program identified under 95329
division ~~(B)~~(A) of this section shall report to the director data 95330
on program performance indicators that are used to assess progress 95331
toward achieving program goals. The administrator shall report the 95332
data in the format and within the time frames specified in rules 95333
adopted under division ~~(D)~~(C) of this section. Using the data 95334
reported under this division, the director shall prepare an annual 95335
report assessing the performance of each government program 95336

identified pursuant to division ~~(B)~~(A) of this section during the 95337
immediately preceding twelve-month period. In addition, the report 95338
shall summarize and provide an analysis of the information 95339
contained in the "information for medical and health use only" 95340
section of the birth records for individuals born during the prior 95341
twelve-month period. 95342

The director shall provide a copy of the report to the 95343
general assembly and the joint medicaid oversight committee. The 95344
copy to the general assembly shall be provided in accordance with 95345
section 101.68 of the Revised Code. 95346

~~(D)~~(C) The director shall adopt rules specifying program 95347
performance indicators on which data must be reported by the 95348
administrators described in division ~~(C)~~(B) of this section as 95349
well as the format and time frames in which the data must be 95350
reported. To the extent possible, the program performance 95351
indicators specified in the rules shall be consistent with federal 95352
reporting requirements for federally funded home visiting 95353
services. The rules shall be adopted in accordance with Chapter 95354
119. of the Revised Code. 95355

Sec. ~~3701.61~~ 5180.21. (A) The department of ~~health~~ children 95356
and youth shall establish the help me grow program as the state's 95357
evidence-based parent support program that encourages early 95358
prenatal and well-baby care, as well as provides parenting 95359
education to promote the comprehensive health and development of 95360
children. The program shall provide home visiting services to 95361
families with a pregnant woman or child under five years of age 95362
that meet the eligibility requirements established in rules 95363
adopted under this section. Home visiting services shall be 95364
provided through evidence-based home visiting models or 95365
innovative, promising home visiting models recommended by the Ohio 95366
home visiting consortium created under section ~~3701.612~~ 5180.23 of 95367

the Revised Code. 95368

(B) Families shall be referred to the appropriate home 95369
visiting services through the central intake and referral system 95370
created under section ~~3701.611~~ 5180.22 of the Revised Code. 95371

(C) To the extent possible, the goals of the help me grow 95372
program shall be consistent with the goals of the federal home 95373
visiting program, as specified by the maternal and child health 95374
bureau of the health resources and services administration in the 95375
United States department of health and human services or its 95376
successor. 95377

(D) The director of ~~health~~ children and youth may enter into 95378
an interagency agreement with one or more state agencies to 95379
implement the help me grow program and ensure coordination of 95380
early childhood programs. 95381

(E) The director may distribute help me grow program funds 95382
through contracts, grants, or subsidies to entities providing 95383
services under the program. 95384

(F) As a condition of receiving payments for home visiting 95385
services, providers shall report to the director data on the 95386
program performance indicators, specified in rules adopted under 95387
division (G) of this section, that are used to assess progress 95388
toward achieving all of the following: 95389

(1) The benchmark domains established for the federal home 95390
visiting program, including improvement in maternal and newborn 95391
health; reduction in child injuries, abuse, and neglect; improved 95392
school readiness and achievement; reduction in crime and domestic 95393
violence; and improved family economic self-sufficiency; 95394

(2) Improvement in birth outcomes and reduction in 95395
stillbirths, as that term is defined in section ~~3701.97~~ 5180.12 of 95396
the Revised Code; 95397

(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children. 95398
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The providers shall report the data in the format and within the time frames specified in the rules. 95400
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The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health children and youth. 95402
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(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 95406
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(1) Subject to division (H) of this section, eligibility requirements for home visiting services; 95410
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(2) Eligibility requirements for providers of home visiting services; 95412
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(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation; 95414
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(4) Procedures for appealing the denial of an application for program services or the termination of services; 95417
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(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider; 95419
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(6) Procedures for addressing complaints; 95422

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services; 95423
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(8) The format in which reports must be submitted under 95428
division (F) of this section and the time frames within which the 95429
reports must be submitted; 95430

(9) Criteria for payment of approved providers of program 95431
services; 95432

(10) Any other rules necessary to implement the program. 95433

(H) When adopting rules required by division (G)(1) of this 95434
section, the department shall specify that families residing in 95435
the urban and rural communities specified in rules adopted under 95436
section 3701.142 of the Revised Code are to receive priority over 95437
other families for home visiting services. 95438

Sec. ~~3701.611~~ 5180.22. (A) The department of ~~health children~~ 95439
~~and youth~~ shall create a central intake and referral system for 95440
all home visiting programs operating in this state. Through a 95441
competitive bidding process, the department of ~~health children and~~ 95442
~~youth~~ may select one or more persons or government entities to 95443
operate the system. 95444

(B) If the department of ~~health children and youth~~ chooses to 95445
select one or more system operators as described in division (A) 95446
of this section, a contract with any system operator shall require 95447
that the system do both of the following: 95448

(1) Serve as a single point of entry for access, assessment, 95449
and referral of families to appropriate home visiting services 95450
based on each family's location of residence; 95451

(2) Use a standardized form or other mechanism to assess for 95452
each family member's risk factors and social determinants of 95453
health, as well as ensure that the family is referred to the 95454
appropriate home visiting program, which may include a program 95455
that uses home visiting contractors who provide services within a 95456
community HUB that fully or substantially complies with the 95457

pathways community HUB certification standards developed by the 95458
pathways community HUB institute. 95459

(C) The standardized form or other mechanism described in 95460
division (B)(2) of this section shall be agreed to by the home 95461
visiting consortium created under section ~~3701.612~~ 5180.23 of the 95462
Revised Code. 95463

(D) A contract entered into under division (B) of this 95464
section shall require a system operator to issue an annual report 95465
to the department of ~~health~~ children and youth that includes data 95466
regarding referrals made by the central intake and referral 95467
system, costs associated with the referrals, and the quality of 95468
services received by families who were referred to services 95469
through the system. The report shall be distributed to the home 95470
visiting consortium created under section ~~3701.612~~ 5180.23 of the 95471
Revised Code. 95472

(E) Nothing in this section is intended to do any of the 95473
following: 95474

(1) Prohibit the department of ~~health~~ children and youth from 95475
using alternative promotional materials or names for the central 95476
intake and referral system; 95477

(2) Require the use of help me grow program promotional 95478
materials or names; 95479

(3) Prohibit providers, central coordinators, the department 95480
of ~~health~~ children and youth, or stakeholders from using the help 95481
me grow name for promotional materials for home visiting. 95482

Sec. ~~3701.612~~ 5180.23. (A) The Ohio home visiting consortium 95483
is hereby created. The purpose of the consortium is to ensure that 95484
home visiting services provided by home visiting programs 95485
operating in this state, as well as home visiting services 95486
provided or arranged for by medicaid managed care organizations, 95487

are high-quality and delivered through evidence-based or 95488
innovative, promising home visiting models, including models used 95489
by home visiting contractors who provide services within one or 95490
more community HUBs that fully or substantially comply with the 95491
pathways community HUB certification standards developed by the 95492
pathways community HUB institute. It is the intent of the general 95493
assembly that all home visiting services provided in this state do 95494
both of the following: 95495

(1) Improve health, educational, and social outcomes for 95496
expectant and new parents and young children; 95497

(2) Promote safe, connected families and communities in which 95498
children are able to grow up healthy and ready to learn. 95499

(B)(1) In furtherance of the consortium's purpose, the 95500
consortium shall do both of the following: 95501

(a) Make recommendations to the department of children and 95502
youth, department of health, department of medicaid, department of 95503
mental health and addiction services, and department of 95504
developmental disabilities regarding how to leverage all funding 95505
sources available for home visiting services, including medicaid, 95506
to accomplish both of the following in this state: 95507

(i) Expand the use of evidence-based home visiting program 95508
models, including models used by home visiting contractors who 95509
provide services within one or more community HUBs that fully or 95510
substantially comply with the pathways community HUB certification 95511
standards developed by the pathways community HUB institute; 95512

(ii) Initiate, as pilot projects, innovative, promising home 95513
visiting models. 95514

(b) Make recommendations to the department of medicaid on the 95515
terms to be included in contracts the department enters into with 95516
medicaid managed care organizations under section 5167.10 of the 95517

Revised Code to ensure that the organizations are providing or 95518
arranging for the medicaid recipients enrolled in their medicaid 95519
MCO plans, as defined in section 5167.01 of the Revised Code, to 95520
receive home visiting services that are delivered as part of the 95521
home visiting program models described in divisions (B)(1)(a)(i) 95522
and (ii) of this section. 95523

(2) The consortium may recommend a standardized form or other 95524
mechanism to assess family risk factors and social determinants of 95525
health for purposes of the central intake and referral system 95526
described in section ~~3701.611~~ 5180.22 of the Revised Code. 95527

(C) The consortium shall consist of the following members: 95528

(1) The director of children and youth or the director's 95529
designee; 95530

~~(2)~~ The director of health or the director's designee; 95531

~~(2)~~ (3) The medicaid director or the director's designee; 95532

~~(3)~~ (4) The director of mental health and addiction services 95533
or the director's designee; 95534

~~(4)~~ (5) The director of developmental disabilities or the 95535
director's designee; 95536

(5) (6) The executive director of the commission on minority 95537
health or the executive director's designee; 95538

~~(6)~~ (7) A member of the commission on infant mortality who is 95539
not a legislator or an individual specified under this division; 95540

~~(7)~~ (8) One individual who represents medicaid managed care 95541
organizations, recommended by the board of trustees of the Ohio 95542
association of health plans; 95543

~~(8)~~ (9) One individual who represents county boards of 95544
developmental disabilities, recommended by the Ohio association of 95545
county boards of developmental disabilities; 95546

~~(9)~~(10) A home visiting contractor who provides services 95547
within the help me grow program through a contract, grant, or 95548
other agreement with the department of ~~health~~ children and youth; 95549

~~(10)~~(11) A home visiting contractor who provides services 95550
within one or more community HUBs that fully or substantially 95551
comply with the pathways community HUB certification standards 95552
developed by the pathways community HUB institute through a 95553
contract, grant, or other agreement with the commission on 95554
minority health; 95555

~~(11)~~(12) An individual who receives home visiting services 95556
from the help me grow program; 95557

~~(12)~~(13) An individual who receives home visiting services 95558
from a home visiting contractor who provides services within one 95559
or more community HUBs that fully or substantially comply with the 95560
pathways community HUB certification standards developed by the 95561
pathways community HUB institute; 95562

~~(13)~~(14) Two members of the senate, one from the majority 95563
party and one from the minority party, each appointed by the 95564
senate president; 95565

~~(14)~~(15) Two members of the house of representatives, one 95566
from the majority party and one from the minority party, each 95567
appointed by the speaker of the house of representatives. 95568

(D) The consortium members described in divisions 95569
~~(C)~~(10)(C)(11) and ~~(12)~~(13) of this section shall be appointed not 95570
later than thirty days after ~~the effective date of this amendment~~ 95571
October 17, 2019. An appointed member shall hold office until a 95572
successor is appointed. A vacancy shall be filled in the same 95573
manner as the original appointment. 95574

The director of ~~health~~ children and youth shall serve as the 95575
chairperson of the consortium. 95576

A member shall serve without compensation except to the extent that serving on the consortium is considered part of the member's regular duties of employment.

(E) The consortium shall meet at the call of the director of ~~health~~ children and youth but not less than once each calendar quarter. The consortium's first meeting shall occur not later than sixty days after April 6, 2017.

(F) The department of ~~health~~ children and youth shall provide meeting space and staff and other administrative support for the consortium.

(G) The consortium is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. ~~3701.613~~ 5180.24. Beginning in fiscal year ~~2018~~ 2026, the department of ~~health~~ children and youth shall facilitate and allocate funds for a biennial summit on home visiting programs. The purpose of each summit is to convene persons and government entities involved with the delivery of home visiting services in this state, as well as other interested persons, to do all of the following:

(A) Share the latest research on evidence-based and innovative, promising home visiting models;

(B) Discuss strategies to ensure that home visiting programs in this state use evidence-based or innovative, promising home visiting models;

(C) Discuss strategies to reduce tobacco use by families participating in home visiting programs;

(D) Present successes and challenges encountered by home visiting programs.

Sec. ~~3701.614~~ 5180.25. (A) The department of ~~health~~ children

and youth shall develop educational materials describing the 95606
health risks of lead-based paint and measures that may be taken to 95607
reduce those risks. 95608

(B) As part of the home visiting services described in 95609
section ~~3701.61~~ 5180.21 of the Revised Code, each eligible family 95610
residing in a house, apartment, or other residence built before 95611
January 1, 1979, shall receive a copy of the educational materials 95612
described in this section. If the date on which the residence was 95613
built is unknown to the family or home visiting services provider, 95614
the family shall receive a copy of the educational materials. 95615

(C) The educational materials developed and distributed under 95616
this section shall be culturally and linguistically appropriate 95617
for the families described in division (B) of this section. 95618

Sec. 5180.30. The department of children and youth shall 95619
serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), 95620
to implement the state's part C early intervention services 95621
program, through which early intervention services are provided to 95622
eligible infants and toddlers in accordance with part C of the 95623
"Individuals with Disabilities Education Act," 20 U.S.C. 1431 et 95624
seq., and regulations implementing that part in 34 C.F.R. part 95625
303. 95626

Sec. ~~5123.024~~ 5180.31. The department of ~~developmental~~ 95627
~~disabilities~~ children and youth may do any of the following as the 95628
lead agency to implement the state's part C early intervention 95629
services program, as described in section ~~5123.02~~ 5180.30 of the 95630
Revised Code: 95631

(A) Enter into an interagency agreement with one or more 95632
other state agencies to implement the program and ensure 95633
coordination of early childhood programs; 95634

(B) Distribute program funds through contracts, grants, or subsidies to entities that are program service providers;	95635 95636
(C) Establish a system of payment to program service providers.	95637 95638
Sec. 5123.0421 5180.32. The director of developmental disabilities <u>children and youth</u> shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement the state's part C early intervention services program, including rules that specify all of the following:	95639 95640 95641 95642 95643
(A) Eligibility requirements to receive program services;	95644
(B) Eligibility requirements to be a program service provider;	95645 95646
(C) Operating standards and procedures for program service providers, including standards and procedures governing data collection, program monitoring, and program evaluation;	95647 95648 95649
(D) Procedures to appeal the denial of an application to receive program services or the termination of program services;	95650 95651
(E) Procedures to appeal a decision by the department of developmental disabilities to deny an application to be a program service provider or to terminate a provider's status;	95652 95653 95654
(F) Procedures for addressing complaints by persons who receive program services;	95655 95656
(G) Criteria for the payment of program service providers;	95657
(H) The metrics or indicators used to measure program service provider performance.	95658 95659
Sec. 5123.0423 5180.33. As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.	95660 95661 95662

The director of ~~developmental disabilities~~ children and youth 95663
shall request a student data verification code from the 95664
independent contractor engaged by the department of education to 95665
create and maintain such codes for school districts and community 95666
schools under division (D)(2) of section 3301.0714 of the Revised 95667
Code for each child who is receiving services from the state's 95668
part C early intervention services program. The director shall 95669
request from the parent, guardian, or custodian of the child, or 95670
from any other person who is authorized by law to make decisions 95671
regarding the child's education, the name and address of the 95672
child's school district of residence. The director shall submit 95673
the data verification code for that child to the child's school 95674
district of residence at the time the child ceases to receive 95675
services from the part C early intervention services program. 95676

The director and each school district that receives a data 95677
verification code under this section shall not release that code 95678
to any person except as provided by law. Any document that the 95679
director holds in the director's files that contains both a 95680
child's name or other personally identifiable information and the 95681
child's data verification code is not a public record under 95682
section 149.43 of the Revised Code. 95683

Sec. ~~5123.0422~~ 5180.34. The governor shall establish the 95684
early intervention services advisory council, which shall serve as 95685
the state interagency coordinating council, as described in 20 95686
U.S.C. 1441. In establishing the council, the governor shall 95687
comply with the requirements of 20 U.S.C. 1441, including the 95688
requirement to ensure that the membership of the council 95689
reasonably represents the population of the state. 95690

The governor shall appoint one of the council members to 95691
serve as chairperson of the council, or the governor may delegate 95692
appointment of the chairperson to the council. No member of the 95693

council representing the department of health or the department of 95694
~~developmental disabilities~~ children and youth shall serve as 95695
chairperson. 95696

The council is not subject to sections 101.82 to 101.87 of 95697
the Revised Code. 95698

Section 130.13. That existing sections 9.55, 103.60, 109.65, 95699
109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 95700
329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 95701
2151.3519, 2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 95702
2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 95703
2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 95704
2151.84, 2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 95705
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3107.015, 3107.016, 3107.017, 3107.018, 3107.031, 3107.032, 95707
3107.033, 3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 95708
3107.09, 3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 95709
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3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 95711
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3701.952, 3701.953, 3701.97, 3705.32, 3705.36, 3705.40, 3737.22, 95717
3742.32, 3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11, 95718
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5104.06, 5104.07, 5104.08, 5104.081, 5104.10, 5104.12, 5104.13, 95744
5104.14, 5104.21, 5104.211, 5104.22, 5104.25, 5104.29, 5104.30, 95745
5104.301, 5104.31, 5104.32, 5104.33, 5104.34, 5104.36, 5104.38, 95746
5104.382, 5104.39, 5104.42, 5104.44, 5107.24, 5123.02, 5123.024, 95747
5123.026, 5123.0421, 5123.0422, 5123.0423, 5139.39, 5153.01, 95748
5153.111, 5153.113, 5153.121, 5153.122, 5153.123, 5153.124, 95749
5153.14, 5153.16, 5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 95750
5153.21, 5153.22, 5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 95751
5153.36, 5153.38, 5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 95752
5164.15, 5166.01, and 5167.16 of the Revised Code are hereby 95753
repealed. 95754

Section 130.14. That section 3301.521 of the Revised Code is 95755
hereby repealed. 95756

Section 130.15. Sections 130.13, 130.14, and 130.15 of this act take effect January 1, 2025. 95757
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Section 130.16. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 95759
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Section 2151.353 of the Revised Code as amended by H.B. 8 and H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd General Assembly, and H.B. 50 and H.B. 158, both of the 131st General Assembly. 95767
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Section 3301.0715 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly. 95771
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Section 5104.017 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly. 95773
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Section 5123.02 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly. 95775
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Section 130.20. That sections 109.57, 349.01, 921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 5104.022, 95777
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5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 5104.038, 95786
5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 5104.05, 95787
5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 95788
5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 5104.31, 95789
5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 95790
5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 5733.37, 95791
5733.38, and 6109.121 of the Revised Code be amended to read as 95792
follows: 95793

Sec. 109.57. (A)(1) The superintendent of the bureau of 95794
criminal identification and investigation shall procure from 95795
wherever procurable and file for record photographs, pictures, 95796
descriptions, fingerprints, measurements, and other information 95797
that may be pertinent of all persons who have been convicted of 95798
committing within this state a felony, any crime constituting a 95799
misdemeanor on the first offense and a felony on subsequent 95800
offenses, or any misdemeanor described in division (A)(1)(a), 95801
~~(A)(5)(a)~~(A)(4)(a), or ~~(A)(7)(a)~~(A)(6)(a) of section 109.572 of 95802
the Revised Code, of all children under eighteen years of age who 95803
have been adjudicated delinquent children for committing within 95804
this state an act that would be a felony or an offense of violence 95805
if committed by an adult or who have been convicted of or pleaded 95806
guilty to committing within this state a felony or an offense of 95807
violence, and of all well-known and habitual criminals. The person 95808
in charge of any county, multicounty, municipal, municipal-county, 95809
or multicounty-municipal jail or workhouse, community-based 95810
correctional facility, halfway house, alternative residential 95811
facility, or state correctional institution and the person in 95812
charge of any state institution having custody of a person 95813
suspected of having committed a felony, any crime constituting a 95814
misdemeanor on the first offense and a felony on subsequent 95815
offenses, or any misdemeanor described in division (A)(1)(a), 95816

~~(A)(5)(a)~~(A)(4)(a), or ~~(A)(7)(a)~~(A)(6)(a) of section 109.572 of 95817
the Revised Code or having custody of a child under eighteen years 95818
of age with respect to whom there is probable cause to believe 95819
that the child may have committed an act that would be a felony or 95820
an offense of violence if committed by an adult shall furnish such 95821
material to the superintendent of the bureau. Fingerprints, 95822
photographs, or other descriptive information of a child who is 95823
under eighteen years of age, has not been arrested or otherwise 95824
taken into custody for committing an act that would be a felony or 95825
an offense of violence who is not in any other category of child 95826
specified in this division, if committed by an adult, has not been 95827
adjudicated a delinquent child for committing an act that would be 95828
a felony or an offense of violence if committed by an adult, has 95829
not been convicted of or pleaded guilty to committing a felony or 95830
an offense of violence, and is not a child with respect to whom 95831
there is probable cause to believe that the child may have 95832
committed an act that would be a felony or an offense of violence 95833
if committed by an adult shall not be procured by the 95834
superintendent or furnished by any person in charge of any county, 95835
multicounty, municipal, municipal-county, or multicounty-municipal 95836
jail or workhouse, community-based correctional facility, halfway 95837
house, alternative residential facility, or state correctional 95838
institution, except as authorized in section 2151.313 of the 95839
Revised Code. 95840

(2) Every clerk of a court of record in this state, other 95841
than the supreme court or a court of appeals, shall send to the 95842
superintendent of the bureau a weekly report containing a summary 95843
of each case involving a felony, involving any crime constituting 95844
a misdemeanor on the first offense and a felony on subsequent 95845
offenses, involving a misdemeanor described in division (A)(1)(a), 95846
~~(A)(5)(a)~~(A)(4)(a), or ~~(A)(7)(a)~~(A)(6)(a) of section 109.572 of 95847
the Revised Code, or involving an adjudication in a case in which 95848

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

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

(b) The style and number of the case;

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

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

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

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of

probation imposed or any other disposition of the offender or the delinquent child. 95880
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If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records. 95882
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(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), ~~(A)(5)(a)~~ (A)(4)(a), or ~~(A)(7)(a)~~ (A)(6)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law 95887
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enforcement officials of the state and its political subdivisions. 95912

(4) The superintendent shall carry out Chapter 2950. of the 95913
Revised Code with respect to the registration of persons who are 95914
convicted of or plead guilty to a sexually oriented offense or a 95915
child-victim oriented offense and with respect to all other duties 95916
imposed on the bureau under that chapter. 95917

(5) The bureau shall perform centralized recordkeeping 95918
functions for criminal history records and services in this state 95919
for purposes of the national crime prevention and privacy compact 95920
set forth in section 109.571 of the Revised Code and is the 95921
criminal history record repository as defined in that section for 95922
purposes of that compact. The superintendent or the 95923
superintendent's designee is the compact officer for purposes of 95924
that compact and shall carry out the responsibilities of the 95925
compact officer specified in that compact. 95926

(6) The superintendent shall, upon request, assist a county 95927
coroner in the identification of a deceased person through the use 95928
of fingerprint impressions obtained pursuant to division (A)(1) of 95929
this section or collected pursuant to section 109.572 or 311.41 of 95930
the Revised Code. 95931

(B) The superintendent shall prepare and furnish to every 95932
county, multicounty, municipal, municipal-county, or 95933
multicounty-municipal jail or workhouse, community-based 95934
correctional facility, halfway house, alternative residential 95935
facility, or state correctional institution and to every clerk of 95936
a court in this state specified in division (A)(2) of this section 95937
standard forms for reporting the information required under 95938
division (A) of this section. The standard forms that the 95939
superintendent prepares pursuant to this division may be in a 95940
tangible format, in an electronic format, or in both tangible 95941
formats and electronic formats. 95942

(C)(1) The superintendent may operate a center for 95943
electronic, automated, or other data processing for the storage 95944
and retrieval of information, data, and statistics pertaining to 95945
criminals and to children under eighteen years of age who are 95946
adjudicated delinquent children for committing an act that would 95947
be a felony or an offense of violence if committed by an adult, 95948
criminal activity, crime prevention, law enforcement, and criminal 95949
justice, and may establish and operate a statewide communications 95950
network to be known as the Ohio law enforcement gateway to gather 95951
and disseminate information, data, and statistics for the use of 95952
law enforcement agencies and for other uses specified in this 95953
division. The superintendent may gather, store, retrieve, and 95954
disseminate information, data, and statistics that pertain to 95955
children who are under eighteen years of age and that are gathered 95956
pursuant to sections 109.57 to 109.61 of the Revised Code together 95957
with information, data, and statistics that pertain to adults and 95958
that are gathered pursuant to those sections. 95959

(2) The superintendent or the superintendent's designee shall 95960
gather information of the nature described in division (C)(1) of 95961
this section that pertains to the offense and delinquency history 95962
of a person who has been convicted of, pleaded guilty to, or been 95963
adjudicated a delinquent child for committing a sexually oriented 95964
offense or a child-victim oriented offense for inclusion in the 95965
state registry of sex offenders and child-victim offenders 95966
maintained pursuant to division (A)(1) of section 2950.13 of the 95967
Revised Code and in the internet database operated pursuant to 95968
division (A)(13) of that section and for possible inclusion in the 95969
internet database operated pursuant to division (A)(11) of that 95970
section. 95971

(3) In addition to any other authorized use of information, 95972
data, and statistics of the nature described in division (C)(1) of 95973
this section, the superintendent or the superintendent's designee 95974

may provide and exchange the information, data, and statistics 95975
pursuant to the national crime prevention and privacy compact as 95976
described in division (A)(5) of this section. 95977

(4) The Ohio law enforcement gateway shall contain the name, 95978
confidential address, and telephone number of program participants 95979
in the address confidentiality program established under sections 95980
111.41 to 111.47 of the Revised Code. 95981

(5) The attorney general may adopt rules under Chapter 119. 95982
of the Revised Code establishing guidelines for the operation of 95983
and participation in the Ohio law enforcement gateway. The rules 95984
may include criteria for granting and restricting access to 95985
information gathered and disseminated through the Ohio law 95986
enforcement gateway. The attorney general shall adopt rules under 95987
Chapter 119. of the Revised Code that grant access to information 95988
in the gateway regarding an address confidentiality program 95989
participant under sections 111.41 to 111.47 of the Revised Code to 95990
only chiefs of police, village marshals, county sheriffs, county 95991
prosecuting attorneys, and a designee of each of these 95992
individuals. The attorney general shall permit the state medical 95993
board and board of nursing to access and view, but not alter, 95994
information gathered and disseminated through the Ohio law 95995
enforcement gateway. 95996

The attorney general may appoint a steering committee to 95997
advise the attorney general in the operation of the Ohio law 95998
enforcement gateway that is comprised of persons who are 95999
representatives of the criminal justice agencies in this state 96000
that use the Ohio law enforcement gateway and is chaired by the 96001
superintendent or the superintendent's designee. 96002

(D)(1) The following are not public records under section 96003
149.43 of the Revised Code: 96004

(a) Information and materials furnished to the superintendent 96005

pursuant to division (A) of this section; 96006

(b) Information, data, and statistics gathered or 96007
disseminated through the Ohio law enforcement gateway pursuant to 96008
division (C)(1) of this section; 96009

(c) Information and materials furnished to any board or 96010
person under division (F) or (G) of this section. 96011

(2) The superintendent or the superintendent's designee shall 96012
gather and retain information so furnished under division (A) of 96013
this section that pertains to the offense and delinquency history 96014
of a person who has been convicted of, pleaded guilty to, or been 96015
adjudicated a delinquent child for committing a sexually oriented 96016
offense or a child-victim oriented offense for the purposes 96017
described in division (C)(2) of this section. 96018

(E)(1) The attorney general shall adopt rules, in accordance 96019
with Chapter 119. of the Revised Code and subject to division 96020
(E)(2) of this section, setting forth the procedure by which a 96021
person may receive or release information gathered by the 96022
superintendent pursuant to division (A) of this section. A 96023
reasonable fee may be charged for this service. If a temporary 96024
employment service submits a request for a determination of 96025
whether a person the service plans to refer to an employment 96026
position has been convicted of or pleaded guilty to an offense 96027
listed or described in division (A)(1), (2), or (3) of section 96028
109.572 of the Revised Code, the request shall be treated as a 96029
single request and only one fee shall be charged. 96030

(2) Except as otherwise provided in this division or division 96031
(E)(3) or (4) of this section, a rule adopted under division 96032
(E)(1) of this section may provide only for the release of 96033
information gathered pursuant to division (A) of this section that 96034
relates to the conviction of a person, or a person's plea of 96035
guilty to, a criminal offense or to the arrest of a person as 96036

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

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

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

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

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

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

been resolved at the time the criminal records check is performed. 96068

(c) The bureau cannot reasonably determine whether a criminal 96069
action resulting from the arrest is pending, and not more than one 96070
year has elapsed since the date of the arrest. 96071

(4) A rule adopted under division (E)(1) of this section may 96072
provide for the release of information gathered pursuant to 96073
division (A) of this section that relates to an adjudication of a 96074
child as a delinquent child if not more than five years have 96075
elapsed since the date of the adjudication, the adjudication was 96076
for an act that would have been a felony if committed by an adult, 96077
the records of the adjudication have not been sealed or expunged 96078
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 96079
the request for information is made under division (F) of this 96080
section or under section 109.572 of the Revised Code. In the case 96081
of an adjudication for a violation of the terms of community 96082
control or supervised release, the five-year period shall be 96083
calculated from the date of the adjudication to which the 96084
community control or supervised release pertains. 96085

(F)(1) As used in division (F)(2) of this section, "head 96086
start agency" means an entity in this state that has been approved 96087
to be an agency for purposes of subchapter II of the "Community 96088
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 96089
as amended. 96090

(2)(a) In addition to or in conjunction with any request that 96091
is required to be made under section 109.572, 2151.86, 3301.32, 96092
3301.541, division (C) of section 3310.58, or section 3319.39, 96093
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 96094
Revised Code or that is made under section 3314.41, 3319.392, 96095
3326.25, or 3328.20 of the Revised Code, the board of education of 96096
any school district; the director of developmental disabilities; 96097
any county board of developmental disabilities; any provider or 96098
subcontractor as defined in section 5123.081 of the Revised Code; 96099

the chief administrator of any chartered nonpublic school; the 96100
chief administrator of a registered private provider that is not 96101
also a chartered nonpublic school; the chief administrator of any 96102
home health agency; the chief administrator of or person operating 96103
any child ~~day-care~~ care center, type A family ~~day-care~~ child care 96104
home, or type B family ~~day-care~~ child care home licensed under 96105
Chapter 5104. of the Revised Code; the chief administrator of any 96106
head start agency; the executive director of a public children 96107
services agency; a private company described in section 3314.41, 96108
3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer 96109
described in division (J)(2) of section 3327.10 of the Revised 96110
Code may request that the superintendent of the bureau investigate 96111
and determine, with respect to any individual who has applied for 96112
employment in any position after October 2, 1989, or any 96113
individual wishing to apply for employment with a board of 96114
education may request, with regard to the individual, whether the 96115
bureau has any information gathered under division (A) of this 96116
section that pertains to that individual. On receipt of the 96117
request, subject to division (E)(2) of this section, the 96118
superintendent shall determine whether that information exists 96119
and, upon request of the person, board, or entity requesting 96120
information, also shall request from the federal bureau of 96121
investigation any criminal records it has pertaining to that 96122
individual. The superintendent or the superintendent's designee 96123
also may request criminal history records from other states or the 96124
federal government pursuant to the national crime prevention and 96125
privacy compact set forth in section 109.571 of the Revised Code. 96126
Within thirty days of the date that the superintendent receives a 96127
request, subject to division (E)(2) of this section, the 96128
superintendent shall send to the board, entity, or person a report 96129
of any information that the superintendent determines exists, 96130
including information contained in records that have been sealed 96131
under section 2953.32 of the Revised Code, and, within thirty days 96132

of its receipt, subject to division (E)(2) of this section, shall 96133
send the board, entity, or person a report of any information 96134
received from the federal bureau of investigation, other than 96135
information the dissemination of which is prohibited by federal 96136
law. 96137

(b) When a board of education or a registered private 96138
provider is required to receive information under this section as 96139
a prerequisite to employment of an individual pursuant to division 96140
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 96141
may accept a certified copy of records that were issued by the 96142
bureau of criminal identification and investigation and that are 96143
presented by an individual applying for employment with the 96144
district in lieu of requesting that information itself. In such a 96145
case, the board shall accept the certified copy issued by the 96146
bureau in order to make a photocopy of it for that individual's 96147
employment application documents and shall return the certified 96148
copy to the individual. In a case of that nature, a district or 96149
provider only shall accept a certified copy of records of that 96150
nature within one year after the date of their issuance by the 96151
bureau. 96152

(c) Notwithstanding division (F)(2)(a) of this section, in 96153
the case of a request under section 3319.39, 3319.391, or 3327.10 96154
of the Revised Code only for criminal records maintained by the 96155
federal bureau of investigation, the superintendent shall not 96156
determine whether any information gathered under division (A) of 96157
this section exists on the person for whom the request is made. 96158

(3) The state board of education may request, with respect to 96159
any individual who has applied for employment after October 2, 96160
1989, in any position with the state board or the department of 96161
education, any information that a school district board of 96162
education is authorized to request under division (F)(2) of this 96163
section, and the superintendent of the bureau shall proceed as if 96164

the request has been received from a school district board of education under division (F)(2) of this section. 96165
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(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education and shall comply with divisions (F)(2)(a) and (c) of this section. 96167
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(G) In addition to or in conjunction with any request that is required to be made under section 3712.09, 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. 96172
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In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsman services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsman, the director of aging, a regional long-term care ombudsman program, or the designee of the ombudsman, director, or program may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing such ombudsman services, whether the 96186
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bureau has any information gathered under division (A) of this 96197
section that pertains to that applicant. 96198

In addition to or in conjunction with any request that is 96199
required to be made under section 173.38 of the Revised Code with 96200
respect to an individual who has applied for employment in a 96201
direct-care position, the chief administrator of a provider, as 96202
defined in section 173.39 of the Revised Code, may request that 96203
the superintendent investigate and determine, with respect to any 96204
individual who has applied for employment in a position that is 96205
not a direct-care position, whether the bureau has any information 96206
gathered under division (A) of this section that pertains to that 96207
applicant. 96208

In addition to or in conjunction with any request that is 96209
required to be made under section 3712.09 of the Revised Code with 96210
respect to an individual who has applied for employment in a 96211
position that involves providing direct care to a pediatric 96212
respite care patient, the chief administrator of a pediatric 96213
respite care program may request that the superintendent of the 96214
bureau investigate and determine, with respect to any individual 96215
who has applied for employment in a position that does not involve 96216
providing direct care to a pediatric respite care patient, whether 96217
the bureau has any information gathered under division (A) of this 96218
section that pertains to that individual. 96219

On receipt of a request under this division, the 96220
superintendent shall determine whether that information exists 96221
and, on request of the individual requesting information, shall 96222
also request from the federal bureau of investigation any criminal 96223
records it has pertaining to the applicant. The superintendent or 96224
the superintendent's designee also may request criminal history 96225
records from other states or the federal government pursuant to 96226
the national crime prevention and privacy compact set forth in 96227
section 109.571 of the Revised Code. Within thirty days of the 96228

date a request is received, subject to division (E)(2) of this 96229
section, the superintendent shall send to the requester a report 96230
of any information determined to exist, including information 96231
contained in records that have been sealed under section 2953.32 96232
of the Revised Code, and, within thirty days of its receipt, shall 96233
send the requester a report of any information received from the 96234
federal bureau of investigation, other than information the 96235
dissemination of which is prohibited by federal law. 96236

(H) Information obtained by a government entity or person 96237
under this section is confidential and shall not be released or 96238
disseminated. 96239

(I) The superintendent may charge a reasonable fee for 96240
providing information or criminal records under division (F)(2) or 96241
(G) of this section. 96242

(J) As used in this section: 96243

(1) "Pediatric respite care program" and "pediatric care 96244
patient" have the same meanings as in section 3712.01 of the 96245
Revised Code. 96246

(2) "Sexually oriented offense" and "child-victim oriented 96247
offense" have the same meanings as in section 2950.01 of the 96248
Revised Code. 96249

(3) "Registered private provider" means a nonpublic school or 96250
entity registered with the superintendent of public instruction 96251
under section 3310.41 of the Revised Code to participate in the 96252
autism scholarship program or section 3310.58 of the Revised Code 96253
to participate in the Jon Peterson special needs scholarship 96254
program. 96255

Sec. 349.01. As used in this chapter: 96256

(A) "New community" means a community or development of 96257
property in relation to an existing community planned so that the 96258

resulting community includes facilities for the conduct of 96259
industrial, commercial, residential, cultural, educational, and 96260
recreational activities, and designed in accordance with planning 96261
concepts for the placement of utility, open space, and other 96262
supportive facilities. 96263

(B) "New community development program" means a program for 96264
the development of a new community characterized by well-balanced 96265
and diversified land use patterns and which includes land 96266
acquisition and land development, the acquisition, construction, 96267
operation, and maintenance of community facilities, and the 96268
provision of services authorized in this chapter. 96269

A new community development program may take into account any 96270
existing community in relation to which a new community is 96271
developed for purposes of being characterized by well-balanced and 96272
diversified land use patterns. 96273

(C) "New community district" means the area of land described 96274
by the developer in the petition as set forth in division (A) of 96275
section 349.03 of the Revised Code for development as a new 96276
community and any lands added to the district by amendment of the 96277
resolution establishing the community authority. 96278

(D) "New community authority" means a body corporate and 96279
politic in this state, established pursuant to section 349.03 of 96280
the Revised Code and governed by a board of trustees as provided 96281
in section 349.04 of the Revised Code. 96282

(E) "Developer" means any person, organized for carrying out 96283
a new community development program who owns or controls, through 96284
leases of at least seventy-five years' duration, options, or 96285
contracts to purchase, the land within a new community district, 96286
or any municipal corporation, county, or port authority that owns 96287
the land within a new community district, or has the ability to 96288
acquire such land, either by voluntary acquisition or condemnation 96289

in order to eliminate slum, blighted, and deteriorated or 96290
deteriorating areas and to prevent the recurrence thereof. 96291
"Developer" may also mean a person, municipal corporation, county, 96292
or port authority that controls land within a new community 96293
district through leases of at least seventy-five years' duration. 96294
"Developer" includes a lessor that continues to own and control 96295
land for purposes of this chapter pursuant to leases with a 96296
ninety-nine-year renewable term, so long as all of the following 96297
apply: 96298

(1) The developer's new community district consists of at 96299
least five leases described in this section. 96300

(2) The leases are subject to forfeiture for all of the 96301
following: 96302

(a) Failing to pay taxes and assessments; 96303

(b) Failing to pay an annual fee of up to one per cent of 96304
rent for sanitary purposes and improvements made to streets; 96305

(c) Failing to keep the premises as required by sanitary and 96306
police regulations of the developer. 96307

(3) The new community authority is established on or before 96308
December 31, 2024. 96309

(F) "Organizational board of commissioners" means the 96310
following: 96311

(1) For a new community district that is located in only one 96312
county, the board of county commissioners of that county; 96313

(2) For a new community district that is located in more than 96314
one county, a board consisting of the members of the board of 96315
county commissioners of each of the counties in which the district 96316
is located, provided that action of the board shall require a 96317
majority vote of the members of each separate board of county 96318
commissioners; or 96319

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, ~~day~~ child care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and

overpasses, lighting facilities, design amenities, or other 96352
community facilities, and buildings needed in connection with 96353
water supply or sewage disposal installations, or energy 96354
facilities including those for renewable or sustainable energy 96355
sources, and steam, gas, or electric lines or installation. 96356

(J) "Cost" as applied to a new community development program 96357
means all costs related to land acquisition and land development, 96358
the acquisition, construction, maintenance, and operation of 96359
community facilities and offices of the community authority, and 96360
of providing furnishings and equipment therefor, financing charges 96361
including interest prior to and during construction and for the 96362
duration of the new community development program, planning 96363
expenses, engineering expenses, administrative expenses including 96364
working capital, and all other expenses necessary and incident to 96365
the carrying forward of the new community development program. 96366

(K) "Income source" means any and all sources of income to 96367
the community authority, including community development charges 96368
of which the new community authority is the beneficiary as 96369
provided in section 349.07 of the Revised Code, rentals, user fees 96370
and other charges received by the new community authority, any 96371
gift or grant received, any moneys received from any funds 96372
invested by or on behalf of the new community authority, and 96373
proceeds from the sale or lease of land and community facilities. 96374

(L) "Community development charge" means: 96375

(1) A dollar amount which shall be determined on the basis of 96376
the assessed valuation of real property or interests in real 96377
property in a new community district, the income of the residents 96378
of such property subject to such charge under section 349.07 of 96379
the Revised Code, if such property is devoted to residential uses 96380
or to the profits, gross receipts, or other revenues of any 96381
business including, but not limited to, rentals received from 96382
leases of real property located in the district, a uniform or 96383

other fee on each parcel of such real property in a new community district, or any combination of the foregoing bases. 96384
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(2) If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code. 96386
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(M) "Proximate city" means the following: 96392

(1) For a new community district other than a new community district described in division (M)(2) or (3) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district. 96393
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(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located. 96404
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(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district. 96407
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(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	96445 96446
(vi) Child day-care <u>care</u> centers or <u>licensed</u> school child day-care centers <u>programs</u> as defined in section 5104.01 of the Revised Code;	96447 96448 96449
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	96450 96451 96452 96453 96454 96455
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	96456 96457 96458 96459 96460 96461 96462 96463 96464 96465
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	96466 96467
(x) Any other site designated by rule.	96468
(e) Conduct authorized diagnostic inspections.	96469
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	96470 96471 96472
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines	96473 96474

established by rule. The fee for each such license shall be 96475
established by rule. If a license is not issued or renewed, the 96476
application fee shall be retained by the state as payment for the 96477
reasonable expense of processing the application. The director 96478
shall by rule classify by pesticide-use category licenses to be 96479
issued under this section. A single license may include more than 96480
one pesticide-use category. No individual shall be required to pay 96481
an additional license fee if the individual is licensed for more 96482
than one category. 96483

The fee for each license or renewal does not apply to an 96484
applicant who is an employee of the department of agriculture 96485
whose job duties require licensure as a commercial applicator as a 96486
condition of employment. 96487

(B) Application for a commercial applicator license shall be 96488
made on a form prescribed by the director. Each application for a 96489
license shall state the pesticide-use category or categories of 96490
license for which the applicant is applying and other information 96491
that the director determines essential to the administration of 96492
this chapter. 96493

(C) If the director finds that the applicant is competent to 96494
apply pesticides and conduct diagnostic inspections and that the 96495
applicant has passed both the general examination and each 96496
applicable pesticide-use category examination as required under 96497
division (A) of section 921.12 of the Revised Code, the director 96498
shall issue a commercial applicator license limited to the 96499
pesticide-use category or categories for which the applicant is 96500
found to be competent. If the director rejects an application, the 96501
director may explain why the application was rejected, describe 96502
the additional requirements necessary for the applicant to obtain 96503
a license, and return the application. The applicant may resubmit 96504
the application without payment of any additional fee. 96505

(D)(1) A person who is a commercial applicator shall be 96506

deemed to hold a private applicator's license for purposes of 96507
applying pesticides on agricultural commodities that are produced 96508
by the commercial applicator. 96509

(2) A commercial applicator shall apply pesticides only in 96510
the pesticide-use category or categories in which the applicator 96511
is licensed under this chapter. 96512

(E) All money collected under this section shall be credited 96513
to the pesticide, fertilizer, and lime program fund created in 96514
section 921.22 of the Revised Code. 96515

Sec. 1923.01. (A) As provided in this chapter, any judge of a 96516
county or municipal court or a court of common pleas, within the 96517
judge's proper area of jurisdiction, may inquire about persons who 96518
make unlawful and forcible entry into lands or tenements and 96519
detain them, and about persons who make a lawful and peaceable 96520
entry into lands or tenements and hold them unlawfully and by 96521
force. If, upon the inquiry, it is found that an unlawful and 96522
forcible entry has been made and the lands or tenements are 96523
detained, or that, after a lawful entry, lands or tenements are 96524
held unlawfully and by force, a judge shall cause the plaintiff in 96525
an action under this chapter to have restitution of the lands or 96526
tenements. 96527

(B) An action shall be brought under this chapter within two 96528
years after the cause of action accrues. 96529

(C) As used in this chapter: 96530

(1) "Tenant" means a person who is entitled under a rental 96531
agreement to the use or occupancy of premises, other than premises 96532
located in a manufactured home park, to the exclusion of others, 96533
except that as used in division (A)(6) of section 1923.02 and 96534
section 1923.051 of the Revised Code, "tenant" includes a 96535
manufactured home park resident. 96536

(2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.

(3) "Resident" has the same meaning as in section 4781.01 of the Revised Code.

(4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section 4781.01 of the Revised Code.

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A)(13) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

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

(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.

(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.

(11) "Manufactured home park" has the same meaning as in section 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.

(12) "Park operator" has the same meaning as in section 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 4781. of the Revised Code.

(13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter.

(14) "Preschool or child ~~day-care~~ care center premises" has the same meaning as in section 2950.034 of the Revised Code.

Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:

(1) Against tenants or manufactured home park residents holding over their terms;

(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;

(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which the sale was made;

(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;

(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:

(a) A tenant fails to vacate residential premises within three days after both of the following occur:

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described

in this division if a search warrant was issued pursuant to 96629
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 96630
affidavit presented to obtain the warrant named or described the 96631
tenant or person as the individual to be searched and particularly 96632
described the tenant's premises as the place to be searched, named 96633
or described one or more controlled substances to be searched for 96634
and seized, stated substantially the offense under Chapter 2925. 96635
or 3719. of the Revised Code or the substantially similar 96636
municipal ordinance that occurred in, is occurring in, or 96637
otherwise was or is connected with the tenant's premises, and 96638
states the factual basis for the affiant's belief that the 96639
controlled substances are located on the tenant's premises; the 96640
warrant was properly executed by a law enforcement officer and any 96641
controlled substance described in the affidavit was found by that 96642
officer during the search and seizure; and, subsequent to the 96643
search and seizure, the landlord was informed by that or another 96644
law enforcement officer of the fact that the tenant or person has 96645
or presently is engaged in a violation as described in this 96646
division and it occurred in, is occurring in, or otherwise was or 96647
is connected with the tenant's premises. 96648

(ii) The landlord gives the tenant the notice required by 96649
division (C) of section 5321.17 of the Revised Code. 96650

(b) The court determines, by a preponderance of the evidence, 96651
that the tenant, any person in the tenant's household, or any 96652
person on the premises with the consent of the tenant previously 96653
has or presently is engaged in a violation as described in 96654
division (A)(6)(a)(i) of this section. 96655

(7) In cases arising out of Chapter 5313. of the Revised 96656
Code. In those cases, the court has the authority to declare a 96657
forfeiture of the vendee's rights under a land installment 96658
contract and to grant any other claims arising out of the 96659
contract. 96660

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

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

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

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

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

(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code,

who have breached the terms of a rental agreement or violated 96692
section 5322.04 of the Revised Code; 96693

(14) Against any resident or occupant who, pursuant to a 96694
rental agreement, resides in or occupies residential premises 96695
located within one thousand feet of any school premises, preschool 96696
or child ~~day-care~~ care center premises, children's crisis care 96697
facility premises, or residential infant care center premises and 96698
to whom both of the following apply: 96699

(a) The resident's or occupant's name appears on the state 96700
registry of sex offenders and child-victim offenders maintained 96701
under section 2950.13 of the Revised Code. 96702

(b) The state registry of sex offenders and child-victim 96703
offenders indicates that the resident or occupant was convicted of 96704
or pleaded guilty to a sexually oriented offense or a child-victim 96705
oriented offense in a criminal prosecution and was not sentenced 96706
to a serious youthful offender dispositional sentence for that 96707
offense. 96708

(15) Against any tenant who permits any person to occupy 96709
residential premises located within one thousand feet of any 96710
school premises, preschool or child ~~day-care~~ care center premises, 96711
children's crisis care facility premises, or residential infant 96712
care center premises if both of the following apply to the person: 96713

(a) The person's name appears on the state registry of sex 96714
offenders and child-victim offenders maintained under section 96715
2950.13 of the Revised Code. 96716

(b) The state registry of sex offenders and child-victim 96717
offenders indicates that the person was convicted of or pleaded 96718
guilty to a sexually oriented offense or a child-victim oriented 96719
offense in a criminal prosecution and was not sentenced to a 96720
serious youthful offender dispositional sentence for that offense. 96721

(B) If a tenant or manufactured home park resident holding 96722

under an oral tenancy is in default in the payment of rent, the 96723
tenant or resident forfeits the right of occupancy, and the 96724
landlord may, at the landlord's option, terminate the tenancy by 96725
notifying the tenant or resident, as provided in section 1923.04 96726
of the Revised Code, to leave the premises, for the restitution of 96727
which an action may then be brought under this chapter. 96728

(C)(1) If a tenant or any other person with the tenant's 96729
permission resides in or occupies residential premises that are 96730
located within one thousand feet of any school premises, 96731
children's crisis care facility premises, or residential infant 96732
care center premises and is a resident or occupant of the type 96733
described in division (A)(14) of this section or a person of the 96734
type described in division (A)(15) of this section, the landlord 96735
for those residential premises, upon discovery that the tenant or 96736
other person is a resident, occupant, or person of that nature, 96737
may terminate the rental agreement or tenancy for those 96738
residential premises by notifying the tenant and all other 96739
occupants, as provided in section 1923.04 of the Revised Code, to 96740
leave the premises. 96741

(2) If a landlord is authorized to terminate a rental 96742
agreement or tenancy pursuant to division (C)(1) of this section 96743
but does not so terminate the rental agreement or tenancy, the 96744
landlord is not liable in a tort or other civil action in damages 96745
for any injury, death, or loss to person or property that 96746
allegedly result from that decision. 96747

(D) This chapter does not apply to a student tenant as 96748
defined by division (H) of section 5321.01 of the Revised Code 96749
when the college or university proceeds to terminate a rental 96750
agreement pursuant to section 5321.031 of the Revised Code. 96751

(E) As used in this section, "children's crisis care facility 96752
premises" and "residential infant care center premises" have the 96753
same meanings as in section 2950.034 of the Revised Code. 96754

Sec. 2151.011. (A) As used in the Revised Code: 96755

(1) "Juvenile court" means whichever of the following is 96756
applicable that has jurisdiction under this chapter and Chapter 96757
2152. of the Revised Code: 96758

(a) The division of the court of common pleas specified in 96759
section 2101.022 or 2301.03 of the Revised Code as having 96760
jurisdiction under this chapter and Chapter 2152. of the Revised 96761
Code or as being the juvenile division or the juvenile division 96762
combined with one or more other divisions; 96763

(b) The juvenile court of Cuyahoga county or Hamilton county 96764
that is separately and independently created by section 2151.08 or 96765
Chapter 2153. of the Revised Code and that has jurisdiction under 96766
this chapter and Chapter 2152. of the Revised Code; 96767

(c) If division (A)(1)(a) or (b) of this section does not 96768
apply, the probate division of the court of common pleas. 96769

(2) "Juvenile judge" means a judge of a court having 96770
jurisdiction under this chapter. 96771

(3) "Private child placing agency" means any association, as 96772
defined in section 5103.02 of the Revised Code, that is certified 96773
under section 5103.03 of the Revised Code to accept temporary, 96774
permanent, or legal custody of children and place the children for 96775
either foster care or adoption. 96776

(4) "Private noncustodial agency" means any person, 96777
organization, association, or society certified by the department 96778
of job and family services that does not accept temporary or 96779
permanent legal custody of children, that is privately operated in 96780
this state, and that does one or more of the following: 96781

(a) Receives and cares for children for two or more 96782
consecutive weeks; 96783

(b) Participates in the placement of children in certified 96784

foster homes;	96785
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	96786 96787
(B) As used in this chapter:	96788
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	96789 96790 96791 96792 96793 96794
(2) "Adult" means an individual who is eighteen years of age or older.	96795 96796
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	96797 96798 96799 96800
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	96801 96802 96803 96804 96805 96806
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	96807 96808 96809
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that	96810 96811 96812 96813 96814

adjudication, a person who is so adjudicated an unruly child shall 96815
be deemed a "child" until the person attains twenty-one years of 96816
age. 96817

(7) "Child day camp," "child care," "child ~~day-care~~ care 96818
center," "part-time child ~~day-care~~ care center," "type A family 96819
~~day-care~~ child care home," "licensed type B family ~~day-care~~ child 96820
care home," "type B family ~~day-care~~ child care home," 96821
"administrator of a child ~~day-care~~ care center," "administrator of 96822
a type A family ~~day-care~~ child care home," and "in-home aide" have 96823
the same meanings as in section 5104.01 of the Revised Code. 96824

(8) "Child care provider" means an individual who is a 96825
child-care staff member or administrator of a child ~~day-care~~ care 96826
center, a type A family ~~day-care~~ child care home, or a type B 96827
family ~~day-care~~ child care home, or an in-home aide or an 96828
individual who is licensed, is regulated, is approved, operates 96829
under the direction of, or otherwise is certified by the 96830
department of job and family services, department of developmental 96831
disabilities, or the early childhood programs of the department of 96832
education. 96833

(9) "Commit" means to vest custody as ordered by the court. 96834

(10) "Counseling" includes both of the following: 96835

(a) General counseling services performed by a public 96836
children services agency or shelter for victims of domestic 96837
violence to assist a child, a child's parents, and a child's 96838
siblings in alleviating identified problems that may cause or have 96839
caused the child to be an abused, neglected, or dependent child. 96840

(b) Psychiatric or psychological therapeutic counseling 96841
services provided to correct or alleviate any mental or emotional 96842
illness or disorder and performed by a licensed psychiatrist, 96843
licensed psychologist, or a person licensed under Chapter 4757. of 96844
the Revised Code to engage in social work or professional 96845

counseling.	96846
(11) "Custodian" means a person who has legal custody of a	96847
child or a public children services agency or private child	96848
placing agency that has permanent, temporary, or legal custody of	96849
a child.	96850
(12) "Delinquent child" has the same meaning as in section	96851
2152.02 of the Revised Code.	96852
(13) "Detention" means the temporary care of children pending	96853
court adjudication or disposition, or execution of a court order,	96854
in a public or private facility designed to physically restrict	96855
the movement and activities of children.	96856
(14) "Developmental disability" has the same meaning as in	96857
section 5123.01 of the Revised Code.	96858
(15) "Differential response approach" means an approach that	96859
a public children services agency may use to respond to accepted	96860
reports of child abuse or neglect with either an alternative	96861
response or a traditional response.	96862
(16) "Foster caregiver" has the same meaning as in section	96863
5103.02 of the Revised Code.	96864
(17) "Guardian" means a person, association, or corporation	96865
that is granted authority by a probate court pursuant to Chapter	96866
2111. of the Revised Code to exercise parental rights over a child	96867
to the extent provided in the court's order and subject to the	96868
residual parental rights of the child's parents.	96869
(18) "Habitual truant" means any child of compulsory school	96870
age who is absent without legitimate excuse for absence from the	96871
public school the child is supposed to attend for thirty or more	96872
consecutive hours, forty-two or more hours in one school month, or	96873
seventy-two or more hours in a school year.	96874
(19) "Intellectual disability" has the same meaning as in	96875

section 5123.01 of the Revised Code. 96876

(20) "Juvenile traffic offender" has the same meaning as in 96877
section 2152.02 of the Revised Code. 96878

(21) "Legal custody" means a legal status that vests in the 96879
custodian the right to have physical care and control of the child 96880
and to determine where and with whom the child shall live, and the 96881
right and duty to protect, train, and discipline the child and to 96882
provide the child with food, shelter, education, and medical care, 96883
all subject to any residual parental rights, privileges, and 96884
responsibilities. An individual granted legal custody shall 96885
exercise the rights and responsibilities personally unless 96886
otherwise authorized by any section of the Revised Code or by the 96887
court. 96888

(22) A "legitimate excuse for absence from the public school 96889
the child is supposed to attend" includes, but is not limited to, 96890
any of the following: 96891

(a) The fact that the child in question has enrolled in and 96892
is attending another public or nonpublic school in this or another 96893
state; 96894

(b) The fact that the child in question is excused from 96895
attendance at school for any of the reasons specified in section 96896
3321.04 of the Revised Code; 96897

(c) The fact that the child in question has received an age 96898
and schooling certificate in accordance with section 3331.01 of 96899
the Revised Code. 96900

(23) "Mental illness" has the same meaning as in section 96901
5122.01 of the Revised Code. 96902

(24) "Mental injury" means any behavioral, cognitive, 96903
emotional, or mental disorder in a child caused by an act or 96904
omission that is described in section 2919.22 of the Revised Code 96905

and is committed by the parent or other person responsible for the child's care. 96906
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(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 96908
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(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 96912
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(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 96914
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(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, type B family ~~day-care~~ child care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children. 96920
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(29) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 96933
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(a) Engaging in sexual activity with a child in the person's 96936

care;	96937
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	96938 96939 96940
(c) Use of restraint procedures on a child that cause injury or pain;	96941 96942
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	96943 96944 96945
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	96946 96947 96948 96949 96950
(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	96951 96952 96953
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	96954 96955 96956
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	96957 96958 96959 96960
(c) Failure to develop a process for all of the following:	96961
(i) Administration of prescription drugs or psychotropic drugs for the child;	96962 96963
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	96964 96965
(iii) Reporting to the licensed physician who prescribed the	96966

drug all unfavorable or dangerous side effects from the use of the drug. 96967
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(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 96969
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(e) Confinement of the child to a locked room without monitoring by staff; 96972
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(f) Failure to provide ongoing security for all prescription and nonprescription medication; 96974
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(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 96976
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(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 96979
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(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 96985
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(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 96990
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(34) "Person responsible for a child's care in out-of-home care" means any of the following: 96993
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(a) Any foster caregiver, in-home aide, or provider; 96995

(b) Any administrator, employee, or agent of any of the 96996

following: a public or private detention facility; shelter 96997
facility; certified children's crisis care facility; organization; 96998
certified organization; child ~~day-care~~ care center; type A family 96999
~~day-care~~ child care home; licensed type B family ~~day-care~~ child 97000
care home; group home; institution; state institution; residential 97001
facility; residential care facility; residential camp; day camp; 97002
school district; community school; chartered nonpublic school; 97003
educational service center; hospital; or medical clinic; 97004

(c) Any person who supervises or coaches children as part of 97005
an extracurricular activity sponsored by a school district, public 97006
school, or chartered nonpublic school; 97007

(d) Any other person who performs a similar function with 97008
respect to, or has a similar relationship to, children. 97009

(35) "Physical impairment" means having one or more of the 97010
following conditions that substantially limit one or more of an 97011
individual's major life activities, including self-care, receptive 97012
and expressive language, learning, mobility, and self-direction: 97013

(a) A substantial impairment of vision, speech, or hearing; 97014

(b) A congenital orthopedic impairment; 97015

(c) An orthopedic impairment caused by disease, rheumatic 97016
fever or any other similar chronic or acute health problem, or 97017
amputation or another similar cause. 97018

(36) "Placement for adoption" means the arrangement by a 97019
public children services agency or a private child placing agency 97020
with a person for the care and adoption by that person of a child 97021
of whom the agency has permanent custody. 97022

(37) "Placement in foster care" means the arrangement by a 97023
public children services agency or a private child placing agency 97024
for the out-of-home care of a child of whom the agency has 97025
temporary custody or permanent custody. 97026

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

- (45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 97057
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- (46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code. 97059
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- (47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 97061
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- (48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child. 97064
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- (49) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides. 97068
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- (50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support. 97072
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- (51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code. 97079
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- (52) "School year" has the same meaning as in section 3313.62 of the Revised Code. 97082
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- (53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and 97084
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used for the placement of children after adjudication and disposition. 97087
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(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code. 97089
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(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 97091
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(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 97094
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(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 97096
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(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 97101
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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 97107
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Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of 97112
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age, or a person under twenty-one years of age with a 97117
developmental disability or physical impairment, has suffered or 97118
faces a threat of suffering any physical or mental wound, injury, 97119
disability, or condition of a nature that reasonably indicates 97120
abuse or neglect of the child shall fail to immediately report 97121
that knowledge or reasonable cause to suspect to the entity or 97122
persons specified in this division. Except as otherwise provided 97123
in this division or section 5120.173 of the Revised Code, the 97124
person making the report shall make it to the public children 97125
services agency or a peace officer in the county in which the 97126
child resides or in which the abuse or neglect is occurring or has 97127
occurred. If the person making the report is a peace officer, the 97128
officer shall make it to the public children services agency in 97129
the county in which the child resides or in which the abuse or 97130
neglect is occurring or has occurred. In the circumstances 97131
described in section 5120.173 of the Revised Code, the person 97132
making the report shall make it to the entity specified in that 97133
section. 97134

(b) Division (A)(1)(a) of this section applies to any person 97135
who is an attorney; health care professional; practitioner of a 97136
limited branch of medicine as specified in section 4731.15 of the 97137
Revised Code; licensed school psychologist; independent marriage 97138
and family therapist or marriage and family therapist; coroner; 97139
administrator or employee of a child ~~day-care~~ care center; 97140
administrator or employee of a residential camp, child day camp, 97141
or private, nonprofit therapeutic wilderness camp; administrator 97142
or employee of a certified child care agency or other public or 97143
private children services agency; school teacher; school employee; 97144
school authority; peace officer; humane society agent; dog warden, 97145
deputy dog warden, or other person appointed to act as an animal 97146
control officer for a municipal corporation or township in 97147
accordance with state law, an ordinance, or a resolution; person, 97148

other than a cleric, rendering spiritual treatment through prayer 97149
in accordance with the tenets of a well-recognized religion; 97150
employee of a county department of job and family services who is 97151
a professional and who works with children and families; 97152
superintendent or regional administrator employed by the 97153
department of youth services; superintendent, board member, or 97154
employee of a county board of developmental disabilities; 97155
investigative agent contracted with by a county board of 97156
developmental disabilities; employee of the department of 97157
developmental disabilities; employee of a facility or home that 97158
provides respite care in accordance with section 5123.171 of the 97159
Revised Code; employee of an entity that provides homemaker 97160
services; employee of a qualified organization as defined in 97161
section 2151.90 of the Revised Code; a host family as defined in 97162
section 2151.90 of the Revised Code; foster caregiver; a person 97163
performing the duties of an assessor pursuant to Chapter 3107. or 97164
5103. of the Revised Code; third party employed by a public 97165
children services agency to assist in providing child or family 97166
related services; court appointed special advocate; or guardian ad 97167
litem. 97168

(c) If two or more health care professionals, after providing 97169
health care services to a child, determine or suspect that the 97170
child has been or is being abused or neglected, the health care 97171
professionals may designate one of the health care professionals 97172
to report the abuse or neglect. A single report made under this 97173
division shall meet the reporting requirements of division (A)(1) 97174
of this section. 97175

(2) Except as provided in division (A)(3) of this section, an 97176
attorney or a physician is not required to make a report pursuant 97177
to division (A)(1) of this section concerning any communication 97178
the attorney or physician receives from a client or patient in an 97179
attorney-client or physician-patient relationship, if, in 97180

accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on

facts that would cause a reasonable person in a similar position 97212
to believe, that a child under eighteen years of age, or a person 97213
under twenty-one years of age with a developmental disability or 97214
physical impairment, has suffered or faces a threat of suffering 97215
any physical or mental wound, injury, disability, or condition of 97216
a nature that reasonably indicates abuse or neglect of the child, 97217
and who knows, or has reasonable cause to believe based on facts 97218
that would cause a reasonable person in a similar position to 97219
believe, that another cleric or another person, other than a 97220
volunteer, designated by a church, religious society, or faith 97221
acting as a leader, official, or delegate on behalf of the church, 97222
religious society, or faith caused, or poses the threat of 97223
causing, the wound, injury, disability, or condition that 97224
reasonably indicates abuse or neglect shall fail to immediately 97225
report that knowledge or reasonable cause to believe to the entity 97226
or persons specified in this division. Except as provided in 97227
section 5120.173 of the Revised Code, the person making the report 97228
shall make it to the public children services agency or a peace 97229
officer in the county in which the child resides or in which the 97230
abuse or neglect is occurring or has occurred. In the 97231
circumstances described in section 5120.173 of the Revised Code, 97232
the person making the report shall make it to the entity specified 97233
in that section. 97234

(b) Except as provided in division (A)(4)(c) of this section, 97235
a cleric is not required to make a report pursuant to division 97236
(A)(4)(a) of this section concerning any communication the cleric 97237
receives from a penitent in a cleric-penitent relationship, if, in 97238
accordance with division (C) of section 2317.02 of the Revised 97239
Code, the cleric could not testify with respect to that 97240
communication in a civil or criminal proceeding. 97241

(c) The penitent in a cleric-penitent relationship described 97242
in division (A)(4)(b) of this section is deemed to have waived any 97243

testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect

based on facts that would cause a reasonable person in similar 97275
circumstances to suspect, that a child under eighteen years of 97276
age, or a person under twenty-one years of age with a 97277
developmental disability or physical impairment, has suffered or 97278
faces a threat of suffering any physical or mental wound, injury, 97279
disability, or other condition of a nature that reasonably 97280
indicates abuse or neglect of the child may report or cause 97281
reports to be made of that knowledge or reasonable cause to 97282
suspect to the entity or persons specified in this division. 97283
Except as provided in section 5120.173 of the Revised Code, a 97284
person making a report or causing a report to be made under this 97285
division shall make it or cause it to be made to the public 97286
children services agency or to a peace officer. In the 97287
circumstances described in section 5120.173 of the Revised Code, a 97288
person making a report or causing a report to be made under this 97289
division shall make it or cause it to be made to the entity 97290
specified in that section. 97291

(C) Any report made pursuant to division (A) or (B) of this 97292
section shall be made forthwith either by telephone or in person 97293
and shall be followed by a written report, if requested by the 97294
receiving agency or officer. The written report shall contain: 97295

(1) The names and addresses of the child and the child's 97296
parents or the person or persons having custody of the child, if 97297
known; 97298

(2) The child's age and the nature and extent of the child's 97299
injuries, abuse, or neglect that is known or reasonably suspected 97300
or believed, as applicable, to have occurred or of the threat of 97301
injury, abuse, or neglect that is known or reasonably suspected or 97302
believed, as applicable, to exist, including any evidence of 97303
previous injuries, abuse, or neglect; 97304

(3) Any other information, including, but not limited to, 97305
results and reports of any medical examinations, tests, or 97306

procedures performed under division (D) of this section, that 97307
might be helpful in establishing the cause of the injury, abuse, 97308
or neglect that is known or reasonably suspected or believed, as 97309
applicable, to have occurred or of the threat of injury, abuse, or 97310
neglect that is known or reasonably suspected or believed, as 97311
applicable, to exist. 97312

(D)(1) Any person, who is required by division (A) of this 97313
section to report child abuse or child neglect that is known or 97314
reasonably suspected or believed to have occurred, may take or 97315
cause to be taken color photographs of areas of trauma visible on 97316
a child and, if medically necessary for the purpose of diagnosing 97317
or treating injuries that are suspected to have occurred as a 97318
result of child abuse or child neglect, perform or cause to be 97319
performed radiological examinations and any other medical 97320
examinations of, and tests or procedures on, the child. 97321

(2) The results and any available reports of examinations, 97322
tests, or procedures made under division (D)(1) of this section 97323
shall be included in a report made pursuant to division (A) of 97324
this section. Any additional reports of examinations, tests, or 97325
procedures that become available shall be provided to the public 97326
children services agency, upon request. 97327

(3) If a health care professional provides health care 97328
services in a hospital, children's advocacy center, or emergency 97329
medical facility to a child about whom a report has been made 97330
under division (A) of this section, the health care professional 97331
may take any steps that are reasonably necessary for the release 97332
or discharge of the child to an appropriate environment. Before 97333
the child's release or discharge, the health care professional may 97334
obtain information, or consider information obtained, from other 97335
entities or individuals that have knowledge about the child. 97336
Nothing in division (D)(3) of this section shall be construed to 97337
alter the responsibilities of any person under sections 2151.27 97338

and 2151.31 of the Revised Code. 97339

(4) A health care professional may conduct medical 97340
examinations, tests, or procedures on the siblings of a child 97341
about whom a report has been made under division (A) of this 97342
section and on other children who reside in the same home as the 97343
child, if the professional determines that the examinations, 97344
tests, or procedures are medically necessary to diagnose or treat 97345
the siblings or other children in order to determine whether 97346
reports under division (A) of this section are warranted with 97347
respect to such siblings or other children. The results of the 97348
examinations, tests, or procedures on the siblings and other 97349
children may be included in a report made pursuant to division (A) 97350
of this section. 97351

(5) Medical examinations, tests, or procedures conducted 97352
under divisions (D)(1) and (4) of this section and decisions 97353
regarding the release or discharge of a child under division 97354
(D)(3) of this section do not constitute a law enforcement 97355
investigation or activity. 97356

(E)(1) When a peace officer receives a report made pursuant 97357
to division (A) or (B) of this section, upon receipt of the 97358
report, the peace officer who receives the report shall refer the 97359
report to the appropriate public children services agency, in 97360
accordance with requirements specified under division (B)(6) of 97361
section 2151.4211 of the Revised Code, unless an arrest is made at 97362
the time of the report that results in the appropriate public 97363
children services agency being contacted concerning the possible 97364
abuse or neglect of a child or the possible threat of abuse or 97365
neglect of a child. 97366

(2) When a public children services agency receives a report 97367
pursuant to this division or division (A) or (B) of this section, 97368
upon receipt of the report, the public children services agency 97369
shall do all of the following: 97370

(a) Comply with section 2151.422 of the Revised Code; 97371

(b) If the county served by the agency is also served by a 97372
children's advocacy center and the report alleges sexual abuse of 97373
a child or another type of abuse of a child that is specified in 97374
the memorandum of understanding that creates the center as being 97375
within the center's jurisdiction, comply regarding the report with 97376
the protocol and procedures for referrals and investigations, with 97377
the coordinating activities, and with the authority or 97378
responsibility for performing or providing functions, activities, 97379
and services stipulated in the interagency agreement entered into 97380
under section 2151.428 of the Revised Code relative to that 97381
center; 97382

(c) Unless an arrest is made at the time of the report that 97383
results in the appropriate law enforcement agency being contacted 97384
concerning the possible abuse or neglect of a child or the 97385
possible threat of abuse or neglect of a child, and in accordance 97386
with requirements specified under division (B)(6) of section 97387
2151.4211 of the Revised Code, notify the appropriate law 97388
enforcement agency of the report, if the public children services 97389
agency received either of the following: 97390

(i) A report of abuse of a child; 97391

(ii) A report of neglect of a child that alleges a type of 97392
neglect identified by the department of job and family services in 97393
rules adopted under division (L)(2) of this section. 97394

(F) No peace officer shall remove a child about whom a report 97395
is made pursuant to this section from the child's parents, 97396
stepparents, or guardian or any other persons having custody of 97397
the child without consultation with the public children services 97398
agency, unless, in the judgment of the officer, and, if the report 97399
was made by physician, the physician, immediate removal is 97400
considered essential to protect the child from further abuse or 97401

neglect. The agency that must be consulted shall be the agency 97402
conducting the investigation of the report as determined pursuant 97403
to section 2151.422 of the Revised Code. 97404

(G)(1) Except as provided in section 2151.422 of the Revised 97405
Code or in an interagency agreement entered into under section 97406
2151.428 of the Revised Code that applies to the particular 97407
report, the public children services agency shall investigate, 97408
within twenty-four hours, each report of child abuse or child 97409
neglect that is known or reasonably suspected or believed to have 97410
occurred and of a threat of child abuse or child neglect that is 97411
known or reasonably suspected or believed to exist that is 97412
referred to it under this section to determine the circumstances 97413
surrounding the injuries, abuse, or neglect or the threat of 97414
injury, abuse, or neglect, the cause of the injuries, abuse, 97415
neglect, or threat, and the person or persons responsible. The 97416
investigation shall be made in cooperation with the law 97417
enforcement agency and in accordance with the memorandum of 97418
understanding prepared under sections 2151.4210 to 2151.4224 of 97419
the Revised Code. A representative of the public children services 97420
agency shall, at the time of initial contact with the person 97421
subject to the investigation, inform the person of the specific 97422
complaints or allegations made against the person. The information 97423
shall be given in a manner that is consistent with division (I)(1) 97424
of this section and protects the rights of the person making the 97425
report under this section. 97426

A failure to make the investigation in accordance with the 97427
memorandum is not grounds for, and shall not result in, the 97428
dismissal of any charges or complaint arising from the report or 97429
the suppression of any evidence obtained as a result of the report 97430
and does not give, and shall not be construed as giving, any 97431
rights or any grounds for appeal or post-conviction relief to any 97432
person. The public children services agency shall report each case 97433

to the uniform statewide automated child welfare information 97434
system that the department of job and family services shall 97435
maintain in accordance with section 5101.13 of the Revised Code. 97436
The public children services agency shall submit a report of its 97437
investigation, in writing, to the law enforcement agency. 97438

(2) The public children services agency shall make any 97439
recommendations to the county prosecuting attorney or city 97440
director of law that it considers necessary to protect any 97441
children that are brought to its attention. 97442

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 97443
(I)(3) of this section, any person, health care professional, 97444
hospital, institution, school, health department, or agency shall 97445
be immune from any civil or criminal liability for injury, death, 97446
or loss to person or property that otherwise might be incurred or 97447
imposed as a result of any of the following: 97448

(i) Participating in the making of reports pursuant to 97449
division (A) of this section or in the making of reports in good 97450
faith, pursuant to division (B) of this section; 97451

(ii) Participating in medical examinations, tests, or 97452
procedures under division (D) of this section; 97453

(iii) Providing information used in a report made pursuant to 97454
division (A) of this section or providing information in good 97455
faith used in a report made pursuant to division (B) of this 97456
section; 97457

(iv) Participating in a judicial proceeding resulting from a 97458
report made pursuant to division (A) of this section or 97459
participating in good faith in a proceeding resulting from a 97460
report made pursuant to division (B) of this section. 97461

(b) Immunity under division (H)(1)(a)(ii) of this section 97462
shall not apply when a health care provider has deviated from the 97463
standard of care applicable to the provider's profession. 97464

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject

to discovery in accordance with the Rules of Criminal Procedure. 97497

(2)(a) Except as provided in division (I)(2)(b) of this 97498
section, no person shall permit or encourage the unauthorized 97499
dissemination of the contents of any report made under this 97500
section. 97501

(b) A health care professional that obtains the same 97502
information contained in a report made under this section from a 97503
source other than the report may disseminate the information, if 97504
its dissemination is otherwise permitted by law. 97505

(3) A person who knowingly makes or causes another person to 97506
make a false report under division (B) of this section that 97507
alleges that any person has committed an act or omission that 97508
resulted in a child being an abused child or a neglected child is 97509
guilty of a violation of section 2921.14 of the Revised Code. 97510

(4) If a report is made pursuant to division (A) or (B) of 97511
this section and the child who is the subject of the report dies 97512
for any reason at any time after the report is made, but before 97513
the child attains eighteen years of age, the public children 97514
services agency or peace officer to which the report was made or 97515
referred, on the request of the child fatality review board, the 97516
suicide fatality review committee, or the director of health 97517
pursuant to guidelines established under section 3701.70 of the 97518
Revised Code, shall submit a summary sheet of information 97519
providing a summary of the report to the review board or review 97520
committee of the county in which the deceased child resided at the 97521
time of death or to the director. On the request of the review 97522
board, review committee, or director, the agency or peace officer 97523
may, at its discretion, make the report available to the review 97524
board, review committee, or director. If the county served by the 97525
public children services agency is also served by a children's 97526
advocacy center and the report of alleged sexual abuse of a child 97527
or another type of abuse of a child is specified in the memorandum 97528

of understanding that creates the center as being within the 97529
center's jurisdiction, the agency or center shall perform the 97530
duties and functions specified in this division in accordance with 97531
the interagency agreement entered into under section 2151.428 of 97532
the Revised Code relative to that advocacy center. 97533

(5) A public children services agency shall advise a person 97534
alleged to have inflicted abuse or neglect on a child who is the 97535
subject of a report made pursuant to this section, including a 97536
report alleging sexual abuse of a child or another type of abuse 97537
of a child referred to a children's advocacy center pursuant to an 97538
interagency agreement entered into under section 2151.428 of the 97539
Revised Code, in writing of the disposition of the investigation. 97540
The agency shall not provide to the person any information that 97541
identifies the person who made the report, statements of 97542
witnesses, or police or other investigative reports. 97543

(J) Any report that is required by this section, other than a 97544
report that is made to the state highway patrol as described in 97545
section 5120.173 of the Revised Code, shall result in protective 97546
services and emergency supportive services being made available by 97547
the public children services agency on behalf of the children 97548
about whom the report is made, in an effort to prevent further 97549
neglect or abuse, to enhance their welfare, and, whenever 97550
possible, to preserve the family unit intact. The agency required 97551
to provide the services shall be the agency conducting the 97552
investigation of the report pursuant to section 2151.422 of the 97553
Revised Code. 97554

(K)(1) Except as provided in division (K)(4) or (5) of this 97555
section, a person who is required to make a report under division 97556
(A) of this section may make a reasonable number of requests of 97557
the public children services agency that receives or is referred 97558
the report, or of the children's advocacy center that is referred 97559
the report if the report is referred to a children's advocacy 97560

center pursuant to an interagency agreement entered into under 97561
section 2151.428 of the Revised Code, to be provided with the 97562
following information: 97563

(a) Whether the agency or center has initiated an 97564
investigation of the report; 97565

(b) Whether the agency or center is continuing to investigate 97566
the report; 97567

(c) Whether the agency or center is otherwise involved with 97568
the child who is the subject of the report; 97569

(d) The general status of the health and safety of the child 97570
who is the subject of the report; 97571

(e) Whether the report has resulted in the filing of a 97572
complaint in juvenile court or of criminal charges in another 97573
court. 97574

(2)(a) A person may request the information specified in 97575
division (K)(1) of this section only if, at the time the report is 97576
made, the person's name, address, and telephone number are 97577
provided to the person who receives the report. 97578

(b) When a peace officer or employee of a public children 97579
services agency receives a report pursuant to division (A) or (B) 97580
of this section the recipient of the report shall inform the 97581
person of the right to request the information described in 97582
division (K)(1) of this section. The recipient of the report shall 97583
include in the initial child abuse or child neglect report that 97584
the person making the report was so informed and, if provided at 97585
the time of the making of the report, shall include the person's 97586
name, address, and telephone number in the report. 97587

(c) If the person making the report provides the person's 97588
name and contact information on making the report, the public 97589
children services agency that received or was referred the report 97590

shall send a written notice via United States mail or electronic 97591
mail, in accordance with the person's preference, to the person 97592
not later than seven calendar days after receipt of the report. 97593
The notice shall provide the status of the agency's investigation 97594
into the report made, who the person may contact at the agency for 97595
further information, and a description of the person's rights 97596
under division (K)(1) of this section. 97597

(d) Each request is subject to verification of the identity 97598
of the person making the report. If that person's identity is 97599
verified, the agency shall provide the person with the information 97600
described in division (K)(1) of this section a reasonable number 97601
of times, except that the agency shall not disclose any 97602
confidential information regarding the child who is the subject of 97603
the report other than the information described in those 97604
divisions. 97605

(3) A request made pursuant to division (K)(1) of this 97606
section is not a substitute for any report required to be made 97607
pursuant to division (A) of this section. 97608

(4) If an agency other than the agency that received or was 97609
referred the report is conducting the investigation of the report 97610
pursuant to section 2151.422 of the Revised Code, the agency 97611
conducting the investigation shall comply with the requirements of 97612
division (K) of this section. 97613

(5) A health care professional who made a report under 97614
division (A) of this section, or on whose behalf such a report was 97615
made as provided in division (A)(1)(c) of this section, may 97616
authorize a person to obtain the information described in division 97617
(K)(1) of this section if the person requesting the information is 97618
associated with or acting on behalf of the health care 97619
professional who provided health care services to the child about 97620
whom the report was made. 97621

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) Not later than ninety days after ~~the effective date of this amendment~~ May 30, 2022, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the

maker is not the defendant or an agent or employee of the 97654
defendant, has been redacted. 97655

(N)(1) As used in this division: 97656

(a) "Out-of-home care" includes a nonchartered nonpublic 97657
school if the alleged child abuse or child neglect, or alleged 97658
threat of child abuse or child neglect, described in a report 97659
received by a public children services agency allegedly occurred 97660
in or involved the nonchartered nonpublic school and the alleged 97661
perpetrator named in the report holds a certificate, permit, or 97662
license issued by the state board of education under section 97663
3301.071 or Chapter 3319. of the Revised Code. 97664

(b) "Administrator, director, or other chief administrative 97665
officer" means the superintendent of the school district if the 97666
out-of-home care entity subject to a report made pursuant to this 97667
section is a school operated by the district. 97668

(2) No later than the end of the day following the day on 97669
which a public children services agency receives a report of 97670
alleged child abuse or child neglect, or a report of an alleged 97671
threat of child abuse or child neglect, that allegedly occurred in 97672
or involved an out-of-home care entity, the agency shall provide 97673
written notice of the allegations contained in and the person 97674
named as the alleged perpetrator in the report to the 97675
administrator, director, or other chief administrative officer of 97676
the out-of-home care entity that is the subject of the report 97677
unless the administrator, director, or other chief administrative 97678
officer is named as an alleged perpetrator in the report. If the 97679
administrator, director, or other chief administrative officer of 97680
an out-of-home care entity is named as an alleged perpetrator in a 97681
report of alleged child abuse or child neglect, or a report of an 97682
alleged threat of child abuse or child neglect, that allegedly 97683
occurred in or involved the out-of-home care entity, the agency 97684
shall provide the written notice to the owner or governing board 97685

of the out-of-home care entity that is the subject of the report. 97686
The agency shall not provide witness statements or police or other 97687
investigative reports. 97688

(3) No later than three days after the day on which a public 97689
children services agency that conducted the investigation as 97690
determined pursuant to section 2151.422 of the Revised Code makes 97691
a disposition of an investigation involving a report of alleged 97692
child abuse or child neglect, or a report of an alleged threat of 97693
child abuse or child neglect, that allegedly occurred in or 97694
involved an out-of-home care entity, the agency shall send written 97695
notice of the disposition of the investigation to the 97696
administrator, director, or other chief administrative officer and 97697
the owner or governing board of the out-of-home care entity. The 97698
agency shall not provide witness statements or police or other 97699
investigative reports. 97700

(0) As used in this section: 97701

(1) "Children's advocacy center" and "sexual abuse of a 97702
child" have the same meanings as in section 2151.425 of the 97703
Revised Code. 97704

(2) "Health care professional" means an individual who 97705
provides health-related services including a physician, hospital 97706
intern or resident, dentist, podiatrist, registered nurse, 97707
licensed practical nurse, visiting nurse, licensed psychologist, 97708
speech pathologist, audiologist, person engaged in social work or 97709
the practice of professional counseling, and employee of a home 97710
health agency. "Health care professional" does not include a 97711
practitioner of a limited branch of medicine as specified in 97712
section 4731.15 of the Revised Code, licensed school psychologist, 97713
independent marriage and family therapist or marriage and family 97714
therapist, or coroner. 97715

(3) "Investigation" means the public children services 97716

agency's response to an accepted report of child abuse or neglect 97717
through either an alternative response or a traditional response. 97718

(4) "Peace officer" means a sheriff, deputy sheriff, 97719
constable, police officer of a township or joint police district, 97720
marshal, deputy marshal, municipal police officer, or a state 97721
highway patrol trooper. 97722

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 97723
entity that appoints or employs any person responsible for a 97724
child's care in out-of-home care shall request the superintendent 97725
of BCII to conduct a criminal records check with respect to any 97726
person who is under final consideration for appointment or 97727
employment as a person responsible for a child's care in 97728
out-of-home care. The request shall be made at the time of initial 97729
application for appointment or employment and every four years 97730
thereafter. If the out-of-home care entity is a public school, 97731
educational service center, or chartered nonpublic school, then 97732
section 3319.39 of the Revised Code shall apply instead. If the 97733
out-of-home care entity is a child ~~day-care~~ care center, type A 97734
family ~~day-care~~ child care home, type B family ~~day-care~~ child care 97735
home, certified in-home aide, or child day camp, then section 97736
5104.013 of the Revised Code shall apply instead. 97737

(2) At the times specified in this division, the 97738
administrative director of an agency, or attorney, who arranges an 97739
adoption for a prospective adoptive parent shall request the 97740
superintendent of BCII to conduct a criminal records check with 97741
respect to that prospective adoptive parent and a criminal records 97742
check with respect to all persons eighteen years of age or older 97743
who reside with the prospective adoptive parent. The 97744
administrative director or attorney shall request a criminal 97745
records check pursuant to this division at the time of the initial 97746
home study, every four years after the initial home study at the 97747

time of an update, and at the time that an adoptive home study is 97748
completed as a new home study. 97749

(3) Before a recommending agency submits a recommendation to 97750
the department of job and family services on whether the 97751
department should issue a certificate to a foster home under 97752
section 5103.03 of the Revised Code, and every four years 97753
thereafter prior to a recertification under that section, the 97754
administrative director of the agency shall request that the 97755
superintendent of BCII conduct a criminal records check with 97756
respect to the prospective foster caregiver and a criminal records 97757
check with respect to all other persons eighteen years of age or 97758
older who reside with the foster caregiver. 97759

(B)(1) When the appointing or hiring officer requests, at the 97760
time of initial application for appointment or employment, a 97761
criminal records check for a person subject to division (A)(1) of 97762
this section, the officer shall request that the superintendent of 97763
BCII obtain information from the federal bureau of investigation 97764
as part of the criminal records check, including fingerprint-based 97765
checks of national crime information databases as described in 42 97766
U.S.C. 671, for the person subject to the criminal records check. 97767
In all other cases in which the appointing or hiring officer 97768
requests a criminal records check for a person pursuant to 97769
division (A)(1) of this section, the officer may request that the 97770
superintendent of BCII obtain information from the federal bureau 97771
of investigation as part of the criminal records check, including 97772
fingerprint-based checks of national crime information databases 97773
as described in 42 U.S.C. 671, for the person subject to the 97774
criminal records check. 97775

When the administrative director of an agency, or attorney, 97776
who arranges an adoption for a prospective parent requests, at the 97777
time of the initial home study, a criminal records check for a 97778
person pursuant to division (A)(2) of this section, the 97779

administrative director or attorney shall request that the 97780
superintendent of BCII obtain information from the federal bureau 97781
of investigation as part of the criminal records check, including 97782
fingerprint-based checks of national crime information databases 97783
as described in 42 U.S.C. 671, for the person subject to the 97784
criminal records check. In all other cases in which the 97785
administrative director of an agency, or attorney, who arranges an 97786
adoption for a prospective parent requests a criminal records 97787
check for a person pursuant to division (A)(2) of this section, 97788
the administrative director or attorney may request that the 97789
superintendent of BCII include information from the federal bureau 97790
of investigation in the criminal records check, including 97791
fingerprint-based checks of national crime information databases 97792
as described in 42 U.S.C. 671. 97793

When the administrative director of a recommending agency 97794
requests, before submitting a recommendation to the department of 97795
job and family services on whether the department should issue a 97796
certificate to a foster home under section 5103.03 of the Revised 97797
Code, a criminal records check for a person pursuant to division 97798
(A)(3) of this section, the administrative director shall request 97799
that the superintendent of BCII obtain information from the 97800
federal bureau of investigation as part of a criminal records 97801
check, including fingerprint-based checks of national crime 97802
information databases as described in 42 U.S.C. 671, for the 97803
person subject to the criminal records check. In all other cases 97804
in which the administrative director of a recommending agency 97805
requests a criminal records check for a person pursuant to 97806
division (A)(3) of this section, the administrative director may 97807
request that the superintendent of BCII include information from 97808
the federal bureau of investigation in the criminal records check, 97809
including fingerprint-based checks of national crime information 97810
databases as described in 42 U.S.C. 671. 97811

Prior to a hearing on a final decree of adoption or 97812
interlocutory order of adoption by a probate court, the 97813
administrative director of an agency, or an attorney, who arranges 97814
an adoption for a prospective parent shall provide to the clerk of 97815
the probate court either of the following: 97816

(a) Any information received pursuant to a request made under 97817
this division from the superintendent of BCII or the federal 97818
bureau of investigation as part of the criminal records check, 97819
including fingerprint-based checks of national crime information 97820
databases as described in 42 U.S.C. 671, for the person subject to 97821
the criminal records check; 97822

(b) Written notification that the person subject to a 97823
criminal records check pursuant to this division failed upon 97824
request to provide the information necessary to complete the form 97825
or failed to provide impressions of the person's fingerprints as 97826
required under division (B)(2) of this section. 97827

(2) An appointing or hiring officer, administrative director, 97828
or attorney required by division (A) of this section to request a 97829
criminal records check shall provide to each person subject to a 97830
criminal records check a copy of the form prescribed pursuant to 97831
division (C)(1) of section 109.572 of the Revised Code and a 97832
standard impression sheet to obtain fingerprint impressions 97833
prescribed pursuant to division (C)(2) of section 109.572 of the 97834
Revised Code, obtain the completed form and impression sheet from 97835
the person, and forward the completed form and impression sheet to 97836
the superintendent of BCII at the time the criminal records check 97837
is requested. 97838

Any person subject to a criminal records check who receives 97839
pursuant to this division a copy of the form prescribed pursuant 97840
to division (C)(1) of section 109.572 of the Revised Code and a 97841
copy of an impression sheet prescribed pursuant to division (C)(2) 97842
of that section and who is requested to complete the form and 97843

provide a set of fingerprint impressions shall complete the form 97844
or provide all the information necessary to complete the form and 97845
shall provide the impression sheet with the impressions of the 97846
person's fingerprints. If a person subject to a criminal records 97847
check, upon request, fails to provide the information necessary to 97848
complete the form or fails to provide impressions of the person's 97849
fingerprints, the appointing or hiring officer shall not appoint 97850
or employ the person as a person responsible for a child's care in 97851
out-of-home care, a probate court may not issue a final decree of 97852
adoption or an interlocutory order of adoption making the person 97853
an adoptive parent, and the department of job and family services 97854
shall not issue a certificate authorizing the prospective foster 97855
caregiver to operate a foster home. 97856

(C)(1) No appointing or hiring officer shall appoint or 97857
employ a person as a person responsible for a child's care in 97858
out-of-home care, the department of job and family services shall 97859
not issue a certificate under section 5103.03 of the Revised Code 97860
authorizing a prospective foster caregiver to operate a foster 97861
home, and no probate court shall issue a final decree of adoption 97862
or an interlocutory order of adoption making a person an adoptive 97863
parent if the person or, in the case of a prospective foster 97864
caregiver or prospective adoptive parent, any person eighteen 97865
years of age or older who resides with the prospective foster 97866
caregiver or prospective adoptive parent previously has been 97867
convicted of or pleaded guilty to any of the violations described 97868
in division (A)(4) of section 109.572 of the Revised Code, unless 97869
the person meets rehabilitation standards established in rules 97870
adopted under division (F) of this section. 97871

(2) Prior to certification or recertification under section 97872
5103.03 of the Revised Code, the prospective foster caregiver 97873
subject to a criminal records check under division (A)(3) of this 97874
section shall notify the recommending agency of the revocation of 97875

any foster home license, certificate, or other similar 97876
authorization in another state occurring within the five years 97877
prior to the date of application to become a foster caregiver in 97878
this state. The failure of a prospective foster caregiver to 97879
notify the recommending agency of any revocation of that type in 97880
another state that occurred within that five-year period shall be 97881
grounds for denial of the person's foster home application or the 97882
revocation of the person's foster home certification, whichever is 97883
applicable. If a person has had a revocation in another state 97884
within the five years prior to the date of the application, the 97885
department of job and family services shall not issue a foster 97886
home certificate to the prospective foster caregiver. 97887

(D) The appointing or hiring officer, administrative 97888
director, or attorney shall pay to the bureau of criminal 97889
identification and investigation the fee prescribed pursuant to 97890
division (C)(3) of section 109.572 of the Revised Code for each 97891
criminal records check conducted in accordance with that section 97892
upon a request pursuant to division (A) of this section. The 97893
officer, director, or attorney may charge the person subject to 97894
the criminal records check a fee for the costs the officer, 97895
director, or attorney incurs in obtaining the criminal records 97896
check. A fee charged under this division shall not exceed the 97897
amount of fees the officer, director, or attorney pays for the 97898
criminal records check. If a fee is charged under this division, 97899
the officer, director, or attorney shall notify the person who is 97900
the applicant at the time of the person's initial application for 97901
appointment or employment, an adoption to be arranged, or a 97902
certificate to operate a foster home of the amount of the fee and 97903
that, unless the fee is paid, the person who is the applicant will 97904
not be considered for appointment or employment or as an adoptive 97905
parent or foster caregiver. 97906

(E) The report of any criminal records check conducted by the 97907

bureau of criminal identification and investigation in accordance 97908
with section 109.572 of the Revised Code and pursuant to a request 97909
made under division (A) of this section is not a public record for 97910
the purposes of section 149.43 of the Revised Code and shall not 97911
be made available to any person other than the following: 97912

(1) The person who is the subject of the criminal records 97913
check or the person's representative; 97914

(2) The appointing or hiring officer, administrative 97915
director, or attorney requesting the criminal records check or the 97916
officer's, director's, or attorney's representative; 97917

(3) The department of job and family services, a county 97918
department of job and family services, or a public children 97919
services agency; 97920

(4) Any court, hearing officer, or other necessary individual 97921
involved in a case dealing with the denial of employment, a final 97922
decree of adoption or interlocutory order of adoption, or a foster 97923
home certificate. 97924

(F) The director of job and family services shall adopt rules 97925
in accordance with Chapter 119. of the Revised Code to implement 97926
this section. The rules shall include rehabilitation standards a 97927
person who has been convicted of or pleaded guilty to an offense 97928
listed in division (A)(4) of section 109.572 of the Revised Code 97929
must meet for an appointing or hiring officer to appoint or employ 97930
the person as a person responsible for a child's care in 97931
out-of-home care, a probate court to issue a final decree of 97932
adoption or interlocutory order of adoption making the person an 97933
adoptive parent, or the department to issue a certificate 97934
authorizing the prospective foster caregiver to operate a foster 97935
home or not revoke a foster home certificate for a violation 97936
specified in section 5103.0328 of the Revised Code. 97937

(G) An appointing or hiring officer, administrative director, 97938

or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised

Code, except that it does not include a prospective employee of 97970
the department of youth services or a person responsible for a 97971
child's care in a hospital or medical clinic other than a 97972
children's hospital. 97973

(4) "Person subject to a criminal records check" means the 97974
following: 97975

(a) A person who is under final consideration for appointment 97976
or employment as a person responsible for a child's care in 97977
out-of-home care; 97978

(b) A prospective or current adoptive parent; 97979

(c) A prospective or current foster caregiver; 97980

(d) A person eighteen years old or older who resides with a 97981
prospective or current foster caregiver or a prospective or 97982
current adoptive parent. 97983

(5) "Recommending agency" means a public children services 97984
agency, private child placing agency, or private noncustodial 97985
agency to which the department of job and family services has 97986
delegated a duty to inspect and approve foster homes. 97987

(6) "Superintendent of BCII" means the superintendent of the 97988
bureau of criminal identification and investigation. 97989

Sec. 2919.223. As used in sections 2919.223 to 2919.227 of 97990
the Revised Code: 97991

(A) "Child care," "child ~~day-care~~ care center," "in-home 97992
aide," "type A family ~~day-care~~ child care home," and "type B 97993
family ~~day-care~~ child care home" have the same meanings as in 97994
section 5104.01 of the Revised Code. 97995

(B) "Child care center licensee" means the owner of a child 97996
~~day-care~~ care center licensed pursuant to Chapter 5104. of the 97997
Revised Code who is responsible for ensuring the center's 97998

compliance with Chapter 5104. of the Revised Code and rules 97999
adopted pursuant to that chapter. 98000

(C) "Child care facility" means a child ~~day-care~~ care center, 98001
a type A family ~~day-care~~ child care home, or a type B family 98002
~~day-care~~ child care home. 98003

(D) "Child care provider" means any of the following: 98004

(1) An owner, provider, administrator, or employee of, or 98005
volunteer at, a child care facility; 98006

(2) An in-home aide; 98007

(3) A person who represents that the person provides child 98008
care. 98009

(E) "Peace officer" has the same meaning as in section 98010
2935.01 of the Revised Code. 98011

Sec. 2919.224. (A) No child care provider shall knowingly 98012
misrepresent any factor or condition that relates to the provision 98013
of child care and that substantially affects the health or safety 98014
of any child or children in that provider's facility or receiving 98015
child care from that provider to any of the following: 98016

(1) A parent, guardian, custodian, or other person 98017
responsible for the care of a child in the provider's facility or 98018
receiving child care from the provider; 98019

(2) A parent, guardian, custodian, or other person 98020
responsible for the care of a child who is considering the 98021
provider as a child care provider for the child; 98022

(3) A public official responsible for issuing the provider a 98023
license or certificate to provide child care; 98024

(4) A public official investigating or inquiring about the 98025
provision of child care by the provider; 98026

(5) A peace officer. 98027

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

(1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;

(2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;

(3) The number of children to whom child care is provided at one time or the number of children receiving child care in the child care facility at one time;

(4) The conditions or safety features of the child care facility;

(5) The area of the child care facility in which child ~~day-care~~ care is provided.

(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child care provider, a misdemeanor of the first degree.

Sec. 2919.225. (A) Subject to division (C) of this section, no owner, provider, or administrator of a type A family ~~day-care~~ child care home or type B family ~~day-care~~ child care home, knowing that the event described in division (A)(1) or (2) of this section has occurred, shall accept a child into that home without first disclosing to the parent, guardian, custodian, or other person responsible for the care of that child any of the following that has occurred:

(1) A child died while under the care of the home or while receiving child care from the owner, provider, or administrator or

died as a result of injuries suffered while under the care of the 98058
home or while receiving child care from the owner, provider, or 98059
administrator. 98060

(2) Within the preceding ten years, a child suffered injuries 98061
while under the care of the home or while receiving child care 98062
from the owner, provider, or administrator, and those injuries led 98063
to the child being hospitalized for more than twenty-four hours. 98064

(B)(1) Subject to division (C) of this section, no owner, 98065
provider, or administrator of a type A family ~~day-care~~ child care 98066
home or type B family ~~day-care~~ child care home shall fail to 98067
provide notice in accordance with division (B)(3) of this section 98068
to the persons and entities specified in division (B)(2) of this 98069
section, of any of the following that occurs: 98070

(a) A child who is under the care of the home or is receiving 98071
child care from the owner, provider, or administrator dies while 98072
under the care of the home or while receiving child care from the 98073
owner, provider, or administrator or dies as a result of injuries 98074
suffered while under the care of the home or while receiving child 98075
~~day-care~~ care from the owner, provider, or administrator. 98076

(b) A child who is under the care of the home or is receiving 98077
child care from the owner, provider, or administrator is 98078
hospitalized for more than twenty-four hours as a result of 98079
injuries suffered while under the care of the home or while 98080
receiving child care from the owner, provider, or administrator. 98081

(2) An owner, provider, or administrator of a home shall 98082
provide the notices required under division (B)(1) of this section 98083
to each of the following: 98084

(a) For each child who, at the time of the injury or death 98085
for which the notice is required, is receiving or is enrolled to 98086
receive child care at the home or from the owner, provider, or 98087
administrator, to the parent, guardian, custodian, or other person 98088

responsible for the care of the child; 98089

(b) If the notice is required as the result of the death of a 98090
child as described in division (B)(1)(a) of this section, to the 98091
public children services agency of the county in which the home is 98092
located or the child care was given, a municipal or county peace 98093
officer in the county in which the child resides or in which the 98094
home is located or the child care was given, and the child 98095
fatality review board appointed under section 307.621 of the 98096
Revised Code that serves the county in which the home is located 98097
or the child care was given. 98098

(3) An owner, provider, or administrator of a home shall 98099
provide the notices required by divisions (B)(1) and (2) of this 98100
section not later than forty-eight hours after the child dies or, 98101
regarding a child who is hospitalized for more than twenty-four 98102
hours as a result of injuries suffered while under the care of the 98103
home, not later than forty-eight hours after the child suffers the 98104
injuries. If a child is hospitalized for more than twenty-four 98105
hours as a result of injuries suffered while under the care of the 98106
home, and the child subsequently dies as a result of those 98107
injuries, the owner, provider, or administrator shall provide 98108
separate notices under divisions (B)(1) and (2) of this section 98109
regarding both the injuries and the death. All notices provided 98110
under divisions (B)(1) and (2) of this section shall state that 98111
the death or injury occurred. 98112

(C) Division (A) of this section does not require more than 98113
one person to make disclosures to the same parent, guardian, 98114
custodian, or other person responsible for the care of a child 98115
regarding any single injury or death for which disclosure is 98116
required under that division. Division (B) of this section does 98117
not require more than one person to give notices to the same 98118
parent, guardian, custodian, other person responsible for the care 98119
of the child, public children services agency, peace officer, or 98120

child fatality review board regarding any single injury or death 98121
for which disclosure is required under division (B)(1) of this 98122
section. 98123

(D) An owner, provider, or administrator of a type A family 98124
~~day-care~~ child care home or type B family ~~day-care~~ child care home 98125
is not subject to civil liability solely for making a disclosure 98126
required by this section. 98127

(E) Whoever violates division (A) or (B) of this section is 98128
guilty of failure of a type A or type B family ~~day-care~~ child care 98129
home to disclose the death or serious injury of a child, a 98130
misdemeanor of the fourth degree. 98131

Sec. 2919.226. (A) If a child care provider accurately 98132
answers the questions on a child care disclosure form that is in 98133
substantially the form set forth in division (B) of this section, 98134
presents the form to a person identified in division (A)(1) or (2) 98135
of section 2919.224 of the Revised Code, and obtains the person's 98136
signature on the acknowledgement in the form, to the extent that 98137
the information set forth on the form is accurate, the provider 98138
who presents the form is not subject to prosecution under division 98139
(A) of section 2919.224 of the Revised Code regarding presentation 98140
of that information to that person. 98141

An owner, provider, or administrator of a type A family 98142
~~day-care~~ child care home or a type B family ~~day-care~~ child care 98143
home may comply with division (A) of section 2919.225 of the 98144
Revised Code by accurately answering the questions on a child care 98145
disclosure form that is in substantially the form set forth in 98146
division (B) of this section, providing a copy of the form to the 98147
parent, guardian, custodian, or other person responsible for the 98148
care of a child and to whom disclosure is to be made under 98149
division (A) of section 2919.225 of the Revised Code, and 98150
obtaining the person's signature on the acknowledgement in the 98151

form. 98152

The use of the form set forth in division (B) of this section 98153
is discretionary and is not required to comply with any disclosure 98154
requirement contained in section 2919.225 of the Revised Code or 98155
for any purpose related to section 2919.224 of the Revised Code. 98156

(B) To be sufficient for the purposes described in division 98157
(A) of this section, a child care disclosure form shall be in 98158
substantially the following form: 98159

"CHILD CARE DISCLOSURE FORM 98160

Please Note: This form contains information that is accurate 98161
only at the time the form is given to you. The information 98162
provided in this form is likely to change over time. It is the 98163
duty of the person responsible for the care of the child to 98164
monitor the status of child care services to ensure that those 98165
services remain satisfactory. If a question on this form is left 98166
unanswered, the child care provider makes no assertion regarding 98167
the question. Choosing appropriate child care for a child is a 98168
serious responsibility, and the person responsible for the care of 98169
the child is encouraged to make all appropriate inquiries. Also, 98170
in acknowledging receipt of this form, the person responsible for 98171
the care of the child acknowledges that in selecting the child 98172
care provider the person is not relying on any representations 98173
other than those provided in this form unless the child care 98174
provider has acknowledged the other representations in writing. 98175

1. What are the names and qualifications to provide child 98176
care of: (a) the child care provider, (b) the employee who will 98177
provide child care to the applicant child, (c) the volunteer who 98178
will provide child care to the applicant child, and (d) any other 98179
employees or volunteers of the child care provider? (attach 98180
additional sheets if necessary): 98181

..... 98182

.....	98183
.....	98184
2. What is the maximum number of children to whom you provide child care at one time? (If children are divided into groups or classes, please describe the maximum number of children in each group or class and indicate the group or class in which the applicant child will be placed.):	98185 98186 98187 98188 98189
.....	98190
.....	98191
.....	98192
3. Where in the home will you provide child care to the applicant child?:	98193 98194
.....	98195
.....	98196
.....	98197
4. Has a child died while in the care of, or receiving child care from, the child care provider? (Yes/No)	98198 98199
Description/explanation (attach additional sheets if necessary)	98200 98201
.....	98202
.....	98203
.....	98204
5. Has a child died as a result of injuries suffered while under the care of, or receiving child care from, the child day-care <u>care</u> provider? (Yes/No)	98205 98206 98207
Description/explanation (attach additional sheets if necessary)	98208 98209
.....	98210
.....	98211
.....	98212
6. Within the preceding ten years, has a child suffered	98213

injuries while under the care of, or receiving child care from, 98214
the child care provider that led to the child being hospitalized 98215
for more than 24 hours? (Yes/No) 98216

Description/explanation (attach additional sheets if 98217
necessary) 98218
..... 98219
..... 98220
..... 98221
..... 98222

Signature of person completing form Date 98223
..... 98224

Name of person completing form 98225
(Typed or printed) 98226
..... 98227

Title of person completing form 98228
(Typed or printed) 98229

Acknowledgement: 98230

I hereby acknowledge that I have been given a copy of the 98231
preceding document and have read and understood its contents. I 98232
further acknowledge that I am not relying on any other 98233
representations in selecting the child care provider unless the 98234
child care provider has acknowledged the other representations in 98235
writing. 98236

..... 98237
Person receiving the form Date" 98238

(C) If a child care provider accurately answers the questions 98239
on a disclosure form that is substantially similar to the form 98240
described in division (B) of this section, presents the form to a 98241
person identified in division (A)(1) or (2) of section 2919.224 of 98242
the Revised Code, and obtains the person's signature on the 98243
acknowledgement in the form, to the extent that the information 98244
set forth on the form is accurate, the form is sufficient for the 98245

purposes described in division (A) of this section. 98246

An owner, provider, or administrator of a type A family 98247
~~day-care~~ child care home or a type B family ~~day-care~~ child care 98248
home who accurately answers the questions on a disclosure form 98249
that is substantially similar to the form described in division 98250
(B) of this section, provides a copy of the completed form to the 98251
parent, guardian, custodian, or other person who is responsible 98252
for the care of a child and to whom disclosure is to be made under 98253
division (A) of section 2919.225 of the Revised Code, and obtains 98254
the person's signature on the acknowledgement in the form complies 98255
with the requirements of that division. If the owner, provider, or 98256
administrator uses the disclosure form, leaving a portion of the 98257
disclosure form blank does not constitute a misrepresentation for 98258
the purposes of section 2919.224 of the Revised Code but may 98259
constitute a violation of section 2919.225 of the Revised Code. 98260
The owner, provider, or administrator of a type A family ~~day-care~~ 98261
child care home or type B family ~~day-care~~ child care home who 98262
completes the disclosure form and provides a copy of the form to 98263
any person described in section 2919.224 or 2919.225 of the 98264
Revised Code may retain a copy of the completed form. 98265

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 98266
the Revised Code: 98267

(A) "Application form" means the application form prescribed 98268
pursuant to division (A)(1) of section 109.731 of the Revised Code 98269
and includes a copy of that form. 98270

(B) "Competency certification" and "competency certificate" 98271
mean a document of the type described in division (B)(3) of 98272
section 2923.125 of the Revised Code. 98273

(C) "Detention facility" has the same meaning as in section 98274
2921.01 of the Revised Code. 98275

(D) "Licensee" means a person to whom a concealed handgun license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a concealed handgun license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and a person to whom a concealed handgun license has been issued by another state.	98276 98277 98278 98279 98280 98281 98282
(E) "License fee" or "license renewal fee" means the fee for a concealed handgun license or the fee to renew that license that is to be paid by an applicant for a license of that type.	98283 98284 98285
(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	98286 98287
(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.	98288 98289
(H) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.	98290 98291 98292
(I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.	98293 98294
(J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	98295 98296
(K) "Child day-care <u>care</u> center," "type A family day-care <u>child care</u> home" and "type B family day-care <u>child care</u> home" have the same meanings as in section 5104.01 of the Revised Code.	98297 98298 98299
(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.	98300 98301 98302
(M) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.	98303 98304
(N) "Motor carrier enforcement unit" has the same meaning as	98305

in section 2923.16 of the Revised Code. 98306

Sec. 2923.126. (A) A concealed handgun license that is issued 98307
under section 2923.125 of the Revised Code shall expire five years 98308
after the date of issuance. A licensee who has been issued a 98309
license under that section shall be granted a grace period of 98310
thirty days after the licensee's license expires during which the 98311
licensee's license remains valid. Except as provided in divisions 98312
(B) and (C) of this section, a licensee who has been issued a 98313
concealed handgun license under section 2923.125 or 2923.1213 of 98314
the Revised Code may carry a concealed handgun anywhere in this 98315
state if the license is valid when the licensee is in actual 98316
possession of a concealed handgun. The licensee shall give notice 98317
of any change in the licensee's residence address to the sheriff 98318
who issued the license within forty-five days after that change. 98319

(B) A valid concealed handgun license does not authorize the 98321
licensee to carry a concealed handgun in any manner prohibited 98322
under division (B) of section 2923.12 of the Revised Code or in 98323
any manner prohibited under section 2923.16 of the Revised Code. A 98324
valid license does not authorize the licensee to carry a concealed 98325
handgun into any of the following places: 98326

(1) A police station, sheriff's office, or state highway 98327
patrol station, premises controlled by the bureau of criminal 98328
identification and investigation; a state correctional 98329
institution, jail, workhouse, or other detention facility; any 98330
area of an airport passenger terminal that is beyond a passenger 98331
or property screening checkpoint or to which access is restricted 98332
through security measures by the airport authority or a public 98333
agency; or an institution that is maintained, operated, managed, 98334
and governed pursuant to division (A) of section 5119.14 of the 98335
Revised Code or division (A)(1) of section 5123.03 of the Revised 98336

Code; 98337

(2) A school safety zone if the licensee's carrying the 98338
concealed handgun is in violation of section 2923.122 of the 98339
Revised Code; 98340

(3) A courthouse or another building or structure in which a 98341
courtroom is located if the licensee's carrying the concealed 98342
handgun is in violation of section 2923.123 of the Revised Code; 98343

(4) Any premises or open air arena for which a D permit has 98344
been issued under Chapter 4303. of the Revised Code if the 98345
licensee's carrying the concealed handgun is in violation of 98346
section 2923.121 of the Revised Code; 98347

(5) Any premises owned or leased by any public or private 98348
college, university, or other institution of higher education, 98349
unless the handgun is in a locked motor vehicle or the licensee is 98350
in the immediate process of placing the handgun in a locked motor 98351
vehicle or unless the licensee is carrying the concealed handgun 98352
pursuant to a written policy, rule, or other authorization that is 98353
adopted by the institution's board of trustees or other governing 98354
body and that authorizes specific individuals or classes of 98355
individuals to carry a concealed handgun on the premises; 98356

(6) Any church, synagogue, mosque, or other place of worship, 98357
unless the church, synagogue, mosque, or other place of worship 98358
posts or permits otherwise; 98359

(7) Any building that is a government facility of this state 98360
or a political subdivision of this state and that is not a 98361
building that is used primarily as a shelter, restroom, parking 98362
facility for motor vehicles, or rest facility and is not a 98363
courthouse or other building or structure in which a courtroom is 98364
located that is subject to division (B)(3) of this section, unless 98365
the governing body with authority over the building has enacted a 98366
statute, ordinance, or policy that permits a licensee to carry a 98367

concealed handgun into the building; 98368

(8) A place in which federal law prohibits the carrying of 98369
handguns. 98370

(C)(1) Nothing in this section shall negate or restrict a 98371
rule, policy, or practice of a private employer that is not a 98372
private college, university, or other institution of higher 98373
education concerning or prohibiting the presence of firearms on 98374
the private employer's premises or property, including motor 98375
vehicles owned by the private employer. Nothing in this section 98376
shall require a private employer of that nature to adopt a rule, 98377
policy, or practice concerning or prohibiting the presence of 98378
firearms on the private employer's premises or property, including 98379
motor vehicles owned by the private employer. 98380

(2)(a) A private employer shall be immune from liability in a 98381
civil action for any injury, death, or loss to person or property 98382
that allegedly was caused by or related to a licensee bringing a 98383
handgun onto the premises or property of the private employer, 98384
including motor vehicles owned by the private employer, unless the 98385
private employer acted with malicious purpose. A private employer 98386
is immune from liability in a civil action for any injury, death, 98387
or loss to person or property that allegedly was caused by or 98388
related to the private employer's decision to permit a licensee to 98389
bring, or prohibit a licensee from bringing, a handgun onto the 98390
premises or property of the private employer. 98391

(b) A political subdivision shall be immune from liability in 98392
a civil action, to the extent and in the manner provided in 98393
Chapter 2744. of the Revised Code, for any injury, death, or loss 98394
to person or property that allegedly was caused by or related to a 98395
licensee bringing a handgun onto any premises or property owned, 98396
leased, or otherwise under the control of the political 98397
subdivision. As used in this division, "political subdivision" has 98398
the same meaning as in section 2744.01 of the Revised Code. 98399

(c) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(d) A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

(3)(a) Except as provided in division (C)(3)(b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those

premises. Except as otherwise provided in this division, a person 98432
who knowingly violates a posted prohibition of that nature is 98433
guilty of criminal trespass in violation of division (A)(4) of 98434
section 2911.21 of the Revised Code and is guilty of a misdemeanor 98435
of the fourth degree. If a person knowingly violates a posted 98436
prohibition of that nature and the posted land or premises 98437
primarily was a parking lot or other parking facility, the person 98438
is not guilty of criminal trespass under section 2911.21 of the 98439
Revised Code or under any other criminal law of this state or 98440
criminal law, ordinance, or resolution of a political subdivision 98441
of this state, and instead is subject only to a civil cause of 98442
action for trespass based on the violation. 98443

If a person knowingly violates a posted prohibition of the 98444
nature described in this division and the posted land or premises 98445
is a child ~~day-care~~ care center, type A family ~~day-care~~ child care 98446
home, or type B family ~~day-care~~ child care home, unless the person 98447
is a licensee who resides in a type A family ~~day-care~~ child care 98448
home or type B family ~~day-care~~ child care home, the person is 98449
guilty of aggravated trespass in violation of section 2911.211 of 98450
the Revised Code. Except as otherwise provided in this division, 98451
the offender is guilty of a misdemeanor of the first degree. If 98452
the person previously has been convicted of a violation of this 98453
division or of any offense of violence, if the weapon involved is 98454
a firearm that is either loaded or for which the offender has 98455
ammunition ready at hand, or if the weapon involved is dangerous 98456
ordnance, the offender is guilty of a felony of the fourth degree. 98457

(b) A landlord may not prohibit or restrict a tenant who is a 98458
licensee and who on or after September 9, 2008, enters into a 98459
rental agreement with the landlord for the use of residential 98460
premises, and the tenant's guest while the tenant is present, from 98461
lawfully carrying or possessing a handgun on those residential 98462
premises. 98463

(c) As used in division (C)(3) of this section: 98464

(i) "Residential premises" has the same meaning as in section 98465
5321.01 of the Revised Code, except "residential premises" does 98466
not include a dwelling unit that is owned or operated by a college 98467
or university. 98468

(ii) "Landlord," "tenant," and "rental agreement" have the 98469
same meanings as in section 5321.01 of the Revised Code. 98470

(D) A person who holds a valid concealed handgun license 98471
issued by another state that is recognized by the attorney general 98472
pursuant to a reciprocity agreement entered into pursuant to 98473
section 109.69 of the Revised Code or a person who holds a valid 98474
concealed handgun license under the circumstances described in 98475
division (B) of section 109.69 of the Revised Code has the same 98476
right to carry a concealed handgun in this state as a person who 98477
was issued a concealed handgun license under section 2923.125 of 98478
the Revised Code and is subject to the same restrictions that 98479
apply to a person who has been issued a license under that section 98480
that is valid at the time in question. 98481

(E)(1) A peace officer has the same right to carry a 98482
concealed handgun in this state as a person who was issued a 98483
concealed handgun license under section 2923.125 of the Revised 98484
Code, provided that the officer when carrying a concealed handgun 98485
under authority of this division is carrying validating 98486
identification. For purposes of reciprocity with other states, a 98487
peace officer shall be considered to be a licensee in this state. 98488

(2) An active duty member of the armed forces of the United 98489
States who is carrying a valid military identification card and 98490
documentation of successful completion of firearms training that 98491
meets or exceeds the training requirements described in division 98492
(G)(1) of section 2923.125 of the Revised Code has the same right 98493
to carry a concealed handgun in this state as a person who was 98494

issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to carry firearms while on duty under section 109.771 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not

for reasons of mental instability. 98527

(ii) Before retiring from service as a peace officer with 98528
that agency, the person was authorized to engage in or supervise 98529
the prevention, detection, investigation, or prosecution of, or 98530
the incarceration of any person for, any violation of law and the 98531
person had statutory powers of arrest. 98532

(iii) At the time of the person's retirement as a peace 98533
officer with that agency, the person was trained and qualified to 98534
carry firearms in the performance of the peace officer's duties. 98535

(iv) Before retiring from service as a peace officer with 98536
that agency, the person was regularly employed as a peace officer 98537
for an aggregate of fifteen years or more, or, in the alternative, 98538
the person retired from service as a peace officer with that 98539
agency, after completing any applicable probationary period of 98540
that service, due to a service-connected disability, as determined 98541
by the agency. 98542

(b) A retired peace officer identification card issued to a 98543
person under division (F)(2)(a) of this section shall identify the 98544
person by name, contain a photograph of the person, identify the 98545
public agency of this state or of the political subdivision of 98546
this state from which the person retired as a peace officer and 98547
that is issuing the identification card, and specify that the 98548
person retired in good standing from service as a peace officer 98549
with the issuing public agency and satisfies the criteria set 98550
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 98551
addition to the required content specified in this division, a 98552
retired peace officer identification card issued to a person under 98553
division (F)(2)(a) of this section may include the firearms 98554
requalification certification described in division (F)(3) of this 98555
section, and if the identification card includes that 98556
certification, the identification card shall serve as the firearms 98557
requalification certification for the retired peace officer. If 98558

the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set

forth in divisions (F)(2)(a)(i) to (iv) of this section 98591
satisfactorily completes such a firearms requalification program, 98592
the retired peace officer shall be issued a firearms 98593
requalification certification that identifies the retired peace 98594
officer by name, identifies the entity that taught the program, 98595
specifies that the retired peace officer successfully completed 98596
the program, specifies the date on which the course was 98597
successfully completed, and specifies that the requalification is 98598
valid for five years from that date of successful completion. The 98599
firearms requalification certification for a retired peace officer 98600
may be included in the retired peace officer identification card 98601
issued to the retired peace officer under division (F)(2) of this 98602
section. 98603

A retired peace officer who attends a firearms 98604
requalification program that is approved for purposes of firearms 98605
requalification required under section 109.801 of the Revised Code 98606
may be required to pay the cost of the program. 98607

(G) As used in this section: 98608

(1) "Qualified retired peace officer" means a person who 98609
satisfies all of the following: 98610

(a) The person satisfies the criteria set forth in divisions 98611
(F)(2)(a)(i) to (v) of this section. 98612

(b) The person is not under the influence of alcohol or 98613
another intoxicating or hallucinatory drug or substance. 98614

(c) The person is not prohibited by federal law from 98615
receiving firearms. 98616

(2) "Retired peace officer identification card" means an 98617
identification card that is issued pursuant to division (F)(2) of 98618
this section to a person who is a retired peace officer. 98619

(3) "Government facility of this state or a political 98620

subdivision of this state" means any of the following: 98621

(a) A building or part of a building that is owned or leased 98622
by the government of this state or a political subdivision of this 98623
state and where employees of the government of this state or the 98624
political subdivision regularly are present for the purpose of 98625
performing their official duties as employees of the state or 98626
political subdivision; 98627

(b) The office of a deputy registrar serving pursuant to 98628
Chapter 4503. of the Revised Code that is used to perform deputy 98629
registrar functions. 98630

(4) "Governing body" has the same meaning as in section 98631
154.01 of the Revised Code. 98632

(5) "Tactical medical professional" has the same meaning as 98633
in section 109.71 of the Revised Code. 98634

(6) "Validating identification" means photographic 98635
identification issued by the agency for which an individual serves 98636
as a peace officer that identifies the individual as a peace 98637
officer of the agency. 98638

(7) "Nonprofit corporation" means any private organization 98639
that is exempt from federal income taxation pursuant to subsection 98640
501(a) and described in subsection 501(c) of the Internal Revenue 98641
Code. 98642

Sec. 2950.034. (A) No person who has been convicted of, is 98643
convicted of, has pleaded guilty to, or pleads guilty to a 98644
sexually oriented offense or a child-victim oriented offense shall 98645
establish a residence or occupy residential premises within one 98646
thousand feet of any school premises, preschool or child ~~day-care~~ 98647
care center premises, children's crisis care facility premises, or 98648
residential infant care center premises. 98649

(B) If a person to whom division (A) of this section applies 98650

violates division (A) of this section by establishing a residence 98651
or occupying residential premises within one thousand feet of any 98652
school premises, preschool or child ~~day-care~~ care center premises, 98653
children's crisis care facility premises, or residential infant 98654
care center premises, an owner or lessee of real property that is 98655
located within one thousand feet of those school premises, 98656
preschool or child ~~day-care~~ care center premises, children's 98657
crisis care facility premises, or residential infant care center 98658
premises, or the prosecuting attorney, village solicitor, city or 98659
township director of law, similar chief legal officer of a 98660
municipal corporation or township, or official designated as a 98661
prosecutor in a municipal corporation that has jurisdiction over 98662
the place at which the person establishes the residence or 98663
occupies the residential premises in question, has a cause of 98664
action for injunctive relief against the person. The plaintiff 98665
shall not be required to prove irreparable harm in order to obtain 98666
the relief. 98667

(C) As used in this section: 98668

(1) "Child ~~day-care~~ care center" has the same meaning as in 98669
section 5104.01 of the Revised Code. 98670

(2) "Children's crisis care facility" has the same meaning as 98671
in section 5103.13 of the Revised Code. 98672

(3) "Children's crisis care facility premises" means both of 98673
the following: 98674

(a) The parcel of real property on which any children's 98675
crisis care facility is situated; 98676

(b) Any grounds, play areas, and other facilities of a 98677
children's crisis care facility that are regularly used by the 98678
children served by the facility. 98679

(4) "Preschool" means any public or private institution or 98680
center that provides early childhood instructional or educational 98681

services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child ~~day-care~~ care setting.

"Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(5) "Preschool or child ~~day-care~~ care center premises" means all of the following:

(a) Any building in which any preschool or child ~~day-care~~ care center activities are conducted if the building has signage that indicates that the building houses a preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(b) The parcel of real property on which a preschool or child ~~day-care~~ care center is situated if the parcel of real property has signage that indicates that a preschool or child ~~day-care~~ care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(c) Any grounds, play areas, and other facilities of a preschool or child ~~day-care~~ care center that are regularly used by the children served by the preschool or child ~~day-care~~ care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.

(6) "Residential infant care center" has the same meaning as

in section 5103.60 of the Revised Code. 98713

(7) "Residential infant care center premises" means both of 98714
the following: 98715

(a) The parcel of real property on which any residential 98716
infant care center is situated; 98717

(b) Any grounds, play areas, and other facilities of a 98718
residential infant care center that are regularly used by the 98719
children served by the center. 98720

Sec. 2950.11. (A) Regardless of when the sexually oriented 98721
offense or child-victim oriented offense was committed, if a 98722
person is convicted of, pleads guilty to, has been convicted of, 98723
or has pleaded guilty to a sexually oriented offense or a 98724
child-victim oriented offense or a person is or has been 98725
adjudicated a delinquent child for committing a sexually oriented 98726
offense or a child-victim oriented offense and is classified a 98727
juvenile offender registrant or is an out-of-state juvenile 98728
offender registrant based on that adjudication, and if the 98729
offender or delinquent child is in any category specified in 98730
division (F)(1)(a), (b), or (c) of this section, the sheriff with 98731
whom the offender or delinquent child has most recently registered 98732
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 98733
and the sheriff to whom the offender or delinquent child most 98734
recently sent a notice of intent to reside under section 2950.04 98735
or 2950.041 of the Revised Code, within the period of time 98736
specified in division (C) of this section, shall provide a written 98737
notice containing the information set forth in division (B) of 98738
this section to all of the persons described in divisions (A)(1) 98739
to (10) of this section. If the sheriff has sent a notice to the 98740
persons described in those divisions as a result of receiving a 98741
notice of intent to reside and if the offender or delinquent child 98742
registers a residence address that is the same residence address 98743

described in the notice of intent to reside, the sheriff is not 98744
required to send an additional notice when the offender or 98745
delinquent child registers. The sheriff shall provide the notice 98746
to all of the following persons: 98747

(1)(a) Any occupant of each residential unit that is located 98748
within one thousand feet of the offender's or delinquent child's 98749
residential premises, that is located within the county served by 98750
the sheriff, and that is not located in a multi-unit building. 98751
Division (D)(3) of this section applies regarding notices required 98752
under this division. 98753

(b) If the offender or delinquent child resides in a 98754
multi-unit building, any occupant of each residential unit that is 98755
located in that multi-unit building and that shares a common 98756
hallway with the offender or delinquent child. For purposes of 98757
this division, an occupant's unit shares a common hallway with the 98758
offender or delinquent child if the entrance door into the 98759
occupant's unit is located on the same floor and opens into the 98760
same hallway as the entrance door to the unit the offender or 98761
delinquent child occupies. Division (D)(3) of this section applies 98762
regarding notices required under this division. 98763

(c) The building manager, or the person the building owner or 98764
condominium unit owners association authorizes to exercise 98765
management and control, of each multi-unit building that is 98766
located within one thousand feet of the offender's or delinquent 98767
child's residential premises, including a multi-unit building in 98768
which the offender or delinquent child resides, and that is 98769
located within the county served by the sheriff. In addition to 98770
notifying the building manager or the person authorized to 98771
exercise management and control in the multi-unit building under 98772
this division, the sheriff shall post a copy of the notice 98773
prominently in each common entryway in the building and any other 98774
location in the building the sheriff determines appropriate. The 98775

manager or person exercising management and control of the 98776
building shall permit the sheriff to post copies of the notice 98777
under this division as the sheriff determines appropriate. In lieu 98778
of posting copies of the notice as described in this division, a 98779
sheriff may provide notice to all occupants of the multi-unit 98780
building by mail or personal contact; if the sheriff so notifies 98781
all the occupants, the sheriff is not required to post copies of 98782
the notice in the common entryways to the building. Division 98783
(D)(3) of this section applies regarding notices required under 98784
this division. 98785

(d) All additional persons who are within any category of 98786
neighbors of the offender or delinquent child that the attorney 98787
general by rule adopted under section 2950.13 of the Revised Code 98788
requires to be provided the notice and who reside within the 98789
county served by the sheriff; 98790

(2) The executive director of the public children services 98791
agency that has jurisdiction within the specified geographical 98792
notification area and that is located within the county served by 98793
the sheriff; 98794

(3)(a) The superintendent of each board of education of a 98795
school district that has schools within the specified geographical 98796
notification area and that is located within the county served by 98797
the sheriff; 98798

(b) The principal of the school within the specified 98799
geographical notification area and within the county served by the 98800
sheriff that the delinquent child attends; 98801

(c) If the delinquent child attends a school outside of the 98802
specified geographical notification area or outside of the school 98803
district where the delinquent child resides, the superintendent of 98804
the board of education of a school district that governs the 98805
school that the delinquent child attends and the principal of the 98806

school that the delinquent child attends. 98807

(4)(a) The appointing or hiring officer of each chartered 98808
nonpublic school located within the specified geographical 98809
notification area and within the county served by the sheriff or 98810
of each other school located within the specified geographical 98811
notification area and within the county served by the sheriff and 98812
that is not operated by a board of education described in division 98813
(A)(3) of this section; 98814

(b) Regardless of the location of the school, the appointing 98815
or hiring officer of a chartered nonpublic school that the 98816
delinquent child attends. 98817

(5) The director, head teacher, elementary principal, or site 98818
administrator of each preschool program governed by Chapter 3301. 98819
of the Revised Code that is located within the specified 98820
geographical notification area and within the county served by the 98821
sheriff; 98822

(6) The administrator of each child ~~day-care~~ care center or 98823
type A family ~~day-care~~ child care home that is located within the 98824
specified geographical notification area and within the county 98825
served by the sheriff, and each holder of a license to operate a 98826
type B family ~~day-care~~ child care home that is located within the 98827
specified geographical notification area and within the county 98828
served by the sheriff. As used in this division, "child ~~day-care~~ 98829
care center," "type A family ~~day-care~~ child care home," and "type 98830
B family ~~day-care~~ child care home" have the same meanings as in 98831
section 5104.01 of the Revised Code. 98832

(7) The president or other chief administrative officer of 98833
each institution of higher education, as defined in section 98834
2907.03 of the Revised Code, that is located within the specified 98835
geographical notification area and within the county served by the 98836
sheriff, and the chief law enforcement officer of the state 98837

university law enforcement agency or campus police department 98838
established under section 3345.04 or 1713.50 of the Revised Code, 98839
if any, that serves that institution; 98840

(8) The sheriff of each county that includes any portion of 98841
the specified geographical notification area; 98842

(9) If the offender or delinquent child resides within the 98843
county served by the sheriff, the chief of police, marshal, or 98844
other chief law enforcement officer of the municipal corporation 98845
in which the offender or delinquent child resides or, if the 98846
offender or delinquent child resides in an unincorporated area, 98847
the constable or chief of the police department or police district 98848
police force of the township in which the offender or delinquent 98849
child resides; 98850

(10) Volunteer organizations in which contact with minors or 98851
other vulnerable individuals might occur or any organization, 98852
company, or individual who requests notification as provided in 98853
division (J) of this section. 98854

(B) The notice required under division (A) of this section 98855
shall include all of the following information regarding the 98856
subject offender or delinquent child: 98857

(1) The offender's or delinquent child's name; 98858

(2) The address or addresses of the offender's or public 98859
registry-qualified juvenile offender registrant's residence, 98860
school, institution of higher education, or place of employment, 98861
as applicable, or the residence address or addresses of a 98862
delinquent child who is not a public registry-qualified juvenile 98863
offender registrant; 98864

(3) The sexually oriented offense or child-victim oriented 98865
offense of which the offender was convicted, to which the offender 98866
pleaded guilty, or for which the child was adjudicated a 98867
delinquent child; 98868

(4) A statement that identifies the category specified in 98869
division (F)(1)(a), (b), or (c) of this section that includes the 98870
offender or delinquent child and that subjects the offender or 98871
delinquent child to this section; 98872

(5) The offender's or delinquent child's photograph. 98873

(C) If a sheriff with whom an offender or delinquent child 98874
registers under section 2950.04, 2950.041, or 2950.05 of the 98875
Revised Code or to whom the offender or delinquent child most 98876
recently sent a notice of intent to reside under section 2950.04 98877
or 2950.041 of the Revised Code is required by division (A) of 98878
this section to provide notices regarding an offender or 98879
delinquent child and if, pursuant to that requirement, the sheriff 98880
provides a notice to a sheriff of one or more other counties in 98881
accordance with division (A)(8) of this section, the sheriff of 98882
each of the other counties who is provided notice under division 98883
(A)(8) of this section shall provide the notices described in 98884
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 98885
each person or entity identified within those divisions that is 98886
located within the specified geographical notification area and 98887
within the county served by the sheriff in question. 98888

(D)(1) A sheriff required by division (A) or (C) of this 98889
section to provide notices regarding an offender or delinquent 98890
child shall provide the notice to the neighbors that are described 98891
in division (A)(1) of this section and the notices to law 98892
enforcement personnel that are described in divisions (A)(8) and 98893
(9) of this section as soon as practicable, but no later than five 98894
days after the offender sends the notice of intent to reside to 98895
the sheriff and again no later than five days after the offender 98896
or delinquent child registers with the sheriff or, if the sheriff 98897
is required by division (C) of this section to provide the 98898
notices, no later than five days after the sheriff is provided the 98899
notice described in division (A)(8) of this section. 98900

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to 98933
occupants of a multi-unit building by mail or personal contact, 98934
the provision of one written notice per unit is deemed as 98935
providing notice to all occupants of that unit. 98936

(E) All information that a sheriff possesses regarding an 98937
offender or delinquent child who is in a category specified in 98938
division (F)(1)(a), (b), or (c) of this section that is described 98939
in division (B) of this section and that must be provided in a 98940
notice required under division (A) or (C) of this section or that 98941
may be provided in a notice authorized under division (D)(2) of 98942
this section is a public record that is open to inspection under 98943
section 149.43 of the Revised Code. 98944

The sheriff shall not cause to be publicly disseminated by 98945
means of the internet any of the information described in this 98946
division that is provided by a delinquent child unless that child 98947
is in a category specified in division (F)(1)(a), (b), or (c) of 98948
this section. 98949

(F)(1) Except as provided in division (F)(2) of this section, 98950
the duties to provide the notices described in divisions (A) and 98951
(C) of this section apply regarding any offender or delinquent 98952
child who is in any of the following categories: 98953

(a) The offender is a tier III sex offender/child-victim 98954
offender, or the delinquent child is a public registry-qualified 98955
juvenile offender registrant, and a juvenile court has not removed 98956
pursuant to section 2950.15 of the Revised Code the delinquent 98957
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 98958
and 2950.06 of the Revised Code. 98959

(b) The delinquent child is a tier III sex 98960
offender/child-victim offender who is not a public 98961
registry-qualified juvenile offender registrant, the delinquent 98962
child was subjected to this section prior to January 1, 2008, as a 98963

sexual predator, habitual sex offender, child-victim predator, or 98964
habitual child-victim offender, as those terms were defined in 98965
section 2950.01 of the Revised Code as it existed prior to January 98966
1, 2008, and a juvenile court has not removed pursuant to section 98967
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 98968
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 98969
the Revised Code. 98970

(c) The delinquent child is a tier III sex 98971
offender/child-victim offender who is not a public 98972
registry-qualified juvenile offender registrant, the delinquent 98973
child was classified a juvenile offender registrant on or after 98974
January 1, 2008, the court has imposed a requirement under section 98975
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 98976
delinquent child to this section, and a juvenile court has not 98977
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 98978
the delinquent child's duty to comply with sections 2950.04, 98979
2950.041, 2950.05, and 2950.06 of the Revised Code. 98980

(2) The notification provisions of this section do not apply 98981
to a person described in division (F)(1)(a), (b), or (c) of this 98982
section if a court finds at a hearing after considering the 98983
factors described in this division that the person would not be 98984
subject to the notification provisions of this section that were 98985
in the version of this section that existed immediately prior to 98986
January 1, 2008. In making the determination of whether a person 98987
would have been subject to the notification provisions under prior 98988
law as described in this division, the court shall consider the 98989
following factors: 98990

(a) The offender's or delinquent child's age; 98991

(b) The offender's or delinquent child's prior criminal or 98992
delinquency record regarding all offenses, including, but not 98993
limited to, all sexual offenses; 98994

(c) The age of the victim of the sexually oriented offense	98995
for which sentence is to be imposed or the order of disposition is	98996
to be made;	98997
(d) Whether the sexually oriented offense for which sentence	98998
is to be imposed or the order of disposition is to be made	98999
involved multiple victims;	99000
(e) Whether the offender or delinquent child used drugs or	99001
alcohol to impair the victim of the sexually oriented offense or	99002
to prevent the victim from resisting;	99003
(f) If the offender or delinquent child previously has been	99004
convicted of or pleaded guilty to, or been adjudicated a	99005
delinquent child for committing an act that if committed by an	99006
adult would be, a criminal offense, whether the offender or	99007
delinquent child completed any sentence or dispositional order	99008
imposed for the prior offense or act and, if the prior offense or	99009
act was a sex offense or a sexually oriented offense, whether the	99010
offender or delinquent child participated in available programs	99011
for sexual offenders;	99012
(g) Any mental illness or mental disability of the offender	99013
or delinquent child;	99014
(h) The nature of the offender's or delinquent child's sexual	99015
conduct, sexual contact, or interaction in a sexual context with	99016
the victim of the sexually oriented offense and whether the sexual	99017
conduct, sexual contact, or interaction in a sexual context was	99018
part of a demonstrated pattern of abuse;	99019
(i) Whether the offender or delinquent child, during the	99020
commission of the sexually oriented offense for which sentence is	99021
to be imposed or the order of disposition is to be made, displayed	99022
cruelty or made one or more threats of cruelty;	99023
(j) Whether the offender or delinquent child would have been	99024
a habitual sex offender or a habitual child victim offender under	99025

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board~~ department of regents higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a

designee of a sheriff of that type, may request the department of 99057
job and family services, department of education, or ~~Ohio board~~ 99058
department of regents higher education, by telephone, in person, 99059
or by mail, to provide the sheriff or designee with the names, 99060
addresses, and telephone numbers of the appropriate persons and 99061
entities to whom the notices described in divisions (A)(2) to (7) 99062
of this section are to be provided. Upon receipt of a request, the 99063
department ~~or board~~ shall provide the requesting sheriff or 99064
designee with the names, addresses, and telephone numbers of the 99065
appropriate persons and entities to whom those notices are to be 99066
provided. 99067

(H)(1) Upon the motion of the offender or the prosecuting 99068
attorney of the county in which the offender was convicted of or 99069
pleaded guilty to the sexually oriented offense or child-victim 99070
oriented offense for which the offender is subject to community 99071
notification under this section, or upon the motion of the 99072
sentencing judge or that judge's successor in office, the judge 99073
may schedule a hearing to determine whether the interests of 99074
justice would be served by suspending the community notification 99075
requirement under this section in relation to the offender. The 99076
judge may dismiss the motion without a hearing but may not issue 99077
an order suspending the community notification requirement without 99078
a hearing. At the hearing, all parties are entitled to be heard, 99079
and the judge shall consider all of the factors set forth in 99080
division (K) of this section. If, at the conclusion of the 99081
hearing, the judge finds that the offender has proven by clear and 99082
convincing evidence that the offender is unlikely to commit in the 99083
future a sexually oriented offense or a child-victim oriented 99084
offense and if the judge finds that suspending the community 99085
notification requirement is in the interests of justice, the judge 99086
may suspend the application of this section in relation to the 99087
offender. The order shall contain both of these findings. 99088

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 99120

(b) A person who is convicted of or pleads guilty to a 99121
sexually oriented offense that is a violation of division 99122
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 99123
after January 2, 2007, and either who is sentenced under section 99124
2971.03 of the Revised Code or upon whom a sentence of life 99125
without parole is imposed under division (B) of section 2907.02 of 99126
the Revised Code; 99127

(c) A person who is convicted of or pleads guilty to a 99128
sexually oriented offense that is attempted rape committed on or 99129
after January 2, 2007, and who also is convicted of or pleads 99130
guilty to a specification of the type described in section 99131
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 99132

(d) A person who is convicted of or pleads guilty to an 99133
offense described in division (B)(3)(a), (b), (c), or (d) of 99134
section 2971.03 of the Revised Code and who is sentenced for that 99135
offense pursuant to that division; 99136

(e) An offender who is in a category specified in division 99137
(F)(1)(a), (b), or (c) of this section and who, subsequent to 99138
being subjected to community notification, has pleaded guilty to 99139
or been convicted of a sexually oriented offense or child-victim 99140
oriented offense. 99141

(I) If a person is convicted of, pleads guilty to, has been 99142
convicted of, or has pleaded guilty to a sexually oriented offense 99143
or a child-victim oriented offense or a person is or has been 99144
adjudicated a delinquent child for committing a sexually oriented 99145
offense or a child-victim oriented offense and is classified a 99146
juvenile offender registrant or is an out-of-state juvenile 99147
offender registrant based on that adjudication, and if the 99148
offender or delinquent child is not in any category specified in 99149
division (F)(1)(a), (b), or (c) of this section, the sheriff with 99150

whom the offender or delinquent child has most recently registered 99151
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 99152
and the sheriff to whom the offender or delinquent child most 99153
recently sent a notice of intent to reside under section 2950.04 99154
or 2950.041 of the Revised Code, within the period of time 99155
specified in division (D) of this section, shall provide a written 99156
notice containing the information set forth in division (B) of 99157
this section to the executive director of the public children 99158
services agency that has jurisdiction within the specified 99159
geographical notification area and that is located within the 99160
county served by the sheriff. 99161

(J) Each sheriff shall allow a volunteer organization or 99162
other organization, company, or individual who wishes to receive 99163
the notice described in division (A)(10) of this section regarding 99164
a specific offender or delinquent child or notice regarding all 99165
offenders and delinquent children who are located in the specified 99166
geographical notification area to notify the sheriff by electronic 99167
mail or through the sheriff's web site of this election. The 99168
sheriff shall promptly inform the bureau of criminal 99169
identification and investigation of these requests in accordance 99170
with the forwarding procedures adopted by the attorney general 99171
pursuant to section 2950.13 of the Revised Code. 99172

(K) In making a determination under division (H)(1) of this 99173
section as to whether to suspend the community notification 99174
requirement under this section for an offender, the judge shall 99175
consider all relevant factors, including, but not limited to, all 99176
of the following: 99177

(1) The offender's age; 99178

(2) The offender's prior criminal or delinquency record 99179
regarding all offenses, including, but not limited to, all 99180
sexually oriented offenses or child-victim oriented offenses; 99181

- (3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed; 99182
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- (4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims; 99184
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- (5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting; 99186
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- (6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders; 99190
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- (7) Any mental illness or mental disability of the offender; 99198
- (8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse; 99199
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- (9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty; 99207
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- (10) Any additional behavioral characteristics that contribute to the offender's conduct. 99211
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(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

Sec. 2950.13. (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful

offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;	99276 99277 99278
(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;	99279 99280 99281 99282 99283 99284 99285
(g) Fingerprints and palmprints of the person;	99286
(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;	99287 99288
(i) Whether the person has any outstanding arrest warrants;	99289
(j) Whether the person is in compliance with the person's duties under this chapter.	99290 99291
(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;	99292 99293 99294 99295
(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a	99296 99297 99298 99299 99300 99301 99302 99303 99304 99305 99306

request that specifies that the victim would like to be provided 99307
the notices described in divisions (A)(1) and (2) of section 99308
2950.10 of the Revised Code; 99309

(4) In consultation with local law enforcement 99310
representatives and through the bureau of criminal identification 99311
and investigation, prescribe the forms to be used by judges and 99312
officials pursuant to section 2950.03 or 2950.032 of the Revised 99313
Code to advise offenders and delinquent children of their duties 99314
of filing a notice of intent to reside, registration, notification 99315
of a change of residence, school, institution of higher education, 99316
or place of employment address and registration of the new school, 99317
institution of higher education, or place of employment address, 99318
as applicable, and address verification under sections 2950.04, 99319
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 99320
the forms to be used by sheriffs relative to those duties of 99321
filing a notice of intent to reside, registration, change of 99322
residence, school, institution of higher education, or place of 99323
employment address notification, and address verification; 99324

(5) Make copies of the forms prescribed under division (A)(4) 99325
of this section available to judges, officials, and sheriffs; 99326

(6) Through the bureau of criminal identification and 99327
investigation, provide the notifications, the information and 99328
materials, and the documents that the bureau is required to 99329
provide to appropriate law enforcement officials and to the 99330
federal bureau of investigation pursuant to sections 2950.04, 99331
2950.041, 2950.05, and 2950.06 of the Revised Code; 99332

(7) Through the bureau of criminal identification and 99333
investigation, maintain the verification forms returned under the 99334
address verification mechanism set forth in section 2950.06 of the 99335
Revised Code; 99336

(8) In consultation with representatives of the officials, 99337

judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care care centers, type A family day-care child care homes, licensed type B family day-care child care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every

delinquent child who has committed a sexually oriented offense, is 99370
a public registry-qualified juvenile offender registrant, and 99371
registers in any county in this state pursuant to either such 99372
section. The bureau shall not include on the database the identity 99373
of any offender's or public registry-qualified juvenile offender 99374
registrant's victim, any offender's or public registry-qualified 99375
juvenile offender registrant's social security number, the name of 99376
any school or institution of higher education attended by any 99377
offender or public registry-qualified juvenile offender 99378
registrant, the name of the place of employment of any offender or 99379
public registry-qualified juvenile offender registrant, any 99380
tracking or identification number described in division (A)(1)(f) 99381
of this section, or any information described in division (C)(7) 99382
of section 2950.04 or 2950.041 of the Revised Code. The bureau 99383
shall provide on the database, for each offender and each public 99384
registry-qualified juvenile offender registrant, at least the 99385
information specified in divisions (A)(11)(a) to (h) of this 99386
section. Otherwise, the bureau shall determine the information to 99387
be provided on the database for each offender and public 99388
registry-qualified juvenile offender registrant and shall obtain 99389
that information from the information contained in the state 99390
registry of sex offenders and child-victim offenders described in 99391
division (A)(1) of this section, which information, while in the 99392
possession of the sheriff who provided it, is a public record open 99393
for inspection as described in section 2950.081 of the Revised 99394
Code. The database is a public record open for inspection under 99395
section 149.43 of the Revised Code, and it shall be searchable by 99396
offender or public registry-qualified juvenile offender registrant 99397
name, by county, by zip code, and by school district. The database 99398
shall provide a link to the web site of each sheriff who has 99399
established and operates on the internet a sex offender and 99400
child-victim offender database that contains information for 99401
offenders and public registry-qualified juvenile offender 99402

registrants who register in that county pursuant to section 99403
2950.04 or 2950.041 of the Revised Code, with the link being a 99404
direct link to the sex offender and child-victim offender database 99405
for the sheriff. The bureau shall provide on the database, for 99406
each offender and public registry-qualified juvenile offender 99407
registrant, at least the following information: 99408

(a) The information described in divisions (A)(1)(a), (b), 99409
(c), and (d) of this section relative to the offender or public 99410
registry-qualified juvenile offender registrant; 99411

(b) The address of the offender's or public 99412
registry-qualified juvenile offender registrant's school, 99413
institution of higher education, or place of employment provided 99414
in a registration form; 99415

(c) The information described in division (C)(6) of section 99416
2950.04 or 2950.041 of the Revised Code; 99417

(d) A chart describing which sexually oriented offenses and 99418
child-victim oriented offenses are included in the definitions of 99419
tier I sex offender/child-victim offender, tier II sex 99420
offender/child-victim offender, and tier III sex 99421
offender/child-victim offender; 99422

(e) Fingerprints and palmprints of the offender or public 99423
registry-qualified juvenile offender registrant and a DNA specimen 99424
from the offender or public registry-qualified juvenile offender 99425
registrant; 99426

(f) The information set forth in division (B) of section 99427
2950.11 of the Revised Code; 99428

(g) Any outstanding arrest warrants for the offender or 99429
public registry-qualified juvenile offender registrant; 99430

(h) The offender's or public registry-qualified juvenile 99431
offender registrant's compliance status with duties under this 99432

chapter. 99433

(12) Develop software to be used by sheriffs in establishing 99434
on the internet a sex offender and child-victim offender database 99435
for the public dissemination of some or all of the information and 99436
materials described in division (A) of section 2950.081 of the 99437
Revised Code that are public records under that division, that are 99438
not prohibited from inclusion by division (B) of that section, and 99439
that pertain to offenders and public registry-qualified juvenile 99440
offender registrants who register in the sheriff's county pursuant 99441
to section 2950.04 or 2950.041 of the Revised Code and for the 99442
public dissemination of information the sheriff receives pursuant 99443
to section 2950.14 of the Revised Code and, upon the request of 99444
any sheriff, provide technical guidance to the requesting sheriff 99445
in establishing on the internet such a database; 99446

(13) Through the bureau of criminal identification and 99447
investigation, not later than January 1, 2004, establish and 99448
operate on the internet a database that enables local law 99449
enforcement representatives to remotely search by electronic means 99450
the state registry of sex offenders and child-victim offenders 99451
described in division (A)(1) of this section and any information 99452
and materials the bureau receives pursuant to sections 2950.04, 99453
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 99454
database shall enable local law enforcement representatives to 99455
obtain detailed information regarding each offender and delinquent 99456
child who is included in the registry, including, but not limited 99457
to the offender's or delinquent child's name, aliases, residence 99458
address, name and address of any place of employment, school, 99459
institution of higher education, if applicable, license plate 99460
number of each vehicle identified in division (C)(5) of section 99461
2950.04 or 2950.041 of the Revised Code to the extent applicable, 99462
victim preference if available, date of most recent release from 99463
confinement if applicable, fingerprints, and palmprints, all of 99464

the information and material described in divisions (A)(1)(a) to 99465
(h) of this section regarding the offender or delinquent child, 99466
and other identification parameters the bureau considers 99467
appropriate. The database is not a public record open for 99468
inspection under section 149.43 of the Revised Code and shall be 99469
available only to law enforcement representatives as described in 99470
this division. Information obtained by local law enforcement 99471
representatives through use of this database is not open to 99472
inspection by the public or by any person other than a person 99473
identified in division (A) of section 2950.08 of the Revised Code. 99474

(14) Through the bureau of criminal identification and 99475
investigation, maintain a list of requests for notice about a 99476
specified offender or delinquent child or specified geographical 99477
notification area made pursuant to division (J) of section 2950.11 99478
of the Revised Code and, when an offender or delinquent child 99479
changes residence to another county, forward any requests for 99480
information about that specific offender or delinquent child to 99481
the appropriate sheriff; 99482

(15) Through the bureau of criminal identification and 99483
investigation, establish and operate a system for the immediate 99484
notification by electronic means of the appropriate officials in 99485
other states specified in this division each time an offender or 99486
delinquent child registers a residence, school, institution of 99487
higher education, or place of employment address under section 99488
2950.04 or 2950.041 of the Revised Code or provides a notice of a 99489
change of address or registers a new address under division (A) or 99490
(B) of section 2950.05 of the Revised Code. The immediate 99491
notification by electronic means shall be provided to the 99492
appropriate officials in each state in which the offender or 99493
delinquent child is required to register a residence, school, 99494
institution of higher education, or place of employment address. 99495
The notification shall contain the offender's or delinquent 99496

child's name and all of the information the bureau receives from 99497
the sheriff with whom the offender or delinquent child registered 99498
the address or provided the notice of change of address or 99499
registered the new address. 99500

(B) The attorney general in consultation with local law 99501
enforcement representatives, may adopt rules that establish one or 99502
more categories of neighbors of an offender or delinquent child 99503
who, in addition to the occupants of residential premises and 99504
other persons specified in division (A)(1) of section 2950.11 of 99505
the Revised Code, must be given the notice described in division 99506
(B) of that section. 99507

(C) No person, other than a local law enforcement 99508
representative, shall knowingly do any of the following: 99509

(1) Gain or attempt to gain access to the database 99510
established and operated by the attorney general, through the 99511
bureau of criminal identification and investigation, pursuant to 99512
division (A)(13) of this section. 99513

(2) Permit any person to inspect any information obtained 99514
through use of the database described in division (C)(1) of this 99515
section, other than as permitted under that division. 99516

(D) As used in this section, "local law enforcement 99517
representatives" means representatives of the sheriffs of this 99518
state, representatives of the municipal chiefs of police and 99519
marshals of this state, and representatives of the township 99520
constables and chiefs of police of the township police departments 99521
or police district police forces of this state. 99522

Sec. 3109.051. (A) If a divorce, dissolution, legal 99523
separation, or annulment proceeding involves a child and if the 99524
court has not issued a shared parenting decree, the court shall 99525
consider any mediation report filed pursuant to section 3109.052 99526

of the Revised Code and, in accordance with division (C) of this 99527
section, shall make a just and reasonable order or decree 99528
permitting each parent who is not the residential parent to have 99529
parenting time with the child at the time and under the conditions 99530
that the court directs, unless the court determines that it would 99531
not be in the best interest of the child to permit that parent to 99532
have parenting time with the child and includes in the journal its 99533
findings of fact and conclusions of law. Whenever possible, the 99534
order or decree permitting the parenting time shall ensure the 99535
opportunity for both parents to have frequent and continuing 99536
contact with the child, unless frequent and continuing contact by 99537
either parent with the child would not be in the best interest of 99538
the child. The court shall include in its final decree a specific 99539
schedule of parenting time for that parent. Except as provided in 99540
division (E)(6) of section 3113.31 of the Revised Code, if the 99541
court, pursuant to this section, grants parenting time to a parent 99542
or companionship or visitation rights to any other person with 99543
respect to any child, it shall not require the public children 99544
services agency to provide supervision of or other services 99545
related to that parent's exercise of parenting time or that 99546
person's exercise of companionship or visitation rights with 99547
respect to the child. This section does not limit the power of a 99548
juvenile court pursuant to Chapter 2151. of the Revised Code to 99549
issue orders with respect to children who are alleged to be 99550
abused, neglected, or dependent children or to make dispositions 99551
of children who are adjudicated abused, neglected, or dependent 99552
children or of a common pleas court to issue orders pursuant to 99553
section 3113.31 of the Revised Code. 99554

(B)(1) In a divorce, dissolution of marriage, legal 99555
separation, annulment, or child support proceeding that involves a 99556
child, the court may grant reasonable companionship or visitation 99557
rights to any grandparent, any person related to the child by 99558

consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or

visitation schedule, determining other parenting time matters 99590
under this section or section 3109.12 of the Revised Code or 99591
visitation matters under this section or under section 3109.11 or 99592
3109.12 of the Revised Code, and resolving any issues related to 99593
the making of any determination with respect to parenting time or 99594
visitation rights or the establishment of any specific parenting 99595
time or visitation schedule, the court, in its discretion, may 99596
interview in chambers any or all involved children regarding their 99597
wishes and concerns. If the court interviews any child concerning 99598
the child's wishes and concerns regarding those parenting time or 99599
visitation matters, the interview shall be conducted in chambers, 99600
and no person other than the child, the child's attorney, the 99601
judge, any necessary court personnel, and, in the judge's 99602
discretion, the attorney of each parent shall be permitted to be 99603
present in the chambers during the interview. No person shall 99604
obtain or attempt to obtain from a child a written or recorded 99605
statement or affidavit setting forth the wishes and concerns of 99606
the child regarding those parenting time or visitation matters. A 99607
court, in considering the factors listed in division (D) of this 99608
section for purposes of determining whether to grant any parenting 99609
time or visitation rights, establishing a parenting time or 99610
visitation schedule, determining other parenting time matters 99611
under this section or section 3109.12 of the Revised Code or 99612
visitation matters under this section or under section 3109.11 or 99613
3109.12 of the Revised Code, or resolving any issues related to 99614
the making of any determination with respect to parenting time or 99615
visitation rights or the establishment of any specific parenting 99616
time or visitation schedule, shall not accept or consider a 99617
written or recorded statement or affidavit that purports to set 99618
forth the child's wishes or concerns regarding those parenting 99619
time or visitation matters. 99620

(D) In determining whether to grant parenting time to a 99621
parent pursuant to this section or section 3109.12 of the Revised 99622

Code or companionship or visitation rights to a grandparent, 99623
relative, or other person pursuant to this section or section 99624
3109.11 or 3109.12 of the Revised Code, in establishing a specific 99625
parenting time or visitation schedule, and in determining other 99626
parenting time matters under this section or section 3109.12 of 99627
the Revised Code or visitation matters under this section or 99628
section 3109.11 or 3109.12 of the Revised Code, the court shall 99629
consider all of the following factors: 99630

(1) The prior interaction and interrelationships of the child 99631
with the child's parents, siblings, and other persons related by 99632
consanguinity or affinity, and with the person who requested 99633
companionship or visitation if that person is not a parent, 99634
sibling, or relative of the child; 99635

(2) The geographical location of the residence of each parent 99636
and the distance between those residences, and if the person is 99637
not a parent, the geographical location of that person's residence 99638
and the distance between that person's residence and the child's 99639
residence; 99640

(3) The child's and parents' available time, including, but 99641
not limited to, each parent's employment schedule, the child's 99642
school schedule, and the child's and the parents' holiday and 99643
vacation schedule; 99644

(4) The age of the child; 99645

(5) The child's adjustment to home, school, and community; 99646

(6) If the court has interviewed the child in chambers, 99647
pursuant to division (C) of this section, regarding the wishes and 99648
concerns of the child as to parenting time by the parent who is 99649
not the residential parent or companionship or visitation by the 99650
grandparent, relative, or other person who requested companionship 99651
or visitation, as to a specific parenting time or visitation 99652
schedule, or as to other parenting time or visitation matters, the 99653

wishes and concerns of the child, as expressed to the court;	99654
(7) The health and safety of the child;	99655
(8) The amount of time that will be available for the child to spend with siblings;	99656 99657
(9) The mental and physical health of all parties;	99658
(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;	99659 99660 99661 99662 99663
(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;	99664 99665 99666 99667 99668 99669 99670 99671 99672 99673
(12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the	99674 99675 99676 99677 99678 99679 99680 99681 99682 99683 99684

offense was a member of the family or household that is the 99685
subject of the current proceeding; whether either parent 99686
previously has been convicted of an offense involving a victim who 99687
at the time of the commission of the offense was a member of the 99688
family or household that is the subject of the current proceeding 99689
and caused physical harm to the victim in the commission of the 99690
offense; and whether there is reason to believe that the person 99691
has acted in a manner resulting in a child being an abused child 99692
or a neglected child; 99693

(13) Whether the residential parent or one of the parents 99694
subject to a shared parenting decree has continuously and 99695
willfully denied the other parent's right to parenting time in 99696
accordance with an order of the court; 99697

(14) Whether either parent has established a residence or is 99698
planning to establish a residence outside this state; 99699

(15) In relation to requested companionship or visitation by 99700
a person other than a parent, the wishes and concerns of the 99701
child's parents, as expressed by them to the court; 99702

(16) Any other factor in the best interest of the child. 99703

(E) The remarriage of a residential parent of a child does 99704
not affect the authority of a court under this section to grant 99705
parenting time rights with respect to the child to the parent who 99706
is not the residential parent or to grant reasonable companionship 99707
or visitation rights with respect to the child to any grandparent, 99708
any person related by consanguinity or affinity, or any other 99709
person. 99710

(F)(1) If the court, pursuant to division (A) of this 99711
section, denies parenting time to a parent who is not the 99712
residential parent or denies a motion for reasonable companionship 99713
or visitation rights filed under division (B) of this section and 99714
the parent or movant files a written request for findings of fact 99715

and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.

(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court

determines that that parent has not been so convicted and has not 99748
been determined to be the perpetrator of an abusive act that is 99749
the basis of a child abuse adjudication, the court shall issue an 99750
order stating that a copy of any notice of relocation that is 99751
filed with the court pursuant to division (G)(1) of this section 99752
will be sent to the parent who is given the parenting time rights 99753
in accordance with division (G)(1) of this section. 99754

If the court determines that the parent who is granted the 99755
parenting time rights has been convicted of or pleaded guilty to a 99756
violation of section 2919.25 of the Revised Code involving a 99757
victim who at the time of the commission of the offense was a 99758
member of the family or household that is the subject of the 99759
proceeding, has been convicted of or pleaded guilty to any other 99760
offense involving a victim who at the time of the commission of 99761
the offense was a member of the family or household that is the 99762
subject of the proceeding and caused physical harm to the victim 99763
in the commission of the offense, or has been determined to be the 99764
perpetrator of the abusive act that is the basis of an 99765
adjudication that a child is an abused child, it shall issue an 99766
order stating that that parent will not be given a copy of any 99767
notice of relocation that is filed with the court pursuant to 99768
division (G)(1) of this section unless the court determines that 99769
it is in the best interest of the children to give that parent a 99770
copy of the notice of relocation, issues an order stating that 99771
that parent will be given a copy of any notice of relocation filed 99772
pursuant to division (G)(1) of this section, and issues specific 99773
written findings of fact in support of its determination. 99774

(3) If a court, prior to April 11, 1991, issued an order 99775
granting parenting time rights to a parent who is not the 99776
residential parent and did not require the residential parent in 99777
that order to give the parent who is granted the parenting time 99778
rights notice of any change of address and if the residential 99779

parent files a notice of relocation pursuant to division (G)(1) of 99780
this section, the court shall determine if the parent who is 99781
granted the parenting time rights has been convicted of or pleaded 99782
guilty to a violation of section 2919.25 of the Revised Code 99783
involving a victim who at the time of the commission of the 99784
offense was a member of the family or household that is the 99785
subject of the proceeding, has been convicted of or pleaded guilty 99786
to any other offense involving a victim who at the time of the 99787
commission of the offense was a member of the family or household 99788
that is the subject of the proceeding and caused physical harm to 99789
the victim in the commission of the offense, or has been 99790
determined to be the perpetrator of the abusive act that is the 99791
basis of an adjudication that a child is an abused child. If the 99792
court determines that the parent who is granted the parenting time 99793
rights has not been so convicted and has not been determined to be 99794
the perpetrator of an abusive act that is the basis of a child 99795
abuse adjudication, the court shall issue an order stating that a 99796
copy of any notice of relocation that is filed with the court 99797
pursuant to division (G)(1) of this section will be sent to the 99798
parent who is granted parenting time rights in accordance with 99799
division (G)(1) of this section. 99800

If the court determines that the parent who is granted the 99801
parenting time rights has been convicted of or pleaded guilty to a 99802
violation of section 2919.25 of the Revised Code involving a 99803
victim who at the time of the commission of the offense was a 99804
member of the family or household that is the subject of the 99805
proceeding, has been convicted of or pleaded guilty to any other 99806
offense involving a victim who at the time of the commission of 99807
the offense was a member of the family or household that is the 99808
subject of the proceeding and caused physical harm to the victim 99809
in the commission of the offense, or has been determined to be the 99810
perpetrator of the abusive act that is the basis of an 99811
adjudication that a child is an abused child, it shall issue an 99812

order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the parenting time rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court shall schedule a hearing on the motion and give both parents

notice of the date, time, and location of the hearing. If the 99846
court determines that the parent who is granted the parenting time 99847
rights has been so convicted or has been determined to be the 99848
perpetrator of an abusive act that is the basis of a child abuse 99849
adjudication, the court shall issue an order stating that the 99850
parent who is granted the parenting time rights will not be given 99851
a copy of any notice of relocation that is filed with the court 99852
pursuant to division (G)(1) of this section or that the 99853
residential parent is no longer required to give that parent a 99854
copy of any notice of relocation unless the court determines that 99855
it is in the best interest of the children to give that parent a 99856
copy of the notice of relocation, issues an order stating that 99857
that parent will be given a copy of any notice of relocation filed 99858
pursuant to division (G)(1) of this section, and issues specific 99859
written findings of fact in support of its determination. If it 99860
does not so find, it shall dismiss the motion. 99861

(H)(1) Subject to section 3125.16 and division (F) of section 99862
3319.321 of the Revised Code, a parent of a child who is not the 99863
residential parent of the child is entitled to access, under the 99864
same terms and conditions under which access is provided to the 99865
residential parent, to any record that is related to the child and 99866
to which the residential parent of the child legally is provided 99867
access, unless the court determines that it would not be in the 99868
best interest of the child for the parent who is not the 99869
residential parent to have access to the records under those same 99870
terms and conditions. If the court determines that the parent of a 99871
child who is not the residential parent should not have access to 99872
records related to the child under the same terms and conditions 99873
as provided for the residential parent, the court shall specify 99874
the terms and conditions under which the parent who is not the 99875
residential parent is to have access to those records, shall enter 99876
its written findings of facts and opinion in the journal, and 99877
shall issue an order containing the terms and conditions to both 99878

the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any

confidential law enforcement investigatory record. The court shall 99911
schedule a hearing on the motion and give notice of the date, 99912
time, and location of the hearing to all parties. 99913

(I) A court that issues a parenting time order or decree 99914
pursuant to this section or section 3109.12 of the Revised Code 99915
shall determine whether the parent granted the right of parenting 99916
time is to be permitted access, in accordance with section 99917
5104.039 of the Revised Code, to any child ~~day-care~~ care center 99918
that is, or that in the future may be, attended by the children 99919
with whom the right of parenting time is granted. Unless the court 99920
determines that the parent who is not the residential parent 99921
should not have access to the center to the same extent that the 99922
residential parent is granted access to the center, the parent who 99923
is not the residential parent and who is granted parenting time 99924
rights is entitled to access to the center to the same extent that 99925
the residential parent is granted access to the center. If the 99926
court determines that the parent who is not the residential parent 99927
should not have access to the center to the same extent that the 99928
residential parent is granted such access under section 5104.039 99929
of the Revised Code, the court shall specify the terms and 99930
conditions under which the parent who is not the residential 99931
parent is to have access to the center, provided that the access 99932
shall not be greater than the access that is provided to the 99933
residential parent under section 5104.039 of the Revised Code, the 99934
court shall enter its written findings of fact and opinions in the 99935
journal, and the court shall include the terms and conditions of 99936
access in the parenting time order or decree. 99937

(J)(1) Subject to division (F) of section 3319.321 of the 99938
Revised Code, when a court issues an order or decree allocating 99939
parental rights and responsibilities for the care of a child, the 99940
parent of the child who is not the residential parent of the child 99941
is entitled to access, under the same terms and conditions under 99942

which access is provided to the residential parent, to any student 99943
activity that is related to the child and to which the residential 99944
parent of the child legally is provided access, unless the court 99945
determines that it would not be in the best interest of the child 99946
to grant the parent who is not the residential parent access to 99947
the student activities under those same terms and conditions. If 99948
the court determines that the parent of the child who is not the 99949
residential parent should not have access to any student activity 99950
that is related to the child under the same terms and conditions 99951
as provided for the residential parent, the court shall specify 99952
the terms and conditions under which the parent who is not the 99953
residential parent is to have access to those student activities, 99954
shall enter its written findings of facts and opinion in the 99955
journal, and shall issue an order containing the terms and 99956
conditions to both the residential parent and the parent of the 99957
child who is not the residential parent. The court shall include 99958
in every order issued pursuant to this division notice that any 99959
school official or employee who knowingly fails to comply with the 99960
order or division (J) of this section is in contempt of court. 99961

(2) Subject to division (F) of section 3319.321 of the 99962
Revised Code, subsequent to the issuance of an order under 99963
division (J)(1) of this section, all school officials and 99964
employees shall permit the parent of the child who is not the 99965
residential parent to have access to any student activity under 99966
the same terms and conditions under which access is provided to 99967
the residential parent of the child, unless the residential parent 99968
has presented the school official or employee, the board of 99969
education of the school, or the governing body of the chartered 99970
nonpublic school with a copy of an order issued under division 99971
(J)(1) of this section that limits the terms and conditions under 99972
which the parent who is not the residential parent is to have 99973
access to student activities related to the child and the order 99974
pertains to the student activity in question. If the residential 99975

parent presents the school official or employee, the board of 99976
education of the school, or the governing body of the chartered 99977
nonpublic school with a copy of that type of order, the school 99978
official or employee shall permit the parent who is not the 99979
residential parent to have access to the student activity only in 99980
accordance with the most recent order that has been issued 99981
pursuant to division (J)(1) of this section and presented to the 99982
school official or employee, the board of education of the school, 99983
or the governing body of the chartered nonpublic school by the 99984
residential parent or the parent who is not the residential 99985
parent. Any school official or employee who knowingly fails to 99986
comply with division (J) of this section or with any order issued 99987
pursuant to division (J)(1) of this section is in contempt of 99988
court. 99989

(K) If any person is found in contempt of court for failing 99990
to comply with or interfering with any order or decree granting 99991
parenting time rights issued pursuant to this section or section 99992
3109.12 of the Revised Code or companionship or visitation rights 99993
issued pursuant to this section, section 3109.11 or 3109.12 of the 99994
Revised Code, or any other provision of the Revised Code, the 99995
court that makes the finding, in addition to any other penalty or 99996
remedy imposed, shall assess all court costs arising out of the 99997
contempt proceeding against the person and require the person to 99998
pay any reasonable attorney's fees of any adverse party, as 99999
determined by the court, that arose in relation to the act of 100000
contempt, and may award reasonable compensatory parenting time or 100001
visitation to the person whose right of parenting time or 100002
visitation was affected by the failure or interference if such 100003
compensatory parenting time or visitation is in the best interest 100004
of the child. Any compensatory parenting time or visitation 100005
awarded under this division shall be included in an order issued 100006
by the court and, to the extent possible, shall be governed by the 100007
same terms and conditions as was the parenting time or visitation 100008

that was affected by the failure or interference. 100009

(L) Any parent who requests reasonable parenting time rights 100010
with respect to a child under this section or section 3109.12 of 100011
the Revised Code or any person who requests reasonable 100012
companionship or visitation rights with respect to a child under 100013
this section, section 3109.11 or 3109.12 of the Revised Code, or 100014
any other provision of the Revised Code may file a motion with the 100015
court requesting that it waive all or any part of the costs that 100016
may accrue in the proceedings. If the court determines that the 100017
movant is indigent and that the waiver is in the best interest of 100018
the child, the court, in its discretion, may waive payment of all 100019
or any part of the costs of those proceedings. 100020

(M)(1) A parent who receives an order for active military 100021
service in the uniformed services and who is subject to a 100022
parenting time order may apply to the court for any of the 100023
following temporary orders for the period extending from the date 100024
of the parent's departure to the date of return: 100025

(a) An order delegating all or part of the parent's parenting 100026
time with the child to a relative or to another person who has a 100027
close and substantial relationship with the child if the 100028
delegation is in the child's best interest; 100029

(b) An order that the other parent make the child reasonably 100030
available for parenting time with the parent when the parent is on 100031
leave from active military service; 100032

(c) An order that the other parent facilitate contact, 100033
including telephone and electronic contact, between the parent and 100034
child while the parent is on active military service. 100035

(2)(a) Upon receipt of an order for active military service, 100036
a parent who is subject to a parenting time order and seeks an 100037
order under division (M)(1) of this section shall notify the other 100038
parent who is subject to the parenting time order and apply to the 100039

court as soon as reasonably possible after receipt of the order 100040
for active military service. The application shall include the 100041
date on which the active military service begins. 100042

(b) The court shall schedule a hearing upon receipt of an 100043
application under division (M) of this section and hold the 100044
hearing not later than thirty days after its receipt, except that 100045
the court shall give the case calendar priority and handle the 100046
case expeditiously if exigent circumstances exist in the case. No 100047
hearing shall be required if both parents agree to the terms of 100048
the requested temporary order and the court determines that the 100049
order is in the child's best interest. 100050

(c) In determining whether a delegation under division 100051
(M)(1)(a) of this section is in the child's best interest, the 100052
court shall consider all relevant factors, including the factors 100053
set forth in division (D) of this section. 100054

(d) An order delegating all or part of the parent's parenting 100055
time pursuant to division (M)(1)(a) of this section does not 100056
create standing on behalf of the person to whom parenting time is 100057
delegated to assert visitation or companionship rights independent 100058
of the order. 100059

(3) At the request of a parent who is ordered for active 100060
military service in the uniformed services and who is a subject of 100061
a proceeding pertaining to a parenting time order or pertaining to 100062
a request for companionship rights or visitation with a child, the 100063
court shall permit the parent to participate in the proceeding and 100064
present evidence by electronic means, including communication by 100065
telephone, video, or internet to the extent permitted by rules of 100066
the supreme court of Ohio. 100067

(N) The juvenile court has exclusive jurisdiction to enter 100068
the orders in any case certified to it from another court. 100069

(O) As used in this section: 100070

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.	100071 100072 100073
(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.	100074 100075
(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.	100076 100077
(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.	100078 100079 100080 100081
(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:	100082 100083 100084
(a) Records maintained by public and nonpublic schools;	100085
(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;	100086 100087 100088 100089 100090
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	100091 100092 100093
(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.	100094 100095 100096 100097 100098 100099
Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the	100100

Revised Code:	100101
(A) "Preschool program" means either of the following:	100102
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	100103 100104 100105
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	100106 100107 100108
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	100109 100110
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	100111 100112 100113
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	100114 100115 100116
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	100117 100118 100119
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	100120 100121 100122
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	100123 100124 100125 100126
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the state board of education for	100127 100128 100129

any combination of grades one through twelve, regardless of 100130
whether it also offers kindergarten. 100131

(I) "School child program" means a child care program for 100132
only school children that is operated by a school district board 100133
of education, county board of developmental disabilities, 100134
community school, or eligible nonpublic school. 100135

(J) "School child" means a child who is enrolled in or is 100136
eligible to be enrolled in a grade of kindergarten or above but is 100137
less than fifteen years old. 100138

(K) "School child program staff member" means an employee 100139
whose primary responsibility is the care, teaching, or supervision 100140
of children in a school child program. 100141

(L) "Child care" means administering to the needs of infants, 100142
toddlers, preschool children, and school children outside of 100143
school hours by persons other than their parents or guardians, 100144
custodians, or relatives by blood, marriage, or adoption for any 100145
part of the twenty-four-hour day in a place or residence other 100146
than a child's own home. 100147

(M) "Child ~~day-care~~ care center" and "publicly funded child 100148
care" have the same meanings as in section 5104.01 of the Revised 100149
Code. 100150

(N) "Community school" means either of the following: 100151

(1) A community school established under Chapter 3314. of the 100152
Revised Code that is sponsored by an entity that is rated 100153
"exemplary" under section 3314.016 of the Revised Code. 100154

(2) A community school established under Chapter 3314. of the 100155
Revised Code that has received, on its most recent report card, 100156
either of the following: 100157

(a) If the school offers any of grade levels four through 100158
twelve, either of the following: 100159

(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.

Sec. 3301.53. (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child ~~day-care~~ care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child ~~day-care~~ care centers that serve school-age children under Chapter 5104. of the Revised Code.

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 100220
"guardian," or "other person having charge or care of a child" 100221
means either parent unless the parents are separated or divorced 100222
or their marriage has been dissolved or annulled, in which case 100223
"parent" means the parent who is the residential parent and legal 100224
custodian of the child. If the child is in the legal or permanent 100225
custody of a person or government agency, "parent" means that 100226
person or government agency. When a child is a resident of a home, 100227
as defined in section 3313.64 of the Revised Code, and the child's 100228
parent is not a resident of this state, "parent," "guardian," or 100229
"other person having charge or care of a child" means the head of 100230
the home. 100231

A child between six and eighteen years of age is "of 100232
compulsory school age" for the purpose of sections 3321.01 to 100233
3321.13 of the Revised Code. A child under six years of age who 100234
has been enrolled in kindergarten also shall be considered "of 100235
compulsory school age" for the purpose of sections 3321.01 to 100236
3321.13 of the Revised Code unless at any time the child's parent 100237
or guardian, at the parent's or guardian's discretion and in 100238
consultation with the child's teacher and principal, formally 100239
withdraws the child from kindergarten. The compulsory school age 100240
of a child shall not commence until the beginning of the term of 100241
such schools, or other time in the school year fixed by the rules 100242
of the board of the district in which the child resides. 100243

(2) In a district in which all children are admitted to 100244
kindergarten and the first grade in August or September, a child 100245
shall be admitted if the child is five or six years of age, 100246
respectively, by the thirtieth day of September of the year of 100247
admittance, or by the first day of a term or semester other than 100248
one beginning in August or September in school districts granting 100249
admittance at the beginning of such term or semester. A child who 100250
does not meet the age requirements of this section for admittance 100251

to kindergarten or first grade, but who will be five or six years 100252
old, respective, prior to the first day of January of the school 100253
year in which admission is requested, shall be evaluated for early 100254
admittance in accordance with district policy upon referral by the 100255
child's parent or guardian, an educator employed by the district, 100256
a preschool educator who knows the child, or a pediatrician or 100257
psychologist who knows the child. Following an evaluation in 100258
accordance with a referral under this section, the district board 100259
shall decide whether to admit the child. If a child for whom 100260
admission to kindergarten or first grade is requested will not be 100261
five or six years of age, respectively, prior to the first day of 100262
January of the school year in which admission is requested, the 100263
child shall be admitted only in accordance with the district's 100264
acceleration policy adopted under section 3324.10 of the Revised 100265
Code. 100266

(3) Notwithstanding division (A)(2) of this section, 100267
beginning with the school year that starts in 2001 and continuing 100268
thereafter the board of education of any district may adopt a 100269
resolution establishing the first day of August in lieu of the 100270
thirtieth day of September as the required date by which students 100271
must have attained the age specified in that division. 100272

(4) After a student has been admitted to kindergarten in a 100273
school district or chartered nonpublic school, no board of 100274
education of a school district to which the student transfers 100275
shall deny that student admission based on the student's age. 100276

(B) As used in division (C) of this section, "successfully 100277
completed kindergarten" means that the child has completed the 100278
kindergarten requirements at one of the following: 100279

(1) A public or chartered nonpublic school; 100280

(2) A kindergarten class that is both of the following: 100281

(a) Offered by a ~~day-care~~ child care provider licensed under 100282

Chapter 5104. of the Revised Code;	100283
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	100284
(i) A valid educator license issued under section 3319.22 of the Revised Code;	100285
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	100286
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	100287
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	100288
(C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	100289
(2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	100290
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	100291
(E) Any kindergarten class offered by a day-care <u>child care</u> provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.	100292
(F) Upon written request of a day-care <u>child care</u> provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division	100293
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(B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.

(2) The department of education shall conduct an annual survey of each school district described in division (G)(1) of this section to determine the following:

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;

(b) The amount of the fees or tuition charged;

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner 100343
prescribed by the department, the information described in 100344
divisions (G)(2)(a) to (d) of this section. 100345

The department shall issue an annual report on the results of 100346
the survey and shall post the report on its web site. The 100347
department shall issue the first report not later than April 30, 100348
2008, and shall issue a report not later than the thirtieth day of 100349
April each year thereafter. 100350

Sec. 3321.05. (A) As used in this section, "all-day 100351
kindergarten" means a kindergarten class that is in session for 100352
not less than the same number of clock hours each week as for 100353
students in grades one through six. 100354

(B) Any school district may operate all-day kindergarten or 100355
extended kindergarten, but no district shall require any student 100356
to attend kindergarten for more than the number of clock hours 100357
required each day for traditional kindergarten by the minimum 100358
standards adopted under division (D) of section 3301.07 of the 100359
Revised Code. Each school district that operates all-day or 100360
extended kindergarten shall accommodate kindergarten students 100361
whose parents or guardians elect to enroll them for the minimum 100362
number of hours. 100363

(C) A school district may use space in child ~~day-care~~ care 100364
centers licensed under Chapter 5104. of the Revised Code to 100365
provide all-day kindergarten under this section. 100366

Sec. 3325.07. The state board of education in carrying out 100367
this section and division (A) of section 3325.06 of the Revised 100368
Code shall, insofar as practicable, plan, present, and carry into 100369
effect an educational program by means of any of the following 100370
methods of instruction: 100371

(A) Classes for parents of deaf or hard of hearing children 100372

of preschool age;	100373
(B) A nursery school where parent and child would enter the nursery school as a unit;	100374 100375
(C) Correspondence course;	100376
(D) Personal consultations and interviews;	100377
(E) Day-care <u>Child care</u> or child development courses;	100378
(F) Summer enrichment courses;	100379
(G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.	100380 100381 100382 100383
The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.	100384 100385 100386 100387 100388 100389 100390
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.	100391 100392 100393 100394 100395 100396 100397 100398
Sec. 3325.071. The state board of education in carrying out this section and division (B) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following	100399 100400 100401 100402

methods of instruction:	100403
(A) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;	100404 100405 100406
(B) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairments;	100407 100408
(C) Correspondence course;	100409
(D) Personal consultations and interviews;	100410
(E) Day-care <u>Child care</u> or child development courses for children and parents;	100411 100412
(F) Summer enrichment courses;	100413
(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age.	100414 100415 100416 100417 100418
The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments.	100419 100420 100421 100422 100423 100424 100425 100426 100427
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the	100428 100429 100430 100431 100432

state school for the blind even start fees and gifts fund, which 100433
is hereby created in the state treasury. The money in the fund 100434
shall be used to implement this section. 100435

Sec. 3701.63. (A) As used in this section and sections 100436
3701.64, 3701.66, and 3701.67 of the Revised Code: 100437

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 100438
child care home," and "licensed type B family ~~day-care~~ child care 100439
home" have the same meanings as in section 5104.01 of the Revised 100440
Code. 100441

(2) "Child care facility" means a child ~~day-care~~ care center, 100442
a type A family ~~day-care~~ child care home, or a licensed type B 100443
family ~~day-care~~ child care home. 100444

(3) "Foster caregiver" has the same meaning as in section 100445
5103.02 of the Revised Code. 100446

(4) "Freestanding birthing center" has the same meaning as in 100447
section 3702.141 of the Revised Code. 100448

(5) "Hospital" means a hospital classified pursuant to rules 100449
adopted under section 3701.07 of the Revised Code as a general 100450
hospital or children's hospital and to which either of the 100451
following applies: 100452

(a) The hospital has a maternity unit. 100453

(b) The hospital receives for care infants who have been 100454
transferred to it from other facilities and who have never been 100455
discharged to their residences following birth. 100456

(6) "Infant" means a child who is less than one year of age. 100457

(7) "Maternity unit" means the distinct portion of a hospital 100458
licensed as a maternity unit under Chapter 3711. of the Revised 100459
Code. 100460

(8) "Other person responsible for the infant" includes a 100461

foster caregiver. 100462

(9) "Parent" means either parent, unless the parents are 100463
separated or divorced or their marriage has been dissolved or 100464
annulled, in which case "parent" means the parent who is the 100465
residential parent and legal custodian of the child. "Parent" also 100466
means a prospective adoptive parent with whom a child is placed. 100467

(10) "Shaken baby syndrome" means signs and symptoms, 100468
including, but not limited to, retinal hemorrhages in one or both 100469
eyes, subdural hematoma, or brain swelling, resulting from the 100470
violent shaking or the shaking and impacting of the head of an 100471
infant or small child. 100472

(B) The director of health shall establish the shaken baby 100473
syndrome education program by doing all of the following: 100474

(1) Developing educational materials that present readily 100475
comprehensible information on shaken baby syndrome; 100476

(2) Making available on the department of health web site in 100477
an easily accessible format the educational materials developed 100478
under division (B)(1) of this section; 100479

(3) Annually assessing the effectiveness of the shaken baby 100480
syndrome education program by doing all of the following: 100481

(a) Evaluating the reports received pursuant to section 100482
5101.135 of the Revised Code; 100483

(b) Reviewing the content of the educational materials to 100484
determine if updates or improvements should be made; 100485

(c) Reviewing the manner in which the educational materials 100486
are distributed, as described in section 3701.64 of the Revised 100487
Code, to determine if modifications to that manner should be made. 100488

(C) In meeting the requirements under division (B) of this 100489
section, the director shall develop educational materials that, to 100490
the extent possible, minimize administrative or financial burdens 100491

on any of the entities or persons listed in section 3701.64 of the Revised Code. 100492
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Sec. 3701.80. The department of health shall cooperate with 100494
the director of job and family services when the director 100495
promulgates rules pursuant to Chapter 5104. of the Revised Code 100496
governing the health and sanitary practices of meal preparation 100497
and service for type A family ~~day-care~~ child care homes, as 100498
defined in section 5104.01 of the Revised Code, recommend 100499
procedures for inspecting type A family ~~day-care~~ child care homes 100500
to determine whether they are in compliance with those rules, and 100501
provide training and technical assistance to the director on the 100502
procedures for determining compliance with those rules. 100503

Sec. 3714.03. (A) As used in this section: 100504

(1) "Aquifer system" means one or more geologic units or 100505
formations that are wholly or partially saturated with water and 100506
are capable of storing, transmitting, and yielding significant 100507
amounts of water to wells or springs. 100508

(2) "Category 3 wetland" means a wetland that supports 100509
superior habitat or hydrological or recreational functions as 100510
determined by an appropriate wetland evaluation methodology 100511
acceptable to the director of environmental protection. "Category 100512
3 wetland" includes a wetland with high levels of diversity, a 100513
high proportion of native species, and high functional values and 100514
includes, but is not limited to, a wetland that contains or 100515
provides habitat for threatened or endangered species. "Category 3 100516
wetland" may include high quality forested wetlands, including old 100517
growth forested wetlands, mature forested riparian wetlands, 100518
vernal pools, bogs, fens, and wetlands that are scarce regionally. 100519

(3) "Natural area" means either of the following: 100520

(a) An area designated by the director of natural resources 100521

as a wild, scenic, or recreational river under section 1547.81 of 100522
the Revised Code; 100523

(b) An area designated by the United States department of the 100524
interior as a national wild, scenic, or recreational river. 100525

(4) "Occupied dwelling" means a residential dwelling and also 100526
includes a place of worship as defined in section 5104.01 of the 100527
Revised Code, a child ~~day-care~~ care center as defined in that 100528
section, a hospital as defined in section 3727.01 of the Revised 100529
Code, a nursing home as defined in that section, a school, and a 100530
restaurant or other eating establishment. "Occupied dwelling" does 100531
not include a dwelling owned or controlled by the owner or 100532
operator of a construction and demolition debris facility to which 100533
the siting criteria established under this section are being 100534
applied. 100535

(5) "Residential dwelling" means a building used or intended 100536
to be used in whole or in part as a personal residence by the 100537
owner, part-time owner, or lessee of the building or any person 100538
authorized by the owner, part-time owner, or lessee to use the 100539
building as a personal residence. 100540

(B) Neither the director of environmental protection nor any 100541
board of health shall issue a permit to install under section 100542
3714.051 of the Revised Code to establish a new construction and 100543
demolition debris facility when any portion of the facility is 100544
proposed to be located in either of the following locations: 100545

(1) Within the boundaries of a one-hundred-year flood plain, 100546
as those boundaries are shown on the applicable maps prepared 100547
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 100548
U.S.C.A. 4001, as amended, unless the owner or operator has 100549
obtained an exemption from division (B)(1) of this section in 100550
accordance with section 3714.04 of the Revised Code. If no such 100551
maps have been prepared, the boundaries of a one-hundred-year 100552

flood plain shall be determined by the applicant for a permit 100553
based upon standard methodologies set forth in "urban hydrology 100554
for small watersheds" (soil conservation service technical release 100555
number 55) and section 4 of the "national engineering hydrology 100556
handbook" of the soil conservation service of the United States 100557
department of agriculture. 100558

(2) Within the boundaries of a sole source aquifer designated 100559
by the administrator of the United States environmental protection 100560
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 100561
42 U.S.C.A. 300f, as amended. 100562

(C) Neither the director nor any board shall issue a permit 100563
to install under section 3714.051 of the Revised Code to establish 100564
a new construction and demolition debris facility when the 100565
horizontal limits of construction and demolition debris placement 100566
at the new facility are proposed to be located in any of the 100567
following locations: 100568

(1) Within one hundred feet of a perennial stream as defined 100569
by the United States geological survey seven and one-half minute 100570
quadrangle map or a category 3 wetland; 100571

(2) Within one hundred feet of the facility's property line; 100572

(3)(a) Except as provided in division (C)(3)(b) of this 100573
section, within five hundred feet of a residential or public water 100574
supply well. 100575

(b) Division (C)(3)(a) of this section does not apply to a 100576
residential well under any of the circumstances specified in 100577
divisions (C)(3)(b)(i) to (iii) of this section as follows: 100578

(i) The well is controlled by the owner or operator of the 100579
construction and demolition debris facility. 100580

(ii) The well is hydrologically separated from the horizontal 100581
limits of construction and demolition debris placement. 100582

(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install.

(4) Within five hundred feet of a park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code, a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;

(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code, or any area designated by the United States department of the interior as a national wildlife refuge;

(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.

(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;

(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.

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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec.

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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.

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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following:

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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;

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(2) Surface water drainage and sediment controls that are required by the director;

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(3) If the facility is proposed to be located in an area in

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which an applicable zoning resolution allows residential 100645
construction, vegetated earthen berms or an equivalent barrier 100646
with a minimum height of six feet separating the facility from 100647
adjoining property. 100648

(G)(1) The siting criteria established in this section shall 100649
be applied to an application for a permit to install at the time 100650
that the application is submitted to the director or a board of 100651
health, as applicable. Circumstances related to the siting 100652
criteria that change after the application is submitted shall not 100653
be considered in approving or disapproving the application. 100654

(2) The siting criteria established in this section by this 100655
amendment do not apply to an expansion of a construction and 100656
demolition debris facility that was in operation prior to December 100657
22, 2005, onto property within the property boundaries identified 100658
in the application for the initial license for that facility or 100659
any subsequent license issued for that facility up to and 100660
including the license issued for that facility for calendar year 100661
2005. The siting criteria established in this section prior to 100662
December 22, 2005, apply to such an expansion. 100663

Sec. 3717.42. (A) The following are not food service 100664
operations: 100665

(1) A retail food establishment licensed under this chapter, 100666
including a retail food establishment that provides the services 100667
of a food service operation pursuant to an endorsement issued 100668
under section 3717.24 of the Revised Code; 100669

(2) An entity exempt from the requirement to be licensed as a 100670
retail food establishment under division (B) of section 3717.22 of 100671
the Revised Code; 100672

(3) A business or that portion of a business that is 100673
regulated by the federal government or the department of 100674

agriculture as a food manufacturing or food processing business, 100675
including a business or that portion of a business regulated by 100676
the department of agriculture under Chapter 911., 913., 915., 100677
917., 918., or 925. of the Revised Code. 100678

(B) All of the following are exempt from the requirement to 100679
be licensed as a food service operation: 100680

(1) A private home in which individuals related by blood, 100681
marriage, or law reside and in which the food that is prepared or 100682
served is intended only for those individuals and their nonpaying 100683
guests; 100684

(2) A private home operated as a bed-and-breakfast that 100685
prepares and offers food to guests, if the home is owner-occupied, 100686
the number of available guest bedrooms does not exceed six, 100687
breakfast is the only meal offered, and the number of guests 100688
served does not exceed sixteen; 100689

(3) A stand operated on the premises of a private home by one 100690
or more children under the age of twelve, if the food served is 100691
not potentially hazardous; 100692

(4) A residential facility that accommodates not more than 100693
sixteen residents; is licensed, certified, registered, or 100694
otherwise regulated by the federal government or by the state or a 100695
political subdivision of the state; and prepares food for or 100696
serves food to only the residents of the facility, the staff of 100697
the facility, and any nonpaying guests of residents or staff; 100698

(5) A church, school, fraternal or veterans' organization, 100699
volunteer fire organization, or volunteer emergency medical 100700
service organization preparing or serving food intended for 100701
individual portion service on its premises for not more than seven 100702
consecutive days or not more than fifty-two separate days during a 100703
licensing period. This exemption extends to any individual or 100704
group raising all of its funds during the time periods specified 100705

in division (B)(5) of this section for the benefit of the church, 100706
school, or organization by preparing or serving food intended for 100707
individual portion service under the same conditions. 100708

(6) A common carrier that prepares or serves food, if the 100709
carrier is regulated by the federal government; 100710

(7) A food service operation serving thirteen or fewer 100711
individuals daily; 100712

(8) A type A or type B family ~~day-care~~ child care home, as 100713
defined in section 5104.01 of the Revised Code, that prepares or 100714
serves food for the children receiving ~~day-care~~ child care; 100715

(9) A vending machine location where the only foods dispensed 100716
are foods from one or both of the following categories: 100717

(a) Prepackaged foods that are not potentially hazardous; 100718

(b) Nuts, panned or wrapped bulk chewing gum, or panned or 100719
wrapped bulk candies. 100720

(10) A place servicing the vending machines at a vending 100721
machine location described in division (B)(9) of this section; 100722

(11) A commissary servicing vending machines that dispense 100723
only milk, milk products, or frozen desserts that are under a 100724
state or federal inspection and analysis program; 100725

(12) A "controlled location vending machine location," which 100726
means a vending machine location at which all of the following 100727
apply: 100728

(a) The vending machines dispense only foods that are not 100729
potentially hazardous; 100730

(b) The machines are designed to be filled and maintained in 100731
a sanitary manner by untrained persons; 100732

(c) Minimal protection is necessary to ensure against 100733
contamination of food and equipment. 100734

(13) A private home that prepares and offers food to guests, 100735
if the home is owner-occupied, meals are served on the premises of 100736
that home, the number of meals served does not exceed one hundred 100737
fifteen per week, and the home displays a notice in a place 100738
conspicuous to all of its guests informing them that the home is 100739
not required to be licensed as a food service operation; 100740

(14) An individual who prepares full meals or meal 100741
components, such as pies or baked goods, in the individual's home 100742
to be served off the premises of that home, if the number of meals 100743
or meal components prepared for that purpose does not exceed 100744
twenty in a seven-day period. 100745

(15) The holder of an A-1-A permit issued under section 100746
4303.021 of the Revised Code to which both of the following apply: 100747

(a) The A-1-A permit holder has also been issued an A-1c 100748
permit under section 4303.022 of the Revised Code; 100749

(b) The A-1-A permit holder serves only unopened commercially 100750
prepackaged meals and nonalcoholic beverages, as well as beer and 100751
intoxicating liquor. 100752

Sec. 3728.01. As used in this chapter: 100753

(A) "Administer epinephrine" means to inject an individual 100754
with epinephrine using an autoinjector in a manufactured dosage 100755
form. 100756

(B) "Prescriber" means an individual who is authorized by law 100757
to prescribe drugs or dangerous drugs or drug therapy related 100758
devices in the course of the individual's professional practice, 100759
including only the following: 100760

(1) A clinical nurse specialist, certified nurse-midwife, or 100761
certified nurse practitioner who holds a certificate to prescribe 100762
issued under section 4723.48 of the Revised Code; 100763

(2) A physician authorized under Chapter 4731. of the Revised 100764

Code to practice medicine and surgery, osteopathic medicine and 100765
surgery, or podiatric medicine and surgery; 100766

(3) A physician assistant who is licensed under Chapter 4730. 100767
of the Revised Code, holds a valid prescriber number issued by the 100768
state medical board, and has been granted physician-delegated 100769
prescriptive authority. 100770

(C) "Qualified entity" means any public or private entity 100771
that is associated with a location where allergens capable of 100772
causing anaphylaxis may be present, including child ~~day-care~~ care 100773
centers, colleges and universities, places of employment, 100774
restaurants, amusement parks, recreation camps, sports playing 100775
fields and arenas, and other similar locations, except that 100776
"qualified entity" does not include either of the following: 100777

(1) A chartered or nonchartered nonpublic school; community 100778
school; science, technology, engineering, and mathematics school; 100779
or a school operated by the board of education of a city, local, 100780
exempted village, or joint vocational school district; 100781

(2) A camp described in section 5101.76 of the Revised Code. 100782

Sec. 3737.22. (A) The fire marshal shall do all of the 100783
following: 100784

(1) Adopt the state fire code under sections 3737.82 to 100785
3737.86 of the Revised Code; 100786

(2) Enforce the state fire code; 100787

(3) Appoint assistant fire marshals who are authorized to 100788
enforce the state fire code; 100789

(4) Conduct investigations into the cause, origin, and 100790
circumstances of fires and explosions, and assist in the 100791
prosecution of persons believed to be guilty of arson or a similar 100792
crime; 100793

(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	100794 100795 100796 100797 100798
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	100799 100800
(7) Engage in public education and informational activities which will inform the public of fire safety information;	100801 100802
(8) Operate a fire training academy and forensic laboratory;	100803
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	100804 100805 100806
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	100807 100808
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	100809 100810 100811 100812 100813
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	100814 100815
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	100816 100817 100818 100819 100820 100821
(14) Administer and enforce Chapter 3743. of the Revised Code;	100822 100823

(15) Develop a uniform standard for the reporting of 100824
information required to be filed under division (E)(4) of section 100825
2921.22 of the Revised Code, and accept the reports of the 100826
information when they are filed. 100827

(B) The fire marshal shall appoint a chief deputy fire 100828
marshal, and shall employ professional and clerical assistants as 100829
the fire marshal considers necessary. The chief deputy shall be a 100830
competent former or current member of a fire agency and possess 100831
five years of recent, progressively more responsible experience in 100832
fire inspection, fire code enforcement, and fire code management. 100833
The chief deputy, with the approval of the director of commerce, 100834
shall temporarily assume the duties of the fire marshal when the 100835
fire marshal is absent or temporarily unable to carry out the 100836
duties of the office. When there is a vacancy in the office of 100837
fire marshal, the chief deputy, with the approval of the director 100838
of commerce, shall temporarily assume the duties of the fire 100839
marshal until a new fire marshal is appointed under section 100840
3737.21 of the Revised Code. 100841

All employees, other than the fire marshal; the chief deputy 100842
fire marshal; the superintendent of the Ohio fire academy; the 100843
grants administrator; the fiscal officer; the executive secretary 100844
to the fire marshal; legal counsel; the pyrotechnics 100845
administrator, the chief of the forensic laboratory; the person 100846
appointed by the fire marshal to serve as administrator over 100847
functions concerning testing, license examinations, and the 100848
issuance of permits and certificates; and the chiefs of the 100849
bureaus of fire prevention, of fire and explosion investigation, 100850
of code enforcement, and of underground storage tanks shall be in 100851
the classified civil service. The fire marshal shall authorize the 100852
chief deputy and other employees under the fire marshal's 100853
supervision to exercise powers granted to the fire marshal by law 100854
as may be necessary to carry out the duties of the fire marshal's 100855

office. 100856

(C) The fire marshal shall create, in and as a part of the 100857
office of fire marshal, a fire and explosion investigation bureau 100858
consisting of a chief of the bureau and additional assistant fire 100859
marshals as the fire marshal determines necessary for the 100860
efficient administration of the bureau. The chief shall be 100861
experienced in the investigation of the cause, origin, and 100862
circumstances of fires, and in administration, including the 100863
supervision of subordinates. The chief, among other duties 100864
delegated to the chief by the fire marshal, shall be responsible, 100865
under the direction of the fire marshal, for the investigation of 100866
the cause, origin, and circumstances of fires and explosions in 100867
the state, and for assistance in the prosecution of persons 100868
believed to be guilty of arson or a similar crime. 100869

(D)(1) The fire marshal shall create, as part of the office 100870
of fire marshal, a bureau of code enforcement consisting of a 100871
chief of the bureau and additional assistant fire marshals as the 100872
fire marshal determines necessary for the efficient administration 100873
of the bureau. The chief shall be qualified, by education or 100874
experience, in fire inspection, fire code development, fire code 100875
enforcement, or any other similar field determined by the fire 100876
marshal, and in administration, including the supervision of 100877
subordinates. The chief is responsible, under the direction of the 100878
fire marshal, for fire inspection, fire code development, fire 100879
code enforcement, and any other duties delegated to the chief by 100880
the fire marshal. 100881

(2) The fire marshal, the chief deputy fire marshal, the 100882
chief of the bureau of code enforcement, or any assistant fire 100883
marshal under the direction of the fire marshal, the chief deputy 100884
fire marshal, or the chief of the bureau of code enforcement may 100885
cause to be conducted the inspection of all buildings, structures, 100886
and other places, the condition of which may be dangerous from a 100887

fire safety standpoint to life or property, or to property 100888
adjacent to the buildings, structures, or other places. 100889

(E) The fire marshal shall create, as a part of the office of 100890
fire marshal, a bureau of fire prevention consisting of a chief of 100891
the bureau and additional assistant fire marshals as the fire 100892
marshal determines necessary for the efficient administration of 100893
the bureau. The chief shall be qualified, by education or 100894
experience, to promote programs for rural and urban fire 100895
prevention and protection. The chief, among other duties delegated 100896
to the chief by the fire marshal, is responsible, under the 100897
direction of the fire marshal, for the promotion of rural and 100898
urban fire prevention and protection through public information 100899
and education programs. 100900

(F) The fire marshal shall cooperate with the director of job 100901
and family services when the director adopts rules under section 100902
5104.052 of the Revised Code regarding fire prevention and fire 100903
safety in licensed type B family ~~day-care~~ child care homes, as 100904
defined in section 5104.01 of the Revised Code, recommend 100905
procedures for inspecting type B homes to determine whether they 100906
are in compliance with those rules, and provide training and 100907
technical assistance to the director and county directors of job 100908
and family services on the procedures for determining compliance 100909
with those rules. 100910

(G) The fire marshal, upon request of a provider of child 100911
care in a type B home that is not licensed by the director of job 100912
and family services, as a precondition of approval by the state 100913
board of education under section 3313.813 of the Revised Code for 100914
receipt of United States department of agriculture child and adult 100915
care food program funds established under the "National School 100916
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall 100917
inspect the type B home to determine compliance with rules adopted 100918
under section 5104.052 of the Revised Code regarding fire 100919

prevention and fire safety in licensed type B homes. In municipal 100920
corporations and in townships where there is a certified fire 100921
safety inspector, the inspections shall be made by that inspector 100922
under the supervision of the fire marshal, according to rules 100923
adopted under section 5104.052 of the Revised Code. In townships 100924
outside municipal corporations where there is no certified fire 100925
safety inspector, inspections shall be made by the fire marshal. 100926

Sec. 3737.83. The fire marshal shall, as part of the state 100927
fire code, adopt rules to: 100928

(A) Establish minimum standards of performance for fire 100929
protection equipment and fire fighting equipment; 100930

(B) Establish minimum standards of training, fix minimum 100931
qualifications, and require certificates for all persons who 100932
engage in the business for profit of installing, testing, 100933
repairing, or maintaining fire protection equipment; 100934

(C) Provide for the issuance of certificates required under 100935
division (B) of this section and establish the fees to be charged 100936
for such certificates. A certificate shall be granted, renewed, or 100937
revoked according to rules the fire marshal shall adopt. 100938

(D) Establish minimum standards of flammability for consumer 100939
goods in any case where the federal government or any department 100940
or agency thereof has established, or may from time to time 100941
establish standards of flammability for consumer goods. The 100942
standards established by the fire marshal shall be identical to 100943
the minimum federal standards. 100944

In any case where the federal government or any department or 100945
agency thereof, establishes standards of flammability for consumer 100946
goods subsequent to the adoption of a flammability standard by the 100947
fire marshal, standards previously adopted by the fire marshal 100948
shall not continue in effect to the extent such standards are not 100949

identical to the minimum federal standards. 100950

With respect to the adoption of minimum standards of 100951
flammability, this division shall supersede any authority granted 100952
a political subdivision by any other section of the Revised Code. 100953

(E) Establish minimum standards pursuant to section 5104.05 100954
of the Revised Code for fire prevention and fire safety in child 100955
~~day-care~~ care centers and in type A family ~~day-care~~ child care 100956
homes, as defined in section 5104.01 of the Revised Code. 100957

(F) Establish minimum standards for fire prevention and 100958
safety in a residential facility licensed under section 5119.34 of 100959
the Revised Code that provides accommodations, supervision, and 100960
personal care services for three to sixteen unrelated adults. The 100961
fire marshal shall adopt the rules under this division in 100962
consultation with the director of mental health and addiction 100963
services and interested parties designated by the director of 100964
mental health and addiction services. 100965

Sec. 3737.841. As used in this section and section 3737.842 100966
of the Revised Code: 100967

(A) "Public occupancy" means all of the following: 100968

(1) Any state correctional institution as defined in section 100969
2967.01 of the Revised Code and any county, multicounty, 100970
municipal, or municipal-county jail or workhouse; 100971

(2) Any hospital as defined in section 3727.01 of the Revised 100972
Code, any hospital licensed by the department of mental health and 100973
addiction services under section 5119.33 of the Revised Code, and 100974
any institution, hospital, or other place established, controlled, 100975
or supervised by the department of mental health and addiction 100976
services under Chapter 5119. of the Revised Code; 100977

(3) Any nursing home, residential care facility, or home for 100978
the aging as defined in section 3721.01 of the Revised Code and 100979

any residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; 100980
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100982

(4) Any child ~~day-care~~ care center and any type A family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code; 100983
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(5) Any public auditorium or stadium; 100986

(6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture. 100987
100988

(B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner. 100989
100990
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(C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either: 100992
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(1) Is made with loose or attached cushions or pillows; 100997

(2) Is stuffed or filled in whole or in part with any filling material; 100998
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(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering. 101000
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"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering. 101003
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(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following: 101006
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(1) Cushions or pads intended solely for outdoor use; 101009

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

Sec. 3742.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:

(1) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or type B family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code;

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who

performs a clearance examination. 101040

(E) "Clinical laboratory" means a facility for the 101041
biological, microbiological, serological, chemical, 101042
immunohematological, hematological, biophysical, cytological, 101043
pathological, or other examination of substances derived from the 101044
human body for the purpose of providing information for the 101045
diagnosis, prevention, or treatment of any disease, or in the 101046
assessment or impairment of the health of human beings. "Clinical 101047
laboratory" does not include a facility that only collects or 101048
prepares specimens, or serves as a mailing service, and does not 101049
perform testing. 101050

(F) "Encapsulation" means the coating and sealing of surfaces 101051
with durable surface coating specifically formulated to be 101052
elastic, able to withstand sharp and blunt impacts, long-lasting, 101053
and resilient, while also resistant to cracking, peeling, algae, 101054
fungus, and ultraviolet light, so as to prevent any part of 101055
lead-containing paint from becoming part of house dust or 101056
otherwise accessible to children. 101057

(G) "Enclosure" means the resurfacing or covering of surfaces 101058
with durable materials such as wallboard or paneling, and the 101059
sealing or caulking of edges and joints, so as to prevent or 101060
control chalking, flaking, peeling, scaling, or loose 101061
lead-containing substances from becoming part of house dust or 101062
otherwise accessible to children. 101063

(H) "Environmental lead analytical laboratory" means a 101064
facility that analyzes air, dust, soil, water, paint, film, or 101065
other substances, other than substances derived from the human 101066
body, for the presence and concentration of lead. 101067

(I) "HEPA" means the designation given to a product, device, 101068
or system that has been equipped with a high-efficiency 101069
particulate air filter, which is a filter capable of removing 101070

particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency. 101071
101072

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs. 101073
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(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following: 101079
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(a) Removal of lead-based paint and lead-contaminated dust; 101082

(b) Permanent enclosure or encapsulation of lead-based paint; 101083

(c) Replacement of surfaces or fixtures painted with lead-based paint; 101084
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(d) Removal or permanent covering of lead-contaminated soil; 101086

(e) Preparation, cleanup, and disposal activities associated with lead abatement. 101087
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(2) "Lead abatement" does not include any of the following: 101089

(a) Residential rental unit lead-safe maintenance practices performed pursuant to sections 3742.41 and 3742.42 of the Revised Code; 101090
101091
101092

(b) Implementation of interim controls; 101093

(c) Activities performed by a property owner on a residential unit to which both of the following apply: 101094
101095

(i) It is a freestanding single-family home used as the property owner's private residence. 101096
101097

(ii) No child under six years of age who has lead poisoning resides in the unit. 101098
101099

(L) "Lead abatement contractor" means any individual who 101100
engages in or intends to engage in lead abatement and employs or 101101
supervises one or more lead abatement workers, including on-site 101102
supervision of lead abatement projects, or prepares 101103
specifications, plans, or documents for a lead abatement project. 101104

(M) "Lead abatement project" means one or more lead abatement 101105
activities that are conducted by a lead abatement contractor and 101106
are reasonably related to each other. 101107

(N) "Lead abatement project designer" means a person who is 101108
responsible for designing lead abatement projects and preparing a 101109
pre-abatement plan for all designed projects. 101110

(O) "Lead abatement worker" means an individual who is 101111
responsible in a nonsupervisory capacity for the performance of 101112
lead abatement. 101113

(P) "Lead-based paint" means any paint or other similar 101114
surface-coating substance containing lead at or in excess of the 101115
level that is hazardous to human health, as that level is 101116
established in rules adopted under section 3742.45 of the Revised 101117
Code. 101118

(Q) "Lead-contaminated dust" means dust that contains an area 101119
or mass concentration of lead at or in excess of the level that is 101120
hazardous to human health, as that level is established in rules 101121
adopted under section 3742.45 of the Revised Code. 101122

(R) "Lead-contaminated soil" means soil that contains lead at 101123
or in excess of the level that is hazardous to human health, as 101124
that level is established in rules adopted under section 3742.45 101125
of the Revised Code. 101126

(S) "Lead free" means no lead-based paint is present in any 101127
area referenced in division (B) of section 3742.42 of the Revised 101128
Code. 101129

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.45 of the Revised Code.

(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis

plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections and risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(Z) "Lead-safe residential rental unit" means a residential rental unit that has undergone the residential rental unit lead-safe maintenance practices described in section 3742.42 of the Revised Code, including post-maintenance dust sampling or are registered pursuant to division (D) of section 3742.41 of the Revised Code.

(AA) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child care facility, or school.

(BB) "Permanent" means an expected design life of at least twenty years.

(CC) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.

(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence. "Residential unit" includes a residential rental unit.

(EE) "Residential rental unit" means a rental property containing a dwelling or any part of a building being used as an individual's private residence.

(FF) "School" means a public or nonpublic school in which children under six years of age receive education.

Sec. 3767.41. (A) As used in this section:

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be

used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units.

(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard:

(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);

(ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);

(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards,

functionally adequate, operable, and in good repair, as defined in 101222
24 C.F.R. 5.703(d)(1); 101223

(iv) Where applicable, the dwelling unit has hot and cold 101224
running water, including an adequate source of potable water, as 101225
defined in 24 C.F.R. 5.703(d)(2); 101226

(v) If the dwelling unit includes its own sanitary facility, 101227
it is in proper operating condition, usable in privacy, and 101228
adequate for personal hygiene, and the disposal of human waste, as 101229
defined in 24 C.F.R. 5.703(d)(3); 101230

(vi) The common areas are structurally sound, secure, and 101231
functionally adequate for the purposes intended. The basement, 101232
garage, carport, restrooms, closets, utility, mechanical, 101233
community rooms, ~~daycare~~ child care rooms, halls, corridors, 101234
stairs, kitchens, laundry rooms, office, porch, patio, balcony, 101235
and trash collection areas are free of health and safety hazards, 101236
operable, and in good repair. All common area ceilings, doors, 101237
floors, HVAC, lighting, smoke detectors, stairs, walls, and 101238
windows, to the extent applicable, are free of health and safety 101239
hazards, operable, and in good repair, as defined in 24 C.F.R. 101240
5.703(e); 101241

(vii) All areas and components of the housing are free of 101242
health and safety hazards. These areas include, but are not 101243
limited to, air quality, electrical hazards, elevators, 101244
emergency/fire exits, flammable materials, garbage and debris, 101245
handrail hazards, infestation, and lead-based paint, as defined in 101246
24 C.F.R. 5.703(f). 101247

(3) "Abate" or "abatement" in connection with any building 101248
means the removal or correction of any conditions that constitute 101249
a public nuisance and the making of any other improvements that 101250
are needed to effect a rehabilitation of the building that is 101251
consistent with maintaining safe and habitable conditions over its 101252

remaining useful life. "Abatement" does not include the closing or 101253
boarding up of any building that is found to be a public nuisance. 101254

(4) "Interested party" means any owner, mortgagee, 101255
lienholder, tenant, or person that possesses an interest of record 101256
in any property that becomes subject to the jurisdiction of a 101257
court pursuant to this section, and any applicant for the 101258
appointment of a receiver pursuant to this section. 101259

(5) "Neighbor" means any owner of property, including, but 101260
not limited to, any person who is purchasing property by land 101261
installment contract or under a duly executed purchase contract, 101262
that is located within five hundred feet of any property that 101263
becomes subject to the jurisdiction of a court pursuant to this 101264
section, and any occupant of a building that is so located. 101265

(6) "Tenant" has the same meaning as in section 5321.01 of 101266
the Revised Code. 101267

(7) "Subsidized housing" means a property consisting of more 101268
than four dwelling units that, in whole or in part, receives 101269
project-based assistance pursuant to a contract under any of the 101270
following federal housing programs: 101271

(a) The new construction or substantial rehabilitation 101272
program under section 8(b)(2) of the "United States Housing Act of 101273
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 101274
that program was in effect immediately before the first day of 101275
October, 1983; 101276

(b) The moderate rehabilitation program under section 8(e)(2) 101277
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 101278
Stat. 888, 42 U.S.C. 1437f(e)(2); 101279

(c) The loan management assistance program under section 8 of 101280
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 101281
Stat. 888, 42 U.S.C. 1437f; 101282

(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 101283
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(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 101286
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(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q; 101291
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(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 101294
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(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a. 101297
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(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on behalf of tenants who reside in that property. 101301
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(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code. 101304
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(B)(1)(a) In any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings, that is commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, or in any civil action for abatement commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, by a municipal 101306
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corporation or township in which the building involved is located, 101314
by any neighbor, tenant, or by a nonprofit corporation that is 101315
duly organized and has as one of its goals the improvement of 101316
housing conditions in the county or municipal corporation in which 101317
the building involved is located, if a building is alleged to be a 101318
public nuisance, the municipal corporation, township, neighbor, 101319
tenant, or nonprofit corporation may apply in its complaint for an 101320
injunction or other order as described in division (C)(1) of this 101321
section, or for the relief described in division (C)(2) of this 101322
section, including, if necessary, the appointment of a receiver as 101323
described in divisions (C)(2) and (3) of this section, or for both 101324
such an injunction or other order and such relief. The municipal 101325
corporation, township, neighbor, tenant, or nonprofit corporation 101326
commencing the action is not liable for the costs, expenses, and 101327
fees of any receiver appointed pursuant to divisions (C)(2) and 101328
(3) of this section. 101329

(b) Prior to commencing a civil action for abatement when the 101330
property alleged to be a public nuisance is subsidized housing, 101331
the municipal corporation, township, neighbor, tenant, or 101332
nonprofit corporation commencing the action shall provide the 101333
landlord of that property with written notice that specifies one 101334
or more defective conditions that constitute a public nuisance as 101335
that term applies to subsidized housing and states that if the 101336
landlord fails to remedy the condition within sixty days of the 101337
service of the notice, a claim pursuant to this section may be 101338
brought on the basis that the property constitutes a public 101339
nuisance in subsidized housing. Any party authorized to bring an 101340
action against the landlord shall make reasonable attempts to 101341
serve the notice in the manner prescribed in the Rules of Civil 101342
Procedure to the landlord or the landlord's agent for the property 101343
at the property's management office, or at the place where the 101344
tenants normally pay or send rent. If the landlord is not the 101345
owner of record, the party bringing the action shall make a 101346

reasonable attempt to serve the owner. If the owner does not 101347
receive service the person bringing the action shall certify the 101348
attempts to serve the owner. 101349

(2)(a) In a civil action described in division (B)(1) of this 101350
section, a copy of the complaint and a notice of the date and time 101351
of a hearing on the complaint shall be served upon the owner of 101352
the building and all other interested parties in accordance with 101353
the Rules of Civil Procedure. If certified mail service, personal 101354
service, or residence service of the complaint and notice is 101355
refused or certified mail service of the complaint and notice is 101356
not claimed, and if the municipal corporation, township, neighbor, 101357
tenant, or nonprofit corporation commencing the action makes a 101358
written request for ordinary mail service of the complaint and 101359
notice, or uses publication service, in accordance with the Rules 101360
of Civil Procedure, then a copy of the complaint and notice shall 101361
be posted in a conspicuous place on the building. 101362

(b) The judge in a civil action described in division (B)(1) 101363
of this section shall conduct a hearing at least twenty-eight days 101364
after the owner of the building and the other interested parties 101365
have been served with a copy of the complaint and the notice of 101366
the date and time of the hearing in accordance with division 101367
(B)(2)(a) of this section. 101368

(c) In considering whether subsidized housing is a public 101369
nuisance, the judge shall construe the standards set forth in 101370
division (A)(2)(b) of this section in a manner consistent with 101371
department of housing and urban development and judicial 101372
interpretations of those standards. The judge shall deem that the 101373
property is not a public nuisance if during the twelve months 101374
prior to the service of the notice that division (B)(1)(b) of this 101375
section requires, the department of housing and urban 101376
development's real estate assessment center issued a score of 101377
seventy-five or higher out of a possible one hundred points 101378

pursuant to its regulations governing the physical condition of 101379
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 101380
and since the most recent inspection, there has been no 101381
significant change in the property's conditions that would create 101382
a serious threat to the health, safety, or welfare of the 101383
property's tenants. 101384

(C)(1) If the judge in a civil action described in division 101385
(B)(1) of this section finds at the hearing required by division 101386
(B)(2) of this section that the building involved is a public 101387
nuisance, if the judge additionally determines that the owner of 101388
the building previously has not been afforded a reasonable 101389
opportunity to abate the public nuisance or has been afforded such 101390
an opportunity and has not refused or failed to abate the public 101391
nuisance, and if the complaint of the municipal corporation, 101392
township, neighbor, tenant, or nonprofit corporation commencing 101393
the action requested the issuance of an injunction as described in 101394
this division, then the judge may issue an injunction requiring 101395
the owner of the building to abate the public nuisance or issue 101396
any other order that the judge considers necessary or appropriate 101397
to cause the abatement of the public nuisance. If an injunction is 101398
issued pursuant to this division, the owner of the building 101399
involved shall be given no more than thirty days from the date of 101400
the entry of the judge's order to comply with the injunction, 101401
unless the judge, for good cause shown, extends the time for 101402
compliance. 101403

(2) If the judge in a civil action described in division 101404
(B)(1) of this section finds at the hearing required by division 101405
(B)(2) of this section that the building involved is a public 101406
nuisance, if the judge additionally determines that the owner of 101407
the building previously has been afforded a reasonable opportunity 101408
to abate the public nuisance and has refused or failed to do so, 101409
and if the complaint of the municipal corporation, township, 101410

neighbor, tenant, or nonprofit corporation commencing the action 101411
requested relief as described in this division, then the judge 101412
shall offer any mortgagee, lienholder, or other interested party 101413
associated with the property on which the building is located, in 101414
the order of the priority of interest in title, the opportunity to 101415
undertake the work and to furnish the materials necessary to abate 101416
the public nuisance. Prior to selecting any interested party, the 101417
judge shall require the interested party to demonstrate the 101418
ability to promptly undertake the work and furnish the materials 101419
required, to provide the judge with a viable financial and 101420
construction plan for the rehabilitation of the building as 101421
described in division (D) of this section, and to post security 101422
for the performance of the work and the furnishing of the 101423
materials. 101424

If the judge determines, at the hearing, that no interested 101425
party is willing or able to undertake the work and to furnish the 101426
materials necessary to abate the public nuisance, or if the judge 101427
determines, at any time after the hearing, that any party who is 101428
undertaking corrective work pursuant to this division cannot or 101429
will not proceed, or has not proceeded with due diligence, the 101430
judge may appoint a receiver pursuant to division (C)(3) of this 101431
section to take possession and control of the building. 101432

(3)(a) The judge in a civil action described in division 101433
(B)(1) of this section shall not appoint any person as a receiver 101434
unless the person first has provided the judge with a viable 101435
financial and construction plan for the rehabilitation of the 101436
building involved as described in division (D) of this section and 101437
has demonstrated the capacity and expertise to perform the 101438
required work and to furnish the required materials in a 101439
satisfactory manner. An appointed receiver may be a financial 101440
institution that possesses an interest of record in the building 101441
or the property on which it is located, a nonprofit corporation as 101442

described in divisions (B)(1) and (C)(3)(b) of this section, 101443
including, but not limited to, a nonprofit corporation that 101444
commenced the action described in division (B)(1) of this section, 101445
or any other qualified property manager. 101446

(b) To be eligible for appointment as a receiver, no part of 101447
the net earnings of a nonprofit corporation shall inure to the 101448
benefit of any private shareholder or individual. Membership on 101449
the board of trustees of a nonprofit corporation appointed as a 101450
receiver does not constitute the holding of a public office or 101451
employment within the meaning of sections 731.02 and 731.12 or any 101452
other section of the Revised Code and does not constitute a direct 101453
or indirect interest in a contract or expenditure of money by any 101454
municipal corporation. A member of a board of trustees of a 101455
nonprofit corporation appointed as a receiver shall not be 101456
disqualified from holding any public office or employment, and 101457
shall not forfeit any public office or employment, by reason of 101458
membership on the board of trustees, notwithstanding any law to 101459
the contrary. 101460

(D) Prior to ordering any work to be undertaken, or the 101461
furnishing of any materials, to abate a public nuisance under this 101462
section, the judge in a civil action described in division (B)(1) 101463
of this section shall review the submitted financial and 101464
construction plan for the rehabilitation of the building involved 101465
and, if it specifies all of the following, shall approve that 101466
plan: 101467

(1) The estimated cost of the labor, materials, and any other 101468
development costs that are required to abate the public nuisance; 101469

(2) The estimated income and expenses of the building and the 101470
property on which it is located after the furnishing of the 101471
materials and the completion of the repairs and improvements; 101472

(3) The terms, conditions, and availability of any financing 101473

that is necessary to perform the work and to furnish the materials; 101474
101475

(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance. 101476
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(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership. 101479
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(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge. 101487
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The judge may empower the receiver to do any or all of the following: 101492
101493

(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 101494
101495
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(2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 101498
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(3) Pay pre-receivership mortgages or installments of them 101504

and other liens; 101505

(4) Perform or enter into contracts for the performance of 101506
all work and the furnishing of materials necessary to abate, and 101507
obtain financing for the abatement of, the public nuisance; 101508

(5) Pursuant to court order, remove and dispose of any 101509
personal property abandoned, stored, or otherwise located in or on 101510
the building and the property that creates a dangerous or unsafe 101511
condition or that constitutes a violation of any local building, 101512
housing, air pollution, sanitation, health, fire, zoning, or 101513
safety code, ordinance, or regulation; 101514

(6) Obtain mortgage insurance for any receiver's mortgage 101515
from any agency of the federal government; 101516

(7) Enter into any agreement and do those things necessary to 101517
maintain and preserve the building and the property and comply 101518
with all local building, housing, air pollution, sanitation, 101519
health, fire, zoning, or safety codes, ordinances, resolutions, 101520
and regulations; 101521

(8) Give the custody of the building and the property, and 101522
the opportunity to abate the nuisance and operate the property, to 101523
its owner or any mortgagee or lienholder of record; 101524

(9) Issue notes and secure them by a mortgage bearing 101525
interest, and upon terms and conditions, that the judge approves. 101526
When sold or transferred by the receiver in return for valuable 101527
consideration in money, material, labor, or services, the notes or 101528
certificates shall be freely transferable. Any mortgages granted 101529
by the receiver shall be superior to any claims of the receiver. 101530
Priority among the receiver's mortgages shall be determined by the 101531
order in which they are recorded. 101532

(G) A receiver appointed pursuant to this section is not 101533
personally liable except for misfeasance, malfeasance, or 101534
nonfeasance in the performance of the functions of the office of 101535

receiver. 101536

(H)(1) The judge in a civil action described in division 101537
(B)(1) of this section may assess as court costs, the expenses 101538
described in division (F)(2) of this section, and may approve 101539
receiver's fees to the extent that they are not covered by the 101540
income from the property. Subject to that limitation, a receiver 101541
appointed pursuant to divisions (C)(2) and (3) of this section is 101542
entitled to receive fees in the same manner and to the same extent 101543
as receivers appointed in actions to foreclose mortgages. 101544

(2)(a) Pursuant to the police powers vested in the state, all 101545
expenditures of a mortgagee, lienholder, or other interested party 101546
that has been selected pursuant to division (C)(2) of this section 101547
to undertake the work and to furnish the materials necessary to 101548
abate a public nuisance, and any expenditures in connection with 101549
the foreclosure of the lien created by this division, is a first 101550
lien upon the building involved and the property on which it is 101551
located and is superior to all prior and subsequent liens or other 101552
encumbrances associated with the building or the property, 101553
including, but not limited to, those for taxes and assessments, 101554
upon the occurrence of both of the following: 101555

(i) The prior approval of the expenditures by, and the entry 101556
of a judgment to that effect by, the judge in the civil action 101557
described in division (B)(1) of this section; 101558

(ii) The recordation of a certified copy of the judgment 101559
entry and a sufficient description of the property on which the 101560
building is located with the county recorder in the county in 101561
which the property is located within sixty days after the date of 101562
the entry of the judgment. 101563

(b) Pursuant to the police powers vested in the state, all 101564
expenses and other amounts paid in accordance with division (F) of 101565
this section by a receiver appointed pursuant to divisions (C)(2) 101566

and (3) of this section, the amounts of any notes issued by the receiver in accordance with division (F) of this section, all mortgages granted by the receiver in accordance with that division, the fees of the receiver approved pursuant to division (H)(1) of this section, and any amounts expended in connection with the foreclosure of a mortgage granted by the receiver in accordance with division (F) of this section or with the foreclosure of the lien created by this division, are a first lien upon the building involved and the property on which it is located and are superior to all prior and subsequent liens or other encumbrances associated with the building or the property, including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:

(i) The approval of the expenses, amounts, or fees by, and the entry of a judgment to that effect by, the judge in the civil action described in division (B)(1) of this section; or the approval of the mortgages in accordance with division (F)(9) of this section by, and the entry of a judgment to that effect by, that judge;

(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal

investment under Chapter 1107. or any other chapter of the Revised Code. 101599
101600

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 101601
and (3) of this section files with the judge in the civil action 101602
described in division (B)(1) of this section a report indicating 101603
that the public nuisance has been abated, if the judge confirms 101604
that the receiver has abated the public nuisance, and if the 101605
receiver or any interested party requests the judge to enter an 101606
order directing the receiver to sell the building and the property 101607
on which it is located, the judge may enter that order after 101608
holding a hearing as described in division (I)(2) of this section 101609
and otherwise complying with that division. 101610

(2)(a) The receiver or interested party requesting an order 101611
as described in division (I)(1) of this section shall cause a 101612
notice of the date and time of a hearing on the request to be 101613
served on the owner of the building involved and all other 101614
interested parties in accordance with division (B)(2)(a) of this 101615
section. The judge in the civil action described in division 101616
(B)(1) of this section shall conduct the scheduled hearing. At the 101617
hearing, if the owner or any interested party objects to the sale 101618
of the building and the property, the burden of proof shall be 101619
upon the objecting person to establish, by a preponderance of the 101620
evidence, that the benefits of not selling the building and the 101621
property outweigh the benefits of selling them. If the judge 101622
determines that there is no objecting person, or if the judge 101623
determines that there is one or more objecting persons but no 101624
objecting person has sustained the burden of proof specified in 101625
this division, the judge may enter an order directing the receiver 101626
to offer the building and the property for sale upon terms and 101627
conditions that the judge shall specify. 101628

(b) In any sale of subsidized housing that is ordered 101629
pursuant to this section, the judge shall specify that the 101630

subsidized housing not be conveyed unless that conveyance complies 101631
with applicable federal law and applicable program contracts for 101632
that housing. Any such conveyance shall be subject to the 101633
condition that the purchaser enter into a contract with the 101634
department of housing and urban development or the rural housing 101635
service of the federal department of agriculture under which the 101636
property continues to be subsidized housing and the owner 101637
continues to operate that property as subsidized housing unless 101638
the secretary of housing and urban development or the 101639
administrator of the rural housing service terminates that 101640
property's contract prior to or upon the conveyance of the 101641
property. 101642

(3) If a sale of a building and the property on which it is 101643
located is ordered pursuant to divisions (I)(1) and (2) of this 101644
section and if the sale occurs in accordance with the terms and 101645
conditions specified by the judge in the judge's order of sale, 101646
then the receiver shall distribute the proceeds of the sale and 101647
the balance of any funds that the receiver may possess, after the 101648
payment of the costs of the sale, in the following order of 101649
priority and in the described manner: 101650

(a) First, in satisfaction of any notes issued by the 101651
receiver pursuant to division (F) of this section, in their order 101652
of priority; 101653

(b) Second, any unreimbursed expenses and other amounts paid 101654
in accordance with division (F) of this section by the receiver, 101655
and the fees of the receiver approved pursuant to division (H)(1) 101656
of this section; 101657

(c) Third, all expenditures of a mortgagee, lienholder, or 101658
other interested party that has been selected pursuant to division 101659
(C)(2) of this section to undertake the work and to furnish the 101660
materials necessary to abate a public nuisance, provided that the 101661
expenditures were approved as described in division (H)(2)(a) of 101662

this section and provided that, if any such interested party 101663
subsequently became the receiver, its expenditures shall be paid 101664
prior to the expenditures of any of the other interested parties 101665
so selected; 101666

(d) Fourth, the amount due for delinquent taxes, assessments, 101667
charges, penalties, and interest owed to this state or a political 101668
subdivision of this state, provided that, if the amount available 101669
for distribution pursuant to division (I)(3)(d) of this section is 101670
insufficient to pay the entire amount of those taxes, assessments, 101671
charges, penalties, and interest, the proceeds and remaining funds 101672
shall be paid to each claimant in proportion to the amount of 101673
those taxes, assessments, charges, penalties, and interest that 101674
each is due. 101675

(e) The amount of any pre-receivership mortgages, liens, or 101676
other encumbrances, in their order of priority. 101677

(4) Following a distribution in accordance with division 101678
(I)(3) of this section, the receiver shall request the judge in 101679
the civil action described in division (B)(1) of this section to 101680
enter an order terminating the receivership. If the judge 101681
determines that the sale of the building and the property on which 101682
it is located occurred in accordance with the terms and conditions 101683
specified by the judge in the judge's order of sale under division 101684
(I)(2) of this section and that the receiver distributed the 101685
proceeds of the sale and the balance of any funds that the 101686
receiver possessed, after the payment of the costs of the sale, in 101687
accordance with division (I)(3) of this section, and if the judge 101688
approves any final accounting required of the receiver, the judge 101689
may terminate the receivership. 101690

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 101691
(3) of this section may be discharged at any time in the 101692
discretion of the judge in the civil action described in division 101693
(B)(1) of this section. The receiver shall be discharged by the 101694

judge as provided in division (I)(4) of this section, or when all 101695
of the following have occurred: 101696

(a) The public nuisance has been abated; 101697

(b) All costs, expenses, and approved fees of the 101698
receivership have been paid; 101699

(c) Either all receiver's notes issued and mortgages granted 101700
pursuant to this section have been paid, or all the holders of the 101701
notes and mortgages request that the receiver be discharged. 101702

(2) If a judge in a civil action described in division (B)(1) 101703
of this section determines that, and enters of record a 101704
declaration that, a public nuisance has been abated by a receiver, 101705
and if, within three days after the entry of the declaration, all 101706
costs, expenses, and approved fees of the receivership have not 101707
been paid in full, then, in addition to the circumstances 101708
specified in division (I) of this section for the entry of such an 101709
order, the judge may enter an order directing the receiver to sell 101710
the building involved and the property on which it is located. Any 101711
such order shall be entered, and the sale shall occur, only in 101712
compliance with division (I) of this section. 101713

(K) The title in any building, and in the property on which 101714
it is located, that is sold at a sale ordered under division (I) 101715
or (J)(2) of this section shall be incontestable in the purchaser 101716
and shall be free and clear of all liens for delinquent taxes, 101717
assessments, charges, penalties, and interest owed to this state 101718
or any political subdivision of this state, that could not be 101719
satisfied from the proceeds of the sale and the remaining funds in 101720
the receiver's possession pursuant to the distribution under 101721
division (I)(3) of this section. All other liens and encumbrances 101722
with respect to the building and the property shall survive the 101723
sale, including, but not limited to, a federal tax lien notice 101724
properly filed in accordance with section 317.09 of the Revised 101725

Code prior to the time of the sale, and the easements and 101726
covenants of record running with the property that were created 101727
prior to the time of the sale. 101728

(L)(1) Nothing in this section shall be construed as a 101729
limitation upon the powers granted to a court of common pleas, a 101730
municipal court or a housing or environmental division of a 101731
municipal court under Chapter 1901. of the Revised Code, or a 101732
county court under Chapter 1907. of the Revised Code. 101733

(2) The monetary and other limitations specified in Chapters 101734
1901. and 1907. of the Revised Code upon the jurisdiction of 101735
municipal and county courts, and of housing or environmental 101736
divisions of municipal courts, in civil actions do not operate as 101737
limitations upon any of the following: 101738

(a) Expenditures of a mortgagee, lienholder, or other 101739
interested party that has been selected pursuant to division 101740
(C)(2) of this section to undertake the work and to furnish the 101741
materials necessary to abate a public nuisance; 101742

(b) Any notes issued by a receiver pursuant to division (F) 101743
of this section; 101744

(c) Any mortgage granted by a receiver in accordance with 101745
division (F) of this section; 101746

(d) Expenditures in connection with the foreclosure of a 101747
mortgage granted by a receiver in accordance with division (F) of 101748
this section; 101749

(e) The enforcement of an order of a judge entered pursuant 101750
to this section; 101751

(f) The actions that may be taken pursuant to this section by 101752
a receiver or a mortgagee, lienholder, or other interested party 101753
that has been selected pursuant to division (C)(2) of this section 101754
to undertake the work and to furnish the materials necessary to 101755

abate a public nuisance. 101756

(3) A judge in a civil action described in division (B)(1) of 101757
this section, or the judge's successor in office, has continuing 101758
jurisdiction to review the condition of any building that was 101759
determined to be a public nuisance pursuant to this section. 101760

(4) Nothing in this section shall be construed to limit or 101761
prohibit a municipal corporation or township that has filed with 101762
the superintendent of insurance a certified copy of an adopted 101763
resolution, ordinance, or regulation authorizing the procedures 101764
described in divisions (C) and (D) of section 3929.86 of the 101765
Revised Code from receiving insurance proceeds under section 101766
3929.86 of the Revised Code. 101767

Sec. 3781.06. (A)(1) Any building that may be used as a place 101768
of resort, assembly, education, entertainment, lodging, dwelling, 101769
trade, manufacture, repair, storage, traffic, or occupancy by the 101770
public, any residential building, and all other buildings or parts 101771
and appurtenances of those buildings erected within this state, 101772
shall be so constructed, erected, equipped, and maintained that 101773
they shall be safe and sanitary for their intended use and 101774
occupancy. 101775

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 101776
3791.04 of the Revised Code shall be construed to limit the power 101777
of the division of industrial compliance of the department of 101778
commerce to adopt rules of uniform application governing 101779
manufactured home parks pursuant to section 4781.26 of the Revised 101780
Code. 101781

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 101782
Revised Code do not apply to any of the following: 101783

(1) Buildings or structures that are incident to the use for 101784
agricultural purposes of the land on which the buildings or 101785

structures are located, provided those buildings or structures are 101786
not used in the business of retail trade. For purposes of this 101787
division, a building or structure is not considered used in the 101788
business of retail trade if fifty per cent or more of the gross 101789
income received from sales of products in the building or 101790
structure by the owner or operator is from sales of products 101791
produced or raised in a normal crop year on farms owned or 101792
operated by the seller. 101793

(2) Existing single-family, two-family, and three-family 101794
detached dwelling houses for which applications have been 101795
submitted to the director of job and family services pursuant to 101796
section 5104.03 of the Revised Code for the purposes of operating 101797
type A family ~~day-care~~ child care homes as defined in section 101798
5104.01 of the Revised Code; 101799

(3) A mobile computing unit. As used in this division, 101800
"mobile computing unit" means an assembly that meets all of the 101801
following criteria: 101802

(a) Its purpose is to house and operate computers as defined 101803
in section 2913.01 of the Revised Code. 101804

(b) Its exterior is integral to the protection or cooling, or 101805
both, of the computers housed within it. 101806

(c) It is not attached to a permanent foundation. 101807

(d) It is not accessible to the public. 101808

(e) It is not designed for regular occupancy, but rather 101809
limited access for service and maintenance. 101810

(f) It can be moved or transported as a single integrated 101811
unit. 101812

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 101813
Revised Code: 101814

(1) "Agricultural purposes" include agriculture, farming, 101815

dairying, pasturage, apiculture, algaculture meaning the farming 101816
of algae, horticulture, floriculture, viticulture, ornamental 101817
horticulture, olericulture, pomiculture, and animal and poultry 101818
husbandry. 101819

(2) "Building" means any structure consisting of foundations, 101820
walls, columns, girders, beams, floors, and roof, or a combination 101821
of any number of these parts, with or without other parts or 101822
appurtenances. 101823

(3) "Industrialized unit" means a building unit or assembly 101824
of closed construction fabricated in an off-site facility, that is 101825
substantially self-sufficient as a unit or as part of a greater 101826
structure, and that requires transportation to the site of 101827
intended use. "Industrialized unit" includes units installed on 101828
the site as independent units, as part of a group of units, or 101829
incorporated with standard construction methods to form a 101830
completed structural entity. "Industrialized unit" does not 101831
include a manufactured home as defined by division (C)(4) of this 101832
section or a mobile home as defined by division (O) of section 101833
4501.01 of the Revised Code. 101834

(4) "Manufactured home" means a building unit or assembly of 101835
closed construction that is fabricated in an off-site facility and 101836
constructed in conformance with the federal construction and 101837
safety standards established by the secretary of housing and urban 101838
development pursuant to the "Manufactured Housing Construction and 101839
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 101840
5403, and that has a permanent label or tag affixed to it, as 101841
specified in 42 U.S.C.A. 5415, certifying compliance with all 101842
applicable federal construction and safety standards. 101843

(5) "Permanent foundation" means permanent masonry, concrete, 101844
or a footing or foundation approved by the division of industrial 101845
compliance of the department of commerce pursuant to Chapter 4781. 101846
of the Revised Code, to which a manufactured or mobile home may be 101847

affixed. 101848

(6) "Permanently sited manufactured home" means a 101849
manufactured home that meets all of the following criteria: 101850

(a) The structure is affixed to a permanent foundation and is 101851
connected to appropriate facilities; 101852

(b) The structure, excluding any addition, has a width of at 101853
least twenty-two feet at one point, a length of at least 101854
twenty-two feet at one point, and a total living area, excluding 101855
garages, porches, or attachments, of at least nine hundred square 101856
feet; 101857

(c) The structure has a minimum 3:12 residential roof pitch, 101858
conventional residential siding, and a six-inch minimum eave 101859
overhang, including appropriate guttering; 101860

(d) The structure was manufactured after January 1, 1995; 101861

(e) The structure is not located in a manufactured home park 101862
as defined by section 4781.01 of the Revised Code. 101863

(7) "Safe," with respect to a building, means it is free from 101864
danger or hazard to the life, safety, health, or welfare of 101865
persons occupying or frequenting it, or of the public and from 101866
danger of settlement, movement, disintegration, or collapse, 101867
whether such danger arises from the methods or materials of its 101868
construction or from equipment installed therein, for the purpose 101869
of lighting, heating, the transmission or utilization of electric 101870
current, or from its location or otherwise. 101871

(8) "Sanitary," with respect to a building, means it is free 101872
from danger or hazard to the health of persons occupying or 101873
frequenting it or to that of the public, if such danger arises 101874
from the method or materials of its construction or from any 101875
equipment installed therein, for the purpose of lighting, heating, 101876
ventilating, or plumbing. 101877

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of

the Revised Code is enforceable. The rules governing residential 101909
buildings are uniform requirements for residential buildings in 101910
any area with a building department certified to enforce the state 101911
residential building code. In no case shall any local code or 101912
regulation differ from the state residential building code unless 101913
that code or regulation addresses subject matter not addressed by 101914
the state residential building code or is adopted pursuant to 101915
section 3781.01 of the Revised Code. 101916

(3) The rules adopted pursuant to this section are complete, 101917
lawful alternatives to any requirements specified for buildings or 101918
industrialized units in any section of the Revised Code. Except as 101919
otherwise provided in division (I) of this section, the board 101920
shall, on its own motion or on application made under sections 101921
3781.12 and 3781.13 of the Revised Code, formulate, propose, 101922
adopt, modify, amend, or repeal the rules to the extent necessary 101923
or desirable to effectuate the purposes of sections 3781.06 to 101924
3781.18 of the Revised Code. 101925

(B) The board shall report to the general assembly proposals 101926
for amendments to existing statutes relating to the purposes 101927
declared in section 3781.06 of the Revised Code that public health 101928
and safety and the development of the arts require and shall 101929
recommend any additional legislation to assist in carrying out 101930
fully, in statutory form, the purposes declared in that section. 101931
The board shall prepare and submit to the general assembly a 101932
summary report of the number, nature, and disposition of the 101933
petitions filed under sections 3781.13 and 3781.14 of the Revised 101934
Code. 101935

(C) On its own motion or on application made under sections 101936
3781.12 and 3781.13 of the Revised Code, and after thorough 101937
testing and evaluation, the board shall determine by rule that any 101938
particular fixture, device, material, process of manufacture, 101939
manufactured unit or component, method of manufacture, system, or 101940

method of construction complies with performance standards adopted 101941
pursuant to section 3781.11 of the Revised Code. The board shall 101942
make its determination with regard to adaptability for safe and 101943
sanitary erection, use, or construction, to that described in any 101944
section of the Revised Code, wherever the use of a fixture, 101945
device, material, method of manufacture, system, or method of 101946
construction described in that section of the Revised Code is 101947
permitted by law. The board shall amend or annul any rule or issue 101948
an authorization for the use of a new material or manufactured 101949
unit on any like application. No department, officer, board, or 101950
commission of the state other than the board of building standards 101951
or the board of building appeals shall permit the use of any 101952
fixture, device, material, method of manufacture, newly designed 101953
product, system, or method of construction at variance with what 101954
is described in any rule the board of building standards adopts or 101955
issues or that is authorized by any section of the Revised Code. 101956
Nothing in this section shall be construed as requiring approval, 101957
by rule, of plans for an industrialized unit that conforms with 101958
the rules the board of building standards adopts pursuant to 101959
section 3781.11 of the Revised Code. 101960

(D) The board shall recommend rules, codes, and standards to 101961
help carry out the purposes of section 3781.06 of the Revised Code 101962
and to help secure uniformity of state administrative rulings and 101963
local legislation and administrative action to the bureau of 101964
workers' compensation, the director of commerce, any other 101965
department, officer, board, or commission of the state, and to 101966
legislative authorities and building departments of counties, 101967
townships, and municipal corporations, and shall recommend that 101968
they audit those recommended rules, codes, and standards by any 101969
appropriate action that they are allowed pursuant to law or the 101970
constitution. 101971

(E)(1) The board shall certify municipal, township, and 101972

county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify

requirements that are consistent with the provisions of section 102005
5903.12 of the Revised Code relating to active duty military 102006
service and are compatible, to the extent possible, with 102007
requirements the council of American building officials and 102008
national model code organizations establish. 102009

(4) The board shall establish and collect a certification and 102010
renewal fee for building department personnel, and persons and 102011
employees of persons, firms, or corporations as described in this 102012
section, who are certified pursuant to this division. 102013

(5) Any individual certified pursuant to this division shall 102014
complete the number of hours of continuing building code education 102015
that the board requires or, for failure to do so, forfeit 102016
certification. 102017

(6) This division does not require or authorize the board to 102018
certify personnel of municipal, township, and county building 102019
departments, and persons and employees of persons, firms, or 102020
corporations as described in this section, whose responsibilities 102021
do not include the exercise of enforcement authority, the approval 102022
of plans and specifications, or making inspections under the state 102023
residential and nonresidential building codes. 102024

(7) Enforcement authority for approval of plans and 102025
specifications and enforcement authority for inspections may be 102026
exercised, and plans and specifications may be approved and 102027
inspections may be made on behalf of a municipal corporation, 102028
township, or county, by any of the following who the board of 102029
building standards certifies: 102030

(a) Officers or employees of the municipal corporation, 102031
township, or county; 102032

(b) Persons, or employees of persons, firms, or corporations, 102033
pursuant to a contract to furnish architectural, engineering, or 102034
other services to the municipal corporation, township, or county; 102035

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services

pursuant to division (E)(7)(b) of this section; 102067

(d) The names of any other municipal corporation, township, 102068
county, health district, or political subdivision under contract 102069
to furnish work or services pursuant to division (E)(7) of this 102070
section; 102071

(e) The proposed budget for the operation of the building 102072
department. 102073

(11) The board of building standards shall adopt rules 102074
governing all of the following: 102075

(a) The certification of building department personnel and 102076
persons and employees of persons, firms, or corporations 102077
exercising authority pursuant to division (E)(7) of this section. 102078
The rules shall disqualify any employee of the department or 102079
person who contracts for services with the department from 102080
performing services for the department when that employee or 102081
person would have to pass upon, inspect, or otherwise exercise 102082
authority over any labor, material, or equipment the employee or 102083
person furnishes for the construction, alteration, or maintenance 102084
of a building or the preparation of working drawings or 102085
specifications for work within the jurisdictional area of the 102086
department. The department shall provide other similarly qualified 102087
personnel to enforce the residential and nonresidential building 102088
codes as they pertain to that work. 102089

(b) The minimum services to be provided by a certified 102090
building department. 102091

(12) The board of building standards may revoke or suspend 102092
certification to enforce the residential and nonresidential 102093
building codes, on petition to the board by any person affected by 102094
that enforcement or approval of plans, or by the board on its own 102095
motion. Hearings shall be held and appeals permitted on any 102096
proceedings for certification or revocation or suspension of 102097

certification in the same manner as provided in section 3781.101 102098
of the Revised Code for other proceedings of the board of building 102099
standards. 102100

(13) Upon certification, and until that authority is revoked, 102101
any county or township building department shall enforce the 102102
residential and nonresidential building codes for which it is 102103
certified without regard to limitation upon the authority of 102104
boards of county commissioners under Chapter 307. of the Revised 102105
Code or boards of township trustees under Chapter 505. of the 102106
Revised Code. 102107

(F) In addition to hearings sections 3781.06 to 3781.18 and 102108
3791.04 of the Revised Code require, the board of building 102109
standards shall make investigations and tests, and require from 102110
other state departments, officers, boards, and commissions 102111
information the board considers necessary or desirable to assist 102112
it in the discharge of any duty or the exercise of any power 102113
mentioned in this section or in sections 3781.06 to 3781.18, 102114
3791.04, and 4104.43 of the Revised Code. 102115

(G) The board shall adopt rules and establish reasonable fees 102116
for the review of all applications submitted where the applicant 102117
applies for authority to use a new material, assembly, or product 102118
of a manufacturing process. The fee shall bear some reasonable 102119
relationship to the cost of the review or testing of the 102120
materials, assembly, or products and for the notification of 102121
approval or disapproval as provided in section 3781.12 of the 102122
Revised Code. 102123

(H) The residential construction advisory committee shall 102124
provide the board with a proposal for a state residential building 102125
code that the committee recommends pursuant to division (D)(1) of 102126
section 4740.14 of the Revised Code. Upon receiving a 102127
recommendation from the committee that is acceptable to the board, 102128
the board shall adopt rules establishing that code as the state 102129

residential building code. 102130

(I)(1) The committee may provide the board with proposed 102131
rules to update or amend the state residential building code that 102132
the committee recommends pursuant to division (E) of section 102133
4740.14 of the Revised Code. 102134

(2) If the board receives a proposed rule to update or amend 102135
the state residential building code as provided in division (I)(1) 102136
of this section, the board either may accept or reject the 102137
proposed rule for incorporation into the residential building 102138
code. If the board does not act to either accept or reject the 102139
proposed rule within ninety days after receiving the proposed rule 102140
from the committee as described in division (I)(1) of this 102141
section, the proposed rule shall become part of the residential 102142
building code. 102143

(J) The board shall cooperate with the director of job and 102144
family services when the director promulgates rules pursuant to 102145
section 5104.05 of the Revised Code regarding safety and 102146
sanitation in type A family ~~day-care~~ child care homes. 102147

(K) The board shall adopt rules to implement the requirements 102148
of section 3781.108 of the Revised Code. 102149

Sec. 3796.30. (A) Except as provided in division (B) of this 102150
section, no medical marijuana cultivator, processor, retail 102151
dispensary, or laboratory that tests medical marijuana shall be 102152
located within five hundred feet of the boundaries of a parcel of 102153
real estate having situated on it a school, church, public 102154
library, public playground, or public park. 102155

If the relocation of a cultivator, processor, retail 102156
dispensary, or laboratory licensed under this chapter results in 102157
the cultivator, processor, retail dispensary, or laboratory being 102158
located within five hundred feet of the boundaries of a parcel of 102159

real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections 3796.04 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child ~~day-care~~ care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

Sec. 3797.06. (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general requires by rule adopted under section 3797.08 of the Revised Code the notice described in

division (B) of this section to be given to the persons identified 102190
in divisions (A)(1) to (9) of this section. If a court enters a 102191
declaratory judgment against a registrant under section 2721.21 of 102192
the Revised Code, the sheriff with whom the registrant has most 102193
recently registered under section 3797.02 or 3797.03 of the 102194
Revised Code and the sheriff to whom the registrant most recently 102195
sent a notice of intent to reside under section 3797.03 of the 102196
Revised Code shall provide within the period of time specified in 102197
division (C) of this section a written notice containing the 102198
information set forth in division (B) of this section to all of 102199
the persons described in divisions (A)(1) to (9) of this section. 102200
If the sheriff has sent a notice to the persons described in those 102201
divisions as a result of receiving a notice of intent to reside 102202
and if the registrant registers a residence address that is the 102203
same residence address described in the notice of intent to 102204
reside, the sheriff is not required to send an additional notice 102205
when the registrant registers. The sheriff shall provide the 102206
notice to all of the following persons: 102207

(1)(a) Any occupant of each residential unit that is located 102208
within one thousand feet of the registrant's residential premises, 102209
that is located within the county served by the sheriff, and that 102210
is not located in a multi-unit building. Division (D)(3) of this 102211
section applies regarding notices required under this division. 102212

(b) If the registrant resides in a multi-unit building, any 102213
occupant of each residential unit that is located in that 102214
multi-unit building and that shares a common hallway with the 102215
registrant. For purposes of this division, an occupant's unit 102216
shares a common hallway with the registrant if the entrance door 102217
into the occupant's unit is located on the same floor and opens 102218
into the same hallway as the entrance door to the unit the 102219
registrant occupies. Division (D)(3) of this section applies 102220
regarding notices required under this division. 102221

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) The superintendent of each board of education of a school district that has schools within the specified geographical

notification area and that is located within the county served by the sheriff; 102254
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(4) The appointing or hiring officer of each nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 102256
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(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff; 102263
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(6) The administrator of each child ~~day-care~~ care center or type A family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child ~~day-care~~ care center," "type A family ~~day-care~~ child care home," and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code. 102268
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(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution; 102278
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(8) The sheriff of each county that includes any portion of 102286
the specified geographical notification area; 102287

(9) If the registrant resides within the county served by the 102288
sheriff, the chief of police, marshal, or other chief law 102289
enforcement officer of the municipal corporation in which the 102290
registrant resides or, if the registrant resides in an 102291
unincorporated area, the constable or chief of the police 102292
department or police district police force of the township in 102293
which the registrant resides. 102294

(B) The notice required under division (A) of this section 102295
shall include the registrant's name, residence or employment 102296
address, as applicable, and a statement that the registrant has 102297
been found liable for childhood sexual abuse in a civil action and 102298
is listed on the civil registry established by the attorney 102299
general pursuant to section 3797.08 of the Revised Code. 102300

(C) If a sheriff with whom a registrant registers under 102301
section 3797.02 or 3797.03 of the Revised Code or to whom the 102302
registrant most recently sent a notice of intent to reside under 102303
section 3797.03 of the Revised Code is required by division (A) of 102304
this section to provide notices regarding a registrant and if the 102305
sheriff provides a notice pursuant to that requirement the sheriff 102306
provides a notice to a sheriff of one or more other counties in 102307
accordance with division (A)(8) of this section, the sheriff of 102308
each of the other counties who is provided notice under division 102309
(A)(8) of this section shall provide the notices described in 102310
divisions (A)(1) to (7) and (A)(9) of this section to each person 102311
or entity identified within those divisions that is located within 102312
the specified geographical notification area and within the county 102313
served by the sheriff in question. 102314

(D)(1) A sheriff required by division (A) or (C) of this 102315
section to provide notices regarding a registrant shall provide 102316
the notice to the neighbors that are described in division (A)(1) 102317

of this section and the notices to law enforcement personnel that 102318
are described in divisions (A)(8) and (9) of this section as soon 102319
as practicable, but not later than five days after the registrant 102320
sends the notice of intent to reside to the sheriff, and again not 102321
later than five days after the registrant registers with the 102322
sheriff or, if the sheriff is required by division (C) to provide 102323
the notices, not later than five days after the sheriff is 102324
provided the notice described in division (A)(8) of this section. 102325

A sheriff required by division (A) or (C) of this section to 102326
provide notices regarding a registrant shall provide the notices 102327
to all other specified persons that are described in divisions 102328
(A)(2) to (7) of this section as soon as practicable, but not 102329
later than seven days after the registrant registers with the 102330
sheriff, or, if the sheriff is required by division (C) to provide 102331
the notices, not later than five days after the sheriff is 102332
provided the notice described in division (A)(8) of this section. 102333

(2) If a registrant in relation to whom division (A) of this 102334
section applies verifies the registrant's current residence 102335
address with a sheriff pursuant to section 3797.04 of the Revised 102336
Code, the sheriff may provide a written notice containing the 102337
information set forth in division (B) of this section to the 102338
persons identified in divisions (A)(1) to (9) of this section. If 102339
a sheriff provides a notice pursuant to this division to the 102340
sheriff of one or more other counties in accordance with division 102341
(A)(8) of this section, the sheriff of each of the other counties 102342
who is provided the notice under division (A)(8) of this section 102343
may provide, but is not required to provide, a written notice 102344
containing the information set forth in division (B) of this 102345
section to the persons identified in divisions (A)(1) to (7) and 102346
(A)(9) of this section. 102347

(3) A sheriff may provide notice under division (A)(1)(a) or 102348
(b) of this section, and may provide notice under division 102349

(A)(1)(c) of this section to a building manager or person 102350
authorized to exercise management and control of a building, by 102351
mail, by personal contact, or by leaving the notice at or under 102352
the entry door to a residential unit. For purposes of divisions 102353
(A)(1)(a) and (b) of this section and of the portion of division 102354
(A)(1)(c) of this section relating to the provision of notice to 102355
occupants of a multi-unit building by mail or personal contact, 102356
the provision of one written notice per unit is deemed providing 102357
notice to all occupants of that unit. 102358

(E) All information that a sheriff possesses regarding a 102359
registrant that is described in division (B) of this section and 102360
that must be provided in a notice required under division (A) or 102361
(C) of this section or that may be provided in a notice authorized 102362
under division (D)(2) of this section is a public record that is 102363
open to inspection under section 149.43 of the Revised Code. 102364

(F) A sheriff required by division (A) or (C) of this 102365
section, or authorized by division (D)(2) of this section, to 102366
provide notices regarding a registrant may request the department 102367
of job and family services, department of education, or ~~Ohio board~~ 102368
department of regents higher education, by telephone, in 102369
registrant, or by mail, to provide the sheriff with the names, 102370
addresses, and telephone numbers of the appropriate persons and 102371
entities to whom the notices described in divisions (A)(2) to (7) 102372
of this section are to be provided. Upon receipt of a request, the 102373
department ~~or board~~ shall provide the requesting sheriff with the 102374
names, addresses, and telephone numbers of the appropriate persons 102375
and entities to whom those notices are to be provided. 102376

(G)(1) Upon the motion of the registrant or the judge that 102377
entered a declaratory judgment pursuant to section 2721.21 of the 102378
Revised Code or that judge's successor in office, the judge may 102379
schedule a hearing to determine whether the interests of justice 102380
would be served by suspending the community notification 102381

requirement under this section in relation to the registrant. The 102382
judge may dismiss the motion without a hearing but may not issue 102383
an order suspending the community notification requirement without 102384
a hearing. At the hearing, all parties are entitled to be heard. 102385
If, at the conclusion of the hearing, the judge finds that the 102386
registrant has proven by clear and convincing evidence that the 102387
registrant is unlikely to commit childhood sexual abuse in the 102388
future and that suspending the community notification requirement 102389
is in the interests of justice, the judge may issue an order 102390
suspending the application of this section in relation to the 102391
registrant. The order shall contain both of these findings. 102392

The judge promptly shall serve a copy of the order upon the 102393
sheriff with whom the registrant most recently registered a 102394
residence address and the sheriff with whom the registrant most 102395
recently registered an employment address under section 3797.02 of 102396
the Revised Code. 102397

An order suspending the community notification requirement 102398
does not suspend or otherwise alter a registrant's duties to 102399
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 102400
Code. 102401

(2) A registrant has the right to appeal an order denying a 102402
motion made under division (G)(1) of this section. 102403

Sec. 3905.064. As used in sections 3905.064 to 3905.0611 of 102404
the Revised Code: 102405

(A) "Aggregator site" means a web site that provides access 102406
to information regarding insurance products from more than one 102407
insurer, including product and insurer information, for use in 102408
comparison shopping. 102409

(B) "Blanket travel insurance" means a policy of travel 102410
insurance issued to any eligible group providing coverage for 102411

specific classes of persons defined in the policy with coverage 102412
provided to all members of the eligible group without a separate 102413
charge to individual members of the eligible group. 102414

(C) "Cancellation fee waiver" means a contractual agreement 102415
between a supplier of travel services and its customer to waive 102416
some or all of the nonrefundable cancellation fee provisions of 102417
the supplier's underlying travel contract, with or without regard 102418
to the reason for the cancellation or form of reimbursement. 102419

(D) "Eligible group" means, solely for the purposes of travel 102420
insurance, two or more persons who are engaged in a common 102421
enterprise, or have an economic, educational, or social affinity 102422
or relationship. "Eligible group" includes any of the following: 102423

(1) Any entity engaged in the business of providing travel or 102424
travel services, including all of the following: 102425

(a) Tour operators; 102426

(b) Lodging providers; 102427

(c) Vacation property owners; 102428

(d) Hotels and resorts; 102429

(e) Travel clubs; 102430

(f) Travel agencies; 102431

(g) Property managers; 102432

(h) Cultural exchange programs; 102433

(i) Common carriers or the operator, owner, or lessor of a 102434
means of transportation of passengers, including airlines, cruise 102435
lines, railroads, steamship companies, and public bus carriers 102436
that, with regard to any particular travel or type of travel or 102437
travelers, subjects all members or customers of the group to a 102438
common exposure to risk attendant to such travel; 102439

(2) Any college, school, or other institution of learning, 102440

obtaining travel insurance covering students, teachers, employees, 102441
or volunteers; 102442

(3) Any employer obtaining travel insurance coverage for any 102443
group of employees, volunteers, contractors, board of directors, 102444
dependents, or guests; 102445

(4) Any sports team, camp, or sponsor thereof, obtaining 102446
travel insurance coverage for participants, members, campers, 102447
employees, officials, supervisors, or volunteers; 102448

(5) Any religious, charitable, recreational, educational, or 102449
civic organization, or branch thereof, obtaining travel insurance 102450
coverage for any group of members, participants, or volunteers; 102451

(6) Any financial institution or financial institution 102452
vendor, or parent holding company, trustee, or agent of, or 102453
designated by, one or more financial institutions or financial 102454
institution vendors, including account holders, credit card 102455
holders, debtors, guarantors, or purchasers; 102456

(7) Any incorporated or unincorporated association, including 102457
labor unions, that have a common interest, constitution, and 102458
bylaws, and that are organized and maintained in good faith for 102459
purposes other than obtaining insurance for members or 102460
participants of such association covering its members; 102461

(8) Any trust or the trustees of a fund established, created, 102462
or maintained for the benefit of and covering members, employees, 102463
or customers of one or more associations meeting the requirements 102464
of division (D)(7) of this section, subject to the 102465
superintendent's permitting the use of a trust and the state's 102466
premium tax provisions in section 3905.068 of the Revised Code; 102467

(9) Any entertainment production company obtaining travel 102468
insurance coverage for any group of participants, volunteers, 102469
audience members, contestants, or workers; 102470

- (10) Any volunteer fire department, ambulance, rescue, police, or court, or any first aid, civil defense, or other such volunteer group; 102471
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- (11) Preschools, child care centers, adult day-care institutions ~~for children or adults~~, and senior citizen clubs; 102474
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- (12) Any automobile or truck rental or leasing company obtaining travel insurance coverage for a group of individuals who may become renters, lessees, or passengers, defined by their travel status, on the rented or leased vehicles; 102476
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- (13) Any other group whose members the superintendent has determined are engaged in a common enterprise, or that have an economic, educational, or social affinity or relationship, if the superintendent also determines that issuance of the travel insurance policy would not be contrary to the public interest. 102480
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- (E) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details. 102485
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- (F) "Group travel insurance" means travel insurance issued to any eligible group. 102489
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- (G) "Limited lines travel insurance agent" means an individual or business entity licensed to sell, solicit, or negotiate travel insurance under section 3905.065 of the Revised Code. "Limited lines travel insurance agent" includes a licensed insurance agent and a travel administrator. 102491
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- (H) "Offer and sell" means providing general information, including a description of the coverage and price, as well as processing the application and collecting premiums. 102496
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- (I) "Primary certificate holder" means an individual person who elects and purchases travel insurance under a group policy. 102499
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(J) "Primary policyholder" means an individual person who
elects and purchases individual travel insurance.

(K) "Travel administrator" means a person who directly or
indirectly underwrites, collects charges, collateral, or premiums
from, or adjusts or settles claims on residents of this state, in
connection with travel insurance. The following persons shall not
be considered a travel administrator if they engage in no other
activities that would cause them to be considered a travel
administrator:

(1) A person working for a travel administrator to the extent
that the person's activities are subject to the supervision and
control of the travel administrator;

(2) An insurance agent selling insurance or engaged in
administrative and claims-related activities within the scope of
the agent's license;

(3) A travel retailer offering and selling travel insurance
and registered under the license of a limited-lines travel
insurance agent in accordance with sections 3905.065 and 3905.066
of the Revised Code;

(4) An individual adjusting or settling claims in the normal
course of that individual's practice or employment as an attorney
at law and who does not collect charges or premiums in connection
with insurance coverage;

(5) A business entity affiliated with a licensed insurer
while that insurer is acting as a travel administrator for the
direct and assumed insurance business of a separate affiliated
insurer.

(L) "Travel assistance services" means noninsurance services
for which the consumer is not indemnified based on a fortuitous
event, and where providing the service does not result in transfer
or shifting of risk that would constitute the business of

insurance. "Travel assistance services" include all of the	102532
following:	102533
(1) Security advisories;	102534
(2) Destination information;	102535
(3) Vaccination and immunization information services;	102536
(4) Travel reservation services;	102537
(5) Entertainment;	102538
(6) Activity and event planning;	102539
(7) Translation assistance;	102540
(8) Emergency messaging;	102541
(9) International legal and medical referrals;	102542
(10) Medical case monitoring;	102543
(11) Coordination of transportation arrangements;	102544
(12) Emergency cash transfer assistance;	102545
(13) Medical prescription replacement assistance;	102546
(14) Passport and travel document replacement assistance;	102547
(15) Lost luggage assistance;	102548
(16) Concierge services;	102549
(17) Any other service that is furnished in connection with planned travel.	102550 102551
(M)(1) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including all of the following:	102552 102553 102554
(a) Interruption or cancellation of a trip or event;	102555
(b) Loss of baggage or personal effects;	102556
(c) Damages to accommodations or rental vehicles;	102557

(d) Sickness, accident, disability, or death occurring during travel;	102558 102559
(e) Emergency evacuation;	102560
(f) Repatriation of remains;	102561
(g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent of insurance.	102562 102563 102564
(2) "Travel insurance" does not include any of the following:	102565
(a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;	102566 102567 102568 102569
(b) Any other product that requires a specific insurance agent license;	102570 102571
(c) Travel assistance services;	102572
(d) Cancellation fee waivers.	102573
(N) "Travel insurer" means an insurer, as defined in section 3901.32 of the Revised Code, that provides travel insurance.	102574 102575
(O) "Travel protection plan" means a plan that provides one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.	102576 102577 102578
(P) "Travel retailer" means a business entity that makes, arranges, or offers travel services, and that may offer or sell travel insurance as a service to its customers on behalf of, and under the direction of, a limited lines travel insurance agent in conjunction with the making, arranging, or offering of travel services.	102579 102580 102581 102582 102583 102584
Sec. 4510.021. (A) Unless expressly prohibited by section 2919.22, section 4510.13, or any other section of the Revised	102585 102586

Code, a court may grant limited driving privileges for any purpose 102587
described in division (A) of this section during any suspension 102588
imposed by the court. In granting the privileges, the court shall 102589
specify the purposes, times, and places of the privileges and may 102590
impose any other reasonable conditions on the person's driving of 102591
a motor vehicle. The privileges shall be for any of the following 102592
limited purposes: 102593

(1) Occupational, educational, vocational, or medical 102594
purposes; 102595

(2) Taking the driver's or commercial driver's license 102596
examination; 102597

(3) Attending court-ordered treatment; 102598

(4) Attending any court proceeding related to the offense for 102599
which the offender's suspension was imposed; 102600

(5) Transporting a minor to a child care provider, ~~day care~~ 102601
child care, preschool, school, or to any other location for 102602
purposes of receiving child care; 102603

(6) Any other purpose the court determines to be appropriate. 102604

(B) Unless expressly authorized by a section of the Revised 102605
Code, a court may not grant limited driving privileges during any 102606
suspension imposed by the bureau of motor vehicles. To obtain 102607
limited driving privileges during a suspension imposed by the 102608
bureau, the person under suspension may file a petition in a court 102609
of record in the county in which the person resides. A person who 102610
is not a resident of this state shall file any petition for 102611
privileges either in the Franklin county municipal court or in the 102612
municipal or county court located in the county where the offense 102613
occurred. If the person who is not a resident of this state is a 102614
minor, the person may file the petition either in the Franklin 102615
county juvenile court or in the juvenile court with jurisdiction 102616

over the offense. If a court grants limited driving privileges as 102617
described in this division, the privileges shall be for any of the 102618
limited purposes identified in division (A) of this section. 102619

(C) When the use of an immobilizing or disabling device is 102620
not otherwise required by law, the court, as a condition of 102621
granting limited driving privileges, may require that the person's 102622
vehicle be equipped with an immobilizing or disabling device, 102623
except as provided in division (C) of section 4510.43 of the 102624
Revised Code. When the use of restricted license plates issued 102625
under section 4503.231 of the Revised Code is not otherwise 102626
required by law, the court, as a condition of granting limited 102627
driving privileges, may require that the person's vehicle be 102628
equipped with restricted license plates of that nature, except as 102629
provided in division (B) of that section. 102630

(D) When the court grants limited driving privileges under 102631
section 4510.31 of the Revised Code or any other provision of law 102632
during the suspension of the temporary instruction permit or 102633
probationary driver's license of a person who is under eighteen 102634
years of age, the court may include as a purpose of the privilege 102635
the person's practicing of driving with the person's parent, 102636
guardian, or other custodian during the period of the suspension. 102637
If the court grants limited driving privileges for this purpose, 102638
the court, in addition to all other conditions it imposes, shall 102639
impose as a condition that the person exercise the privilege only 102640
when a parent, guardian, or custodian of the person who holds a 102641
current valid driver's or commercial driver's license issued by 102642
this state actually occupies the seat beside the person in the 102643
vehicle the person is operating. 102644

(E) Before granting limited driving privileges under this 102645
section, the court shall require the offender to provide proof of 102646
financial responsibility pursuant to section 4509.45 of the 102647
Revised Code. 102648

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 102649
the Revised Code: 102650

(A) "Vehicle" means every device, including a motorized 102651
bicycle and an electric bicycle, in, upon, or by which any person 102652
or property may be transported or drawn upon a highway, except 102653
that "vehicle" does not include any motorized wheelchair, any 102654
electric personal assistive mobility device, any low-speed 102655
micromobility device, any personal delivery device as defined in 102656
section 4511.513 of the Revised Code, any device that is moved by 102657
power collected from overhead electric trolley wires or that is 102658
used exclusively upon stationary rails or tracks, or any device, 102659
other than a bicycle, that is moved by human power. 102660

(B) "Motor vehicle" means every vehicle propelled or drawn by 102661
power other than muscular power or power collected from overhead 102662
electric trolley wires, except motorized bicycles, electric 102663
bicycles, road rollers, traction engines, power shovels, power 102664
cranes, and other equipment used in construction work and not 102665
designed for or employed in general highway transportation, 102666
hole-digging machinery, well-drilling machinery, ditch-digging 102667
machinery, farm machinery, and trailers designed and used 102668
exclusively to transport a boat between a place of storage and a 102669
marina, or in and around a marina, when drawn or towed on a street 102670
or highway for a distance of no more than ten miles and at a speed 102671
of twenty-five miles per hour or less. 102672

(C) "Motorcycle" means every motor vehicle, other than a 102673
tractor, having a seat or saddle for the use of the operator and 102674
designed to travel on not more than three wheels in contact with 102675
the ground, including, but not limited to, motor vehicles known as 102676
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 102677
motorcycle," or "motorcycle" without regard to weight or brake 102678
horsepower. 102679

(D) "Emergency vehicle" means emergency vehicles of 102680
municipal, township, or county departments or public utility 102681
corporations when identified as such as required by law, the 102682
director of public safety, or local authorities, and motor 102683
vehicles when commandeered by a police officer. 102684

(E) "Public safety vehicle" means any of the following: 102685

(1) Ambulances, including private ambulance companies under 102686
contract to a municipal corporation, township, or county, and 102687
private ambulances and nontransport vehicles bearing license 102688
plates issued under section 4503.49 of the Revised Code; 102689

(2) Motor vehicles used by public law enforcement officers or 102690
other persons sworn to enforce the criminal and traffic laws of 102691
the state; 102692

(3) Any motor vehicle when properly identified as required by 102693
the director of public safety, when used in response to fire 102694
emergency calls or to provide emergency medical service to ill or 102695
injured persons, and when operated by a duly qualified person who 102696
is a member of a volunteer rescue service or a volunteer fire 102697
department, and who is on duty pursuant to the rules or directives 102698
of that service. The state fire marshal shall be designated by the 102699
director of public safety as the certifying agency for all public 102700
safety vehicles described in division (E)(3) of this section. 102701

(4) Vehicles used by fire departments, including motor 102702
vehicles when used by volunteer fire fighters responding to 102703
emergency calls in the fire department service when identified as 102704
required by the director of public safety. 102705

Any vehicle used to transport or provide emergency medical 102706
service to an ill or injured person, when certified as a public 102707
safety vehicle, shall be considered a public safety vehicle when 102708
transporting an ill or injured person to a hospital regardless of 102709
whether such vehicle has already passed a hospital. 102710

(5) Vehicles used by the motor carrier enforcement unit for 102711
the enforcement of orders and rules of the public utilities 102712
commission as specified in section 5503.34 of the Revised Code. 102713

(F) "School bus" means every bus designed for carrying more 102714
than nine passengers that is owned by a public, private, or 102715
governmental agency or institution of learning and operated for 102716
the transportation of children to or from a school session or a 102717
school function, or owned by a private person and operated for 102718
compensation for the transportation of children to or from a 102719
school session or a school function, provided "school bus" does 102720
not include a bus operated by a municipally owned transportation 102721
system, a mass transit company operating exclusively within the 102722
territorial limits of a municipal corporation, or within such 102723
limits and the territorial limits of municipal corporations 102724
immediately contiguous to such municipal corporation, nor a common 102725
passenger carrier certified by the public utilities commission 102726
unless such bus is devoted exclusively to the transportation of 102727
children to and from a school session or a school function, and 102728
"school bus" does not include a van or bus used by a licensed 102729
child ~~day-care~~ care center or type A family ~~day-care~~ child care 102730
home to transport children from the child ~~day-care~~ care center or 102731
type A family ~~day-care~~ child care home to a school if the van or 102732
bus does not have more than fifteen children in the van or bus at 102733
any time. 102734

(G) "Bicycle" means every device, other than a device that is 102735
designed solely for use as a play vehicle by a child, that is 102736
propelled solely by human power upon which a person may ride, and 102737
that has two or more wheels, any of which is more than fourteen 102738
inches in diameter. 102739

(H) "Motorized bicycle" or "moped" means any vehicle having 102740
either two tandem wheels or one wheel in the front and two wheels 102741
in the rear, that may be pedaled, and that is equipped with a 102742

helper motor of not more than fifty cubic centimeters piston 102743
displacement that produces not more than one brake horsepower and 102744
is capable of propelling the vehicle at a speed of not greater 102745
than twenty miles per hour on a level surface. "Motorized bicycle" 102746
or "moped" does not include an electric bicycle. 102747

(I) "Commercial tractor" means every motor vehicle having 102748
motive power designed or used for drawing other vehicles and not 102749
so constructed as to carry any load thereon, or designed or used 102750
for drawing other vehicles while carrying a portion of such other 102751
vehicles, or load thereon, or both. 102752

(J) "Agricultural tractor" means every self-propelling 102753
vehicle designed or used for drawing other vehicles or wheeled 102754
machinery but having no provision for carrying loads independently 102755
of such other vehicles, and used principally for agricultural 102756
purposes. 102757

(K) "Truck" means every motor vehicle, except trailers and 102758
semitrailers, designed and used to carry property. 102759

(L) "Bus" means every motor vehicle designed for carrying 102760
more than nine passengers and used for the transportation of 102761
persons other than in a ridesharing arrangement, and every motor 102762
vehicle, automobile for hire, or funeral car, other than a taxicab 102763
or motor vehicle used in a ridesharing arrangement, designed and 102764
used for the transportation of persons for compensation. 102765

(M) "Trailer" means every vehicle designed or used for 102766
carrying persons or property wholly on its own structure and for 102767
being drawn by a motor vehicle, including any such vehicle when 102768
formed by or operated as a combination of a "semitrailer" and a 102769
vehicle of the dolly type, such as that commonly known as a 102770
"trailer dolly," a vehicle used to transport agricultural produce 102771
or agricultural production materials between a local place of 102772
storage or supply and the farm when drawn or towed on a street or 102773

highway at a speed greater than twenty-five miles per hour, and a 102774
vehicle designed and used exclusively to transport a boat between 102775
a place of storage and a marina, or in and around a marina, when 102776
drawn or towed on a street or highway for a distance of more than 102777
ten miles or at a speed of more than twenty-five miles per hour. 102778

(N) "Semitrailer" means every vehicle designed or used for 102779
carrying persons or property with another and separate motor 102780
vehicle so that in operation a part of its own weight or that of 102781
its load, or both, rests upon and is carried by another vehicle. 102782

(O) "Pole trailer" means every trailer or semitrailer 102783
attached to the towing vehicle by means of a reach, pole, or by 102784
being boomed or otherwise secured to the towing vehicle, and 102785
ordinarily used for transporting long or irregular shaped loads 102786
such as poles, pipes, or structural members capable, generally, of 102787
sustaining themselves as beams between the supporting connections. 102788

(P) "Railroad" means a carrier of persons or property 102789
operating upon rails placed principally on a private right-of-way. 102790

(Q) "Railroad train" means a steam engine or an electric or 102791
other motor, with or without cars coupled thereto, operated by a 102792
railroad. 102793

(R) "Streetcar" means a car, other than a railroad train, for 102794
transporting persons or property, operated upon rails principally 102795
within a street or highway. 102796

(S) "Trackless trolley" means every car that collects its 102797
power from overhead electric trolley wires and that is not 102798
operated upon rails or tracks. 102799

(T) "Explosives" means any chemical compound or mechanical 102800
mixture that is intended for the purpose of producing an explosion 102801
that contains any oxidizing and combustible units or other 102802
ingredients in such proportions, quantities, or packing that an 102803
ignition by fire, by friction, by concussion, by percussion, or by 102804

a detonator of any part of the compound or mixture may cause such 102805
a sudden generation of highly heated gases that the resultant 102806
gaseous pressures are capable of producing destructive effects on 102807
contiguous objects, or of destroying life or limb. Manufactured 102808
articles shall not be held to be explosives when the individual 102809
units contain explosives in such limited quantities, of such 102810
nature, or in such packing, that it is impossible to procure a 102811
simultaneous or a destructive explosion of such units, to the 102812
injury of life, limb, or property by fire, by friction, by 102813
concussion, by percussion, or by a detonator, such as fixed 102814
ammunition for small arms, firecrackers, or safety fuse matches. 102815

(U) "Flammable liquid" means any liquid that has a flash 102816
point of seventy degrees fahrenheit, or less, as determined by a 102817
tagliabue or equivalent closed cup test device. 102818

(V) "Gross weight" means the weight of a vehicle plus the 102819
weight of any load thereon. 102820

(W) "Person" means every natural person, firm, 102821
co-partnership, association, or corporation. 102822

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 102823
includes a personal delivery device as defined in section 4511.513 102824
of the Revised Code unless the context clearly suggests otherwise. 102825

(Y) "Driver or operator" means every person who drives or is 102826
in actual physical control of a vehicle, trackless trolley, or 102827
streetcar. 102828

(Z) "Police officer" means every officer authorized to direct 102829
or regulate traffic, or to make arrests for violations of traffic 102830
regulations. 102831

(AA) "Local authorities" means every county, municipal, and 102832
other local board or body having authority to adopt police 102833
regulations under the constitution and laws of this state. 102834

(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

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(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

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(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.

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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

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(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing

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traffic shall not be modified by sections 4511.01 to 4511.79 and 102866
4511.99 of the Revised Code. 102867

(JJ) "State route" means every highway that is designated 102868
with an official state route number and so marked. 102869

(KK) "Intersection" means: 102870

(1) The area embraced within the prolongation or connection 102871
of the lateral curb lines, or, if none, the lateral boundary lines 102872
of the roadways of two highways that join one another at, or 102873
approximately at, right angles, or the area within which vehicles 102874
traveling upon different highways that join at any other angle 102875
might come into conflict. The junction of an alley or driveway 102876
with a roadway or highway does not constitute an intersection 102877
unless the roadway or highway at the junction is controlled by a 102878
traffic control device. 102879

(2) If a highway includes two roadways that are thirty feet 102880
or more apart, then every crossing of each roadway of such divided 102881
highway by an intersecting highway constitutes a separate 102882
intersection. If both intersecting highways include two roadways 102883
thirty feet or more apart, then every crossing of any two roadways 102884
of such highways constitutes a separate intersection. 102885

(3) At a location controlled by a traffic control signal, 102886
regardless of the distance between the separate intersections as 102887
described in division (KK)(2) of this section: 102888

(a) If a stop line, yield line, or crosswalk has not been 102889
designated on the roadway within the median between the separate 102890
intersections, the two intersections and the roadway and median 102891
constitute one intersection. 102892

(b) Where a stop line, yield line, or crosswalk line is 102893
designated on the roadway on the intersection approach, the area 102894
within the crosswalk and any area beyond the designated stop line 102895
or yield line constitute part of the intersection. 102896

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences

and buildings in use for business. 102928

(PP) "Urban district" means the territory contiguous to and 102929
including any street or highway which is built up with structures 102930
devoted to business, industry, or dwelling houses situated at 102931
intervals of less than one hundred feet for a distance of a 102932
quarter of a mile or more, and the character of such territory is 102933
indicated by official traffic control devices. 102934

(QQ) "Traffic control device" means a flagger, sign, signal, 102935
marking, or other device used to regulate, warn, or guide traffic, 102936
placed on, over, or adjacent to a street, highway, private road 102937
open to public travel, pedestrian facility, or shared-use path by 102938
authority of a public agency or official having jurisdiction, or, 102939
in the case of a private road open to public travel, by authority 102940
of the private owner or private official having jurisdiction. 102941

(RR) "Traffic control signal" means any highway traffic 102942
signal by which traffic is alternately directed to stop and 102943
permitted to proceed. 102944

(SS) "Railroad sign or signal" means any sign, signal, or 102945
device erected by authority of a public body or official or by a 102946
railroad and intended to give notice of the presence of railroad 102947
tracks or the approach of a railroad train. 102948

(TT) "Traffic" means pedestrians, ridden or herded animals, 102949
vehicles, streetcars, trackless trolleys, and other devices, 102950
either singly or together, while using for purposes of travel any 102951
highway or private road open to public travel. 102952

(UU) "Right-of-way" means either of the following, as the 102953
context requires: 102954

(1) The right of a vehicle, streetcar, trackless trolley, or 102955
pedestrian to proceed uninterruptedly in a lawful manner in the 102956
direction in which it or the individual is moving in preference to 102957
another vehicle, streetcar, trackless trolley, or pedestrian 102958

approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.

(CCC) "Arterial street" means any United States or state
numbered route, controlled access highway, or other major radial
or circumferential street or highway designated by local
authorities within their respective jurisdictions as part of a
major arterial system of streets or highways.

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(DDD) "Ridesharing arrangement" means the transportation of
persons in a motor vehicle where such transportation is incidental
to another purpose of a volunteer driver and includes ridesharing
arrangements known as carpools, vanpools, and buspools.

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(EEE) "Motorized wheelchair" means any self-propelled vehicle
designed for, and used by, a handicapped person and that is
incapable of a speed in excess of eight miles per hour.

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(FFF) "Child ~~day-care~~ care center" and "type A family
~~day-care~~ child care home" have the same meanings as in section
5104.01 of the Revised Code.

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(GGG) "Multi-wheel agricultural tractor" means a type of
agricultural tractor that has two or more wheels or tires on each
side of one axle at the rear of the tractor, is designed or used
for drawing other vehicles or wheeled machinery, has no provision
for carrying loads independently of the drawn vehicles or
machinery, and is used principally for agricultural purposes.

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(HHH) "Operate" means to cause or have caused movement of a
vehicle, streetcar, or trackless trolley.

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(III) "Predicate motor vehicle or traffic offense" means any
of the following:

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(1) A violation of section 4511.03, 4511.051, 4511.12,
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213,
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29,
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36,
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43,
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452,

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4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 103020
4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 103021
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 103022
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 103023
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 103024
Code; 103025

(2) A violation of division (A)(2) of section 4511.17, 103026
divisions (A) to (D) of section 4511.51, or division (A) of 103027
section 4511.74 of the Revised Code; 103028

(3) A violation of any provision of sections 4511.01 to 103029
4511.76 of the Revised Code for which no penalty otherwise is 103030
provided in the section that contains the provision violated; 103031

(4) A violation of section 4511.214 of the Revised Code; 103032

(5) A violation of a municipal ordinance that is 103033
substantially similar to any section or provision set forth or 103034
described in division (III)(1), (2), (3), or (4) of this section. 103035

(JJJ) "Road service vehicle" means wreckers, utility repair 103036
vehicles, and state, county, and municipal service vehicles 103037
equipped with visual signals by means of flashing, rotating, or 103038
oscillating lights. 103039

(KKK) "Beacon" means a highway traffic signal with one or 103040
more signal sections that operate in a flashing mode. 103041

(LLL) "Hybrid beacon" means a type of beacon that is 103042
intentionally placed in a dark mode between periods of operation 103043
where no indications are displayed and, when in operation, 103044
displays both steady and flashing traffic control signal 103045
indications. 103046

(MMM) "Highway traffic signal" means a power-operated traffic 103047
control device by which traffic is warned or directed to take some 103048
specific action. "Highway traffic signal" does not include a 103049

power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 103050
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(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 103052
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(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. 103057
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(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. 103067
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(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in 103078
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specific highway maintenance activities. 103082

(RRR) "Waste collection vehicle" means a vehicle used in the 103083
collection of garbage, refuse, trash, or recyclable materials. 103084

(SSS) "Electric bicycle" means a "class 1 electric bicycle," 103085
a "class 2 electric bicycle," or a "class 3 electric bicycle" as 103086
defined in this section. 103087

(TTT) "Class 1 electric bicycle" means a bicycle that is 103088
equipped with fully operable pedals and an electric motor of less 103089
than seven hundred fifty watts that provides assistance only when 103090
the rider is pedaling and ceases to provide assistance when the 103091
bicycle reaches the speed of twenty miles per hour. 103092

(UUU) "Class 2 electric bicycle" means a bicycle that is 103093
equipped with fully operable pedals and an electric motor of less 103094
than seven hundred fifty watts that may provide assistance 103095
regardless of whether the rider is pedaling and is not capable of 103096
providing assistance when the bicycle reaches the speed of twenty 103097
miles per hour. 103098

(VVV) "Class 3 electric bicycle" means a bicycle that is 103099
equipped with fully operable pedals and an electric motor of less 103100
than seven hundred fifty watts that provides assistance only when 103101
the rider is pedaling and ceases to provide assistance when the 103102
bicycle reaches the speed of twenty-eight miles per hour. 103103

(WWW) "Low-speed micromobility device" means a device 103104
weighing less than one hundred pounds that has handlebars, is 103105
propelled by an electric motor or human power, and has an 103106
attainable speed on a paved level surface of not more than twenty 103107
miles per hour when propelled by the electric motor. 103108

Sec. 4511.81. (A) When any child who is in either or both of 103109
the following categories is being transported in a motor vehicle, 103110
other than a taxicab or public safety vehicle as defined in 103111

section 4511.01 of the Revised Code, that is required by the 103112
United States department of transportation to be equipped with 103113
seat belts at the time of manufacture or assembly, the operator of 103114
the motor vehicle shall have the child properly secured in 103115
accordance with the manufacturer's instructions in a child 103116
restraint system that meets federal motor vehicle safety 103117
standards: 103118

(1) A child who is less than four years of age; 103119

(2) A child who weighs less than forty pounds. 103120

(B) When any child who is in either or both of the following 103121
categories is being transported in a motor vehicle, other than a 103122
taxicab, that is owned, leased, or otherwise under the control of 103123
a nursery school or ~~day-care~~ child care center, the operator of 103124
the motor vehicle shall have the child properly secured in 103125
accordance with the manufacturer's instructions in a child 103126
restraint system that meets federal motor vehicle safety 103127
standards: 103128

(1) A child who is less than four years of age; 103129

(2) A child who weighs less than forty pounds. 103130

(C) When any child who is less than eight years of age and 103131
less than four feet nine inches in height, who is not required by 103132
division (A) or (B) of this section to be secured in a child 103133
restraint system, is being transported in a motor vehicle, other 103134
than a taxicab or public safety vehicle as defined in section 103135
4511.01 of the Revised Code or a vehicle that is regulated under 103136
section 5104.015 of the Revised Code, that is required by the 103137
United States department of transportation to be equipped with 103138
seat belts at the time of manufacture or assembly, the operator of 103139
the motor vehicle shall have the child properly secured in 103140
accordance with the manufacturer's instructions on a booster seat 103141
that meets federal motor vehicle safety standards. 103142

(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence

imputable to the child, is not admissible as evidence in any civil 103175
action involving the rights of the child against any other person 103176
allegedly liable for injuries to the child, is not to be used as a 103177
basis for a criminal prosecution of the operator of the motor 103178
vehicle other than a prosecution for a violation of this section, 103179
and is not admissible as evidence in any criminal action involving 103180
the operator of the motor vehicle other than a prosecution for a 103181
violation of this section. 103182

(H) This section does not apply when an emergency exists that 103183
threatens the life of any person operating or occupying a motor 103184
vehicle that is being used to transport a child who otherwise 103185
would be required to be restrained under this section. This 103186
section does not apply to a person operating a motor vehicle who 103187
has an affidavit signed by a physician licensed to practice in 103188
this state under Chapter 4731. of the Revised Code or a 103189
chiropractor licensed to practice in this state under Chapter 103190
4734. of the Revised Code that states that the child who otherwise 103191
would be required to be restrained under this section has a 103192
physical impairment that makes use of a child restraint system, 103193
booster seat, or an occupant restraining device impossible or 103194
impractical, provided that the person operating the vehicle has 103195
safely and appropriately restrained the child in accordance with 103196
any recommendations of the physician or chiropractor as noted on 103197
the affidavit. 103198

(I) There is hereby created in the state treasury the child 103199
highway safety fund, consisting of fines imposed pursuant to 103200
division ~~(K)(1)~~(L)(1) of this section for violations of divisions 103201
(A), (B), (C), and (D) of this section. The money in the fund 103202
shall be used by the department of health only to defray the cost 103203
of designating hospitals as pediatric trauma centers under section 103204
3727.081 of the Revised Code and to establish and administer a 103205
child highway safety program. The purpose of the program shall be 103206

to educate the public about child restraint systems and booster seats and the importance of their proper use. The program also shall include a process for providing child restraint systems and booster seats to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and booster seats, and their proper use.

(J) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system or booster seat under the department's child highway safety program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

(K) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(L)(1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

(b) If the offender previously has been convicted of or 103238
pleaded guilty to a violation of division (A), (B), (C), or (D) of 103239
this section or of a municipal ordinance that is substantially 103240
similar to any of those divisions, the offender is guilty of a 103241
misdemeanor of the fourth degree. 103242

(2) All fines imposed pursuant to division (L)(1) of this 103243
section shall be forwarded to the treasurer of state for deposit 103244
in the child highway safety fund created by division (I) of this 103245
section. 103246

Sec. 4513.182. (A) No person shall operate any motor vehicle 103247
owned, leased, or hired by a nursery school, kindergarten, or 103248
~~day-care~~ child care center, while transporting preschool children 103249
to or from such an institution unless the motor vehicle is 103250
equipped with and displaying two amber flashing lights mounted on 103251
a bar attached to the top of the vehicle, and a sign bearing the 103252
designation "caution--children," which shall be attached to the 103253
bar carrying the amber flashing lights in such a manner as to be 103254
legible to persons both in front of and behind the vehicle. The 103255
lights and sign shall meet standards and specifications adopted by 103256
the director of public safety. The director, subject to Chapter 103257
119. of the Revised Code, shall adopt standards and specifications 103258
for the lights and sign, which shall include, but are not limited 103259
to, requirements for the color and size of lettering to be used on 103260
the sign, the type of material to be used for the sign, and the 103261
method of mounting the lights and sign so that they can be removed 103262
from a motor vehicle being used for purposes other than those 103263
specified in this section. 103264

(B) No person shall operate a motor vehicle displaying the 103265
lights and sign required by this section for any purpose other 103266
than the transportation of preschool children as provided in this 103267
section. 103268

(C) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code:

(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.

(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.

(D) "Dentist" means an individual licensed under this chapter to practice dentistry.

(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.

(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(3) of section 4715.22 of the Revised Code.

(G) "Facility" means any of the following:

(1) A health care facility, as defined in section 4715.22 of the Revised Code;

- (2) A state correctional institution, as defined in section 103299
2967.01 of the Revised Code; 103300
- (3) A comprehensive child development program that receives 103301
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 103302
42 U.S.C. 9831, as amended, and is licensed as a child ~~day-care~~ 103303
care center; 103304
- (4) A residential facility licensed under section 5123.19 of 103305
the Revised Code; 103306
- (5) A public school, as defined in section 3701.93 of the 103307
Revised Code, located in an area designated as a dental health 103308
resource shortage area pursuant to section 3702.87 of the Revised 103309
Code; 103310
- (6) A nonpublic school, as defined in section 3701.93 of the 103311
Revised Code, located in an area designated as a dental health 103312
resource shortage area pursuant to section 3702.87 of the Revised 103313
Code; 103314
- (7) A federally qualified health center or federally 103315
qualified health center look-alike, as defined in section 3701.047 103316
of the Revised Code; 103317
- (8) A shelter for victims of domestic violence, as defined in 103318
section 3113.33 of the Revised Code; 103319
- (9) A facility operated by the department of youth services 103320
under Chapter 5139. of the Revised Code; 103321
- (10) A foster home, as defined in section 5103.02 of the 103322
Revised Code; 103323
- (11) A nonprofit clinic, as defined in section 3715.87 of the 103324
Revised Code; 103325
- (12) The residence of one or more individuals receiving 103326
services provided by a home health agency, as defined in section 103327
3740.11 of the Revised Code; 103328

(13) A dispensary;	103329
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	103330 103331
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	103332 103333 103334
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	103335 103336 103337
(17) A women, infants, and children clinic;	103338
(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;	103339 103340 103341
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	103342 103343 103344 103345 103346 103347 103348
Sec. 5101.29. When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:	103349 103350 103351 103352
(A) Names and other identifying information regarding children enrolled in or attending a child day-care <u>care</u> center or home subject to licensure or registration under Chapter 5104. of the Revised Code;	103353 103354 103355 103356
(B) Names and other identifying information regarding children placed with an institution or association certified under	103357 103358

section 5103.03 of the Revised Code; 103359

(C) Names and other identifying information regarding a 103360
person who makes an oral or written complaint regarding an 103361
institution, association, child ~~day-care~~ care center, or home 103362
subject to licensure or registration to the department or other 103363
state or county entity responsible for enforcing Chapter 5103. or 103364
5104. of the Revised Code; 103365

(D)(1) Except as otherwise provided in division (D)(2) of 103366
this section, names, documentation, and other identifying 103367
information regarding a foster caregiver or a prospective foster 103368
caregiver, including the foster caregiver application for 103369
certification under section 5103.03 of the Revised Code and the 103370
home study conducted pursuant to section 5103.0324 of the Revised 103371
Code. 103372

(2) Notwithstanding division (D)(1) of this section, the 103373
following are public records for the purposes of section 149.43 of 103374
the Revised Code, when contained in a record held by the 103375
department of job and family services, a county agency, or other 103376
governmental entity: 103377

(a) All of the following information regarding a currently 103378
certified foster caregiver who has had a foster care certificate 103379
revoked pursuant to Chapter 5103. of the Revised Code or, after 103380
receiving a current or current renewed certificate has been 103381
convicted of, pleaded guilty to, or indicted or otherwise charged 103382
with any offense described in division (C)(1) of section 2151.86 103383
of the Revised Code: 103384

(i) The foster caregiver's name, date of birth, and county of 103385
residence; 103386

(ii) The date of the foster caregiver's certification; 103387

(iii) The date of each placement of a foster child into the 103388
foster caregiver's home; 103389

(iv) If applicable, the date of the removal of a foster child 103390
from the foster caregiver's home and the reason for the foster 103391
child's removal unless release of such information would be 103392
detrimental to the foster child or other children residing in the 103393
foster caregiver's home; 103394

(v) If applicable, the date of the foster care certificate 103395
revocation and all documents related to the revocation unless 103396
otherwise not a public record pursuant to section 149.43 of the 103397
Revised Code. 103398

(b) Nonidentifying foster care statistics including, but not 103399
limited to, the number of foster caregivers and foster care 103400
certificate revocations. 103401

Sec. 5103.03. (A) The director of job and family services 103402
shall adopt rules as necessary for the adequate and competent 103403
management and certification of institutions or associations. The 103404
director shall ensure that foster care home study rules adopted 103405
under this section align any home study content, time period, and 103406
process with any home study content, time period, and process 103407
required by rules adopted under section 3107.033 of the Revised 103408
Code. 103409

(B)(1) Except for facilities under the control of the 103410
department of youth services, places of detention for children 103411
established and maintained pursuant to sections 2152.41 to 2152.44 103412
of the Revised Code, and child ~~day-care~~ care centers subject to 103413
Chapter 5104. of the Revised Code, the department of job and 103414
family services shall pass upon the fitness of every institution 103415
and association that receives, or desires to receive and care for 103416
children, or places children in private homes, at a frequency 103417
established by rules adopted under division (A) of this section. 103418

(2) When the department of job and family services is 103419
satisfied as to the care given such children, and that the 103420

requirements of the statutes and rules covering the management of 103421
such institutions and associations are being complied with, it 103422
shall issue to the institution or association a certificate to 103423
that effect. A certificate is valid for a length of time 103424
determined by rules adopted under division (A) of this section. 103425
When determining whether an institution or association meets a 103426
particular requirement for certification, the department may 103427
consider the institution or association to have met the 103428
requirement if the institution or association shows to the 103429
department's satisfaction that it has met a comparable requirement 103430
to be accredited by a nationally recognized accreditation 103431
organization. 103432

(3) The department may issue a temporary certificate valid 103433
for less than one year authorizing an institution or association 103434
to operate until minimum requirements have been met. 103435

(4) An institution or association that knowingly makes a 103436
false statement that is included as a part of certification under 103437
this section is guilty of the offense of falsification under 103438
section 2921.13 of the Revised Code and the department shall not 103439
certify that institution or association. 103440

(5) The department shall not issue a certificate to a 103441
prospective foster home or prospective specialized foster home 103442
pursuant to this section if the prospective foster home or 103443
prospective specialized foster home operates as a type A family 103444
~~day-care~~ child care home pursuant to Chapter 5104. of the Revised 103445
Code. The department shall not issue a certificate to a 103446
prospective specialized foster home if the prospective specialized 103447
foster home operates a type B family ~~day-care~~ child care home 103448
pursuant to Chapter 5104. of the Revised Code. 103449

(C) The department may revoke a certificate if it finds that 103450
the institution or association is in violation of law or rule. No 103451
juvenile court shall commit a child to an association or 103452

institution that is required to be certified under this section if 103453
its certificate has been revoked or, if after revocation, the date 103454
of reissue is less than fifteen months prior to the proposed 103455
commitment. 103456

(D) On a frequency specified by the department by rules 103457
adopted under division (A) of this section, each institution or 103458
association desiring certification or recertification shall submit 103459
to the department a report showing its condition, management, 103460
competency to care adequately for the children who have been or 103461
may be committed to it or to whom it provides care or services, 103462
the system of visitation it employs for children placed in private 103463
homes, and other information the department requires. 103464

(E) The department shall, not less than once each year, send 103465
a list of certified institutions and associations to each juvenile 103466
court and certified association or institution. 103467

(F) No person shall receive children or receive or solicit 103468
money on behalf of such an institution or association not so 103469
certified or whose certificate has been revoked. 103470

(G)(1) The director may delegate by rule any duties imposed 103471
on it by this section to inspect and approve family foster homes 103472
and specialized foster homes to public children services agencies, 103473
private child placing agencies, or private noncustodial agencies. 103474

(2) The director shall adopt rules that require a foster 103475
caregiver or other individual certified to operate a foster home 103476
under this section to notify the recommending agency that the 103477
foster caregiver or other individual is licensed to operate a type 103478
B family ~~day-care~~ child care home under Chapter 5104. of the 103479
Revised Code. 103480

(H) If the director of job and family services determines 103481
that an institution or association that cares for children is 103482
operating without a certificate, the director may petition the 103483

court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for 103514
publicly funded child care. 103515

(D) "Border state child care provider" means a child care 103516
provider that is located in a state bordering Ohio and that is 103517
licensed, certified, or otherwise approved by that state to 103518
provide child care funded by the child care block grant act. 103519

(E) "Career pathways model" means an alternative pathway to 103520
meeting the requirements to be a ~~child-care~~ child care staff 103521
member or administrator that does both of the following: 103522

(1) Uses a framework approved by the director of job and 103523
family services to document formal education, training, 103524
experience, and specialized credentials and certifications; 103525

(2) Allows the ~~child-care~~ child care staff member or 103526
administrator to achieve a designation as an early childhood 103527
professional level one, two, three, four, five, or six. 103528

(F) "Caretaker parent" means the father or mother of a child 103529
whose presence in the home is needed as the caretaker of the 103530
child, a person who has legal custody of a child and whose 103531
presence in the home is needed as the caretaker of the child, a 103532
guardian of a child whose presence in the home is needed as the 103533
caretaker of the child, and any other person who stands in loco 103534
parentis with respect to the child and whose presence in the home 103535
is needed as the caretaker of the child. 103536

(G) "Chartered nonpublic school" means a school that meets 103537
standards for nonpublic schools prescribed by the state board of 103538
education for nonpublic schools pursuant to section 3301.07 of the 103539
Revised Code. 103540

(H) "Child" includes an infant, toddler, preschool-age child, 103541
or school-age child. 103542

(I) "Child care block grant act" means the "Child Care and 103543

Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 103544
U.S.C. 9858, as amended. 103545

(J) "Child day camp" means a program in which only school-age 103546
children attend or participate, that operates for no more than 103547
twelve hours per day and no more than fifteen weeks during the 103548
summer. For purposes of this division, the maximum twelve hours of 103549
operation time does not include transportation time from a child's 103550
home to a child day camp and from a child day camp to a child's 103551
home. 103552

(K) "Child care" means all of the following: 103553

(1) Administering to the needs of infants, toddlers, 103554
preschool-age children, and school-age children outside of school 103555
hours; 103556

(2) By persons other than their parents, guardians, or 103557
custodians; 103558

(3) For part of the twenty-four-hour day; 103559

(4) In a place other than a child's own home, except that an 103560
in-home aide provides child care in the child's own home; 103561

(5) By a provider required by this chapter to be licensed or 103562
approved by the department of job and family services, certified 103563
by a county department of job and family services, or under 103564
contract with the department to provide publicly funded child care 103565
as described in section 5104.32 of the Revised Code. 103566

(L) "Child ~~day-care~~ care center" and "center" mean any place 103567
that is not the permanent residence of the licensee or 103568
administrator in which child care or publicly funded child care is 103569
provided for seven or more children at one time. "Child ~~day-care~~ 103570
care center" and "center" do not include any of the following: 103571

(1) A place located in and operated by a hospital, as defined 103572
in section 3727.01 of the Revised Code, in which the needs of 103573

children are administered to, if all the children whose needs are 103574
being administered to are monitored under the on-site supervision 103575
of a physician licensed under Chapter 4731. of the Revised Code or 103576
a registered nurse licensed under Chapter 4723. of the Revised 103577
Code, and the services are provided only for children who, in the 103578
opinion of the child's parent, guardian, or custodian, are 103579
exhibiting symptoms of a communicable disease or other illness or 103580
are injured; 103581

(2) A child day camp; 103582

(3) A place that provides care, if all of the following 103583
apply: 103584

(a) An organized religious body provides the care; 103585

(b) A parent, custodian, or guardian of at least one child 103586
receiving care is on the premises and readily accessible at all 103587
times; 103588

(c) The care is not provided for more than thirty days a 103589
year; 103590

(d) The care is provided only for preschool-age and 103591
school-age children. 103592

(M) "Child care resource and referral service organization" 103593
means a community-based nonprofit organization that provides child 103594
care resource and referral services but not child care. 103595

(N) "Child care resource and referral services" means all of 103596
the following services: 103597

(1) Maintenance of a uniform data base of all child care 103598
providers in the community that are in compliance with this 103599
chapter, including current occupancy and vacancy data; 103600

(2) Provision of individualized consumer education to 103601
families seeking child care; 103602

(3) Provision of timely referrals of available child care 103603

providers to families seeking child care;	103604
(4) Recruitment of child care providers;	103605
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	103606 103607 103608 103609
(6) Collection and analysis of data on the supply of and demand for child care in the community;	103610 103611
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	103612 103613 103614
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	103615 103616 103617
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	103618 103619
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	103620 103621 103622 103623
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care <u>child care</u> homes.	103624 103625 103626 103627
(0) " Child-care <u>Child care</u> staff member" means an employee of a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, licensed type B family day-care <u>child care</u> home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care <u>child care</u> staff	103628 103629 103630 103631 103632 103633

member when not involved in other duties. 103634

(P) "Drop-in child ~~day-care~~ care center," "drop-in center," 103635
"drop-in type A family ~~day-care~~ child care home," and "drop-in 103636
type A home" mean a center or type A home that provides child care 103637
or publicly funded child care for children on a temporary, 103638
irregular basis. 103639

(Q) "Employee" means a person who either: 103640

(1) Receives compensation for duties performed in a child 103641
~~day-care~~ care center, type A family ~~day-care~~ child care home, 103642
licensed type B family ~~day-care~~ child care home, or approved child 103643
day camp; 103644

(2) Is assigned specific working hours or duties in a child 103645
~~day-care~~ care center, type A family ~~day-care~~ child care home, 103646
licensed type B family ~~day-care~~ child care home, or approved child 103647
day camp. 103648

(R) "Employer" means a person, firm, institution, 103649
organization, or agency that operates a child ~~day-care~~ care 103650
center, type A family ~~day-care~~ child care home, licensed type B 103651
family ~~day-care~~ child care home, or approved child day camp 103652
subject to licensure or approval under this chapter. 103653

(S) "Federal poverty line" means the official poverty 103654
guideline as revised annually in accordance with section 673(2) of 103655
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 103656
U.S.C. 9902, as amended, for a family size equal to the size of 103657
the family of the person whose income is being determined. 103658

(T) "Head start program" means a school-readiness program 103659
that satisfies all of the following: 103660

(1) Is for children from birth to age five who are from 103661
low-income families; 103662

(2) Receives funds distributed under the "Improving Head 103663

Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as
amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a
child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C.
11434a;

(3) Resides temporarily with a caretaker in a facility
providing emergency shelter for homeless families or is determined
by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section
5107.10 of the Revised Code, less any amounts required by federal
statutes or regulations to be disregarded.

(W) "Indicator checklist" means an inspection tool, used in
conjunction with an instrument-based program monitoring
information system, that contains selected licensing requirements
that are statistically reliable indicators or predictors of a
child ~~day-care~~ care center's, type A family ~~day-care~~ child care
home's, or licensed type B family ~~day-care~~ child care home's
compliance with licensing requirements.

(X) "Infant" means a child who is less than eighteen months
of age.

(Y) "In-home aide" means a person who does not reside with
the child but provides care in the child's home and is certified
by a county director of job and family services pursuant to
section 5104.12 of the Revised Code to provide publicly funded
child care to a child in a child's own home pursuant to this
chapter and any rules adopted under it.

(Z) "Instrument-based program monitoring information system"

means a method to assess compliance with licensing requirements 103694
for child ~~day-care~~ care centers, type A family ~~day-care~~ child care 103695
homes, and licensed type B family ~~day-care~~ child care homes in 103696
which each licensing requirement is assigned a weight indicative 103697
of the relative importance of the requirement to the health, 103698
growth, and safety of the children that is used to develop an 103699
indicator checklist. 103700

(AA) "License capacity" means the maximum number in each age 103701
category of children who may be cared for in a child ~~day-care~~ care 103702
center, type A family ~~day-care~~ child care home, or licensed type B 103703
family ~~day-care~~ child care home at one time as determined by the 103704
director of job and family services considering building occupancy 103705
limits established by the department of commerce, amount of 103706
available indoor floor space and outdoor play space, and amount of 103707
available play equipment, materials, and supplies. 103708

(BB) "Licensed child care program" means any of the 103709
following: 103710

(1) A child ~~day-care~~ care center licensed by the department 103711
of job and family services pursuant to this chapter; 103712

(2) A type A family ~~day-care~~ child care home or type B family 103713
~~day-care~~ child care home licensed by the department of job and 103714
family services pursuant to this chapter; 103715

(3) A licensed preschool program or licensed school child 103716
program. 103717

(CC) "Licensed preschool program" or "licensed school child 103718
program" means a preschool program or school child program, as 103719
defined in section 3301.52 of the Revised Code, that is licensed 103720
by the department of education pursuant to sections 3301.52 to 103721
3301.59 of the Revised Code. 103722

(DD) "Licensed type B family ~~day-care~~ child care home" and 103723
"licensed type B home" mean a type B family ~~day-care~~ child care 103724

home for which there is a valid license issued by the director of 103725
job and family services pursuant to section 5104.03 of the Revised 103726
Code. 103727

(EE) "Licensee" means the owner of a child ~~day-care~~ care 103728
center, type A family ~~day-care~~ child care home, or type B family 103729
~~day-care~~ child care home that is licensed pursuant to this chapter 103730
and who is responsible for ensuring compliance with this chapter 103731
and rules adopted pursuant to this chapter. 103732

(FF) "Operate a child day camp" means to operate, establish, 103733
manage, conduct, or maintain a child day camp. 103734

(GG) "Owner" includes a person, as defined in section 1.59 of 103735
the Revised Code, or government entity. 103736

(HH) "Parent cooperative child ~~day-care~~ care center," "parent 103737
cooperative center," "parent cooperative type A family ~~day-care~~ 103738
child care home," and "parent cooperative type A home" mean a 103739
corporation or association organized for providing educational 103740
services to the children of members of the corporation or 103741
association, without gain to the corporation or association as an 103742
entity, in which the services of the corporation or association 103743
are provided only to children of the members of the corporation or 103744
association, ownership and control of the corporation or 103745
association rests solely with the members of the corporation or 103746
association, and at least one parent-member of the corporation or 103747
association is on the premises of the center or type A home during 103748
its hours of operation. 103749

(II) "Part-time child ~~day-care~~ care center," "part-time 103750
center," "part-time type A family ~~day-care~~ child care home," and 103751
"part-time type A home" mean a center or type A home that provides 103752
child care or publicly funded child care for not more than four 103753
hours a day for any child or not more than fifteen consecutive 103754
weeks per year, regardless of the number of hours per day. 103755

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.

(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family ~~day-care~~ child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related

to a licensee, administrator, or employee and who are on the 103817
premises of the type A home shall be counted. "Type A family 103818
~~day-care~~ child care home" and "type A home" do not include any 103819
child day camp. 103820

(VV) "Type B family ~~day-care~~ child care home" and "type B 103821
home" mean a permanent residence of the provider in which care is 103822
provided for one to six children at one time and in which no more 103823
than three children are under two years of age at one time. In 103824
counting children for the purposes of this division, any children 103825
under six years of age who are related to the provider and who are 103826
on the premises of the type B home shall be counted. "Type B 103827
family ~~day-care~~ child care home" and "type B home" do not include 103828
any child day camp. 103829

Sec. 5104.013. (A) As used in this section: 103830

(1) "Applicant" means either of the following: 103831

(a) A person who is under final consideration for appointment 103832
to or employment in a position with a licensed preschool program 103833
or licensed school child program that provides publicly funded 103834
child care, child ~~day-care~~ care center, type A family ~~day-care~~ 103835
child care home, licensed type B family ~~day-care~~ child care home, 103836
or child day camp; 103837

(b) A person who would serve in any position with a licensed 103838
preschool program or licensed school child program that provides 103839
publicly funded child care, child ~~day-care~~ care center, type A 103840
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 103841
child care home, or child day camp pursuant to a contract with 103842
another entity. 103843

(2) "Criminal records check" has the same meaning as in 103844
section 109.572 of the Revised Code. 103845

(B)(1) At the times specified in division (B)(2)(a) of this 103846

section, the director of job and family services shall request the 103847
superintendent of the bureau of criminal identification and 103848
investigation to conduct a criminal records check for each of the 103849
following persons: 103850

(a) Any owner or licensee of a child ~~day-care~~ care center; 103851

(b) Any owner or licensee of a type A family ~~day-care~~ child 103852
care home or licensed type B family ~~day-care~~ child care home and 103853
any person eighteen years of age or older who resides in the home; 103854

(c) Any owner of an approved child day camp; 103855

(d) Any director of a licensed preschool program or licensed 103856
school child program that provides publicly funded child care; 103857

(e) Any in-home aide; 103858

(f) Any applicant or employee, including an administrator, of 103859
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 103860
home, licensed type B family ~~day-care~~ child care home, approved 103861
child day camp, or licensed preschool program or licensed school 103862
child program that provides publicly funded child care. 103863

(2)(a) The director shall request a criminal records check at 103864
the following times: 103865

(i) In the case of an owner or licensee of child ~~day-care~~ 103866
care center or an owner or licensee of a type A family ~~day-care~~ 103867
child care home or licensed type B family ~~day-care~~ child care home 103868
or a resident of such a home, at the time of initial application 103869
for licensure and every five years thereafter; 103870

(ii) In the case of an owner of an approved child day camp, 103871
at the time of initial application for approval and every five 103872
years thereafter; 103873

(iii) In the case of a director of a licensed child care 103874
program or licensed school child program, at the time of initial 103875
application to provide publicly funded child care and every five 103876

years thereafter; 103877

(iv) In the case of an in-home aide, at the time of initial 103878
application for certification and every five years thereafter; 103879

(v) Except as provided in division (B)(2)(a)(vi) of this 103880
section, in the case of an applicant or employee, at the time of 103881
initial application for employment and every five years 103882
thereafter; 103883

(vi) In the case of an applicant who has been determined 103884
eligible for employment after a review of a criminal records check 103885
within the past five years and who has been employed by a licensed 103886
preschool program or licensed school child program that provides 103887
publicly funded child care, child ~~day-care~~ care center, type A 103888
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 103889
child care home, or approved child day camp within the past one 103890
hundred eighty consecutive days, every five years after the date 103891
of the initial determination. 103892

(b) A criminal records check requested at the time of initial 103893
application shall include a request that the superintendent of the 103894
bureau of criminal identification and investigation obtain 103895
information from the federal bureau of investigation as part of 103896
the criminal records check for the person, including 103897
fingerprint-based checks of national crime information databases 103898
as described in 42 U.S.C. 671 for the person subject to the 103899
criminal records check. 103900

(c) A criminal records check requested at any time other than 103901
the time of initial application may include a request that the 103902
superintendent of the bureau of criminal identification and 103903
investigation obtain information from the federal bureau of 103904
investigation as part of the criminal records check for the 103905
person, including fingerprint-based checks of national crime 103906
information databases as described in 42 U.S.C. 671 for the person 103907

subject to the criminal records check. 103908

(3) With respect to a criminal records check requested for a 103909
person described in division (B)(1) of this section, the director 103910
of job and family services shall do all of the following: 103911

(a) Provide to the person a copy of the form prescribed 103912
pursuant to division (C)(1) of section 109.572 of the Revised Code 103913
and a standard impression sheet to obtain fingerprint impressions 103914
prescribed pursuant to division (C)(2) of that section; 103915

(b) Obtain the completed form and impression sheet from the 103916
person; 103917

(c) Forward the completed form and impression sheet to the 103918
superintendent of the bureau of criminal identification and 103919
investigation; 103920

(d) Review the results of the criminal records check. 103921

(4) A person who receives from the director a copy of the 103922
form and standard impression sheet and who is requested to 103923
complete the form and provide a set of fingerprint impressions 103924
shall complete the form or provide all of the information 103925
necessary to complete the form and shall provide the impression 103926
sheet with the impressions of the person's fingerprints. If the 103927
person, upon request, fails to provide the information necessary 103928
to complete the form or fails to provide impressions of the 103929
person's fingerprints, the director or a county director of job 103930
and family services may consider the failure a reason to deny 103931
licensure, approval, or certification or to determine an employee 103932
ineligible for employment. 103933

(5) Except as provided in rules adopted under division (F) of 103934
this section: 103935

(a) The director of job and family services shall refuse to 103936
issue a license to or approve a center, type A home, type B home, 103937

child day camp, preschool program, or school child program, and 103938
shall revoke a license or approval, and a county director of job 103939
and family services shall not certify an in-home aide and shall 103940
revoke a certification, if a person for whom a criminal records 103941
check was required under division (B)(1)(a) to (B)(1)(e) of this 103942
section has been convicted of or pleaded guilty to any of the 103943
violations described in division (A)(5) of section 109.572 of the 103944
Revised Code. 103945

(b) The director of job and family services shall not issue a 103946
license to a type A home or type B home if a resident of the type 103947
A home or type B home is under eighteen years of age and has been 103948
adjudicated a delinquent child for committing either a violation 103949
of any section listed in division (A)(5) of section 109.572 of the 103950
Revised Code or an offense of another state or the United States 103951
that is substantially equivalent to an offense listed in division 103952
(A)(5) of section 109.572 of the Revised Code. 103953

(c) The director shall determine an applicant or employee 103954
ineligible for employment if the person has been convicted of or 103955
pleaded guilty to any of the violations described in division 103956
(A)(5) of section 109.572 of the Revised Code. 103957

(6) Each child ~~day-care~~ care center, type A home, type B 103958
home, approved child day camp, licensed child care program, 103959
licensed school child program, and in-home aide shall pay to the 103960
bureau of criminal identification and investigation the fee 103961
prescribed pursuant to division (C)(3) of section 109.572 of the 103962
Revised Code for each criminal records check conducted in 103963
accordance with that section upon a request made pursuant to 103964
division (B) of this section. 103965

A center, home, camp, preschool program, or school child 103966
program may charge an applicant a fee for the costs it incurs in 103967
obtaining a criminal records check under this section. A fee 103968
charged under this division shall not exceed the amount the 103969

center, home, camp, or program pays under this section. If a fee 103970
is charged, the center, home, camp, or program shall notify the 103971
applicant at the time of the applicant's initial application for 103972
employment of the amount of the fee and that, unless the fee is 103973
paid, the center, home, camp, or program will not consider the 103974
applicant for employment. 103975

(7) The report of any criminal records check conducted by the 103976
bureau of criminal identification and investigation in accordance 103977
with section 109.572 of the Revised Code and pursuant to a request 103978
made under division (B) of this section is confidential and not a 103979
public record for the purposes of section 149.43 of the Revised 103980
Code. The report shall not be made available to any person other 103981
than the person who is the subject of the criminal records check 103982
or the person's representative, the director of job and family 103983
services, the director of a county department of job and family 103984
services, and any court, hearing officer, or other necessary 103985
individual involved in a case dealing with a denial or revocation 103986
of licensure, approval, or certification related to the criminal 103987
records check. 103988

(C)(1) At the times specified in division (C)(2) of this 103989
section, the director of job and family services shall search the 103990
uniform statewide automated child welfare information system for 103991
information concerning any abuse or neglect report made pursuant 103992
to section 2151.421 of the Revised Code of which any of the 103993
following persons is a subject: 103994

(a) Any owner or licensee of a child ~~day-care~~ care center; 103995

(b) Any owner or licensee of a type A family ~~day-care~~ child
care home or licensed type B family ~~day-care~~ child care home and 103997
any person eighteen years of age or older who resides in the home; 103998

(c) Any owner of an approved child day camp; 103999

(d) Any director of a licensed preschool program or licensed 104000

school child program that provides publicly funded child care; 104001

(e) Any in-home aide; 104002

(f) Any applicant or employee, including an administrator, of 104003
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 104004
home, licensed type B family ~~day-care~~ child care home, approved 104005
child day camp, or licensed preschool program or licensed school 104006
child program that provides publicly funded child care. 104007

(2) The director shall search the information system at the 104008
following times: 104009

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 104010
care center or an owner or licensee of a type A family ~~day-care~~ 104011
child care home or licensed type B family ~~day-care~~ child care home 104012
or a resident of such a home, at the time of initial application 104013
for licensure and every five years thereafter; 104014

~~(ii)~~(b) In the case of an owner of an approved child day 104015
camp, at the time of initial application for approval and every 104016
five years thereafter; 104017

~~(iii)~~(c) In the case of a director of a licensed child care 104018
program or licensed school child program, at the time of initial 104019
application to provide publicly funded child care and every five 104020
years thereafter; 104021

~~(iv)~~(d) In the case of an in-home aide, at the time of 104022
initial application for certification and every five years 104023
thereafter; 104024

~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)(C)(2)(f) 104025
of this section, in the case of an applicant or employee, at the 104026
time of initial application for employment and every five years 104027
thereafter; 104028

~~(vi)~~(f) In the case of an applicant who has been determined 104029
eligible for employment after a search of the uniform statewide 104030

automated child welfare information system within the past five 104031
years and who has been employed by a licensed preschool program or 104032
licensed school child program that provides publicly funded child 104033
care, child ~~day-care~~ care center, type A family ~~day-care~~ child 104034
care home, licensed type B family ~~day-care~~ child care home, or 104035
approved child day camp within the past one hundred eighty 104036
consecutive days, every five years after the date of the initial 104037
determination. 104038

(3) The director shall consider any information discovered 104039
pursuant to division (C)(1) of this section or that is provided by 104040
a public children services agency pursuant to section 5153.175 of 104041
the Revised Code. If the director determines that the information, 104042
when viewed within the totality of the circumstances, reasonably 104043
leads to the conclusion that the person may directly or indirectly 104044
endanger the health, safety, or welfare of children, the director 104045
or county director of job and family services shall do any of the 104046
following: 104047

(a) Refuse to issue a license to or approve a center, type A 104048
home, type B home, child day camp, preschool program, or school 104049
child program; 104050

(b) Revoke a license or approval; 104051

(c) Refuse to certify an in-home aide or revoke a 104052
certification; 104053

(d) Determine an applicant or employee ineligible for 104054
employment with the center, type A home, licensed type B home, 104055
child day camp, preschool program, or school child program. 104056

(4) Any information obtained under division (C) of this 104057
section is confidential and not a public record for the purposes 104058
of section 149.43 of the Revised Code. The information shall not 104059
be made available to any person other than the person who is the 104060
subject of the search or the person's representative, the director 104061

of job and family services, the director of a county department of 104062
job and family services, and any court, hearing officer, or other 104063
necessary individual involved in a case dealing with a denial or 104064
revocation of licensure, approval, or certification related to the 104065
search. 104066

(D)(1) At the times specified in division (D)(2) of this 104067
section, the director of job and family services shall inspect the 104068
state registry of sex offenders and child-victim offenders 104069
established under section 2950.13 of the Revised Code and the 104070
national sex offender registry as described in 42 U.S.C. 16901 to 104071
determine if any of the following persons is registered or 104072
required to be registered as an offender: 104073

(a) Any owner or licensee of a child ~~day-care~~ care center; 104074

(b) Any owner or licensee of a type A family ~~day-care~~ child 104075
care home or licensed type B family ~~day-care~~ child care home and 104076
any person eighteen years of age or older who resides in the home; 104077

(c) Any owner of an approved child day camp; 104078

(d) Any director of a licensed preschool program or licensed 104079
school child program that provides publicly funded child care; 104080

(e) Any in-home aide; 104081

(f) Any applicant or employee, including an administrator, of 104082
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 104083
home, licensed type B family ~~day-care~~ child care home, approved 104084
child day camp, or licensed preschool program or licensed school 104085
child program that provides publicly funded child care. 104086

(2) The director shall inspect each registry at the following 104087
times: 104088

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 104089
care center or an owner or licensee of a type A family ~~day-care~~ 104090
child care home or type B family ~~day-care~~ child care home or a 104091

resident of such a home, at the time of initial application for licensure and every five years thereafter; 104092
104093

~~(ii)~~(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 104094
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104096

~~(iii)~~(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 104097
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~~(iv)~~(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 104100
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~~(v)~~(e) Except as provided in division ~~(D)(2)(a)~~~~(vi)~~(D)(2)(f) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 104103
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~~(vi)~~(f) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 104107
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(3) If the director determines that the person is registered or required to be registered on either registry, the director or county director of job and family services shall do any of the following: 104119
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(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 104123
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(b) Revoke a license or approval; 104126

(c) Refuse to certify an in-home aide or revoke a certification; 104127
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(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 104129
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(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 104132
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-center~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 104142
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child care home, or approved child day camp shall not employ a 104154
person who is determined under this section to be ineligible for 104155
employment. 104156

(F)(1) An administrator of a child day camp, other than an 104157
approved child day camp shall request the superintendent of the 104158
bureau of criminal identification and investigation to conduct a 104159
criminal records check for any applicant or employee, including an 104160
administrator, of the child day camp. The request shall be made at 104161
the time of initial application for employment and every five 104162
years thereafter. 104163

(2) A criminal records check requested at the time of initial 104164
application shall include a request that the superintendent of the 104165
bureau of criminal identification and investigation obtain 104166
information from the federal bureau of investigation as part of 104167
the criminal records check for the person, including 104168
fingerprint-based checks of national crime information databases 104169
as described in 42 U.S.C. 671 for the person subject to the 104170
criminal records check. 104171

(3) A criminal records check requested at any time other than 104172
the time of initial application may include a request that the 104173
superintendent of the bureau of criminal identification and 104174
investigation obtain information from the federal bureau of 104175
investigation as part of the criminal records check for the 104176
person, including fingerprint-based checks of national crime 104177
information databases as described in 42 U.S.C. 671 for the person 104178
subject to the criminal records check. 104179

(4) With respect to a criminal records check requested under 104180
division (F) of this section, the administrator shall do all of 104181
the following: 104182

(a) Provide to the applicant or employee a copy of the form 104183
prescribed pursuant to division (C)(1) of section 109.572 of the 104184

Revised Code and a standard impression sheet to obtain fingerprint 104185
impressions prescribed pursuant to division (C)(2) of that 104186
section; 104187

(b) Obtain the completed form and impression sheet from the 104188
applicant or employee; 104189

(c) Forward the completed form and impression sheet to the 104190
superintendent of the bureau of criminal identification and 104191
investigation; 104192

(d) Review the results of the criminal records check. 104193

(5) An applicant or employee who receives from the 104194
administrator a copy of the form and standard impression sheet and 104195
who is requested to complete the form and provide a set of 104196
fingerprint impressions shall complete the form or provide all of 104197
the information necessary to complete the form and shall provide 104198
the impression sheet with the impressions of the person's 104199
fingerprints. If the applicant or employee, upon request, fails to 104200
provide the information necessary to complete the form or fails to 104201
provide impressions of the person's fingerprints, the 104202
administrator may consider the failure a reason to determine an 104203
applicant or employee ineligible for employment. 104204

(6) A child day camp, other than an approved child day camp, 104205
may employ an applicant or continue to employ an employee until 104206
the criminal records check required by this section is completed 104207
and the camp receives the results of the check. Until the 104208
administrator has reviewed the results of the criminal records 104209
check and determines that the applicant or employee is eligible 104210
for employment, the camp shall not grant the applicant or employee 104211
sole responsibility for the care, custody, or control of a child. 104212
If the results indicate that the applicant or employee is 104213
ineligible for employment, the camp shall immediately release the 104214
applicant or employee from employment. 104215

(7) Except as provided in rules adopted under this section, 104216
the administrator shall determine an applicant or employee 104217
ineligible for employment if the person has been convicted of or 104218
pleaded guilty to any of the violations described in division 104219
(A)(5) of section 109.572 of the Revised Code. If the applicant or 104220
employee is determined ineligible, the child day camp shall not 104221
employ the applicant or employee or contract with another entity 104222
for the services of the applicant or employee. 104223

(8) Each child day camp shall pay to the bureau of criminal 104224
identification and investigation the fee prescribed pursuant to 104225
division (C)(3) of section 109.572 of the Revised Code for each 104226
criminal records check conducted in accordance with that section 104227
upon a request made pursuant to division (F) of this section. A 104228
camp may charge an applicant or employee a fee for the costs it 104229
incurs in obtaining a criminal records check under division (F) of 104230
this section. A fee charged under this division shall not exceed 104231
the fees the camp pays under this section. If a fee is charged, 104232
the camp shall notify the applicant at the time of the applicant's 104233
initial application for employment of the amount of the fee and 104234
that, unless the fee is paid, the camp will not consider the 104235
applicant for employment. 104236

(9) The report of any criminal records check conducted by the 104237
bureau of criminal identification and investigation in accordance 104238
with section 109.572 of the Revised Code and pursuant to a request 104239
made under division (F) of this section is confidential and not a 104240
public record for the purposes of section 149.43 of the Revised 104241
Code. The report shall not be made available to any person other 104242
than the person who is the subject of the criminal records check 104243
or the person's representative, the director of job and family 104244
services, the administrator, and any court, hearing officer, or 104245
other necessary individual involved in a case dealing with a 104246
denial or revocation of registration related to the criminal 104247

records check. 104248

(G) The director of job and family services shall adopt rules 104249
as necessary to implement this section. The rules shall be adopted 104250
in accordance with Chapter 119. of the Revised Code. The rules 104251
shall specify exceptions to the prohibitions in ~~division~~ divisions 104252
(B), (E), and (F) of this section for a person who has been 104253
convicted of or pleaded guilty to a criminal offense listed in 104254
division (A)(5) of section 109.572 of the Revised Code but who 104255
meets standards in regard to rehabilitation set by the director. 104256

(H)(1) Whenever the director of job and family services 104257
requests a criminal records check, searches the uniform statewide 104258
automated child welfare information system, or inspects the state 104259
registry of sex offenders and child-victim offenders and national 104260
sex offender registry as required by this section and finds that a 104261
person who is subject to the requirements of division (B), (C), or 104262
(D) of this section resided in another state during the previous 104263
five years, the director shall request the following from the 104264
other state: a criminal records check and information from the 104265
uniform statewide automated child welfare information system or 104266
state registry of sex offenders. 104267

(2) Whenever the director receives from an agency of another 104268
state a request for a criminal records check or for information 104269
from the uniform statewide automated child welfare information 104270
system or state registry of sex offenders that is related to a 104271
child care license or the provision of publicly funded child care, 104272
the director shall provide to that other state's agency the 104273
results of the records check and information from the system and 104274
registry. 104275

Sec. 5104.014. (A) As used in this section: 104276

(1) "Child" includes both of the following: 104277

(a) An infant, toddler, or preschool age child;	104278
(b) A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, or licensed type B family day-care <u>child care</u> home or receives child care from a certified in-home aide.	104279 104280 104281 104282 104283
(2) "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health.	104284 104285 104286 104287
(B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, or licensed type B family day-care <u>child care</u> home and every thirteen months thereafter while enrolled in the center or home and not later than thirty days after beginning to receive child care from a certified in-home aide and every thirteen months thereafter while continuing to receive child care from the aide, each child's caretaker parent shall provide to the center, home, or in-home aide a medical statement, as described in division (D) of this section, indicating that the child has been immunized against or is in the process of being immunized against all of the following diseases:	104288 104289 104290 104291 104292 104293 104294 104295 104296 104297 104298 104299
(1) Chicken pox;	104300
(2) Diphtheria;	104301
(3) Haemophilus influenzae type b;	104302
(4) Hepatitis A;	104303
(5) Hepatitis B;	104304
(6) Influenza;	104305
(7) Measles;	104306
(8) Mumps;	104307

(9) Pertussis;	104308
(10) Pneumococcal disease;	104309
(11) Poliomyelitis;	104310
(12) Rotavirus;	104311
(13) Rubella;	104312
(14) Tetanus.	104313
(C)(1) A child is not required to be immunized against a	104314
disease specified in division (B) of this section if any of the	104315
following is the case:	104316
(a) Immunization against the disease is medically	104317
contraindicated for the child;	104318
(b) The child's parent or guardian has declined to have the	104319
child immunized against the disease for reasons of conscience,	104320
including religious convictions;	104321
(c) Immunization against the disease is not medically	104322
appropriate for the child's age.	104323
(2) In the case of influenza, a child is not required to be	104324
immunized against the disease if the seasonal vaccine is not	104325
available.	104326
(D)(1) The medical statement shall include all of the	104327
following information:	104328
(a) The dates that a child received immunizations against	104329
each of the diseases specified in division (B) of this section;	104330
(b) Whether a child is subject to any of the exceptions	104331
specified in division (C) of this section.	104332
(2) The medical statement shall include a component where a	104333
parent or guardian may indicate that the parent or guardian has	104334
declined to have the child immunized.	104335

Sec. 5104.015. The director of job and family services shall 104336
adopt rules in accordance with Chapter 119. of the Revised Code 104337
governing the operation of child ~~day-care~~ care centers, including 104338
parent cooperative centers, part-time centers, and drop-in 104339
centers. The rules shall reflect the various forms of child care 104340
and the needs of children receiving child care or publicly funded 104341
child care and shall include specific rules for school-age child 104342
care centers that are developed in consultation with the 104343
department of education. The rules shall include the following: 104344

(A) Submission of a site plan and descriptive plan of 104345
operation to demonstrate how the center proposes to meet the 104346
requirements of this chapter and rules adopted pursuant to this 104347
chapter for the initial license application; 104348

(B) Standards for ensuring that the physical surroundings of 104349
the center are safe and sanitary including the physical 104350
environment, the physical plant, and the equipment of the center; 104351

(C) Standards for the supervision, care, and discipline of 104352
children receiving child care or publicly funded child care in the 104353
center; 104354

(D) Standards for a program of activities, and for play 104355
equipment, materials, and supplies, to enhance the development of 104356
each child; however, any educational curricula, philosophies, and 104357
methodologies that are developmentally appropriate and that 104358
enhance the social, emotional, intellectual, and physical 104359
development of each child shall be permissible. As used in this 104360
division, "program" does not include instruction in religious or 104361
moral doctrines, beliefs, or values that is conducted at child 104362
~~day-care~~ care centers owned and operated by churches and does 104363
include methods of disciplining children at child ~~day-care~~ care 104364
centers. 104365

(E) Admissions policies and procedures; 104366

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	104367 104368
(G) First aid and emergency procedures;	104369
(H) Procedures for discipline and supervision of children;	104370
(I) Standards for the provision of nutritious meals and snacks;	104371 104372
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	104373 104374 104375
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	104376 104377
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	104378 104379 104380 104381
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	104382 104383 104384
(N) Procedures for record keeping, organization, and administration;	104385 104386
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	104387 104388 104389
(P) Inspection procedures;	104390
(Q) Procedures and standards for setting initial license application fees;	104391 104392
(R) Procedures for receiving, recording, and responding to complaints about centers;	104393 104394
(S) Procedures for enforcing section 5104.04 of the Revised	104395

Code;	104396
(T) Minimum qualifications for employment as an administrator or child-care <u>child care</u> staff member;	104397 104398
(U) Requirements for the training of administrators and child-care <u>child care</u> staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	104399 104400 104401 104402
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	104403 104404 104405 104406
(W) A procedure for reporting of injuries of children that occur at the center;	104407 104408
(X) Standards for licensing child day-care <u>care</u> centers for children with short-term illnesses and other temporary medical conditions;	104409 104410 104411
(Y) Minimum requirements for instructional time for child day-care <u>care</u> centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	104412 104413 104414
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care <u>care</u> centers.	104415 104416 104417
Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care <u>care</u> centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code or the maximum number of	104418 104419 104420 104421 104422 104423 104424 104425

children per ~~child-care~~ care staff member and maximum group size 104426
requirements of section 5104.033 of the Revised Code. However, the 104427
rules shall provide procedures for determining compliance with 104428
those requirements. 104429

Sec. 5104.017. The director of job and family services shall 104430
adopt rules pursuant to Chapter 119. of the Revised Code governing 104431
the operation of type A family ~~day-care~~ care homes, including 104432
parent cooperative type A homes, part-time type A homes, and 104433
drop-in type A homes. The rules shall reflect the various forms of 104434
child care and the needs of children receiving child care. The 104435
rules shall include the following: 104436

(A) Submission of a site plan and descriptive plan of 104437
operation to demonstrate how the type A home proposes to meet the 104438
requirements of this chapter and rules adopted pursuant to this 104439
chapter for the initial license application; 104440

(B) Standards for ensuring that the physical surroundings of 104441
the type A home are safe and sanitary, including the physical 104442
environment, the physical plant, and the equipment of the type A 104443
home; 104444

(C) Standards for the supervision, care, and discipline of 104445
children receiving child care or publicly funded child care in the 104446
type A home; 104447

(D) Standards for a program of activities, and for play 104448
equipment, materials, and supplies, to enhance the development of 104449
each child; however, any educational curricula, philosophies, and 104450
methodologies that are developmentally appropriate and that 104451
enhance the social, emotional, intellectual, and physical 104452
development of each child shall be permissible; 104453

(E) Admissions policies and procedures; 104454

(F) Health care policies and procedures, including procedures 104455

for the isolation of children with communicable diseases;	104456
(G) First aid and emergency procedures;	104457
(H) Procedures for discipline and supervision of children;	104458
(I) Standards for the provision of nutritious meals and snacks;	104459 104460
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	104461 104462 104463
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	104464 104465
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	104466 104467 104468 104469
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	104470 104471 104472
(N) Procedures for record keeping, organization, and administration;	104473 104474
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	104475 104476 104477
(P) Inspection procedures;	104478
(Q) Procedures and standards for setting initial license application fees;	104479 104480
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	104481 104482
(S) Procedures for enforcing section 5104.04 of the Revised Code;	104483 104484

(T) A standard requiring the inclusion of a current	104485
department of job and family services toll-free telephone number	104486
on each type A home license that any person may use to report a	104487
suspected violation by the type A home of this chapter or rules	104488
adopted pursuant to this chapter;	104489
(U) Requirements for the training of administrators and	104490
child-care <u>child care</u> staff members in first aid, in prevention,	104491
recognition, and management of communicable diseases, and in child	104492
abuse recognition and prevention;	104493
(V) Standards providing for the special needs of children who	104494
are handicapped or who require treatment for health conditions	104495
while the child is receiving child care or publicly funded child	104496
care in the type A home;	104497
(W) Standards for the maximum number of children per	104498
child-care <u>child care</u> staff member;	104499
(X) Requirements for the amount of usable indoor floor space	104500
for each child;	104501
(Y) Requirements for safe outdoor play space;	104502
(Z) Qualifications and training requirements for	104503
administrators and for child-care <u>child care</u> staff members;	104504
(AA) Procedures for granting a parent who is the residential	104505
parent and legal custodian, or a custodian or guardian access to	104506
the type A home during its hours of operation;	104507
(BB) Minimum requirements for instructional time for type A	104508
homes rated through the step up to quality program established	104509
pursuant to section 5104.29 of the Revised Code;	104510
(CC) Any other procedures and standards necessary to carry	104511
out the provisions of this chapter regarding type A homes.	104512
Sec. 5104.018. The director of job and family services shall	104513

adopt rules in accordance with Chapter 119. of the Revised Code 104514
governing the licensure of type B family ~~day-care~~ child care 104515
homes. The rules shall provide for safeguarding the health, 104516
safety, and welfare of children receiving child care or publicly 104517
funded child care in a licensed type B family ~~day-care~~ child care 104518
home and shall include all of the following: 104519

(A) Requirements for the type B home to notify parents with 104520
children in the type B home that the type B home is certified as a 104521
foster home under section 5103.03 of the Revised Code; 104522

(B) Standards for ensuring that the type B home and the 104523
physical surroundings of the type B home are safe and sanitary, 104524
including physical environment, physical plant, and equipment; 104525

(C) Standards for the supervision, care, and discipline of 104526
children receiving child care or publicly funded child care in the 104527
home; 104528

(D) Standards for a program of activities, and for play 104529
equipment, materials, and supplies to enhance the development of 104530
each child; however, any educational curricula, philosophies, and 104531
methodologies that are developmentally appropriate and that 104532
enhance the social, emotional, intellectual, and physical 104533
development of each child shall be permissible; 104534

(E) Admission policies and procedures; 104535

(F) Health care, first aid and emergency procedures; 104536

(G) Procedures for the care of sick children; 104537

(H) Procedures for discipline and supervision of children; 104538

(I) Nutritional standards; 104539

(J) Procedures for screening children, including any 104540
necessary physical examinations and the immunizations required 104541
pursuant to section 5104.014 of the Revised Code; 104542

(K) Procedures for screening administrators and employees,	104543
including any necessary physical examinations and immunizations;	104544
(L) Methods of encouraging parental participation and	104545
ensuring that the rights of children, parents, and administrators	104546
are protected and the responsibilities of parents and	104547
administrators are met;	104548
(M) Standards for the safe transport of children when under	104549
the care of administrators;	104550
(N) Procedures for issuing, denying, or revoking licenses;	104551
(O) Procedures for the inspection of type B homes that	104552
require, at a minimum, that each type B home be inspected prior to	104553
licensure to ensure that the home is safe and sanitary;	104554
(P) Procedures for record keeping and evaluation;	104555
(Q) Procedures for receiving, recording, and responding to	104556
complaints;	104557
(R) Standards providing for the special needs of children who	104558
are handicapped or who receive treatment for health conditions	104559
while the child is receiving child care or publicly funded child	104560
care in the type B home;	104561
(S) Requirements for the amount of usable indoor floor space	104562
for each child;	104563
(T) Requirements for safe outdoor play space;	104564
(U) Qualification and training requirements for	104565
administrators;	104566
(V) Procedures for granting a parent who is the residential	104567
parent and legal custodian, or a custodian or guardian access to	104568
the type B home during its hours of operation;	104569
(W) Requirements for the type B home to notify parents with	104570
children in the type B home that the type B home is certified as a	104571

foster home under section 5103.03 of the Revised Code; 104572

(X) Minimum requirements for instructional time for type B 104573
homes rated through the step up to quality program established 104574
pursuant to section 5104.29 of the Revised Code; 104575

(Y) Any other procedures and standards necessary to carry out 104576
the provisions of this chapter regarding licensure of type B 104577
homes. 104578

Sec. 5104.0111. (A) The director of job and family services 104579
shall do all of the following: 104580

(1) Provide or make available in either paper or electronic 104581
form to each licensee notice of proposed rules governing the 104582
licensure of child ~~day-care~~ care centers, type A homes, and type B 104583
homes; 104584

(2) Give public notice of hearings regarding the proposed 104585
rules at least thirty days prior to the date of the public 104586
hearing, in accordance with section 119.03 of the Revised Code; 104587

(3) At least thirty days before the effective date of a rule, 104588
provide, in either paper or electronic form, a copy of the adopted 104589
rule to each licensee; 104590

(4) Send to each county director of job and family services a 104591
notice of proposed rules governing the certification of in-home 104592
aides that includes an internet web site address where the 104593
proposed rules can be viewed; 104594

(5) Provide to each county director of job and family 104595
services an electronic copy of each adopted rule at least 104596
forty-five days prior to the rule's effective date; 104597

(6) Review all rules adopted pursuant to this chapter at 104598
least once every seven years. 104599

(B) The county director of job and family services shall 104600

provide or make available in either paper or electronic form to 104601
each in-home aide copies of proposed rules and shall give public 104602
notice of hearings regarding the rules to each in-home aide at 104603
least thirty days prior to the date of the public hearing, in 104604
accordance with section 119.03 of the Revised Code. At least 104605
thirty days before the effective date of a rule, the county 104606
director of job and family services shall provide, in either paper 104607
or electronic form, copies of the adopted rule to each in-home 104608
aide. 104609

(C) Additional copies of proposed and adopted rules shall be 104610
made available by the director of job and family services to the 104611
public on request at no charge. 104612

(D) The director of job and family services may adopt rules 104613
in accordance with Chapter 119. of the Revised Code for imposing 104614
sanctions on persons and entities that are licensed or certified 104615
under this chapter. Sanctions may be imposed only for an action or 104616
omission that constitutes a serious risk noncompliance. The 104617
sanctions imposed shall be based on the scope and severity of the 104618
violations. 104619

The director shall make a dispute resolution process 104620
available for the implementation of sanctions. The process may 104621
include an opportunity for appeal pursuant to Chapter 119. of the 104622
Revised Code. 104623

(E) The director of job and family services shall adopt rules 104624
in accordance with Chapter 119. of the Revised Code that establish 104625
standards for the training of individuals who inspect or 104626
investigate type B family ~~day-care~~ child care homes pursuant to 104627
section 5104.03 of the Revised Code. The department shall provide 104628
training in accordance with those standards for individuals in the 104629
categories described in this division. 104630

Sec. 5104.02. (A) The director of job and family services is 104631

responsible for licensing child ~~day-care~~ care centers, type A 104632
family ~~day-care~~ child care homes, and type B family ~~day-care~~ child 104633
care homes. Each entity operating a head start program shall meet 104634
the criteria for, and be licensed as, a child ~~day-care~~ care 104635
center. The director is responsible for the enforcement of this 104636
chapter and of rules promulgated pursuant to this chapter. 104637

No person, firm, organization, institution, or agency shall 104638
operate, establish, manage, conduct, or maintain a child ~~day-care~~ 104639
care center or type A family ~~day-care~~ child care home without a 104640
license issued under section 5104.03 of the Revised Code. The 104641
current license shall be posted in the center or home in a 104642
conspicuous place that is accessible to parents, custodians, or 104643
guardians and employees of the center or home at all times when 104644
the center or home is in operation. 104645

(B) A person, firm, institution, organization, or agency 104646
operating any of the following programs is exempt from the 104647
requirements of this chapter: 104648

(1) A program caring for children that operates for two 104649
consecutive weeks or less and not more than six weeks total in 104650
each calendar year; 104651

(2) Caring for children in places of worship during religious 104652
activities while at least one parent, guardian, or custodian of 104653
each child is participating in such activities and is readily 104654
available; 104655

(3) Supervised training, instruction, or activities of 104656
children in specific areas, including, but not limited to: art; 104657
drama; dance; music; athletic skills or sports; computers; or an 104658
educational subject conducted on an organized or periodic basis 104659
that a child does not attend for more than eight total hours per 104660
week; 104661

(4) Programs in which the director determines that at least 104662

one parent, custodian, or guardian of each child who is not an 104663
employee of the facility engaged in employment duties is on the 104664
premises of the facility that offers care and is readily 104665
accessible at all times; 104666

(5) Programs that provide care and are regulated by state 104667
departments other than the department of job and family services 104668
or the state board of education. 104669

(6) Any preschool program or school child program, except a 104670
head start program, that is subject to licensure by the department 104671
of education under sections 3301.52 to 3301.59 of the Revised 104672
Code. 104673

(7) Any program providing care that meets all of the 104674
following requirements and, on October 20, 1987, was being 104675
operated by a nonpublic school that holds a charter issued by the 104676
state board of education for kindergarten only: 104677

(a) The nonpublic school has given the notice to the state 104678
board and the director of job and family services required by 104679
Section 4 of Substitute House Bill No. 253 of the 117th general 104680
assembly; 104681

(b) The nonpublic school continues to be chartered by the 104682
state board for kindergarten, or receives and continues to hold a 104683
charter from the state board for kindergarten through grade five; 104684

(c) The program is conducted in a school building; 104685

(d) The program is operated in accordance with rules 104686
promulgated by the state board under section 3301.53 of the 104687
Revised Code. 104688

(8) A youth development program operated outside of school 104689
hours to which all of the following apply: 104690

(a) The children enrolled in the program are under nineteen 104691
years of age and enrolled in or eligible to be enrolled in a grade 104692

of kindergarten or above. 104693

(b) The program provides informal care, which is care that 104694
does not require parental signature, permission, or notice for the 104695
child receiving the care to enter or leave the program. 104696

(c) The program provides any of the following supervised 104697
activities: educational, recreational, culturally enriching, 104698
social, and personal development activities. 104699

(d) The entity operating the program is exempt from federal 104700
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 104701

(9) A preschool program operated by a nonchartered, 104702
nontax-supported school if the preschool program meets all of the 104703
following conditions: 104704

(a) The program complies with state and local health, fire, 104705
and safety laws. 104706

(b) The program annually certifies in a report to the parents 104707
of its pupils that the school is in compliance with division 104708
(B)(9)(a) of this section and files a copy of the report with the 104709
department of job and family services on or before the thirtieth 104710
day of September of each year. 104711

(c) The program complies with all applicable reporting 104712
requirements in the same manner as required by the state board of 104713
education for nonchartered, nonpublic primary and secondary 104714
schools. 104715

(d) The program is associated with a nonchartered, 104716
nontax-supported primary or secondary school. 104717

(10) A program that provides activities for children who are 104718
five years of age or older and is operated by a county, township, 104719
municipal corporation, township park district created under 104720
section 511.18 of the Revised Code, park district created under 104721
section 1545.04 of the Revised Code, or joint recreation district 104722

established under section 755.14 of the Revised Code. 104723

Sec. 5104.021. The director of job and family services may 104724
issue a child ~~day-care~~ care center or type A family ~~day-care~~ child 104725
care home license to a youth development program that is exempted 104726
by division (B)(8) of section 5104.02 of the Revised Code from the 104727
requirements of this chapter if the youth development program 104728
applies for and meets all of the requirements for the license. 104729

Sec. 5104.022. In no case shall the director of job and 104730
family services issue a license to operate a type A family 104731
~~day-care~~ child care home if the type A home is certified as a 104732
foster home or specialized foster home pursuant to Chapter 5103. 104733
of the Revised Code. In no case shall the director issue a license 104734
to operate a type B family ~~day-care~~ child care home if the type B 104735
home is certified as a specialized foster home pursuant to Chapter 104736
5103. of the Revised Code. 104737

Sec. 5104.03. (A) As used in this section, "owner" has the 104738
same meaning as in section 5104.01 of the Revised Code, except 104739
that "owner" also includes a firm, organization, institution, or 104740
agency, as well as any individual governing board members, 104741
partners, or authorized representatives of the owner. 104742

(B) Any person, firm, organization, institution, or agency 104743
seeking to establish a child ~~day-care~~ care center, type A family 104744
~~day-care~~ child care home, or licensed type B family ~~day-care~~ child 104745
care home shall apply for a license to the director of job and 104746
family services on such form as the director prescribes. The 104747
director shall provide at no charge to each applicant for 104748
licensure a copy of the child care license requirements in this 104749
chapter and a copy of the rules adopted pursuant to this chapter. 104750
The copies may be provided in paper or electronic form. 104751

Fees shall be set by the director pursuant to sections 104752

5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 104753
paid at the time of application for a license to operate a center, 104754
type A home, or type B home. Fees collected under this section 104755
shall be paid into the state treasury to the credit of the general 104756
revenue fund. 104757

(C)(1) Upon filing of the application for a license, the 104758
director shall investigate and inspect the center, type A home, or 104759
type B home to determine the license capacity for each age 104760
category of children of the center, type A home, or type B home 104761
and to determine whether the center, type A home, or type B home 104762
complies with this chapter and rules adopted pursuant to this 104763
chapter. When, after investigation and inspection, the director is 104764
satisfied that this chapter and rules adopted pursuant to it are 104765
complied with, subject to division (G) of this section, a license 104766
shall be issued as soon as practicable in such form and manner as 104767
prescribed by the director. The license shall be designated as 104768
provisional and shall be valid for at least twelve months from the 104769
date of issuance and until the continuous license is issued or 104770
until the provisional license is revoked or suspended pursuant to 104771
section 5104.042 of the Revised Code. 104772

(2) The director may contract with a government entity or a 104773
private nonprofit entity for the entity to inspect type A or type 104774
B family ~~day-care~~ child care homes pursuant to this section. If 104775
the director contracts with a government entity or private 104776
nonprofit entity for that purpose, the entity may contract with 104777
another government entity or private nonprofit entity for the 104778
other entity to inspect type A or type B homes pursuant to this 104779
section. The director, government entity, or private nonprofit 104780
entity shall conduct an inspection prior to the issuance of a 104781
license for a type A or type B home and, as part of that 104782
inspection, ensure that the home is safe and sanitary. 104783

(D) The director shall investigate and inspect the center, 104784

type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (G) of this section, the director shall issue a continuous license to the center or home.

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity specified on the license is the maximum number of children in each age category that may be cared for in the center, type A home, or licensed type B home at one time.

A center or home licensee shall notify the director in writing when the administrator, address, or license capacity of the center or home changes. The director shall amend the current license to reflect a change in any of the following:

(1) An administrator, if the administrator meets the requirements of this chapter and rules adopted pursuant to this chapter;

(2) Address, if the new address meets the requirements of this chapter and rules adopted pursuant to this chapter;

(3) License capacity for any age category of children as determined by the director of job and family services.

(F) If the director revokes the license of a center, a type A home, or a type B home, the director shall not issue another license to the owner of the center, type A home, or type B home until five years have elapsed from the date the license is revoked.

If the director denies an application for a license, the director shall not consider another application from the applicant until five years have elapsed from the date the application is denied.

(G)(1) Except as provided in division (G)(2) of this section, all actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Except as provided in division (G)(2) of this section, any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(2) The following actions by the director are not subject to Chapter 119. of the Revised Code:

(a) The director ceases its review of an application because the owner of a center, type A home, or type B home sought a license before five years had elapsed from the date the previous license was revoked and the director does not issue the license.

(b) The director ceases its review of an application because the applicant applied for licensure before five years had elapsed from the date the previous application was denied and the director does not issue the license.

(c) The director closes a license because the director has determined that the center, type A home, or type B home is no longer operating at the address stated on the license and did not notify the director of the address change as described in division

(E) of this section. 104847

(H) In no case shall the director issue a license under this 104848
section for a center, type A home, or type B home if the director, 104849
based on documentation provided by the appropriate county 104850
department of job and family services, determines that the 104851
applicant had been certified as an in-home aide, that the county 104852
department revoked that certification within the immediately 104853
preceding five years, that the revocation was based on the 104854
applicant's refusal or inability to comply with the criteria for 104855
certification, and that the refusal or inability resulted in a 104856
risk to the health or safety of children. 104857

(I) An owner of a type B family ~~day-care~~ child care home that 104858
receives a license pursuant to this section is an independent 104859
contractor and is not an employee of the department of job and 104860
family services. 104861

Sec. 5104.032. (A) The child ~~day-care~~ care center shall have, 104862
for each child for whom the center is licensed, at least 104863
thirty-five square feet of usable indoor floor space wall-to-wall 104864
regularly available for the child care operation exclusive of any 104865
parts of the structure in which the care of children is prohibited 104866
by law or by rules adopted by the board of building standards. The 104867
minimum of thirty-five square feet of usable indoor floor space 104868
shall not include hallways, kitchens, storage areas, or any other 104869
areas that are not available for the care of children, as 104870
determined by the director, in meeting the space requirement of 104871
this division, and bathrooms shall be counted in determining 104872
square footage only if they are used exclusively by children 104873
enrolled in the center, except that the exclusion of hallways, 104874
kitchens, storage areas, bathrooms not used exclusively by 104875
children enrolled in the center, and any other areas not available 104876
for the care of children from the minimum of thirty-five square 104877

feet of usable indoor floor space shall not apply to: 104878

(1) Centers licensed prior to or on September 1, 1986, that 104879
continue under licensure after that date; 104880

(2) Centers licensed prior to or on September 1, 1986, that 104881
are issued a new license after that date solely due to a change of 104882
ownership of the center. 104883

(B) The child ~~day-care~~ care center shall have on the site a 104884
safe outdoor play space which is enclosed by a fence or otherwise 104885
protected from traffic or other hazards. The play space shall 104886
contain not less than sixty square feet per child using such space 104887
at any one time, and shall provide an opportunity for supervised 104888
outdoor play each day in suitable weather. The director may exempt 104889
a center from the requirement of this division, if an outdoor play 104890
space is not available and if all of the following are met: 104891

(1) The center provides an indoor recreation area that has 104892
not less than sixty square feet per child using the space at any 104893
one time, that has a minimum of one thousand four hundred forty 104894
square feet of space, and that is separate from the indoor space 104895
required under division (A) of this section. 104896

(2) The director has determined that there is regularly 104897
available and scheduled for use a conveniently accessible and safe 104898
park, playground, or similar outdoor play area for play or 104899
recreation. 104900

(3) The children are closely supervised during play and while 104901
traveling to and from the area. 104902

The director also shall exempt from the requirement of this 104903
division a child ~~day-care~~ care center that was licensed prior to 104904
September 1, 1986, if the center received approval from the 104905
director prior to September 1, 1986, to use a park, playground, or 104906
similar area, not connected with the center, for play or 104907

recreation in lieu of the outdoor space requirements of this 104908
section and if the children are closely supervised both during 104909
play and while traveling to and from the area and except if the 104910
director determines upon investigation and inspection pursuant to 104911
section 5104.04 of the Revised Code and rules adopted pursuant to 104912
that section that the park, playground, or similar area, as well 104913
as access to and from the area, is unsafe for the children. 104914

Sec. 5104.033. (A)(1) A child ~~day-care~~ care center shall have 104915
at least two responsible adults available on the premises at all 104916
times when seven or more children are in the center. The center 104917
shall organize the children in the center in small groups, shall 104918
provide ~~child-care~~ child care staff to give continuity of care and 104919
supervision to the children on a day-by-day basis, and shall 104920
ensure that no child is left alone or unsupervised. Except as 104921
otherwise provided in division (B) of this section, the maximum 104922
number of children per ~~child-care~~ child care staff member and 104923
maximum group size, by age category of children, are as follows: 104924

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care <u>child</u>	Group	
	<u>care</u>		
of Children	Staff Member	Size	
(a) Infants:			104929
(i) Less than twelve			104930
months old	5:1, or		104931
	12:2 if two		104932
	child-care <u>child</u>		104933
	<u>care</u>		
	staff members		104934
	are in the room	12	104935
(ii) At least twelve			104936
months old, but			104937

less than eighteen			104938
months old	6:1	12	104939
(b) Toddlers:			104940
(i) At least eighteen			104941
months old, but			104942
less than thirty			104943
months old	7:1	14	104944
(ii) At least thirty months			104945
old, but less than			104946
three years old	8:1	16	104947
(c) Preschool-age			104948
children:			104949
(i) Three years old	12:1	24	104950
(ii) Four years old and			104951
five years old who			104952
are not school			104953
children	14:1	28	104954
(d) School-age children:			104955
(i) A child who is			104956
enrolled in or is			104957
eligible to be			104958
enrolled in a grade			104959
of kindergarten			104960
or above, but			104961
is less than			104962
eleven years old	18:1	36	104963
(ii) Eleven through fourteen			104964
years old	20:1	40	104965
(2) Except as otherwise provided in division (B) of this			104966
section, the maximum number of children per child-care <u>child care</u>			104967
staff member and maximum group size requirements of the younger			104968
age group shall apply when age groups are combined.			104969
(B)(1) When age groups are combined, the maximum number of			104970

children per ~~child-care~~ child care staff member shall be 104971
determined by the age of the youngest child in the group, except 104972
that when no more than one child thirty months of age or older 104973
receives services in a group in which all the other children are 104974
in the next older age group, the maximum number of children per 104975
~~child-care~~ child care staff member and maximum group size 104976
requirements of the older age group established under division (A) 104977
of this section shall apply. 104978

(2) The maximum number of toddlers or preschool-age children 104979
per ~~child-car~~ child care staff member in a room where children are 104980
napping shall be twice the maximum number of children per 104981
child-care staff member established under division (A) of this 104982
section if all the following criteria are met: 104983

(a) At least one ~~child-care~~ child care staff member is 104984
present in the room. 104985

(b) Sufficient ~~child-care~~ child care staff members are on the 104986
child ~~day-care~~ care center premises to meet the maximum number of 104987
children per ~~child-care~~ child care staff member requirements 104988
established under division (A) of this section. 104989

(c) Naptime preparations are complete and all napping 104990
children are resting or sleeping on cots. 104991

(d) The maximum number established under division (B)(2) of 104992
this section is in effect for no more than two hours during a 104993
twenty-four-hour day. 104994

Sec. 5104.034. Each child ~~day-care~~ care center shall have on 104995
the center premises and readily available at all times at least 104996
one ~~child-care~~ child care staff member who has completed a course 104997
in first aid, one staff member who has completed a course in 104998
prevention, recognition, and management of communicable diseases 104999
which is approved by the state department of health, and a staff 105000

member who has completed a course in child abuse recognition and 105001
prevention training which is approved by the department of job and 105002
family services. 105003

Sec. 5104.037. (A) As used in this section: 105004

(1) "Active tuberculosis" has the same meaning as in section 105005
339.71 of the Revised Code. 105006

(2) "Latent tuberculosis" means tuberculosis that has been 105007
demonstrated by a positive reaction to a tuberculosis test but has 105008
no clinical, bacteriological, or radiographic evidence of active 105009
tuberculosis. 105010

(3) "Licensed health professional" means any of the 105011
following: 105012

(a) A physician authorized under Chapter 4731. of the Revised 105013
Code to practice medicine and surgery or osteopathic medicine and 105014
surgery; 105015

(b) A physician assistant who holds a current, valid license 105016
to practice as a physician assistant issued under Chapter 4730. of 105017
the Revised Code; 105018

(c) A certified nurse practitioner as defined in section 105019
4723.01 of the Revised Code; 105020

(d) A clinical nurse specialist as defined in section 4723.01 105021
of the Revised Code. 105022

(4) "Tuberculosis control unit" means the county tuberculosis 105023
control unit designated by a board of county commissioners under 105024
section 339.72 of the Revised Code or the district tuberculosis 105025
control unit designated pursuant to an agreement entered into by 105026
two or more boards of county commissioners under that section. 105027

(5) "Tuberculosis test" means either of the following: 105028

(a) A two-step Mantoux tuberculin skin test; 105029

(b) A blood assay for m. tuberculosis. 105030

(B) Before employing a person as an administrator or 105031
employee, for the purpose of tuberculosis screening, each child 105032
~~day-care~~ care center shall determine if the person has done both 105033
of the following: 105034

(1) Resided in a country identified by the world health 105035
organization as having a high burden of tuberculosis; 105036

(2) Arrived in the United States within the five years 105037
immediately preceding the date of application for employment. 105038

(C) If the person meets the criteria described in division 105039
(B) of this section, the center shall require the person to 105040
undergo a tuberculosis test before employment. If the result of 105041
the test is negative, the center may employ the person. 105042

(D) If the result of any tuberculosis test performed as 105043
described in division (C) of this section is positive, the center 105044
shall require the person to undergo additional testing for 105045
tuberculosis, which may include a chest radiograph or the 105046
collection and examination of specimens. 105047

(1) If additional testing indicates active tuberculosis, then 105048
until the person is no longer infectious as determined by the 105049
county tuberculosis unit, the center shall not employ the person 105050
or, if employed, shall not allow the person to be physically 105051
present at the center's location. 105052

For purposes of this section, evidence that a person is no 105053
longer infectious shall consist of a written statement to that 105054
effect signed by a representative of the tuberculosis control 105055
unit. 105056

(2) If additional testing indicates latent tuberculosis, then 105057
until the person submits to the program evidence that the person 105058

is receiving treatment as prescribed by a licensed health professional, the preschool program shall not employ the person or, if employed, shall not allow the person to be physically present at the program's location. Once the person submits to the program evidence that the person is in the process of completing a tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by the tuberculosis control unit that is overseeing the person's treatment.

Sec. 5104.038. The administrator of each child ~~day-care~~ care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.039. (A) Any parent who is the residential parent

and legal custodian of a child enrolled in a child ~~day-care~~ care 105090
center and any custodian or guardian of such a child shall be 105091
permitted unlimited access to the center during its hours of 105092
operation for the purposes of contacting their children, 105093
evaluating the care provided by the center, evaluating the 105094
premises of the center, or for other purposes approved by the 105095
director. A parent of a child enrolled in a child ~~day-care~~ care 105096
center who is not the child's residential parent shall be 105097
permitted unlimited access to the center during its hours of 105098
operation for those purposes under the same terms and conditions 105099
under which the residential parent of that child is permitted 105100
access to the center for those purposes. However, the access of 105101
the parent who is not the residential parent is subject to any 105102
agreement between the parents and, to the extent described in 105103
division (B) of this section, is subject to any terms and 105104
conditions limiting the right of access of the parent who is not 105105
the residential parent, as described in division (I) of section 105106
3109.051 of the Revised Code, that are contained in a parenting 105107
time order or decree issued under that section, section 3109.12 of 105108
the Revised Code, or any other provision of the Revised Code. 105109

(B) If a parent who is the residential parent of a child has 105110
presented the administrator or the administrator's designee with a 105111
copy of a parenting time order that limits the terms and 105112
conditions under which the parent who is not the residential 105113
parent is to have access to the center, as described in division 105114
(I) of section 3109.051 of the Revised Code, the parent who is not 105115
the residential parent shall be provided access to the center only 105116
to the extent authorized in the order. If the residential parent 105117
has presented such an order, the parent who is not the residential 105118
parent shall be permitted access to the center only in accordance 105119
with the most recent order that has been presented to the 105120
administrator or the administrator's designee by the residential 105121

parent or the parent who is not the residential parent. 105122

(C) Upon entering the premises pursuant to division (A) or 105123
(B) of this section, the parent who is the residential parent and 105124
legal custodian, the parent who is not the residential parent, or 105125
the custodian or guardian shall notify the administrator or the 105126
administrator's designee of the parent's, custodian's, or 105127
guardian's presence. 105128

Sec. 5104.04. (A) The department of job and family services 105129
shall establish procedures to be followed in investigating, 105130
inspecting, and licensing child ~~day-care~~ care centers, type A 105131
family ~~day-care~~ child care homes, and licensed type B family 105132
~~day-care~~ child care homes. 105133

(B)(1)(a) The department shall, at least once during every 105134
twelve-month period of operation of a center, type A home, or 105135
licensed type B home, inspect the center, type A home, or licensed 105136
type B home. The department shall inspect a part-time center or 105137
part-time type A home at least once during every twelve-month 105138
period of operation. The department shall provide a written 105139
inspection report to the licensee within a reasonable time after 105140
each inspection. 105141

Inspections may be unannounced. No person, firm, 105142
organization, institution, or agency shall interfere with the 105143
inspection of a center, type A home, or licensed type B home by 105144
any state or local official engaged in performing duties required 105145
of the state or local official by this chapter or rules adopted 105146
pursuant to this chapter, including inspecting the center, type A 105147
home, or licensed type B home, reviewing records, or interviewing 105148
licensees, employees, children, or parents. 105149

(b) Upon receipt of any complaint that a center, type A home 105150
or licensed type B home is out of compliance with the requirements 105151
of this chapter or rules adopted pursuant to this chapter, the 105152

department shall investigate the center or home, and both of the 105153
following apply: 105154

(i) If the complaint alleges that a child suffered physical 105155
harm while receiving child care at the center or home or that the 105156
noncompliance alleged in the complaint involved, resulted in, or 105157
poses a substantial risk of physical harm to a child receiving 105158
child care at the center or home, the department shall inspect the 105159
center or home. 105160

(ii) If division (B)(1)(b)(i) of this section does not apply 105161
regarding the complaint, the department may inspect the center or 105162
home. 105163

(c) Division (B)(1)(b) of this section does not limit, 105164
restrict, or negate any duty of the department to inspect a 105165
center, type A home, or licensed type B home that otherwise is 105166
imposed under this section, or any authority of the department to 105167
inspect a center, type A home, or licensed type B home that 105168
otherwise is granted under this section. 105169

(2) If the department implements an instrument-based program 105170
monitoring information system, it may use an indicator checklist 105171
to comply with division (B)(1) of this section. 105172

(C) The department may deny an application or revoke a 105173
license of a center, type A home, or licensed type B home, if the 105174
applicant knowingly submits falsified information to the 105175
department or if the center or home does not comply with the 105176
requirements of this chapter or rules adopted pursuant to this 105177
chapter. 105178

(D) If the department finds, after notice and hearing 105179
pursuant to Chapter 119. of the Revised Code, that any applicant, 105180
person, firm, organization, institution, or agency applying for 105181
licensure or licensed under section 5104.03 of the Revised Code is 105182
in violation of any provision of this chapter or rules adopted 105183

pursuant to this chapter, the department may issue an order of 105184
denial to the applicant or an order of revocation to the ~~center,~~ 105185
~~type center,~~ type A home, or licensed type B home revoking the 105186
license previously issued by the department. Upon the issuance of 105187
such an order, the person whose application is denied or whose 105188
license is revoked may appeal in accordance with section 119.12 of 105189
the Revised Code. 105190

(E) The surrender of a center, type A home, or licensed type 105191
B home license to the department or the withdrawal of an 105192
application for licensure by the owner or administrator of the 105193
center, type A home, or licensed type B home shall not prohibit 105194
the department from instituting any of the actions set forth in 105195
this section. 105196

(F) Whenever the department receives a complaint, is advised, 105197
or otherwise has any reason to believe that a center or type A 105198
home is providing child care without a license issued pursuant to 105199
section 5104.03 and is not exempt from licensing pursuant to 105200
section 5104.02 of the Revised Code, the department shall 105201
investigate the center or type A home and may inspect the areas 105202
children have access to or areas necessary for the care of 105203
children in the center or type A home during suspected hours of 105204
operation to determine whether the center or type A home is 105205
subject to the requirements of this chapter or rules adopted 105206
pursuant to this chapter. 105207

(G) The department, upon determining that the center or type 105208
A home is operating without a license, shall notify the attorney 105209
general, the prosecuting attorney of the county in which the 105210
center or type A home is located, or the city attorney, village 105211
solicitor, or other chief legal officer of the municipal 105212
corporation in which the center or type A home is located, that 105213
the center or type A home is operating without a license. Upon 105214
receipt of the notification, the attorney general, prosecuting 105215

attorney, city attorney, village solicitor, or other chief legal 105216
officer of a municipal corporation shall file a complaint in the 105217
court of common pleas of the county in which the center or type A 105218
home is located requesting that the court grant an order enjoining 105219
the owner from operating the center or type A home in violation of 105220
section 5104.02 of the Revised Code. The court shall grant such 105221
injunctive relief upon a showing that the respondent named in the 105222
complaint is operating a center or type A home and is doing so 105223
without a license. 105224

(H) The department shall prepare an annual report on 105225
inspections conducted under this section. The report shall include 105226
the number of inspections conducted, the number and types of 105227
violations found, and the steps taken to address the violations. 105228
The department shall file the report with the governor, the 105229
president and minority leader of the senate, and the speaker and 105230
minority leader of the house of representatives on or before the 105231
first day of January of each year, beginning in 1999. 105232

Sec. 5104.041. (A) All type A family ~~day-care~~ child care 105233
homes and licensed type B family ~~day-care~~ child care homes shall 105234
procure and maintain one of the following: 105235

(1) Liability insurance issued by an insurer authorized to do 105236
business in this state under Chapter 3905. of the Revised Code 105237
insuring the type A or type B family ~~day-care~~ child care home 105238
against liability arising out of, or in connection with, the 105239
operation of the family ~~day-care~~ child care home. The insurance 105240
procured shall cover any cause for which the type A or type B 105241
family ~~day-care~~ child care home would be liable, in the amount of 105242
at least one hundred thousand dollars per occurrence and three 105243
hundred thousand dollars in the aggregate. 105244

(2) A written statement signed by the parent, guardian, or 105245
custodian of each child receiving child care from the type A or 105246

type B family ~~day-care~~ child care home that states all of the 105247
following: 105248

(a) The family ~~day-care~~ child care home does not carry 105249
liability insurance described in division (A)(1) of this section; 105250

(b) If the licensee of a type A family ~~day-care~~ child care 105251
home or a type B family ~~day-care~~ child care home is not the owner 105252
of the real property where the family ~~day-care~~ child care home is 105253
located, the liability insurance, if any, of the owner of the real 105254
property may not provide for coverage of any liability arising out 105255
of, or in connection with, the operation of the family ~~day-care~~ 105256
child care home. 105257

(B) If the licensee of a type A family ~~day-care~~ child care 105258
home or a type B family ~~day-care~~ child care home is not the owner 105259
of the real property where the family ~~day-care~~ child care home is 105260
located and the family ~~day-care~~ child care home procures liability 105261
insurance described in division (A)(1) of this section, that 105262
licensee shall name the owner of the real property as an 105263
additional insured party on the liability insurance policy if all 105264
of the following apply: 105265

(1) The owner of the real property requests the licensee or 105266
provider, in writing, to add the owner of the real property to the 105267
liability insurance policy as an additional insured party. 105268

(2) The addition of the owner of the real property does not 105269
result in cancellation or nonrenewal of the insurance policy 105270
procured by the type A or type B family ~~day-care~~ child care home. 105271

(3) The owner of the real property pays any additional 105272
premium assessed for coverage of the owner of the real property. 105273

(C) Proof of insurance or written statement required under 105274
division (A) of this section shall be maintained at the type A or 105275
type B family ~~day-care~~ child care home and made available for 105276
review during inspection or investigation as required under this 105277

chapter. 105278

(D) The director of job and family services shall adopt rules 105279
for the enforcement of this section. 105280

Sec. 5104.042. (A) The department of job and family services 105281
may suspend, without a prior hearing, the license of a child 105282
~~day-care~~ care center, type A family ~~day-care~~ child care home, or 105283
licensed type B family ~~day-care~~ child care home if any of the 105284
following occur: 105285

(1) A child dies or suffers a serious injury while receiving 105286
child care in the center, type A home, or licensed type B home. 105287

(2) A public children services agency receives a report 105288
pursuant to section 2151.421 of the Revised Code, and the person 105289
alleged to have inflicted abuse or neglect on the child who is the 105290
subject of the report is any of the following: 105291

(a) The owner, licensee, or administrator of the center, type 105292
A home, or licensed type B home; 105293

(b) An employee of the center, type A home, or licensed type 105294
B home who has not immediately been placed on administrative leave 105295
or released from employment; 105296

(c) Any person who resides in the type A home or licensed 105297
type B home. 105298

(3) An owner, licensee, administrator, or employee of the 105299
center, type A home, or licensed type B home, or a resident of the 105300
type A home or licensed type B home is charged by an indictment, 105301
information, or complaint with an offense relating to the abuse or 105302
neglect of a child. 105303

(4) The department or a county department of job and family 105304
services determines that the center, type A home, or licensed type 105305
B home created a serious risk to the health or safety of a child 105306
receiving child care in the center, type A home, or licensed type 105307

B home that resulted in or could have resulted in a child's death 105308
or injury. 105309

(5) The department determines that the owner or licensee of 105310
the center, type A home, or licensed type B home does not meet the 105311
requirements of section 5104.013 of the Revised Code. 105312

(B) The department shall issue a written order of suspension 105313
and furnish a copy to the licensee either by certified mail or in 105314
person as described in section 119.07 of the Revised Code. The 105315
licensee may request an adjudicatory hearing before the department 105316
pursuant to sections 119.06 to 119.12 of the Revised Code. 105317

(C) Any summary suspension imposed under this section shall 105318
remain in effect until any of the following occurs: 105319

(1) The public children services agency completes its 105320
investigation of the report pursuant to section 2151.421 of the 105321
Revised Code and determines that all of the allegations are 105322
unsubstantiated. 105323

(2) All criminal charges are disposed of through dismissal or 105324
a finding of not guilty. 105325

(3) The department issues pursuant to Chapter 119. of the 105326
Revised Code a final order terminating the suspension. 105327

(D) The center, type A home, or licensed type B home shall 105328
not provide child care while the summary suspension remains in 105329
effect. Upon issuance of the order of suspension, the licensee 105330
shall inform the caretaker parent of each child receiving child 105331
care in the center, type A home, or licensed type B home of the 105332
suspension. 105333

(E) The director of job and family services may adopt rules 105334
in accordance with Chapter 119. of the Revised Code establishing 105335
standards and procedures for the summary suspension of licenses. 105336

(F) This section does not limit the authority of the 105337

department to revoke a license pursuant to section 5104.04 of the Revised Code.

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Sec. 5104.043. (A) If the department of job and family services determines that an act or omission of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination.

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(B) With respect to the notice required by division (A) of this section, all of the following apply:

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(1) The licensee shall notify caretaker parents not later than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee shall notify caretaker parents not later than five business days after the department has completed its review.

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(2) The notice shall include a statement informing each caretaker parent of the web site maintained by the department and the location of further information regarding the determination.

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(3) The licensee may provide written or electronic notice to caretaker parents.

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(4) The licensee shall provide a copy of the notice to the department.

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(C) The director of job and family services shall adopt rules to enforce this section.

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(D) The requirements of this section do not apply if the department suspends the license of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home pursuant to section 5104.042 of the

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Revised Code. 105368

Sec. 5104.05. (A) The director of job and family services 105369
shall issue a license or provisional license for the operation of 105370
a child ~~day-care~~ care center, if the director finds, after 105371
investigation of the applicant and inspection of the center, that 105372
other requirements of this chapter, rules promulgated pursuant to 105373
this chapter, and the following requirements are met: 105374

(1) The buildings in which the center is housed, subsequent 105375
to any major modification, have been approved by the department of 105376
commerce or a certified municipal, township, or county building 105377
department for the purpose of operating a child ~~day-care~~ care 105378
center. Any structure used for the operation of a center shall be 105379
constructed, equipped, repaired, altered, and maintained in 105380
accordance with applicable provisions of Chapters 3781. and 3791. 105381
of the Revised Code and with regulations adopted by the board of 105382
building standards under Chapter 3781. of the Revised Code and 105383
this division for the safety and sanitation of structures erected 105384
for this purpose. 105385

(2) The state fire marshal or the fire chief or fire 105386
prevention officer of the municipal corporation or township in 105387
which the center is located has inspected the center annually 105388
within the preceding license period and has found the center to be 105389
in compliance with rules promulgated by the fire marshal pursuant 105390
to section 3737.83 of the Revised Code regarding fire prevention 105391
and fire safety in a child ~~day-care~~ care center. 105392

(3) The center has received a food service operation license 105393
under Chapter 3717. of the Revised Code if meals are to be served 105394
to children other than children of the licensee or administrator, 105395
whether or not a consideration is received for the meals. 105396

(B) The director of job and family services shall issue a 105397
license or provisional license for the operation of a type A 105398

family ~~day-care~~ child care home, if the director finds, after 105399
investigation of the applicant and inspection of the type A home, 105400
that other requirements of this chapter, rules promulgated 105401
pursuant to this chapter, and the following requirements are met: 105402

(1) The state fire marshal or the fire chief or fire 105403
prevention officer of the municipal corporation or township in 105404
which the type A family ~~day-care~~ child care home is located has 105405
inspected the type A home annually within the preceding license 105406
period and has found the type A home to be in compliance with 105407
rules promulgated by the fire marshal pursuant to section 3737.83 105408
of the Revised Code regarding fire prevention and fire safety in a 105409
type A home. 105410

(2) The type A home is in compliance with rules set by the 105411
director of job and family services in cooperation with the 105412
director of health pursuant to section 3701.80 of the Revised Code 105413
regarding meal preparation and meal service in the home. The 105414
director of job and family services, in accordance with procedures 105415
recommended by the director of health, shall inspect each type A 105416
home to determine compliance with those rules. 105417

(3) The type A home is in compliance with rules promulgated 105418
by the director of job and family services in cooperation with the 105419
board of building standards regarding safety and sanitation 105420
pursuant to section 3781.10 of the Revised Code. 105421

Sec. 5104.051. (A)(1) The department of commerce is 105422
responsible for the inspections of child ~~day-care~~ care centers as 105423
required by division (A)(1) of section 5104.05 of the Revised 105424
Code. Where there is a municipal, township, or county building 105425
department certified under section 3781.10 of the Revised Code to 105426
exercise enforcement authority with respect to the category of 105427
building occupancy which includes ~~day-care~~ child care centers, all 105428
inspections required under division (A)(1) of section 5104.05 of 105429

the Revised Code shall be made by that department according to the standards established by the board of building standards. Inspections in areas of the state where there is no municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes ~~day-care~~ child care centers shall be made by personnel of the department of commerce. Inspections of centers shall be contingent upon payment of a fee by the applicant to the department having jurisdiction to inspect.

(2) The department of commerce is responsible for the inspections of type A family ~~day-care~~ child care homes as required by division (B)(3) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes type A homes, all inspections required under division (B)(3) of section 5104.05 of the Revised Code shall be made by that department according to the standards established by the board of building standards. Inspections in areas of the state where there is no municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes type A homes shall be made by personnel of the department of commerce. Inspections of type A homes shall be contingent upon payment of a fee by the applicant to the department having jurisdiction to inspect.

(B) The state fire marshal is responsible for the inspections required by divisions (A)(2) and (B)(1) of section 5104.05 of the Revised Code. In municipal corporations and in townships outside municipal corporations where there is a fire prevention official, the inspections shall be made by the fire chief or the fire

prevention official under the supervision of and according to the 105462
standards established by the state fire marshal. In townships 105463
outside municipal corporations where there is no fire prevention 105464
official, inspections shall be made by the employees of the state 105465
fire marshal. 105466

(C) The state fire marshal shall enforce all statutes and 105467
rules pertaining to fire safety and fire prevention in child 105468
~~day-care~~ care centers and type A family ~~day-care~~ child care homes. 105469
In the event of a dispute between the state fire marshal and any 105470
other responsible officer under sections 5104.05 and 5104.051 of 105471
the Revised Code with respect to the interpretation or application 105472
of a specific fire safety statute or rule, the interpretation of 105473
the state fire marshal shall prevail. 105474

(D) As used in this division, "licensor" has the same meaning 105475
as in section 3717.01 of the Revised Code. 105476

The licensor for food service operations in the city or 105477
general health district in which the center is located is 105478
responsible for the inspections required under Chapter 3717. of 105479
the Revised Code. 105480

(E) Any moneys collected by the department of commerce under 105481
this section shall be paid into the state treasury to the credit 105482
of the industrial compliance operating fund created in section 105483
121.084 of the Revised Code. 105484

Sec. 5104.052. The director of job and family services, in 105485
cooperation with the fire marshal pursuant to section 3737.22 of 105486
the Revised Code, shall adopt rules regarding fire prevention and 105487
fire safety in licensed type B family ~~day-care~~ child care homes. 105488
In accordance with those rules, the director shall inspect each 105489
type B home that applies to be licensed that is providing or is to 105490
provide publicly funded child care. 105491

Sec. 5104.053. As a precondition of approval by the state 105492
board of education pursuant to section 3313.813 of the Revised 105493
Code for receipt of United States department of agriculture child 105494
and adult care food program funds established under the "National 105495
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 105496
amended, the provider of child care in a type B family ~~day-care~~ 105497
child care home that is not licensed by the director of job and 105498
family services shall request an inspection of the type B home by 105499
the fire marshal, who shall inspect the type B home pursuant to 105500
section 3737.22 of the Revised Code to determine that it is in 105501
compliance with rules established pursuant to section 5104.052 of 105502
the Revised Code for licensed type B homes. 105503

Sec. 5104.054. Any type B family ~~day-care~~ child care home, 105504
whether licensed or not licensed by the director of job and family 105505
services, shall be considered to be a residential use of property 105506
for purposes of municipal, county, and township zoning and shall 105507
be a permitted use in all zoning districts in which residential 105508
uses are permitted. No municipal, county, or township zoning 105509
regulations shall require a conditional use permit or any other 105510
special exception certification for any such type B family 105511
~~day-care~~ child care home. 105512

Sec. 5104.06. (A) The director of job and family services 105513
shall provide consultation, technical assistance, and training to 105514
child ~~day-care~~ care centers, type A family ~~day-care~~ child care 105515
homes, and type B family ~~day-care~~ child care homes to improve 105516
programs and facilities providing child care. As part of these 105517
activities, the director shall provide assistance in meeting the 105518
requirements of this chapter and rules adopted pursuant to this 105519
chapter and shall furnish information regarding child abuse 105520
identification and reporting of child abuse. 105521

(B) The director of job and family services shall provide 105522
consultation and technical assistance to county departments of job 105523
and family services to assist the departments with the 105524
implementation of certification of in-home aides. 105525

Sec. 5104.07. (A) The director of job and family services may 105526
prescribe additional requirements for licensing child ~~day-care~~ 105527
care centers or type A family ~~day-care~~ child care homes that 105528
provide publicly funded child care pursuant to this chapter and 105529
any rules adopted under it. The director shall develop standards 105530
as required by federal laws and regulations for child care 105531
programs supported by federal funds. 105532

(B)(1) On or before February 28, 1992, the department of job 105533
and family services shall develop a statewide plan for child care 105534
resource and referral services. The plan shall be based upon the 105535
experiences of other states with respect to child care resource 105536
and referral services, the experiences of communities in this 105537
state that have child care resource and referral service 105538
organizations, and the needs of communities in this state that do 105539
not have child care resource and referral service organizations. 105540
The plan shall be designed to ensure that child care resource and 105541
referral services are available in each county in the state to 105542
families who need child care. The department shall consider the 105543
special needs of migrant workers when it develops the plan and 105544
shall include in the plan procedures designed to accommodate the 105545
needs of migrant workers. 105546

(2) In addition to the requirements described in division 105547
(B)(1) of this section, the plan shall include all of the 105548
following: 105549

(a) A description of the services that a child care resource 105550
and referral service organization is required to provide to 105551
families who need child care; 105552

(b) The qualifications for a child care resource and referral service organization; 105553
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(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations; 105555
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(d) A timetable for providing child care resource and referral services to all communities in the state; 105558
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(e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems; 105560
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(f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations; 105562
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(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts. 105568
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(C) Child care resource and referral service organizations receiving funds distributed by the department may enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution. 105572
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Sec. 5104.08. (A) There is hereby created in the department of job and family services a child care advisory council to advise and assist the department in the administration of this chapter 105580
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and in the development of child care. The council shall consist of 105583
twenty-two voting members appointed by the director of job and 105584
family services with the approval of the governor. The director of 105585
job and family services, the director of developmental 105586
disabilities, the director of mental health and addiction 105587
services, the superintendent of public instruction, the director 105588
of health, the director of commerce, and the state fire marshal 105589
shall serve as nonvoting members of the council. 105590

Six members shall be representatives of child care centers 105591
subject to licensing, the members to represent a variety of 105592
centers, including nonprofit and proprietary, from different 105593
geographical areas of the state. At least three members shall be 105594
parents, guardians, or custodians of children receiving child care 105595
or publicly funded child care in the child's own home, a center, a 105596
type A home, a head start program, a licensed type B home, or a 105597
type B home at the time of appointment. Three members shall be 105598
representatives of in-home aides, type A homes, licensed type B 105599
homes, or type B homes or head start programs. At least six 105600
members shall represent county departments of job and family 105601
services. The remaining members shall be representatives of the 105602
teaching, child development, and health professions, and other 105603
individuals interested in the welfare of children. At least six 105604
members of the council shall not be employees or licensees of a 105605
child ~~day-care~~ care center, head start program, or type A home, or 105606
providers operating a licensed type B home or type B home, or 105607
in-home aides. 105608

Appointments shall be for three-year terms. Vacancies shall 105609
be filled for the unexpired terms. A member of the council is 105610
subject to removal by the director of job and family services for 105611
a willful and flagrant exercise of authority or power that is not 105612
authorized by law, for a refusal or willful neglect to perform any 105613
official duty as a member of the council imposed by law, or for 105614

being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council. 105615
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There shall be two co-chairpersons of the council. One 105617
co-chairperson shall be the director of job and family services or 105618
the director's designee, and one co-chairperson shall be elected 105619
by the members of the council. The council shall meet as often as 105620
is necessary to perform its duties, provided that it shall meet at 105621
least once in each quarter of each calendar year and at the call 105622
of the co-chairpersons. The co-chairpersons or their designee 105623
shall send to each member a written notice of the date, time, and 105624
place of each meeting. 105625

Members of the council shall serve without compensation, but 105626
shall be reimbursed for necessary expenses. 105627

(B) The child care advisory council shall advise the director 105628
on matters affecting the licensing of centers, type A homes, and 105629
type B homes and the certification of in-home aides. The council 105630
shall make an annual report to the director of job and family 105631
services that addresses the availability, affordability, 105632
accessibility, and quality of child care and that summarizes the 105633
recommendations and plans of action that the council has proposed 105634
to the director during the preceding fiscal year. The director of 105635
job and family services shall provide copies of the report to the 105636
governor, speaker and minority leader of the house of 105637
representatives, and the president and minority leader of the 105638
senate and, on request, shall make copies available to the public. 105639

(C) The director of job and family services shall adopt rules 105640
in accordance with Chapter 119. of the Revised Code to implement 105641
this section. 105642

Sec. 5104.09. No administrator, employee, licensee, or 105643
~~child care~~ child care staff member shall discriminate in the 105644
enrollment of children in a child ~~day-care~~ care center, type A 105645

home, licensed type B home, or approved child day camp upon the 105646
basis of race, color, religion, sex, disability, or national 105647
origin. 105648

Sec. 5104.13. The department of job and family services shall 105649
prepare a guide describing the state statutes and rules governing 105650
the licensure of type B family ~~day-care~~ child care homes. The 105651
department may publish the guide electronically or otherwise and 105652
shall do so in a manner that the guide is accessible to the 105653
public, including type B home providers. 105654

Sec. 5104.14. All materials that are supplied by the 105655
department of job and family services to type A family ~~day-care~~ 105656
child care home providers, type B family ~~day-care~~ child care home 105657
providers, in-home aides, persons seeking to be type A family 105658
~~day-care~~ child care home providers, type B family ~~day-care~~ child 105659
care home providers, or in-home aides, and caretaker parents shall 105660
be written at no higher than the sixth grade reading level. The 105661
department may employ a readability expert to verify its 105662
compliance with this section. 105663

Sec. 5104.25. (A) Except as otherwise provided in division 105664
(C) of this section, no child ~~day-care~~ care center shall permit 105665
any person to smoke in any indoor or outdoor space that is part of 105666
the center. 105667

The administrator of a child ~~day-care~~ care center shall post 105668
in a conspicuous place at the main entrance of the center a notice 105669
stating that smoking is prohibited in any indoor or outdoor space 105670
that is part of the center, except under the conditions described 105671
in division (C) of this section. 105672

(B) Except as otherwise provided in division (C) of this 105673
section, no type A family ~~day-care~~ child care home or licensed 105674
type B family ~~day-care~~ child care home shall permit any person to 105675

smoke in any indoor or outdoor space that is part of the home 105676
during the hours the home is in operation. Smoking may be 105677
permitted during hours other than the hours of operation if the 105678
administrator of the home has provided to a parent, custodian, or 105679
guardian of each child receiving child care at the home notice 105680
that smoking occurs or may occur at the home when it is not in 105681
operation. 105682

The administrator of a type A family ~~day-care~~ child care home 105683
or a licensed type B family ~~day-care~~ child care home shall post in 105684
a conspicuous place at the main entrance of the home a notice 105685
specifying the hours the home is in operation and stating that 105686
smoking is prohibited during those hours in any indoor or outdoor 105687
space that is part of the home, except under the conditions 105688
described in division (C) of this section. 105689

(C) A child ~~day-care~~ care center, type A family ~~day-care~~ 105690
child care home, or licensed type B family child care home may 105691
allow persons to smoke at the center or home during its hours of 105692
operation if those persons cannot be seen smoking by the children 105693
being cared for and if they smoke in either of the following: 105694

(1) An indoor area that is separately ventilated from the 105695
rest of the center or home; 105696

(2) An outdoor area that is so far removed from the children 105697
being cared for that they cannot inhale any smoke. 105698

(D) The director of job and family services, in consultation 105699
with the director of health, shall adopt rules in accordance with 105700
Chapter 119. of the Revised Code to implement the requirements of 105701
this section. These rules may prohibit smoking in a child ~~day-care~~ 105702
care center, type A family ~~day-care~~ child care home, or licensed 105703
type B family child care home if its design and structure do not 105704
allow persons to smoke under the conditions described in division 105705
(C) of this section or if repeated violations of division (A) or 105706

(B) of this section have occurred there. 105707

Sec. 5104.30. (A) The department of job and family services 105708
is hereby designated as the state agency responsible for 105709
administration and coordination of federal and state funding for 105710
publicly funded child care in this state. Publicly funded child 105711
care shall be provided to the following: 105712

(1) Recipients of transitional child care as provided under 105713
section 5104.34 of the Revised Code; 105714

(2) Participants in the Ohio works first program established 105715
under Chapter 5107. of the Revised Code; 105716

(3) Individuals who would be participating in the Ohio works 105717
first program if not for a sanction under section 5107.16 of the 105718
Revised Code and who continue to participate in a work activity, 105719
developmental activity, or alternative work activity pursuant to 105720
an assignment under section 5107.42 of the Revised Code; 105721

(4) A family receiving publicly funded child care on October 105722
1, 1997, until the family's income reaches one hundred fifty per 105723
cent of the federal poverty line; 105724

(5) Subject to available funds, other individuals determined 105725
eligible in accordance with rules adopted under section 5104.38 of 105726
the Revised Code. 105727

The department shall apply to the United States department of 105728
health and human services for authority to operate a coordinated 105729
program for publicly funded child care, if the director of job and 105730
family services determines that the application is necessary. For 105731
purposes of this section, the department of job and family 105732
services may enter into agreements with other state agencies that 105733
are involved in regulation or funding of child care. The 105734
department shall consider the special needs of migrant workers 105735
when it administers and coordinates publicly funded child care and 105736

shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will

be used only to supplement, and will not be used to supplant, 105767
federal, state, and local funds available on the effective date of 105768
the child care block grant act for publicly funded child care and 105769
related programs. If authorized by rules adopted by the department 105770
pursuant to section 5104.42 of the Revised Code, county 105771
departments of job and family services may purchase child care 105772
from funds obtained through any other means. 105773

(D) The department shall encourage the development of 105774
suitable child care throughout the state, especially in areas with 105775
high concentrations of recipients of public assistance and 105776
families with low incomes. The department shall encourage the 105777
development of suitable child care designed to accommodate the 105778
special needs of migrant workers. On request, the department, 105779
through its employees or contracts with state or community child 105780
care resource and referral service organizations, shall provide 105781
consultation to groups and individuals interested in developing 105782
child care. The department of job and family services may enter 105783
into interagency agreements with the department of education, the 105784
chancellor of higher education, the department of development, and 105785
other state agencies and entities whenever the cooperative efforts 105786
of the other state agencies and entities are necessary for the 105787
department of job and family services to fulfill its duties and 105788
responsibilities under this chapter. 105789

The department shall develop and maintain a registry of 105790
persons providing child care. The director shall adopt rules in 105791
accordance with Chapter 119. of the Revised Code establishing 105792
procedures and requirements for the registry's administration. 105793

(E)(1) The director shall adopt rules in accordance with 105794
Chapter 119. of the Revised Code establishing both of the 105795
following: 105796

(a) Reimbursement ceilings for providers of publicly funded 105797
child care not later than the first day of July in each 105798

odd-numbered year;	105799
(b) A procedure for reimbursing and paying providers of publicly funded child care.	105800 105801
(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:	105802 105803 105804
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	105805 105806
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	105807 105808 105809
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following:	105810 105811 105812
(i) Establish enhanced reimbursement ceilings for child day-care <u>care</u> providers that participate in the program and maintain quality ratings;	105813 105814 105815
(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings.	105816 105817 105818
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	105819 105820 105821
(a) Geographic location of the provider;	105822
(b) Type of care provided;	105823
(c) Age of the child served;	105824
(d) Special needs of the child served;	105825
(e) Whether the expanded hours of service are provided;	105826
(f) Whether weekend service is provided;	105827

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care; 105828
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(h) Any other factors the director considers appropriate. 105830

Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent cooperative child ~~day-care~~ care centers and parent cooperative type A family ~~day-care~~ child care homes for recipients of publicly funded child care. A program established under this section may include any of the following: 105831
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(A) Recruitment of parents interested in organizing a parent cooperative child ~~day-care~~ care center or parent cooperative type A family ~~day-care~~ child care home; 105837
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(B) Provision of technical assistance in organizing a parent cooperative child ~~day-care~~ care center or parent cooperative type A family ~~day-care~~ child care home; 105840
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(C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child ~~day-care~~ care center or parent cooperative type A family ~~day-care~~ child care home. 105843
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A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child ~~day-care~~ care center or parent cooperative type A family ~~day-care~~ child care home organized pursuant to this section. 105847
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Parents of children enrolled in a parent cooperative child ~~day-care~~ care center or parent cooperative type A family ~~day-care~~ child care home pursuant to this section shall be required to work in the center or home a minimum of four hours per week. 105853
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The director of job and family services shall adopt rules 105857

governing the establishment and operation of programs under this 105858
section. 105859

Sec. 5104.31. (A) Publicly funded child care may be provided 105860
only by the following: 105861

(1) Any of the following licensed by the department of job 105862
and family services pursuant to section 5104.03 of the Revised 105863
Code or pursuant to rules adopted under section 5104.018 of the 105864
Revised Code: 105865

(a) A child ~~day-care~~ care center, including a parent 105866
cooperative child ~~day-care~~ care center; 105867

(b) A type A family ~~day-care~~ child care home, including a 105868
parent cooperative type A family ~~day-care~~ child care home; 105869

(c) A licensed type B family ~~day-care~~ child care home. 105870

(2) An in-home aide who has been certified by the county 105871
department of job and family services pursuant to section 5104.12 105872
of the Revised Code; 105873

(3) A child day camp approved pursuant to section 5104.22 of 105874
the Revised Code; 105875

(4) A licensed preschool program; 105876

(5) A licensed school child program; 105877

(6) A border state child care provider, except that a border 105878
state child care provider may provide publicly funded child care 105879
only to an individual who resides in an Ohio county that borders 105880
the state in which the provider is located. 105881

(B) Publicly funded child ~~day-care~~ care may be provided in a 105882
child's own home only by an in-home aide. 105883

(C)(1) Except as provided in division (C)(2) of this section, 105884
a licensed child care program may provide publicly funded child 105885
care only if the program is rated through the step up to quality 105886

program established pursuant to section 5104.29 of the Revised Code. 105887
Code. 105888

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 105889
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(a) A program that operates only during the summer and for not more than fifteen consecutive weeks; 105892
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(b) A program that operates only during school breaks; 105894

(c) A program that operates only on weekday evenings, weekends, or both; 105895
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(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code; 105897
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(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months; 105899
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(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked. 105902
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Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child ~~day-care~~ care center, licensed type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent

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permitted by federal law and notwithstanding any other provision 105917
of the Revised Code that regulates state contracts or contracts 105918
involving the expenditure of state or federal funds, all contracts 105919
for publicly funded child care shall be entered into in accordance 105920
with the provisions of this chapter and are exempt from any other 105921
provision of the Revised Code that regulates state contracts or 105922
contracts involving the expenditure of state or federal funds. 105923

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(B) Each contract for publicly funded child care shall 105925
specify at least the following: 105926

(1) That the provider of publicly funded child care agrees to 105927
be paid for rendering services at the lower of the rate 105928
customarily charged by the provider for children enrolled for 105929
child care or the reimbursement ceiling or rate of payment 105930
established pursuant to section 5104.30 of the Revised Code; 105931

(2) That, if a provider provides child care to an individual 105932
potentially eligible for publicly funded child care who is 105933
subsequently determined to be eligible, the department agrees to 105934
pay for all child care provided between the date the county 105935
department of job and family services receives the individual's 105936
completed application and the date the individual's eligibility is 105937
determined; 105938

(3) Whether the county department of job and family services, 105939
the provider, or a child care resource and referral service 105940
organization will make eligibility determinations, whether the 105941
provider or a child care resource and referral service 105942
organization will be required to collect information to be used by 105943
the county department to make eligibility determinations, and the 105944
time period within which the provider or child care resource and 105945
referral service organization is required to complete required 105946
eligibility determinations or to transmit to the county department 105947
any information collected for the purpose of making eligibility 105948

determinations; 105949

(4) That the provider, other than a border state child care 105950
provider, shall continue to be licensed, approved, or certified 105951
pursuant to this chapter and shall comply with all standards and 105952
other requirements in this chapter and in rules adopted pursuant 105953
to this chapter for maintaining the provider's license, approval, 105954
or certification; 105955

(5) That, in the case of a border state child care provider, 105956
the provider shall continue to be licensed, certified, or 105957
otherwise approved by the state in which the provider is located 105958
and shall comply with all standards and other requirements 105959
established by that state for maintaining the provider's license, 105960
certificate, or other approval; 105961

(6) Whether the provider will be paid by the state department 105962
of job and family services or in some other manner as prescribed 105963
by rules adopted under section 5104.42 of the Revised Code; 105964

(7) That the contract is subject to the availability of state 105965
and federal funds. 105966

(C)(1) The department shall establish an automated child care 105967
system to track attendance and calculate payments for publicly 105968
funded child care. 105969

(2) Each eligible provider that provides publicly funded 105970
child care shall participate in the automated child care system. A 105971
provider participating in the system shall not do any of the 105972
following: 105973

(a) Use or have possession of a personal identification 105974
number or password issued to a caretaker parent under the 105975
automated child care system; 105976

(b) Falsify attendance records; 105977

(c) Knowingly seek or accept payment for publicly funded 105978

child care that was not provided or for which the provider was not eligible; 105979
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(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home. 105981
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(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following: 105983
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(1) The terms of the contract entered into under this section; 105988
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(2) This chapter or any rules adopted under it. 105990

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care. 105991
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(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. of the Revised Code. 105998
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Sec. 5104.35. (A) Each county department of job and family services shall do all of the following: 106003
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(1) Accept any gift, grant, or other funds from either public or private sources offered unconditionally or under conditions which are, in the judgment of the department, proper and consistent with this chapter and deposit the funds in the county 106005
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public assistance fund established by section 5101.161 of the Revised Code; 106009
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(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, or licensed type B family ~~day-care~~ child care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request; 106011
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(3) Inform clients of the availability of child care services. 106018
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(B) A county department of job and family services may, to the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable those parents to apply for publicly funded child care. 106020
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Sec. 5104.36. The licensee or administrator of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of job and family services on request. The record shall include all of the following: 106025
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(A) The name and date of birth of the child; 106034

(B) The name and address of the child's caretaker parent; 106035

(C) The name and address of the caretaker parent's place of employment or program of education or training; 106036
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(D) The hours for which child care services have been 106038

provided for the child; 106039

(E) Any other information required by the county department 106040
of job and family services or the state department of job and 106041
family services. 106042

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 106043
Revised Code shall be punished as follows: 106044

(1) For each offense, the offender shall be fined not less 106045
than one hundred dollars nor more than five hundred dollars 106046
multiplied by the number of children receiving child care at the 106047
child ~~day-care~~ care center or type A family ~~day-care~~ child care 106048
home that either exceeds the number of children to which a type B 106049
family day-care home may provide child care or, if the offender is 106050
a licensed type A family ~~day-care~~ child care home that is 106051
operating as a child ~~day-care~~ care center without being licensed 106052
as a center, exceeds the license capacity of the type A home. 106053

(2) In addition to the fine specified in division (A)(1) of 106054
this section, all of the following apply: 106055

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 106056
of this section, the court shall order the offender to reduce the 106057
number of children to which it provides child care to a number 106058
that does not exceed either the number of children to which a type 106059
B family ~~day-care~~ child care home may provide child care or, if 106060
the offender is a licensed type A family ~~day-care~~ child care home 106061
that is operating as a child ~~day-care~~ care center without being 106062
licensed as a center, the license capacity of the type A home. 106063

(b) If the offender previously has been convicted of or 106064
pleaded guilty to one violation of section 5104.02 of the Revised 106065
Code, the court shall order the offender to cease the provision of 106066
child care to any person until it obtains a child ~~day-care~~ care 106067
center license or a type A family ~~day-care~~ child care home 106068

license, as appropriate, under section 5104.03 of the Revised Code. 106069
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(c) If the offender previously has been convicted of or 106071
pleaded guilty to two violations of section 5104.02 of the Revised 106072
Code, the offender is guilty of a misdemeanor of the first degree, 106073
and the court shall order the offender to cease the provision of 106074
child care to any person until it obtains a child ~~day-care~~ care 106075
center license or a type A family ~~day-care~~ child care home 106076
license, as appropriate, under section 5104.03 of the Revised 106077
Code. The court shall impose the fine specified in division (A)(1) 106078
of this section and may impose an additional fine provided that 106079
the total amount of the fines so imposed does not exceed the 106080
maximum fine authorized for a misdemeanor of the first degree 106081
under section 2929.28 of the Revised Code. 106082

(d) If the offender previously has been convicted of or 106083
pleaded guilty to three or more violations of section 5104.02 of 106084
the Revised Code, the offender is guilty of a felony of the fifth 106085
degree, and the court shall order the offender to cease the 106086
provision of child care to any person until it obtains a child 106087
~~day-care~~ care center license or a type A family ~~day-care~~ child 106088
care home license, as appropriate, under section 5104.03 of the 106089
Revised Code. The court shall impose the fine specified in 106090
division (A)(1) of this section and may impose an additional fine 106091
provided that the total amount of the fines so imposed does not 106092
exceed the maximum fine authorized for a felony of the fifth 106093
degree under section 2929.18 of the Revised Code. 106094

(B) Whoever violates section 5104.09 of the Revised Code is 106095
guilty of a misdemeanor of the third degree. 106096

Sec. 5107.60. In accordance with Title IV-A, federal 106097
regulations, state law, the Title IV-A state plan prepared under 106098
section 5101.80 of the Revised Code, and amendments to the plan, 106099

county departments of job and family services shall establish and 106100
administer the following work activities, in addition to the work 106101
activities established under sections 5107.50, 5107.52, 5107.54, 106102
and 5107.58 of the Revised Code, for minor heads of households and 106103
adults participating in Ohio works first: 106104

(A) Unsubsidized employment activities, including activities 106105
a county department determines are legitimate entrepreneurial 106106
activities; 106107

(B) On-the-job training activities, including training to 106108
become an employee of a child ~~day-care~~ care center or type A 106109
family ~~day-care~~ child care home, administrator of a licensed type 106110
B family ~~day-care~~ child care home, or in-home aide; 106111

(C) Community service activities including a program under 106112
which a participant of Ohio works first who is the parent, 106113
guardian, custodian, or specified relative responsible for the 106114
care of a minor child enrolled in grade twelve or lower is 106115
involved in the minor child's education on a regular basis; 106116

(D) Vocational educational training activities; 106117

(E) Jobs skills training activities that are directly related 106118
to employment; 106119

(F) Education activities that are directly related to 106120
employment for participants who have not earned a high school 106121
diploma or certificate of high school equivalence; 106122

(G) Education activities for participants who have not 106123
completed secondary school or received a certificate of high 106124
school equivalence under which the participants attend a secondary 106125
school or a course of study leading to a certificate of high 106126
school equivalence, including LEAP participation by a minor head 106127
of household; 106128

(H) Child-care service activities aiding another participant 106129

assigned to a community service activity or other work activity. A 106130
county department may provide for a participant assigned to this 106131
work activity to receive training necessary to provide child-care 106132
services. 106133

Sec. 5119.37. (A)(1)(a) Except as provided in division 106134
(A)(1)(b) of this section, no person or government entity shall 106135
operate an opioid treatment program requiring certification, as 106136
certification is defined in 42 C.F.R. 8.2, unless the person or 106137
government entity is a community addiction services provider and 106138
the program is licensed under this section. 106139

(b) Division (A)(1)(a) of this section does not apply to a 106140
program operated by the United States department of veterans 106141
affairs. 106142

(2) No community addiction services provider licensed under 106143
this section shall operate an opioid treatment program in a manner 106144
inconsistent with this section and the rules adopted under it. 106145

(B) A community addiction services provider seeking a license 106146
to operate an opioid treatment program shall apply to the 106147
department of mental health and addiction services. The department 106148
shall review all applications received. 106149

(C) The department may issue a license to operate an opioid 106150
treatment program to a community addiction services provider only 106151
if all of the following apply: 106152

(1) During the three-year period immediately preceding the 106153
date of application, the provider or any owner, sponsor, medical 106154
director, administrator, or principal of the provider has been in 106155
good standing to operate an opioid treatment program in all other 106156
locations where the provider or such other person has been 106157
operating a similar program, as evidenced by both of the 106158
following: 106159

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction; 106160
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(b) Not having been the subject of any of the following in this state or another jurisdiction: 106163
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(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 106165
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(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval; 106168
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(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug. 106171
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(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program. 106176
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(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 106179
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child ~~day-care~~ care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by 106183
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the department under this chapter. 106191

(5) The provider meets any additional requirements 106192
established by the department in rules adopted under division (F) 106193
of this section. 106194

(D) The department may waive the requirement of division 106195
(C)(4) of this section if it receives, from each public or private 106196
school, child ~~day-care~~ care center, or child-serving agency that 106197
is within the five hundred linear feet radius described in that 106198
division, a letter of support for the location. The department 106199
shall determine whether a letter of support is satisfactory for 106200
purposes of waiving the requirement. 106201

(E)(1) Except as provided in division (E)(2) of this section, 106202
a license to operate an opioid treatment program shall expire two 106203
years from the date of issuance. Licenses may be renewed. 106204

(2) In circumstances in which the director of mental health 106205
and addiction services has concerns regarding compliance of a 106206
community addiction services provider licensed as an opioid 106207
treatment program, the department shall notify the provider of 106208
those concerns and stipulate that the provider's license expires 106209
annually on a date determined by the department. 106210

(F) The department shall establish procedures and adopt rules 106211
for licensing, inspection, and supervision of community addiction 106212
services providers that operate an opioid treatment program. The 106213
rules shall establish standards for the control, storage, 106214
furnishing, use, dispensing, and administering of medications used 106215
in medication-assisted treatment; prescribe minimum standards for 106216
the operation of the opioid treatment program component of the 106217
provider's operations; and comply with federal laws and 106218
regulations. 106219

All rules adopted under this division shall be adopted in 106220
accordance with Chapter 119. of the Revised Code. All actions 106221

taken by the department regarding the licensing of providers to 106222
operate opioid treatment programs shall be conducted in accordance 106223
with Chapter 119. of the Revised Code, except as provided in 106224
division (L) of this section. 106225

(G)(1) The department shall inspect all community addiction 106226
services providers licensed to operate an opioid treatment 106227
program. Inspections shall be conducted at least biennially and 106228
may be conducted more frequently. 106229

In addition, the department may inspect any provider or other 106230
person that it reasonably believes to be operating an opioid 106231
treatment program without a license issued under this section. 106232

(2) When conducting an inspection, the department may do both 106233
of the following: 106234

(a) Examine and copy all records, accounts, and other 106235
documents relating to the provider's or other person's operations, 106236
including records pertaining to patients or clients; 106237

(b) Conduct interviews with any individual employed by or 106238
contracted or otherwise associated with the provider or person, 106239
including an administrator, staff person, patient, or client. 106240

(3) No person or government entity shall interfere with a 106241
state or local government official acting on behalf of the 106242
department while conducting an inspection. 106243

(H) A community addiction services provider shall not 106244
administer or dispense methadone in a tablet, powder, or 106245
intravenous form. Methadone shall be administered or dispensed 106246
only in a liquid form intended for ingestion. 106247

A community addiction services provider shall not administer 106248
or dispense a medication used in medication-assisted treatment for 106249
pain or other medical reasons. 106250

(I) As used in this division, "program sponsor" means a 106251

person who assumes responsibility for the operation and employees 106252
of the opioid treatment program component of a community addiction 106253
services provider's operations. 106254

A provider shall not permit an individual to act as a program 106255
sponsor, medical director, or director of the provider if the 106256
individual is receiving a medication used in medication-assisted 106257
treatment from any community addiction services provider. 106258

(J) The department may issue orders to ensure compliance with 106259
all laws relating to drug abuse and the rules adopted under this 106260
section. Subject to section 5119.27 of the Revised Code, the 106261
department may hold hearings, require the production of relevant 106262
matter, compel testimony, issue subpoenas, and make adjudications. 106263
Upon failure of a person without lawful excuse to obey a subpoena 106264
or to produce relevant matter, the department may apply to a court 106265
of common pleas for an order compelling compliance. 106266

(K) The department may refuse to issue, or may withdraw or 106267
revoke, a license to operate an opioid treatment program. A 106268
license may be refused if a community addiction services provider 106269
does not meet the requirements of division (C) of this section. A 106270
license may be withdrawn at any time the department determines 106271
that the provider no longer meets the requirements for receiving 106272
the license. A license may be revoked in accordance with division 106273
(L) of this section. 106274

Once a license is issued under this section, the department 106275
shall not consider the requirement of division (C)(4) of this 106276
section in determining whether to renew, withdraw, or revoke the 106277
license or whether to reissue the license as a result of a change 106278
in ownership. 106279

(L) If the department finds reasonable cause to believe that 106280
a community addiction services provider licensed under this 106281
section is in violation of any state or federal law or rule 106282

relating to drug abuse, the department may issue an order 106283
immediately revoking the license, subject to division (M) of this 106284
section. The department shall set a date not more than fifteen 106285
days later than the date of the order of revocation for a hearing 106286
on the continuation or cancellation of the revocation. For good 106287
cause, the department may continue the hearing on application of 106288
any interested party. In conducting hearings, the department has 106289
all the authority and power set forth in division (J) of this 106290
section. Following the hearing, the department shall either 106291
confirm or cancel the revocation. The hearing shall be conducted 106292
in accordance with Chapter 119. of the Revised Code, except that 106293
the provider shall not be permitted to operate an opioid treatment 106294
program pending the hearing or pending any appeal from an 106295
adjudication made as a result of the hearing. Notwithstanding any 106296
provision of Chapter 119. of the Revised Code to the contrary, a 106297
court shall not stay or suspend any order of revocation issued by 106298
the department under this division pending judicial appeal. 106299

(M) The department shall not revoke a license to operate an 106300
opioid treatment program unless all clients receiving medication 106301
used in medication-assisted treatment from the community addiction 106302
services provider are provided adequate substitute medication or 106303
treatment. For purposes of this division, the department may 106304
transfer the clients to other providers licensed to operate opioid 106305
treatment programs or replace any or all of the administrators and 106306
staff of the provider with representatives of the department who 106307
shall continue on a provisional basis the opioid treatment 106308
component of the provider's operations. 106309

(N) Each time the department receives an application from a 106310
community addiction services provider for a license to operate an 106311
opioid treatment program, issues or refuses to issue a license, or 106312
withdraws or revokes a license, the department shall notify the 106313
board of alcohol, drug addiction, and mental health services of 106314

each alcohol, drug addiction, and mental health service district 106315
in which the provider operates. 106316

(O) Whenever it appears to the department from files, upon 106317
complaint, or otherwise, that a community addiction services 106318
provider has engaged in any practice declared to be illegal or 106319
prohibited by section 3719.61 of the Revised Code, or any other 106320
state or federal laws or regulations relating to drug abuse, or 106321
when the department believes it to be in the best interest of the 106322
public and necessary for the protection of the citizens of the 106323
state, the department may request criminal proceedings by laying 106324
before the prosecuting attorney of the proper county any evidence 106325
of criminality which may come to its knowledge. 106326

(P) The department shall maintain a current list of community 106327
addiction services providers licensed by the department under this 106328
section and shall provide a copy of the current list to a judge of 106329
a court of common pleas who requests a copy for the use of the 106330
judge under division (H) of section 2925.03 of the Revised Code. 106331
The list of licensed community addiction services providers shall 106332
identify each licensed provider by its name, its address, and the 106333
county in which it is located. 106334

Sec. 5119.371. (A) On application by a community addiction 106335
services provider that has purchased or leased real property to be 106336
used as the location of an opioid treatment program subject to 106337
licensure under section 5119.37 of the Revised Code, the 106338
department of mental health and addiction services shall determine 106339
whether the location of the proposed program complies with the 106340
requirements of division (C)(4) of section 5119.37 of the Revised 106341
Code by not being located on a parcel of real estate that is 106342
within a radius of five hundred linear feet of the boundaries of a 106343
parcel of real estate having situated on it a public or private 106344
school, child ~~day-care~~ care center licensed under Chapter 5104. of 106345

the Revised Code, or child-serving agency regulated by the 106346
department under this chapter. 106347

If the department determines that the location is in 106348
compliance with division (C)(4) of section 5119.37 of the Revised 106349
Code, the department shall issue a declaration stating that the 106350
location is in compliance. The declaration is valid for two years 106351
from the date of issuance. 106352

The department shall provide to the provider either a copy of 106353
the declaration or a notice that the department has determined 106354
that the location is not in compliance with division (C)(4) of 106355
section 5119.37 of the Revised Code. 106356

If, before expiration of the declaration, a community 106357
addiction services provider applies for a license to operate an 106358
opioid treatment program, the department shall not consider the 106359
requirement of division (C)(4) of section 5119.37 of the Revised 106360
Code in determining whether to issue the license. 106361

(B) A community addiction services provider seeking to 106362
relocate an opioid treatment program licensed under section 106363
5119.37 of the Revised Code may apply for and be granted a 106364
declaration under division (A) of this section. If, before 106365
expiration of the declaration, the provider applies for issuance 106366
of a license due to relocation, the department shall not consider 106367
the requirement of division (C)(4) of section 5119.37 of the 106368
Revised Code in determining whether to reissue the license due to 106369
relocation. 106370

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 106371
2151.421, section 5153.17, and any other section of the Revised 106372
Code pertaining to confidentiality, when a public children 106373
services agency has determined that child abuse or neglect 106374
occurred and that abuse or neglect involves a person who has 106375

applied for licensure as a type A family ~~day-care~~ child care home 106376
or type B family ~~day-care~~ child care home, the agency shall 106377
promptly provide to the department of job and family services any 106378
information the agency determines to be relevant for the purpose 106379
of evaluating the fitness of the person, including, but not 106380
limited to, both of the following: 106381

(1) A summary report of the chronology of abuse and neglect 106382
reports made pursuant to section 2151.421 of the Revised Code of 106383
which the person is the subject where the agency determined that 106384
abuse or neglect occurred and the final disposition of the 106385
investigation of the reports or, if the investigations have not 106386
been completed, the status of the investigations; 106387

(2) Any underlying documentation concerning those reports. 106388

(B) The agency shall not include in the information provided 106389
to the department under division (A) of this section the name of 106390
the person or entity that made the report or participated in the 106391
making of the report of child abuse or neglect. 106392

(C) Upon provision of information under division (A) of this 106393
section, the agency shall notify the department of both of the 106394
following: 106395

(1) That the information is confidential; 106396

(2) That unauthorized dissemination of the information is a 106397
violation of division (I)(2) of section 2151.421 of the Revised 106398
Code and any person who permits or encourages unauthorized 106399
dissemination of the information is guilty of a misdemeanor of the 106400
fourth degree pursuant to section 2151.99 of the Revised Code. 106401

Sec. 5321.01. As used in this chapter: 106402

(A) "Tenant" means a person entitled under a rental agreement 106403
to the use and occupancy of residential premises to the exclusion 106404

of others. 106405

(B) "Landlord" means the owner, lessor, or sublessor of 106406
residential premises, the agent of the owner, lessor, or 106407
sublessor, or any person authorized by the owner, lessor, or 106408
sublessor to manage the premises or to receive rent from a tenant 106409
under a rental agreement. 106410

(C) "Residential premises" means a dwelling unit for 106411
residential use and occupancy and the structure of which it is a 106412
part, the facilities and appurtenances in it, and the grounds, 106413
areas, and facilities for the use of tenants generally or the use 106414
of which is promised the tenant. "Residential premises" includes a 106415
dwelling unit that is owned or operated by a college or 106416
university. "Residential premises" does not include any of the 106417
following: 106418

(1) Prisons, jails, workhouses, and other places of 106419
incarceration or correction, including, but not limited to, 106420
halfway houses or residential arrangements that are used or 106421
occupied as a requirement of a community control sanction, a 106422
post-release control sanction, or parole; 106423

(2) Hospitals and similar institutions with the primary 106424
purpose of providing medical services, and homes licensed pursuant 106425
to Chapter 3721. of the Revised Code; 106426

(3) Tourist homes, hotels, motels, recreational vehicle 106427
parks, recreation camps, combined park-camps, temporary 106428
park-camps, and other similar facilities where circumstances 106429
indicate a transient occupancy; 106430

(4) Elementary and secondary boarding schools, where the cost 106431
of room and board is included as part of the cost of tuition; 106432

(5) Orphanages and similar institutions; 106433

(6) Farm residences furnished in connection with the rental 106434

of land of a minimum of two acres for production of agricultural products by one or more of the occupants; 106435
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(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code; 106437
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(8) Occupancy by an owner of a condominium unit; 106439

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies: 106440
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(a) The occupancy is for a period of less than sixty days. 106447

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following: 106448
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(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse; 106452
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(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons. 106457
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(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways. 106459
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(D) "Rental agreement" means any agreement or lease, written 106465
or oral, which establishes or modifies the terms, conditions, 106466
rules, amount of rent charged or paid, or any other provisions 106467
concerning the use and occupancy of residential premises by one of 106468
the parties. 106469

(E) "Security deposit" means any deposit of money or property 106470
to secure performance by the tenant under a rental agreement. 106471

(F) "Dwelling unit" means a structure or the part of a 106472
structure that is used as a home, residence, or sleeping place by 106473
one person who maintains a household or by two or more persons who 106474
maintain a common household. 106475

(G) "Controlled substance" has the same meaning as in section 106476
3719.01 of the Revised Code. 106477

(H) "Student tenant" means a person who occupies a dwelling 106478
unit owned or operated by the college or university at which the 106479
person is a student, and who has a rental agreement that is 106480
contingent upon the person's status as a student. 106481

(I) "Recreational vehicle park," "recreation camp," "combined 106482
park-camp," and "temporary park-camp" have the same meanings as in 106483
section 3729.01 of the Revised Code. 106484

(J) "Community control sanction" has the same meaning as in 106485
section 2929.01 of the Revised Code. 106486

(K) "Post-release control sanction" has the same meaning as 106487
in section 2967.01 of the Revised Code. 106488

(L) "School premises" has the same meaning as in section 106489
2925.01 of the Revised Code. 106490

(M) "Sexually oriented offense" and "child-victim oriented 106491
offense" have the same meanings as in section 2950.01 of the 106492
Revised Code. 106493

(N) "Preschool or child ~~day-care~~ care center premises" has 106494

the same meaning as in section 2950.034 of the Revised Code. 106495

(O) "Rent control" means requiring below-market rents for 106496
residential premises or controlling rental rates for residential 106497
premises in any manner, including by prohibiting rent increases, 106498
regulating rental rate changes between tenancies, limiting rental 106499
rate increases, regulating the rental rates of residential 106500
premises based on income or wealth of tenants, and other forms of 106501
restraint or limitation of rental rates. 106502

(P) "Rent stabilization" means allowing rent increases for 106503
residential premises of a fixed amount or on a fixed schedule as 106504
set by a political subdivision. 106505

(Q) "Political subdivision" means a county, township, 106506
municipal corporation, or any other body corporate and politic 106507
that is responsible for government activities in a geographic area 106508
smaller than that of the state. 106509

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 106510
Revised Code, a landlord may bring an action under Chapter 1923. 106511
of the Revised Code for possession of the premises if: 106512

(1) The tenant is in default in the payment of rent; 106513

(2) The violation of the applicable building, housing, 106514
health, or safety code that the tenant complained of was primarily 106515
caused by any act or lack of reasonable care by the tenant, or by 106516
any other person in the tenant's household, or by anyone on the 106517
premises with the consent of the tenant; 106518

(3) Compliance with the applicable building, housing, health, 106519
or safety code would require alteration, remodeling, or demolition 106520
of the premises which would effectively deprive the tenant of the 106521
use of the dwelling unit; 106522

(4) A tenant is holding over the tenant's term. 106523

(5) The residential premises are located within one thousand 106524

feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises:

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

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

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

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

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

Sec. 5321.051. (A)(1) No tenant of any residential premises located within one thousand feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises shall allow any person to occupy those residential premises if both of the following apply regarding the person:

(a) The person's name appears on the state registry of sex

offenders and child-victim offenders maintained under section 106555
2950.13 of the Revised Code. 106556

(b) The state registry of sex offenders and child-victim 106557
offenders indicates that the person was convicted of or pleaded 106558
guilty to either a sexually oriented offense that is not a 106559
registration-exempt sexually oriented offense or a child-victim 106560
oriented offense in a criminal prosecution and was not sentenced 106561
to a serious youthful offender dispositional sentence for that 106562
offense. 106563

(2) If a tenant allows occupancy in violation of this section 106564
or a person establishes a residence or occupies residential 106565
premises in violation of section 2950.034 of the Revised Code, the 106566
landlord for the residential premises that are the subject of the 106567
rental agreement or other tenancy may terminate the rental 106568
agreement or other tenancy of the tenant and all other occupants. 106569

(B) If a landlord is authorized to terminate a rental 106570
agreement or other tenancy pursuant to division (A) of this 106571
section but does not so terminate the rental agreement or other 106572
tenancy, the landlord is not liable in a tort or other civil 106573
action in damages for any injury, death, or loss to person or 106574
property that allegedly results from that decision. 106575

(C) As used in this section, "children's crisis care facility 106576
premises" and "residential infant care center premises" have the 106577
same meanings as in section 2950.034 of the Revised Code. 106578

Sec. 5709.65. (A) An enterprise issued a certificate under 106579
section 5709.64 of the Revised Code shall be entitled to the 106580
following tax incentives: 106581

(1) With the exception of improvements to land or tangible 106582
personal property constituting or used in the retail portion, if 106583
any, of a facility, any improvement to land or tangible personal 106584

property at a facility for which a certificate is issued, first 106585
used in business at the facility as the result of a project, shall 106586
not be considered an asset of a corporate enterprise in 106587
determining the value of its issued and outstanding stock under 106588
division (A) of section 5733.05 of the Revised Code at the end of 106589
the taxable year that includes the certificate's date of issuance. 106590

(2) With the exception of the original cost of improvements 106591
to land or tangible personal property constituting or used in the 106592
retail portion, if any, of a facility, the original cost of any 106593
improvement to land or tangible personal property at the facility 106594
for which the certificate is issued, first used in business at the 106595
facility as a result of a project, shall be excluded from the 106596
numerator upon computation of the property factor of a corporate 106597
enterprise under division (B)(2)(a) of section 5733.05 of the 106598
Revised Code, or of a noncorporate enterprise under division (A) 106599
of section 5747.21 of the Revised Code, for the taxable year that 106600
includes the certificate's date of issuance. 106601

As used in divisions (A)(1) and (2) of this section, the 106602
"retail portion" of a facility is that part of a facility used 106603
primarily for making retail sales as defined in division (O) of 106604
section 5739.01 of the Revised Code. 106605

(3) Compensation paid to new employees described under 106606
divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code 106607
at the facility for which the certificate is issued, who are hired 106608
as a result of a project, shall be excluded from the numerator 106609
upon computation of the payroll factor of a corporate enterprise 106610
under division (B)(2)(b) of section 5733.05 of the Revised Code, 106611
or of a noncorporate enterprise under division (B) of section 106612
5747.21 of the Revised Code, for the taxable year that includes 106613
the certificate's date of issuance. 106614

(4) An enterprise that reimburses its new employees described 106615
under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised 106616

Code for all or part of the cost of ~~day-care~~ child care services 106617
necessary to enable them to be employed at a facility for which a 106618
certificate is issued shall be entitled to a credit equal to the 106619
amounts so reimbursed, up to a maximum of three hundred dollars 106620
for each child or dependent receiving the services, for the 106621
taxable year in which reimbursement is made, against the tax 106622
imposed by section 5733.06 of the Revised Code on a corporate 106623
enterprise, or against the aggregate amount of tax imposed on the 106624
owners of a noncorporate enterprise under section 5747.02 of the 106625
Revised Code, for the taxable year that includes the certificate's 106626
date of issuance. Only reimbursements of amounts paid by new 106627
employees to ~~day-care~~ child care centers licensed by the 106628
department of job and family services for ~~day-care~~ child care 106629
services provided during the first twenty-four months of 106630
employment as a new employee may be applied toward the credit 106631
provided under this division. Any enterprise claiming this credit 106632
shall maintain records verifying that the credit is claimed only 106633
for reimbursement of amounts expended by new employees for such 106634
services. 106635

(5) For each new employee described in divisions (A)(2)(a) to 106636
(e) of section 5709.64 of the Revised Code who completes a 106637
training program and is subsequently employed by an enterprise for 106638
at least ninety days, if the enterprise pays or reimburses all or 106639
part of the cost of the employee's participation in the training 106640
program, it may claim a credit equal to the amount paid or 106641
reimbursed or one thousand dollars, whichever is less, in the 106642
taxable year in which the employee completes the ninety days of 106643
subsequent employment, against the tax imposed on a corporate 106644
enterprise by section 5733.06 of the Revised Code, or against the 106645
aggregate amount of tax imposed on the owners of a noncorporate 106646
enterprise under section 5747.02 of the Revised Code. Only one 106647
credit shall be allowed with respect to any individual. Attendance 106648
at a qualified training program under this section does not bar an 106649

otherwise eligible individual from receipt of benefits under 106650
Chapter 4141. of the Revised Code. 106651

(B) None of the items set forth in divisions (A)(2) and (3) 106652
of this section shall be considered in making any allocation or 106653
apportionment under division (B)(2)(d) of section 5733.05 or 106654
division (D) of section 5747.21 of the Revised Code. 106655

(C) All credits provided under this section to a noncorporate 106656
enterprise shall be divided pro rata among the owners of the 106657
enterprise subject to the tax imposed by section 5747.02 of the 106658
Revised Code, based upon their proportionate ownership interests 106659
in the enterprise. The enterprise shall file with the tax 106660
commissioner, on a form prescribed by the commissioner, a 106661
statement showing the total available credit and the portion 106662
thereof attributed to each owner. The statement shall identify 106663
each owner by name and social security number and shall be filed 106664
with the tax commissioner by the date prescribed by the 106665
commissioner, which shall be no earlier than the fifteenth day of 106666
the month following the close of the enterprise's taxable year for 106667
which the credit is claimed. 106668

(D) All state income tax or corporation franchise tax credits 106669
provided under this section shall be claimed in the order required 106670
under section 5733.98 or 5747.98 of the Revised Code. The credits, 106671
to the extent they exceed the taxpayer's aggregate tax liability 106672
for the taxable year after allowance for any other credits that 106673
precede the credits under this section in that order, shall be 106674
carried forward to the next succeeding taxable year or years until 106675
fully utilized. 106676

Sec. 5733.36. This section applies only to tax years 1999, 106677
2000, 2001, 2002, and 2003. 106678

A nonrefundable credit is allowed against the tax imposed by 106679
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for a 106680

taxpayer that enters into an agreement with a child ~~day-care~~ care 106681
center pursuant to this section. Under the terms of the agreement, 106682
the taxpayer must make one or more support payments to the 106683
~~day-care~~ center on a periodic basis, and the center must agree to 106684
serve a child of an employee of the taxpayer for the period 106685
covered by each support payment. The center must be licensed under 106686
section 5104.03 of the Revised Code. The amount of the support 106687
payment must be set forth in the agreement, and cannot exceed a 106688
reasonable charge for a child to attend a ~~day-care~~ center in the 106689
vicinity of the taxpayer's worksite. The agreement must specify 106690
that an employee has the option of refusing to place the 106691
employee's child in a ~~day-care~~ center that receives support 106692
payments from the taxpayer. 106693

The amount of the credit equals fifty per cent of the total 106694
amount of support payments made by the taxpayer during the taxable 106695
year. The taxpayer shall not count toward the credit any amount it 106696
paid directly or indirectly in connection with a plan or program 106697
described in section 125 of the Internal Revenue Code or under 106698
section 5733.38 of the Revised Code. The taxpayer shall claim the 106699
credit in the order required under section 5733.98 of the Revised 106700
Code. 106701

Sec. 5733.37. (A) A nonrefundable credit is allowed against 106702
the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the 106703
Revised Code equal to the lesser of one hundred thousand dollars, 106704
or fifty per cent of the amount incurred by a taxpayer for 106705
equipment, supplies, labor, and real property, including 106706
renovation of real property, used exclusively to establish a child 106707
~~day-care~~ care center. The credit is allowed only for the tax year 106708
immediately following the taxable year in which the ~~child day-care~~ 106709
center begins operations. The credit may be claimed only for tax 106710
year 1999, 2000, 2001, 2002, or 2003, but may be carried forward 106711
pursuant to division (B) of this section. 106712

The center must be licensed under section 5104.03 of the Revised Code, used exclusively by employees of the taxpayer, and located at the employees' worksite. Amounts incurred for supplies that are to be used after the center begins operations may be included only with regard to supplies that are expected to last more than one year under normal usage. To be eligible for the credit, the taxpayer must specify that an employee has the option of refusing to place the employee's child in the ~~day-care~~ center established by the taxpayer.

(B) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, and shall deduct the amount of the excess credit allowed in any such year from the balance carried forward to the next taxable year. The credit may be carried forward for five tax years following the tax year for which the credit is claimed under division (A) of this section. However, if the taxpayer disposes of the ~~day-care~~ center or ceases to operate it at any time during the five-year period, it shall not claim or carry forward any credit in connection with that property in the taxable year of disposal or cessation of operation or in any ensuing taxable year.

Sec. 5733.38. This section applies only to tax years 1999, 2000, 2001, 2002, and 2003.

A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to fifty per cent of the amount incurred by a taxpayer during the taxable year immediately preceding the tax year to reimburse employees of the taxpayer for child care expenses. The amount of the credit for a tax year shall not exceed seven hundred fifty

dollars per child. 106744

The taxpayer shall count toward the credit only 106745
reimbursements it pays to or for the benefit of employees for 106746
amounts paid by those employees for child care provided to 106747
dependents of the employees at child ~~day-care~~ care centers 106748
licensed under section 5104.03 of the Revised Code. The taxpayer 106749
shall not count toward the credit any amount it paid directly or 106750
indirectly in connection with a plan or program described in 106751
section 125 of the Internal Revenue Code or under section 5733.36 106752
of the Revised Code. The taxpayer shall claim the credit in the 106753
order required under section 5733.98 of the Revised Code. 106754

Sec. 6109.121. (A) The director of environmental protection 106755
shall adopt rules in accordance with Chapter 119. of the Revised 106756
Code that do all of the following: 106757

(1) Require the owner or operator of a community or 106758
nontransient noncommunity water system to conduct sampling of the 106759
system for lead and copper; 106760

(2) Establish a schedule for lead and copper sampling 106761
applicable to the owner or operator of a community or nontransient 106762
noncommunity water system that, at a minimum, does both of the 106763
following: 106764

(a) Allows the director, in establishing the schedule, to 106765
consider the following factors when determining if a community or 106766
nontransient noncommunity water system must conduct sampling at 106767
least once annually: 106768

(i) The age of the water system; 106769

(ii) Whether corrosion control requirements are met; 106770

(iii) Any other relevant risk factors, as determined by the 106771
director, including aging infrastructure likely to contain lead 106772
service lines. 106773

(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.

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(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;

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(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;

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(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;

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(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:

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(a) The system changes or adds a source from which water is obtained.

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(b) The system makes a substantial change in water treatment.

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(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.

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(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.

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(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate

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circumstances; 106804

(8) When the owner or operator of a community or nontransient 106805
noncommunity water system is required to complete a corrosion 106806
control treatment study and submit a plan in accordance with rules 106807
adopted under division (A)(6) of this section, require the owner 106808
or operator to complete the study and submit the plan to the 106809
director for approval even if sampling results conducted 106810
subsequent to the initiation of the study and plan do not exceed 106811
the lead action level established in rules adopted under this 106812
chapter; 106813

(9) When the owner or operator of a community or nontransient 106814
noncommunity water system is required to complete a corrosion 106815
control treatment study and submit a plan in accordance with rules 106816
adopted under division (A)(6) of this section, require the owner 106817
or operator to submit to the director an interim status report of 106818
actions taken to implement the corrosion control study six months 106819
and twelve months from the date of initiation of the corrosion 106820
control study requirement; 106821

(10) Establish a lead threshold for individual taps; 106822

(11) Establish and revise content for public education 106823
materials; 106824

(12) Authorize the director to develop procedures and 106825
requirements to document that notices were provided by the owner 106826
or operator of a community or nontransient noncommunity water 106827
system as required under the rules adopted under division (A)(15) 106828
of this section; 106829

(13) Authorize the director to assess administrative 106830
penalties in accordance with section 6109.23 of the Revised Code 106831
for violations of the notice requirements established in rules 106832
adopted under divisions (A)(15)(b) and (c)(i) of this section; 106833

(14) Require a laboratory that receives a lead or copper tap 106834

water sample from a community or nontransient noncommunity water system to do both of the following: 106835
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(a) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample; 106837
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(b) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director. 106840
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(15) Require the owner or operator of a community or nontransient noncommunity water system to do all of the following, as applicable, with regard to laboratory results received under rules adopted under division (A)(14) of this section: 106845
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(a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results; 106849
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(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable: 106857
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(i) For the owner or operator of a nontransient noncommunity 106865

water system, immediately remove from service all fixtures 106866
identified as contributing to elevated lead levels; 106867

(ii) For the owner or operator of a community water system, 106868
include in the system's annual consumer confidence report the lead 106869
or copper laboratory results, an explanation of the associated 106870
health risks, what actions consumers of the system can take to 106871
reduce health risks, and the actions the system is taking to 106872
reduce public exposure; 106873

(iii) Not later than two business days after the receipt of 106874
the laboratory results, provide information on the availability of 106875
health screening and blood lead level testing to the owner and 106876
persons served at the residence or other structure where the 106877
sample was collected and provide notice of the laboratory results 106878
to the applicable local board of health. 106879

(c) If the laboratory results show that the community or 106880
nontransient noncommunity water system exceeds the lead action 106881
level established in rules adopted under this chapter, do all of 106882
the following, as applicable: 106883

(i) Not later than two business days after the receipt of the 106884
laboratory results, provide notice to all of the system's water 106885
consumers that the system exceeds the lead action level. The owner 106886
or operator shall provide the notice in a form specified by the 106887
director. 106888

(ii) Not later than five business days after the receipt of 106889
the laboratory results by the owner or operator of a community 106890
water system, provide information on the availability of tap water 106891
testing for lead to all consumers served by the system who are 106892
known or likely to have lead service lines, lead pipes, or lead 106893
solder as identified in the map required to be completed by rules 106894
adopted under division (A)(18) of this section; 106895

(iii) Not later than thirty business days after the receipt 106896

of the laboratory results, make an analysis of laboratory results 106897
available to all consumers served by the system, comply with 106898
public education requirements established in rules adopted under 106899
this chapter that apply when a public water system exceeds the 106900
lead action level, and provide information to consumers served by 106901
the system about the availability of health screenings and blood 106902
lead level testing in the area served by the water system; 106903

(iv) Subject to rules adopted under division (A)(7) of this 106904
section, perform a corrosion control treatment study and submit a 106905
corrosion control treatment plan to the director not later than 106906
eighteen months after the date on which laboratory results were 106907
received by the owner or operator indicating that the system 106908
exceeded the lead action level. 106909

(16) Require that not later than five business days after the 106910
receipt of the laboratory results, the owner or operator shall 106911
certify to the director that the owner or operator has complied 106912
with the requirements of rules adopted under divisions (A)(15)(b), 106913
(A)(15)(c)(i), and (A)(15)(c)(ii) of this section, as applicable. 106914

(17) Require that if the owner or operator of a community or 106915
nontransient noncommunity water system fails to provide the 106916
notices required under rules adopted under division (A)(15)(b) or 106917
(c)(i) of this section, the director shall provide those notices 106918
beginning ten business days from the date that the director 106919
receives laboratory results under the rules adopted under division 106920
(A)(14) of this section. 106921

(18) Require the owner or operator of a community or 106922
nontransient noncommunity water system to submit a map to the 106923
director showing areas of the system that are known or are likely 106924
to contain lead service lines and identifying characteristics of 106925
buildings served by the system that may contain lead piping, 106926
solder, or fixtures. The rules shall, at a minimum, require the 106927
owner or operator to do all of the following: 106928

(a) Submit a copy of the applicable map to the department of health and the department of job and family services; 106929
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(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site; 106931
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(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required under the Safe Drinking Water Act. 106936
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(B) The director shall post information on the environmental protection agency's web site about sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement. 106940
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(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child ~~day-care~~ care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division (A)(18) of this section. 106945
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(D) As used in this section: 106950

(1) "Child ~~day-care~~ care center" has the same meaning as in section 5104.01 of the Revised Code. 106951
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(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of 106953
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trustees of a college-preparatory boarding school established 106960
under Chapter 3328. of the Revised Code, or the governing 106961
authority of a chartered or nonchartered nonpublic school. 106962

(3) "Local board of health" means the applicable board of 106963
health of a city or general health district or the authority 106964
having the duties of a board of health under section 3709.05 of 106965
the Revised Code. 106966

Section 130.21. That existing sections 109.57, 349.01, 106967
921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 106968
2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 106969
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 106970
3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 106971
3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 106972
3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 106973
4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 106974
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 106975
5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 106976
5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 106977
5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 106978
5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 106979
5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 106980
5119.371, 5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 106981
5733.37, 5733.38, and 6109.121 of the Revised Code are hereby 106982
repealed. 106983

Section 130.22. Section 4510.021 of the Revised Code is 106984
presented in this act as a composite of the section as amended by 106985
both H.B. 300 and S.B. 204 of the 131st General Assembly. The 106986
General Assembly, applying the principle stated in division (B) of 106987
section 1.52 of the Revised Code that amendments are to be 106988
harmonized if reasonably capable of simultaneous operation, finds 106989
that the composite is the resulting version of the section in 106990

effect prior to the effective date of the section as presented in 106991
this act. 106992

Section 130.23. That the version of section 3701.63 of the 106993
Revised Code that is scheduled to take effect September 30, 2024, 106994
be amended to read as follows: 106995

Sec. 3701.63. (A) As used in this section and sections 106996
3701.64, 3701.66, and 3701.67 of the Revised Code: 106997

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 106998
child care home," and "licensed type B family ~~day-care~~ child care 106999
home" have the same meanings as in section 5104.01 of the Revised 107000
Code. 107001

(2) "Child care facility" means a child ~~day-care~~ care center, 107002
a type A family ~~day-care~~ child care home, or a licensed type B 107003
family ~~day-care~~ child care home. 107004

(3) "Foster caregiver" has the same meaning as in section 107005
5103.02 of the Revised Code. 107006

(4) "Freestanding birthing center" has the same meaning as in 107007
section 3701.503 of the Revised Code. 107008

(5) "Hospital" has the same meaning as in section 3722.01 of 107009
the Revised Code to which either of the following applies: 107010

(a) The hospital has a maternity unit. 107011

(b) The hospital receives for care infants who have been 107012
transferred to it from other facilities and who have never been 107013
discharged to their residences following birth. 107014

(6) "Infant" means a child who is less than one year of age. 107015

(7) "Maternity unit" means the distinct portion of a hospital 107016
in which maternity services are provided. 107017

(8) "Other person responsible for the infant" includes a foster caregiver. 107018
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(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. 107020
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(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child. 107025
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(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following: 107030
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(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome; 107032
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(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section; 107034
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(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following: 107037
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(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code; 107039
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(b) Reviewing the content of the educational materials to determine if updates or improvements should be made; 107041
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(c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised Code, to determine if modifications to that manner should be made. 107043
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(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to 107046
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the extent possible, minimize administrative or financial burdens 107048
on any of the entities or persons listed in section 3701.64 of the 107049
Revised Code. 107050

Section 130.24. That the existing version of section 3701.63 107051
of the Revised Code that is scheduled to take effect September 30, 107052
2024, is hereby repealed. 107053

Section 130.25. Sections 130.23 and 130.24 of this act take 107054
effect September 30, 2024. 107055

Section 130.30. That sections 127.15, 173.03, 753.19, 107056
1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 107057
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 107058
1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 107059
3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 107060
3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 107061
3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 107062
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 107063
3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 107064
4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 107065
4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 107066
5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 107067
5703.37, 5709.83, 5736.041, and 5751.40 be amended and sections 107068
1509.031 and 3745.019 of the Revised Code be enacted to read as 107069
follows: 107070

Sec. 127.15. The controlling board may authorize any state 107071
agency for which an appropriation is made, in any act making 107072
appropriations for capital improvements, to expend the moneys 107073
appropriated otherwise than in accordance with the items set 107074
forth, and for such purpose may authorize transfers among items or 107075
create new items and authorize transfers thereto, provided that 107076

prior to such transfers the agency seeking the same shall notify 107077
by mail or electronic mail the elected representatives to the 107078
general assembly from the counties affected by such transfers, 107079
stating the time and place of the hearing on the proposed 107080
transfers thereto. Such transfers among items shall not alter in 107081
total the appropriation to any state agency except as otherwise 107082
provided by the general assembly. The board may not authorize the 107083
transfer of a capital appropriation item of any state agency for 107084
use by such agency for operating expenses, except as otherwise 107085
provided by the general assembly. 107086

Sec. 173.03. (A) There is hereby created the Ohio advisory 107087
council for the aging, which shall consist of twelve members to be 107088
appointed by the governor with the advice and consent of the 107089
senate. Two ex officio members of the council shall be members of 107090
the house of representatives appointed by the speaker of the house 107091
of representatives and shall be members of two different political 107092
parties. Two ex officio members of the council shall be members of 107093
the senate appointed by the president of the senate and shall be 107094
members of two different political parties. The medicaid director 107095
and directors of mental health and addiction services, 107096
developmental disabilities, health, and job and family services, 107097
or their designees, shall serve as ex officio members of the 107098
council. The council shall carry out its role as defined under the 107099
"Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as 107100
amended. 107101

At the first meeting of the council, and annually thereafter, 107102
the members shall select one of their members to serve as 107103
chairperson and one of their members to serve as vice-chairperson. 107104
The council may form a quorum and take votes at meetings conducted 107105
by interactive electronic medium if provisions are made for public 107106
attendance through the interactive electronic meeting. 107107

(B) Members of the council shall be appointed for a term of 107108
three years, except that for the first appointment members of the 107109
Ohio commission on aging who were serving on the commission 107110
immediately prior to July 26, 1984, shall become members of the 107111
council for the remainder of their unexpired terms. Thereafter, 107112
appointment to the council shall be for a three-year term by the 107113
governor. Each member shall hold office from the date of 107114
appointment until the end of the term for which the member was 107115
appointed. Any member appointed to fill a vacancy occurring prior 107116
to the expiration of the term for which the member's predecessor 107117
was appointed shall hold office for the remainder of the term. No 107118
member shall continue in office subsequent to the expiration date 107119
of the member's term unless reappointed under the provisions of 107120
this section, and no member shall serve more than three 107121
consecutive terms on the council. 107122

(C) Membership of the council shall represent all areas of 107123
Ohio and shall be as follows: 107124

(1) A majority of members of the council shall have attained 107125
the age of fifty and have a knowledge of and continuing interest 107126
in the affairs and welfare of the older citizens of Ohio. The 107127
fields of business, labor, health, law, and human services shall 107128
be represented in the membership. 107129

(2) No more than seven members shall be of the same political 107130
party. 107131

(D) Any member of the council may be removed from office by 107132
the governor for neglect of duty, misconduct, or malfeasance in 107133
office after being informed in writing of the charges and afforded 107134
an opportunity for a hearing. Two consecutive unexcused absences 107135
from regularly scheduled meetings constitute neglect of duty. 107136

(E) The director of aging may reimburse a member for actual 107137
and necessary traveling and other expenses incurred in the 107138

discharge of official duties. But reimbursement shall be made in 107139
the manner and at rates that do not exceed those prescribed by the 107140
director of budget and management for any officer, member, or 107141
employee of, or consultant to, any state agency. 107142

(F) Council members are not limited as to the number of terms 107143
they may serve. 107144

(G)(1) The department of aging may award grants to or enter 107145
into contracts with a member of the advisory council or an entity 107146
that the member represents if any of the following apply: 107147

(a) The department determines that the member or the entity 107148
the member represents is capable of providing the goods or 107149
services specified under the terms of the grant or contract. 107150

(b) The member has not taken part in any discussion or vote 107151
of the council related to whether the council should recommend 107152
that the department of aging award the grant to or enter into the 107153
contract with the member of the advisory council or the entity 107154
that the member represents. 107155

(2) A member of the advisory council is not in violation of 107156
Chapter 102. or section 2921.42 of the Revised Code with regard to 107157
receiving a grant or entering into a contract under this section 107158
if the conditions of division (G)(1)(a) and (b) of this section 107159
have been met. 107160

Sec. 753.19. (A) If a person who was convicted of or pleaded 107161
guilty to an offense or was indicted or otherwise charged with the 107162
commission of an offense escapes from a jail or workhouse of a 107163
municipal corporation or otherwise escapes from the custody of a 107164
municipal corporation, the chief of police or other chief law 107165
enforcement officer of that municipal corporation immediately 107166
after the escape shall report the escape, by telephone and in 107167
writing, to all local law enforcement agencies with jurisdiction 107168

over the place where the person escaped from custody, to the state highway patrol, to the department of rehabilitation and correction if the escaped person is a prisoner under the custody of the department who is in the jail or workhouse, to the prosecuting attorney of the county, and to a newspaper of general circulation in the municipal corporation in a newspaper of general circulation in each county in which part of the municipal corporation is located. The written notice may be by ~~either~~ facsimile transmission, electronic mail, or mail. A failure to comply with this requirement is a violation of section 2921.22 of the Revised Code.

(B) Upon the apprehension of the escaped person, the chief law enforcement officer shall give notice of the apprehension of the escaped person by telephone and in writing to the persons notified under division (A) of this section.

Sec. 1121.38. (A)(1) An administrative hearing provided for in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code shall be held in the county in which the principal place of business of the bank or trust company or residence of the regulated person is located, unless the bank, trust company, or regulated person requesting the hearing consents to another place. Within ninety days after the hearing, the superintendent of financial institutions shall render a decision, which shall include findings of fact upon which the decision is predicated, and shall issue and serve on the bank, trust company, or regulated person the decision and an order consistent with the decision. Judicial review of the order is exclusively as provided in division (B) of this section. Unless a notice of appeal is filed in a court of common pleas within thirty days after service of the superintendent's order as provided in division (B) of this section, and until the record of the administrative hearing has been filed, the superintendent may, at anytime, upon the notice

and in the manner the superintendent considers proper, modify, 107201
terminate, or set aside the superintendent's order. After filing 107202
the record, the superintendent may modify, terminate, or set aside 107203
the superintendent's order with permission of the court. 107204

(a) A hearing provided for in section 1121.32, 1121.35, or 107205
1121.41 of the Revised Code shall be confidential, unless the 107206
superintendent determines that holding an open hearing would be in 107207
the public interest. Within twenty days after service of the 107208
notice of a hearing, a respondent may file a written request for a 107209
public hearing with the superintendent. A respondent's failure to 107210
file such a request constitutes a waiver of any objections to a 107211
confidential hearing. 107212

(b) A hearing provided for in section 1121.33 of the Revised 107213
Code shall be an open hearing. Within twenty days after service of 107214
the notice of a hearing, a respondent may file a written request 107215
for a confidential hearing with the superintendent. If such a 107216
request is received by the superintendent, the hearing shall be 107217
confidential unless the superintendent determines that holding an 107218
open hearing would be in the public interest. 107219

(2) In the course of, or in connection with, an 107220
administrative hearing governed by this section, the 107221
superintendent, or a person designated by the superintendent to 107222
conduct the hearing, may administer oaths and affirmations, take 107223
or cause depositions to be taken, and issue, revoke, quash, or 107224
modify subpoenas and subpoenas duces tecum. At any administrative 107225
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 107226
of the Revised Code, the record of which may be the basis of an 107227
appeal to court, a stenographic record of the testimony and other 107228
evidence submitted shall be taken at the expense of the division 107229
of financial institutions. The record shall include all of the 107230
testimony and other evidence, and any rulings on the admissibility 107231
thereof, presented at the hearing. The superintendent may adopt 107232

rules regarding these hearings. The attendance of witnesses and 107233
the production of documents provided for in this section may be 107234
required from any place within or outside the state. A party to a 107235
hearing governed by this section may apply to the court of common 107236
pleas of Franklin county, or the court of common pleas of the 107237
county in which the hearing is being conducted or the witness 107238
resides or carries on business, for enforcement of a subpoena or 107239
subpoena duces tecum issued pursuant to this section, and the 107240
courts have jurisdiction and power to order and require compliance 107241
with the subpoena. Witnesses subpoenaed under this section shall 107242
be paid the fees and mileage provided for under section 119.094 of 107243
the Revised Code. 107244

As used in this division, "stenographic record" means a 107245
record provided by stenographic means or by the use of audio 107246
electronic recording devices, as the division of financial 107247
institutions determines. 107248

(B)(1) A bank, trust company, or regulated person against 107249
whom the superintendent issues an order upon the record of a 107250
hearing under the authority of section 1121.32, 1121.33, 1121.35, 107251
or 1121.41 of the Revised Code may obtain a review of the order by 107252
filing a notice of appeal in the court of common pleas in the 107253
county in which the principal place of business of the bank, trust 107254
company, or regulated person, or residence of the regulated 107255
person, is located, or in the court of common pleas of Franklin 107256
county, within thirty days after the date of service of the 107257
superintendent's order. The clerk of the court shall promptly 107258
transmit a copy of the notice of appeal to the superintendent. 107259
Within thirty days after receiving the notice of appeal, the 107260
superintendent shall file a certified copy of the record of the 107261
administrative hearing with the clerk of the court. In the event 107262
of a private hearing, the record of the administrative hearing 107263
shall be filed under seal with the clerk of the court. Upon the 107264

filing of the notice of appeal, the court has jurisdiction, which 107265
upon the filing of the record of the administrative hearing is 107266
exclusive, to affirm, modify, terminate, or set aside, in whole or 107267
in part, the superintendent's order. 107268

(2) The commencement of proceedings for judicial review 107269
pursuant to division (B) of this section does not, unless 107270
specifically ordered by the court, operate as a stay of any order 107271
issued by the superintendent. If it appears to the court an 107272
unusual hardship to the appellant bank, trust company, or 107273
regulated person will result from the execution of the 107274
superintendent's order pending determination of the appeal, and 107275
the interests of depositors and the public will not be threatened 107276
by a stay of the order, the court may grant a stay and fix its 107277
terms. 107278

(C) The superintendent may, in the sole discretion of the 107279
superintendent, apply to the court of common pleas of the county 107280
in which the principal place of business of the bank, trust 107281
company, or regulated person, or residence of the regulated 107282
person, is located, or the court of common pleas of Franklin 107283
county, for the enforcement of an effective and outstanding 107284
superintendent's order issued under section 1121.32, 1121.33, 107285
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 107286
has jurisdiction and power to order and require compliance with 107287
the superintendent's order. In an action by the superintendent 107288
pursuant to this division to enforce an order assessing a civil 107289
penalty issued under section 1121.35 of the Revised Code, the 107290
validity and appropriateness of the civil penalty is not subject 107291
to review. 107292

(D) No court has jurisdiction to affect, by injunction or 107293
otherwise, the issuance or enforcement of an order issued under 107294
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 107295
Revised Code or to review, modify, suspend, terminate, or set 107296

aside an order issued under section 1121.32, 1121.33, 1121.34, 107297
1121.35, or 1121.41 of the Revised Code, except as provided in 107298
this section, in division (G) of section 1121.32 of the Revised 107299
Code for an order issued pursuant to division (C)(3) or (4) of 107300
section 1121.32 of the Revised Code, or in division (A)(3) of 107301
section 1121.34 of the Revised Code for an order issued pursuant 107302
to division (A)(1) of section 1121.34 of the Revised Code. 107303

(E) Nothing in this section or in any other section of the 107304
Revised Code or rules implementing this or any other section of 107305
the Revised Code shall prohibit or limit the superintendent from 107306
doing any of the following: 107307

(1) Issuing orders pursuant to section 1121.32, 1121.33, 107308
1121.34, 1121.35, or 1121.41 of the Revised Code; 107309

(2) Individually or contemporaneously taking any other action 107310
provided by law or rule with respect to a bank, trust company, or 107311
regulated person; 107312

(3) Taking any action provided by law or rule with respect to 107313
a bank, trust company, or regulated person, whether alone or in 107314
conjunction with another regulatory agency or authority. 107315

Sec. 1509.031. (A) Notwithstanding any other provision of law 107316
to the contrary and other than a statement of production, the 107317
chief of the division of oil and gas resources management may 107318
require the electronic submission of any application, report, test 107319
result, fee, or document that is required to be submitted under 107320
this chapter. The chief shall require the submission of statements 107321
of production to be made electronically regardless of well type 107322
and the number of wells owned. 107323

(B) For good cause, a person may request to be excluded from 107324
any requirement to make an electronic submission under division 107325
(A) of this section other than the requirement to submit a 107326

statement of production electronically. The chief shall establish 107327
the procedure and form by which a person may request such 107328
exclusion. 107329

Sec. 1509.06. (A) An application for a permit to drill a new 107330
well, drill an existing well deeper, reopen a well, convert a well 107331
to any use other than its original purpose, or plug back a well to 107332
a different source of supply, including associated production 107333
operations, shall be filed with the chief of the division of oil 107334
and gas resources management upon such form as the chief 107335
prescribes and shall contain each of the following that is 107336
applicable: 107337

(1) The name and address of the owner and, if a corporation, 107338
the name and address of the statutory agent; 107339

(2) The signature of the owner or the owner's authorized 107340
agent. When an authorized agent signs an application, it shall be 107341
accompanied by a certified copy of the appointment as such agent. 107342

(3) The names and addresses of all persons holding the 107343
royalty interest in the tract upon which the well is located or is 107344
to be drilled or within a proposed drilling unit; 107345

(4) The location of the tract or drilling unit on which the 107346
well is located or is to be drilled identified by section or lot 107347
number, city, village, township, and county; 107348

(5) Designation of the well by name and number; 107349

(6)(a) The geological formation to be tested or used and the 107350
proposed total depth of the well; 107351

(b) If the well is for the injection of a liquid, identity of 107352
the geological formation to be used as the injection zone and the 107353
composition of the liquid to be injected. 107354

(7) The type of drilling equipment to be used; 107355

(8)(a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be used. The owner shall submit to the chief an update of any of the information that is required by division (A)(8)(a) of this section if any of that information changes before the chief issues a permit for the application.

(b) Except as provided in division (A)(8)(c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner access to sample the water well. The sampling shall be conducted in accordance with the guidelines established in "Best Management Practices For Pre-drilling Water Sampling" in effect at the time that the application is submitted. The division shall furnish those guidelines upon request and shall make them available on the division's web site. If the chief determines that conditions at the proposed well site warrant a revision, the chief may revise the distance established in this division for purposes of pre-drilling water sampling.

(c) For an application for a permit to drill a new horizontal well, the results of sampling of water wells within one thousand

five hundred feet of the proposed horizontal wellhead prior to 107388
commencement of drilling. In addition, the owner shall include a 107389
list that identifies the location of each water well where the 107390
owner of the property on which the water well is located denied 107391
the owner access to sample the water well. The sampling shall be 107392
conducted in accordance with the guidelines established in "Best 107393
Management Practices For Pre-drilling Water Sampling" in effect at 107394
the time that the application is submitted. The division shall 107395
furnish those guidelines upon request and shall make them 107396
available on the division's web site. If the chief determines that 107397
conditions at the proposed well site warrant a revision, the chief 107398
may revise the distance established in this division for purposes 107399
of pre-drilling water sampling. 107400

(9) For an application for a permit to drill a new well 107401
within an urbanized area, a sworn statement that the applicant has 107402
provided notice by regular mail of the application to the owner of 107403
each parcel of real property that is located within five hundred 107404
feet of the surface location of the well and to the executive 107405
authority of the municipal corporation or the board of township 107406
trustees of the township, as applicable, in which the well is to 107407
be located. In addition, the notice shall contain a statement that 107408
informs an owner of real property who is required to receive the 107409
notice under division (A)(9) of this section that within five days 107410
of receipt of the notice, the owner is required to provide notice 107411
under section 1509.60 of the Revised Code to each residence in an 107412
occupied dwelling that is located on the owner's parcel of real 107413
property. The notice shall contain a statement that an application 107414
has been filed with the division of oil and gas resources 107415
management, identify the name of the applicant and the proposed 107416
well location, include the name and address of the division, and 107417
contain a statement that comments regarding the application may be 107418
sent to the division. The notice may be provided by hand delivery 107419
or regular mail. The identity of the owners of parcels of real 107420

property shall be determined using the tax records of the 107421
municipal corporation or county in which a parcel of real property 107422
is located as of the date of the notice. 107423

(10) A plan for restoration of the land surface disturbed by 107424
drilling operations. The plan shall provide for compliance with 107425
the restoration requirements of division (A) of section 1509.072 107426
of the Revised Code and any rules adopted by the chief pertaining 107427
to that restoration. 107428

(11)(a) A description by name or number of the county, 107429
township, and municipal corporation roads, streets, and highways 107430
that the applicant anticipates will be used for access to and 107431
egress from the well site; 107432

(b) For an application for a permit for a horizontal well, a 107433
copy of an agreement concerning maintenance and safe use of the 107434
roads, streets, and highways described in division (A)(11)(a) of 107435
this section entered into on reasonable terms with the public 107436
official that has the legal authority to enter into such 107437
maintenance and use agreements for each county, township, and 107438
municipal corporation, as applicable, in which any such road, 107439
street, or highway is located or an affidavit on a form prescribed 107440
by the chief attesting that the owner attempted in good faith to 107441
enter into an agreement under division (A)(11)(b) of this section 107442
with the applicable public official of each such county, township, 107443
or municipal corporation, but that no agreement was executed. 107444

(12) Such other relevant information as the chief prescribes 107445
by rule. 107446

Each application shall be accompanied by a map, on a scale 107447
not smaller than four hundred feet to the inch, prepared by an 107448
Ohio registered surveyor, showing the location of the well and 107449
containing such other data as may be prescribed by the chief. If 107450
the well is or is to be located within the excavations and 107451

workings of a mine, the map also shall include the location of the mine, the name of the mine, and the name of the person operating the mine.

(B) The chief shall cause a copy of the weekly circular prepared by the division to be provided to the county engineer of each county that contains active or proposed drilling activity. The weekly circular shall contain, in the manner prescribed by the chief, the names of all applicants for permits, the location of each well or proposed well, the information required by division (A)(11) of this section, and any additional information the chief prescribes. In addition, the chief promptly shall transfer an electronic copy ~~or facsimile~~, or if ~~those methods are~~ that method is not available to a municipal corporation or township, a copy via regular mail, of a drilling permit application to the clerk of the legislative authority of the municipal corporation or to the clerk of the township in which the well or proposed well is or is to be located if the legislative authority of the municipal corporation or the board of township trustees has asked to receive copies of such applications and the appropriate clerk has provided the chief an accurate, current electronic mailing address ~~or facsimile number, as applicable.~~

(C)(1) Except as provided in division (C)(2) of this section, the chief shall not issue a permit for at least ten days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief waives that period or a request for expedited review is filed under this section. However, the chief shall issue a permit within twenty-one days of the filing of the application unless the chief denies the application by order.

(2) If the location of a well or proposed well will be or is within an urbanized area, the chief shall not issue a permit for at least eighteen days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief

waives that period or the chief at the chief's discretion grants a 107484
request for an expedited review. However, the chief shall issue a 107485
permit for a well or proposed well within an urbanized area within 107486
thirty days of the filing of the application unless the chief 107487
denies the application by order. 107488

(D) An applicant may file a request with the chief for 107489
expedited review of a permit application if the well is not or is 107490
not to be located in a gas storage reservoir or reservoir 107491
protective area, as "reservoir protective area" is defined in 107492
section 1571.01 of the Revised Code. If the well is or is to be 107493
located in a coal bearing township, the application shall be 107494
accompanied by the affidavit of the landowner prescribed in 107495
section 1509.08 of the Revised Code. 107496

In addition to a complete application for a permit that meets 107497
the requirements of this section and the permit fee prescribed by 107498
this section, a request for expedited review shall be accompanied 107499
by a separate nonrefundable filing fee of two hundred fifty 107500
dollars. Upon the filing of a request for expedited review, the 107501
chief shall cause the county engineer of the county in which the 107502
well is or is to be located to be notified of the filing of the 107503
permit application and the request for expedited review by 107504
telephone or other means that in the judgment of the chief will 107505
provide timely notice of the application and request. The chief 107506
shall issue a permit within seven days of the filing of the 107507
request unless the chief denies the application by order. 107508
Notwithstanding the provisions of this section governing expedited 107509
review of permit applications, the chief may refuse to accept 107510
requests for expedited review if, in the chief's judgment, the 107511
acceptance of the requests would prevent the issuance, within 107512
twenty-one days of their filing, of permits for which applications 107513
are pending. 107514

(E) A well shall be drilled and operated in accordance with 107515

the plans, sworn statements, and other information submitted in 107516
the approved application. 107517

(F) The chief shall issue an order denying a permit if the 107518
chief finds that there is a substantial risk that the operation 107519
will result in violations of this chapter or rules adopted under 107520
it that will present an imminent danger to public health or safety 107521
or damage to the environment, provided that where the chief finds 107522
that terms or conditions to the permit can reasonably be expected 107523
to prevent such violations, the chief shall issue the permit 107524
subject to those terms or conditions, including, if applicable, 107525
terms and conditions regarding subjects identified in rules 107526
adopted under section 1509.03 of the Revised Code. The issuance of 107527
a permit shall not be considered an order of the chief. 107528

The chief shall post notice of each permit that has been 107529
approved under this section on the division's web site not later 107530
than two business days after the application for a permit has been 107531
approved. 107532

(G) Each application for a permit required by section 1509.05 107533
of the Revised Code, except an application for a well drilled or 107534
reopened for purposes of section 1509.22 of the Revised Code, also 107535
shall be accompanied by a nonrefundable fee as follows: 107536

(1) Five hundred dollars for a permit to conduct activities 107537
in a township with a population of fewer than ten thousand; 107538

(2) Seven hundred fifty dollars for a permit to conduct 107539
activities in a township with a population of ten thousand or 107540
more, but fewer than fifteen thousand; 107541

(3) One thousand dollars for a permit to conduct activities 107542
in either of the following: 107543

(a) A township with a population of fifteen thousand or more; 107544

(b) A municipal corporation regardless of population. 107545

(4) If the application is for a permit that requires 107546
mandatory pooling, an additional five thousand dollars. 107547

For purposes of calculating fee amounts, populations shall be 107548
determined using the most recent federal decennial census. 107549

Each application for the revision or reissuance of a permit 107550
shall be accompanied by a nonrefundable fee of two hundred fifty 107551
dollars. 107552

(H)(1) Prior to the commencement of well pad construction and 107553
prior to the issuance of a permit to drill a proposed horizontal 107554
well or a proposed well that is to be located in an urbanized 107555
area, the division shall conduct a site review to identify and 107556
evaluate any site-specific terms and conditions that may be 107557
attached to the permit. At the site review, a representative of 107558
the division shall consider fencing, screening, and landscaping 107559
requirements, if any, for similar structures in the community in 107560
which the well is proposed to be located. The terms and conditions 107561
that are attached to the permit shall include the establishment of 107562
fencing, screening, and landscaping requirements for the surface 107563
facilities of the proposed well, including a tank battery of the 107564
well. 107565

(2) Prior to the issuance of a permit to drill a proposed 107566
well, the division shall conduct a review to identify and evaluate 107567
any site-specific terms and conditions that may be attached to the 107568
permit if the proposed well will be located in a one-hundred-year 107569
floodplain or within the five-year time of travel associated with 107570
a public drinking water supply. 107571

(I) A permit shall be issued by the chief in accordance with 107572
this chapter. A permit issued under this section for a well that 107573
is or is to be located in an urbanized area shall be valid for 107574
twelve months, and all other permits issued under this section 107575
shall be valid for twenty-four months. 107576

(J) An applicant or a permittee, as applicable, shall submit 107577
to the chief an update of the information that is required under 107578
division (A)(8)(a) of this section if any of that information 107579
changes prior to commencement of production operations. 107580

(K) A permittee or a permittee's authorized representative 107581
shall notify an inspector from the division at least twenty-four 107582
hours, or another time period agreed to by the chief's authorized 107583
representative, prior to the commencement of well pad construction 107584
and of drilling, reopening, converting, well stimulation, or 107585
plugback operations. 107586

Sec. 1513.071. (A) Simultaneously with the filing of an 107587
application for a permit or significant revision of an existing 107588
permit under section 1513.07 of the Revised Code, the applicant 107589
shall submit to the chief of the division of mineral resources 107590
management a copy of the applicant's advertisement of the 107591
ownership, precise location, and boundaries of the land to be 107592
affected. At the time of submission, the advertisement shall be 107593
placed by the applicant in a newspaper of general circulation in 107594
the locality of the proposed coal mine at least once a week for 107595
four consecutive weeks. The chief shall notify, in each county or 107596
part of a county in which a proposed area to be permitted is 107597
located, the board of county commissioners, the board of township 107598
trustees, the legislative authorities of municipal corporations, 107599
private water companies, regional councils of governments, and the 107600
boards of directors of conservancy districts informing them of the 107601
operator's intention to conduct a coal mining operation on a 107602
particularly described tract of land and indicating the permit 107603
application number and where a copy of the proposed mining and 107604
reclamation plan may be inspected. The chief shall also notify the 107605
planning commissions with jurisdiction over all or part of the 107606
area to be permitted. These agencies, authorities, or companies 107607
may submit written comments on the application with respect to the 107608

effects of the proposed operation on the environment that are 107609
within their area of responsibility in quadruplicate to the chief 107610
within thirty days after notification by the chief of receipt of 107611
the application. The chief shall immediately transmit these 107612
comments to the applicant and make them available to the public at 107613
the same locations at which the mining application is available 107614
for inspection. 107615

(B) A person having an interest that is or may be adversely 107616
affected or the officer or head of any federal, state, or local 107617
governmental agency or authority may file written objections to 107618
the proposed initial or revised application for a coal mining and 107619
reclamation permit with the chief within thirty days after the 107620
last publication of the notice required by division (A) of this 107621
section. The objections shall immediately be transmitted to the 107622
applicant by the chief and shall be made available to the public. 107623
If written objections are filed and an informal conference 107624
requested, the chief or the chief's representative shall then hold 107625
an informal conference on the application for a permit within a 107626
reasonable time in the county where the largest area of the area 107627
to be permitted is located. The date, time, and location of the 107628
informal conference shall be advertised by the chief in a 107629
newspaper of general circulation in the locality at least two 107630
weeks prior to the scheduled conference date. The chief may 107631
arrange with the applicant, upon request by any objecting party, 107632
access to the proposed mining area for the purpose of gathering 107633
information relevant to the proceeding. An electronic ~~ex~~ 107634
~~stenographic~~ record shall be made of the conference proceeding 107635
unless waived by all parties. The record shall be maintained and 107636
shall be accessible to the parties until final release of the 107637
applicant's performance security. If all parties requesting the 107638
informal conference stipulate agreement prior to the requested 107639
informal conference and withdraw their request, the informal 107640
conference need not be held. 107641

Sec. 1513.08. (A) After a coal mining and reclamation permit application has been approved, the applicant shall file with the chief of the division of mineral resources management, on a form prescribed and furnished by the chief, the performance security required under this section that shall be payable to the state and conditioned on the faithful performance of all the requirements of this chapter and rules adopted under it and the terms and conditions of the permit.

(B) Using the information contained in the permit application; the requirements contained in the approved permit and reclamation plan; and, after considering the topography, geology, hydrology, and revegetation potential of the area of the approved permit, the probable difficulty of reclamation; the chief shall determine the estimated cost of reclamation under the initial term of the permit if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant. The chief shall send either written notice by certified mail or electronic notice with acknowledgment of receipt of the amount of the estimated cost of reclamation ~~by certified mail~~ to the applicant. The applicant shall send either written notice or electronic notice with acknowledgment of receipt to the chief indicating the method by which the applicant will provide the performance security pursuant to division (C) of this section.

(C) The applicant shall provide the performance security in an amount using one of the following:

(1) If the applicant elects to provide performance security without reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code, the amount of the estimated cost of reclamation as determined by the chief under division (B) of this section for the increments of land on which the operator

will conduct a coal mining and reclamation operation under the 107673
initial term of the permit as indicated in the application; 107674

(2) If the applicant elects to provide performance security 107675
together with reliance on the reclamation forfeiture fund through 107676
payment of the additional tax on the severance of coal that is 107677
levied under division (A)(8) of section 5749.02 of the Revised 107678
Code, an amount of twenty-five hundred dollars per acre of land on 107679
which the operator will conduct coal mining and reclamation under 107680
the initial term of the permit as indicated in the application. In 107681
order for an applicant to be eligible to provide performance 107682
security in accordance with division (C)(2) of this section, the 107683
applicant, an owner and controller of the applicant, or an 107684
affiliate of the applicant shall have held a permit issued under 107685
this chapter for any coal mining and reclamation operation for a 107686
period of not less than five years. 107687

If a permit is transferred, assigned, or sold, the transferee 107688
is not eligible to provide performance security under division 107689
(C)(2) of this section if the transferee has not held a permit 107690
issued under this chapter for any coal mining and reclamation 107691
operation for a period of not less than five years. This 107692
restriction applies even if the status or name of the permittee 107693
otherwise remains the same after the transfer, assignment, or 107694
sale. 107695

In the event of forfeiture of performance security that was 107696
provided in accordance with division (C)(2) of this section, the 107697
difference between the amount of that performance security and the 107698
estimated cost of reclamation as determined by the chief under 107699
division (B) of this section shall be obtained from money in the 107700
reclamation forfeiture fund as needed to complete the reclamation. 107701

The performance security provided under division (C) of this 107702
section for the entire area to be mined under one permit issued 107703
under this chapter shall not be less than ten thousand dollars. 107704

The performance security shall cover areas of land affected 107705
by mining within or immediately adjacent to the permitted area, so 107706
long as the total number of acres does not exceed the number of 107707
acres for which the performance security is provided. However, the 107708
authority for the performance security to cover areas of land 107709
immediately adjacent to the permitted area does not authorize a 107710
permittee to mine areas outside an approved permit area. As 107711
succeeding increments of coal mining and reclamation operations 107712
are to be initiated and conducted within the permit area, the 107713
permittee shall file with the chief additional performance 107714
security to cover the increments in accordance with this section. 107715
If a permittee intends to mine areas outside the approved permit 107716
area, the permittee shall provide additional performance security 107717
in accordance with this section to cover the areas to be mined. 107718

If an applicant or permittee is not eligible to provide 107719
performance security in accordance with division (C)(2) of this 107720
section, the applicant or permittee shall provide performance 107721
security in accordance with division (C)(1) of this section in the 107722
full amount of the estimated cost of reclamation as determined by 107723
the chief for a permitted coal preparation plant or coal refuse 107724
disposal area that is not located within a permitted area of a 107725
mine. If an applicant for a permit for a coal preparation plant or 107726
coal refuse disposal area or a permittee of a permitted coal 107727
preparation plant or coal refuse disposal area that is not located 107728
within a permitted area of a mine has held a permit issued under 107729
this chapter for any coal mining and reclamation operation for a 107730
period of five years or more, the applicant or permittee may 107731
provide performance security for the coal preparation plant or 107732
coal refuse disposal area either in accordance with division 107733
(C)(1) of this section in the full amount of the estimated cost of 107734
reclamation as determined by the chief or in accordance with 107735
division (C)(2) of this section in an amount of twenty-five 107736
hundred dollars per acre of land with reliance on the reclamation 107737

forfeiture fund. If a permittee has previously provided 107738
performance security under division (C)(1) of this section for a 107739
coal preparation plant or coal refuse disposal area that is not 107740
located within a permitted area of a mine and elects to provide 107741
performance security in accordance with division (C)(2) of this 107742
section, the permittee shall submit written notice to the chief 107743
indicating that the permittee elects to provide performance 107744
security in accordance with division (C)(2) of this section. Upon 107745
receipt of such a written notice, the chief shall release to the 107746
permittee the amount of the performance security previously 107747
provided under division (C)(1) of this section that exceeds the 107748
amount of performance security that is required to be provided 107749
under division (C)(2) of this section. 107750

(D) A permittee's liability under the performance security 107751
shall be limited to the obligations established under the permit, 107752
which include completion of the reclamation plan in order to make 107753
the land capable of supporting the postmining land use that was 107754
approved in the permit. The period of liability under the 107755
performance security shall be for the duration of the coal mining 107756
and reclamation operation and for a period coincident with the 107757
operator's responsibility for revegetation requirements under 107758
section 1513.16 of the Revised Code. 107759

(E) The amount of the estimated cost of reclamation 107760
determined under division (B) of this section and the amount of a 107761
permittee's performance security provided in accordance with 107762
division (C)(1) of this section shall be adjusted by the chief as 107763
the land that is affected by mining increases or decreases or if 107764
the cost of reclamation increases or decreases. If the performance 107765
security was provided in accordance with division (C)(2) of this 107766
section and the chief has issued a cessation order under division 107767
(D)(2) of section 1513.02 of the Revised Code for failure to abate 107768
a violation of the contemporaneous reclamation requirement under 107769

division (A)(15) of section 1513.16 of the Revised Code, the chief 107770
may require the permittee to increase the amount of performance 107771
security from twenty-five hundred dollars per acre of land to five 107772
thousand dollars per acre of land. 107773

The chief shall notify the permittee, each surety, and any 107774
person who has a property interest in the performance security and 107775
who has requested to be notified of any proposed adjustment to the 107776
performance security. The permittee may request an informal 107777
conference with the chief concerning the proposed adjustment, and 107778
the chief shall provide such an informal conference. 107779

If the chief increases the amount of performance security 107780
under this division, the permittee shall provide additional 107781
performance security in an amount determined by the chief. If the 107782
chief decreases the amount of performance security under this 107783
division, the chief shall determine the amount of the reduction of 107784
the performance security and send either written notice or 107785
electronic notice with acknowledgment of receipt of the amount of 107786
reduction to the permittee. The permittee may reduce the amount of 107787
the performance security in the amount determined by the chief. 107788

(F) A permittee may request a reduction in the amount of the 107789
performance security by submitting to the chief documentation 107790
proving that the amount of the performance security provided by 107791
the permittee exceeds the estimated cost of reclamation if the 107792
reclamation would have to be performed by the division in the 107793
event of forfeiture of the performance security. The chief shall 107794
examine the documentation and determine whether the permittee's 107795
performance security exceeds the estimated cost of reclamation. If 107796
the chief determines that the performance security exceeds that 107797
estimated cost, the chief shall determine the amount of the 107798
reduction of the performance security and send either written 107799
notice or electronic notice with acknowledgment of receipt of the 107800
amount to the permittee. The permittee may reduce the amount of 107801

the performance security in the amount determined by the chief. 107802
Adjustments in the amount of performance security under this 107803
division shall not be considered release of performance security 107804
and are not subject to section 1513.16 of the Revised Code. 107805

(G) If the performance security is a bond, it shall be 107806
executed by the operator and a corporate surety licensed to do 107807
business in this state. If the performance security is a cash 107808
deposit or negotiable certificates of deposit of a bank or savings 107809
and loan association, the bank or savings and loan association 107810
shall be licensed and operating in this state. The cash deposit or 107811
market value of the securities shall be equal to or greater than 107812
the amount of the performance security required under this 107813
section. The chief shall review any documents pertaining to the 107814
performance security and approve or disapprove the documents. The 107815
chief shall notify the applicant of the chief's determination. 107816

(H) If the performance security is a bond, the chief may 107817
accept the bond of the applicant itself without separate surety 107818
when the applicant demonstrates to the satisfaction of the chief 107819
the existence of a suitable agent to receive service of process 107820
and a history of financial solvency and continuous operation 107821
sufficient for authorization to self-insure or bond the amount. 107822

(I) Performance security provided under this section may be 107823
held in trust, provided that the state is the primary beneficiary 107824
of the trust and the custodian of the performance security held in 107825
trust is a bank, trust company, or other financial institution 107826
that is licensed and operating in this state. The chief shall 107827
review the trust document and approve or disapprove the document. 107828
The chief shall notify the applicant of the chief's determination. 107829

(J) If a surety, bank, savings and loan association, trust 107830
company, or other financial institution that holds the performance 107831
security required under this section becomes insolvent, the 107832
permittee shall notify the chief of the insolvency, and the chief 107833

shall order the permittee to submit a plan for replacement 107834
performance security within thirty days after receipt of notice 107835
from the chief. If the permittee provided performance security in 107836
accordance with division (C)(1) of this section, the permittee 107837
shall provide the replacement performance security within ninety 107838
days after receipt of notice from the chief. If the permittee 107839
provided performance security in accordance with division (C)(2) 107840
of this section, the permittee shall provide the replacement 107841
performance security within one year after receipt of notice from 107842
the chief, and, for a period of one year after the permittee's 107843
receipt of notice from the chief or until the permittee provides 107844
the replacement performance security, whichever occurs first, 107845
money in the reclamation forfeiture fund shall be the permittee's 107846
replacement performance security in an amount not to exceed the 107847
estimated cost of reclamation as determined by the chief. 107848

(K) If a permittee provided performance security in 107849
accordance with division (C)(1) of this section, the permittee's 107850
responsibility for repairing material damage and replacement of 107851
water supply resulting from subsidence shall be satisfied by 107852
either of the following: 107853

(1) The purchase prior to mining of a noncancelable 107854
premium-prepaid liability insurance policy in lieu of the 107855
permittee's performance security for subsidence damage. The 107856
insurance policy shall contain terms and conditions that 107857
specifically provide coverage for repairing material damage and 107858
replacement of water supply resulting from subsidence. 107859

(2) The provision of additional performance security in the 107860
amount of the estimated cost to the division of mineral resources 107861
management to repair material damage and replace water supplies 107862
resulting from subsidence until the repair or replacement is 107863
completed. However, if such repair or replacement is completed, or 107864
compensation for structures that have been damaged by subsidence 107865

is provided, by the permittee within ninety days of the occurrence 107866
of the subsidence, additional performance security is not 107867
required. In addition, the chief may extend the ninety-day period 107868
for a period not to exceed one year if the chief determines that 107869
the permittee has demonstrated in writing that subsidence is not 107870
complete and that probable subsidence-related damage likely will 107871
occur and, as a result, the completion of repairs of 107872
subsidence-related material damage to lands or protected 107873
structures or the replacement of water supply within ninety days 107874
of the occurrence of the subsidence would be unreasonable. 107875

(L) If the performance security provided in accordance with 107876
this section exceeds the estimated cost of reclamation, the chief 107877
may authorize the amount of the performance security that exceeds 107878
the estimated cost of reclamation together with any interest or 107879
other earnings on the performance security to be paid to the 107880
permittee. 107881

(M) A permittee that held a valid coal mining and reclamation 107882
permit immediately prior to April 6, 2007, shall provide, not 107883
later than a date established by the chief, performance security 107884
in accordance with division (C)(1) or (2) of this section, rather 107885
than in accordance with the law as it existed prior to that date, 107886
by filing it with the chief on a form that the chief prescribes 107887
and furnishes. Accordingly, for purposes of this section, 107888
"applicant" is deemed to include such a permittee. 107889

(N) As used in this section: 107890

(1) "Affiliate of the applicant" means an entity that has a 107891
parent entity in common with the applicant. 107892

(2) "Owner and controller of the applicant" means a person 107893
that has any relationship with the applicant that gives the person 107894
authority to determine directly or indirectly the manner in which 107895
the applicant conducts coal mining operations. 107896

Sec. 1513.16. (A) Any permit issued under this chapter to 107897
conduct coal mining operations shall require that the operations 107898
meet all applicable performance standards of this chapter and such 107899
other requirements as the chief of the division of mineral 107900
resources management shall adopt by rule. General performance 107901
standards shall apply to all coal mining and reclamation 107902
operations and shall require the operator at a minimum to do all 107903
of the following: 107904

(1) Conduct coal mining operations so as to maximize the 107905
utilization and conservation of the solid fuel resource being 107906
recovered so that re-affecting the land in the future through coal 107907
mining can be minimized; 107908

(2) Restore the land affected to a condition capable of 107909
supporting the uses that it was capable of supporting prior to any 107910
mining, or higher or better uses of which there is reasonable 107911
likelihood, so long as the uses do not present any actual or 107912
probable hazard to public health or safety or pose any actual or 107913
probable threat of diminution or pollution of the waters of the 107914
state, and the permit applicants' declared proposed land uses 107915
following reclamation are not considered to be impractical or 107916
unreasonable, to be inconsistent with applicable land use policies 107917
and plans, to involve unreasonable delay in implementation, or to 107918
violate federal, state, or local law; 107919

(3) Except as provided in division (B) of this section, with 107920
respect to all coal mining operations, backfill, compact where 107921
advisable to ensure stability or to prevent leaching of toxic 107922
materials, and grade in order to restore the approximate original 107923
contour of the land with all highwalls, spoil piles, and 107924
depressions eliminated unless small depressions are needed in 107925
order to retain moisture to assist revegetation or as otherwise 107926
authorized pursuant to this chapter, provided that if the operator 107927

demonstrates that due to volumetric expansion the amount of 107928
overburden and the spoil and waste materials removed in the course 107929
of the mining operation are more than sufficient to restore the 107930
approximate original contour, the operator shall backfill, grade, 107931
and compact the excess overburden and other spoil and waste 107932
materials to attain the lowest grade, but not more than the angle 107933
of repose, and to cover all acid-forming and other toxic materials 107934
in order to achieve an ecologically sound land use compatible with 107935
the surrounding region in accordance with the approved mining 107936
plan. The overburden or spoil shall be shaped and graded in such a 107937
way as to prevent slides, erosion, and water pollution and shall 107938
be revegetated in accordance with this chapter. 107939

(4) Stabilize and protect all surface areas, including spoil 107940
piles affected by the coal mining and reclamation operation, to 107941
control erosion and attendant air and water pollution effectively; 107942

(5) Remove the topsoil from the land in a separate layer, 107943
replace it on the backfill area, or, if not utilized immediately, 107944
segregate it in a separate pile from the spoil, and when the 107945
topsoil is not replaced on a backfill area within a time short 107946
enough to avoid deterioration of the topsoil, maintain a 107947
successful cover by quick-growing plants or other means thereafter 107948
so that the topsoil is preserved from wind and water erosion, 107949
remains free of any contamination by acid or other toxic material, 107950
and is in a usable condition for sustaining vegetation when 107951
restored during reclamation. If the topsoil is of insufficient 107952
quantity or of poor quality for sustaining vegetation or if other 107953
strata can be shown to be more suitable for vegetation 107954
requirements, the operator shall remove, segregate, and preserve 107955
in a like manner such other strata as are best able to support 107956
vegetation. 107957

(6) Restore the topsoil or the best available subsoil that is 107958
best able to support vegetation; 107959

(7) For all prime farmlands as identified in division 107960
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 107961
reclaimed, perform soil removal, storage, replacement, and 107962
reconstruction in accordance with specifications established by 107963
the secretary of the United States department of agriculture under 107964
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 107965
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 107966
required to do all of the following: 107967

(a) Segregate the A horizon of the natural soil, except where 107968
it can be shown that other available soil materials will create a 107969
final soil having a greater productive capacity, and, if not 107970
utilized immediately, stockpile this material separately from the 107971
spoil and provide needed protection from wind and water erosion or 107972
contamination by acid or other toxic material; 107973

(b) Segregate the B horizon of the natural soil, or 107974
underlying C horizons or other strata, or a combination of such 107975
horizons or other strata that are shown to be both texturally and 107976
chemically suitable for plant growth and that can be shown to be 107977
equally or more favorable for plant growth than the B horizon, in 107978
sufficient quantities to create in the regraded final soil a root 107979
zone of comparable depth and quality to that which existed in the 107980
natural soil, and, if not utilized immediately, stockpile this 107981
material separately from the spoil and provide needed protection 107982
from wind and water erosion or contamination by acid or other 107983
toxic material; 107984

(c) Replace and regrade the root zone material described in 107985
division (A)(7)(b) of this section with proper compaction and 107986
uniform depth over the regraded spoil material; 107987

(d) Redistribute and grade in a uniform manner the surface 107988
soil horizon described in division (A)(7)(a) of this section. 107989

(8) Create, if authorized in the approved mining and 107990

reclamation plan and permit, permanent impoundments of water on 107991
mining sites as part of reclamation activities only when it is 107992
adequately demonstrated by the operator that all of the following 107993
conditions will be met: 107994

(a) The size of the impoundment is adequate for its intended 107995
purposes. 107996

(b) The impoundment dam construction will be so designed as 107997
to achieve necessary stability with an adequate margin of safety 107998
compatible with that of structures constructed under the 107999
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 108000
(1954), 16 U.S.C. 1001, as amended. 108001

(c) The quality of impounded water will be suitable on a 108002
permanent basis for its intended use and discharges from the 108003
impoundment will not degrade the water quality below water quality 108004
standards established pursuant to applicable federal and state law 108005
in the receiving stream. 108006

(d) The level of water will be reasonably stable. 108007

(e) Final grading will provide adequate safety and access for 108008
proposed water users. 108009

(f) The water impoundments will not result in the diminution 108010
of the quality or quantity of water utilized by adjacent or 108011
surrounding landowners for agricultural, industrial, recreational, 108012
or domestic uses. 108013

(9) Conduct any augering operation associated with strip 108014
mining in a manner to maximize recoverability of mineral reserves 108015
remaining after the operation and reclamation are complete and 108016
seal all auger holes with an impervious and noncombustible 108017
material in order to prevent drainage, except where the chief 108018
determines that the resulting impoundment of water in such auger 108019
holes may create a hazard to the environment or the public health 108020
or safety. The chief may prohibit augering if necessary to 108021

maximize the utilization, recoverability, or conservation of the 108022
solid fuel resources or to protect against adverse water quality 108023
impacts. 108024

(10) Minimize the disturbances to the prevailing hydrologic 108025
balance at the mine site and in associated offsite areas and to 108026
the quality and quantity of water in surface and ground water 108027
systems both during and after coal mining operations and during 108028
reclamation by doing all of the following: 108029

(a) Avoiding acid or other toxic mine drainage by such 108030
measures as, but not limited to: 108031

(i) Preventing or removing water from contact with toxic 108032
producing deposits; 108033

(ii) Treating drainage to reduce toxic content that adversely 108034
affects downstream water upon being released to water courses in 108035
accordance with rules adopted by the chief in accordance with 108036
section 1513.02 of the Revised Code; 108037

(iii) Casing, sealing, or otherwise managing boreholes, 108038
shafts, and wells, and keeping acid or other toxic drainage from 108039
entering ground and surface waters. 108040

(b)(i) Conducting coal mining operations so as to prevent, to 108041
the extent possible using the best technology currently available, 108042
additional contributions of suspended solids to streamflow or 108043
runoff outside the permit area, but in no event shall 108044
contributions be in excess of requirements set by applicable state 108045
or federal laws; 108046

(ii) Constructing any siltation structures pursuant to 108047
division (A)(10)(b)(i) of this section prior to commencement of 108048
coal mining operations. The structures shall be certified by 108049
persons approved by the chief to be constructed as designed and as 108050
approved in the reclamation plan. 108051

(c) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the chief; 108052
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(d) Restoring recharge capacity of the mined area to approximate premining conditions; 108056
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(e) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines; 108058
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(f) Such other actions as the chief may prescribe. 108060

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working areas or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of noncombustible and impervious materials if necessary, and ensure that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to this chapter; 108061
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(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners. The chief shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met: 108070
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(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief. 108077
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(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public. 108080
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(13) Design, locate, construct, operate, maintain, enlarge, 108083
modify, and remove or abandon, in accordance with the standards 108084
and criteria developed pursuant to rules adopted by the chief, all 108085
existing and new coal mine waste piles consisting of mine wastes, 108086
tailings, coal processing wastes, or other liquid and solid 108087
wastes, and used either temporarily or permanently as dams or 108088
embankments; 108089

(14) Ensure that all debris, acid-forming materials, toxic 108090
materials, or materials constituting a fire hazard are treated or 108091
buried and compacted or otherwise disposed of in a manner designed 108092
to prevent contamination of ground or surface waters and that 108093
contingency plans are developed to prevent sustained combustion; 108094

(15) Ensure that all reclamation efforts proceed in an 108095
environmentally sound manner and as contemporaneously as 108096
practicable with the coal mining operations, except that where the 108097
applicant proposes to combine strip mining operations with 108098
underground mining operations to ensure maximum practical recovery 108099
of the mineral resources, the chief may grant a variance for 108100
specific areas within the reclamation plan from the requirement 108101
that reclamation efforts proceed as contemporaneously as 108102
practicable to permit underground mining operations prior to 108103
reclamation if: 108104

(a) The chief finds in writing that: 108105

(i) The applicant has presented, as part of the permit 108106
application, specific, feasible plans for the proposed underground 108107
mining operations. 108108

(ii) The proposed underground mining operations are necessary 108109
or desirable to ensure maximum practical recovery of the mineral 108110
resource and will avoid multiple disturbance of the surface. 108111

(iii) The applicant has satisfactorily demonstrated that the 108112
plan for the underground mining operations conforms to 108113

requirements for underground mining in this state and that permits 108114
necessary for the underground mining operations have been issued 108115
by the appropriate authority. 108116

(iv) The areas proposed for the variance have been shown by 108117
the applicant to be necessary for the implementing of the proposed 108118
underground mining operations. 108119

(v) No substantial adverse environmental damage, either 108120
on-site or off-site, will result from the delay in completion of 108121
reclamation as required by this chapter. 108122

(vi) Provisions for the off-site storage of spoil will comply 108123
with division (A)(21) of this section. 108124

(b) The chief has adopted specific rules to govern the 108125
granting of such variances in accordance with this division and 108126
has imposed such additional requirements as the chief considers 108127
necessary. 108128

(c) Variances granted under this division shall be reviewed 108129
by the chief not more than three years from the date of issuance 108130
of the permit. 108131

(d) Liability under the performance security filed by the 108132
applicant with the chief pursuant to section 1513.08 of the 108133
Revised Code shall be for the duration of the underground mining 108134
operations and until the requirements of this section and section 108135
1513.08 of the Revised Code have been fully complied with. 108136

(16) Ensure that the construction, maintenance, and 108137
postmining conditions of access roads into and across the site of 108138
operations will control or prevent erosion and siltation, 108139
pollution of water, and damage to fish or wildlife or their 108140
habitat, or to public or private property; 108141

(17) Refrain from the construction of roads or other access 108142
ways up a stream bed or drainage channel or in such proximity to 108143

the channel as to seriously alter the normal flow of water; 108144

(18) Establish, on the regraded areas and all other lands 108145
affected, a diverse, effective, and permanent vegetative cover of 108146
the same seasonal variety native to the area of land to be 108147
affected and capable of self-regeneration and plant succession at 108148
least equal in extent of cover to the natural vegetation of the 108149
area, except that introduced species may be used in the 108150
revegetation process where desirable and necessary to achieve the 108151
approved postmining land use plan; 108152

(19)(a) Assume the responsibility for successful 108153
revegetation, as required by division (A)(18) of this section, for 108154
a period of five full years after the last year of augmented 108155
seeding, fertilizing, irrigation, or other work in order to ensure 108156
compliance with that division, except that when the chief approves 108157
a long-term intensive agricultural postmining land use, the 108158
applicable five-year period of responsibility for revegetation 108159
shall commence at the date of initial planting for that long-term 108160
intensive agricultural postmining land use, and except that when 108161
the chief issues a written finding approving a long-term intensive 108162
agricultural postmining land use as part of the mining and 108163
reclamation plan, the chief may grant an exception to division 108164
(A)(18) of this section; 108165

(b) On lands eligible for remining, assume the responsibility 108166
for successful revegetation, as required by division (A)(18) of 108167
this section, for a period of two full years after the last year 108168
of augmented seeding, fertilizing, irrigation, or other work in 108169
order to ensure compliance with that division. 108170

(20) Protect off-site areas from slides or damage occurring 108171
during the coal mining and reclamation operations and not deposit 108172
spoil material or locate any part of the operations or waste 108173
accumulations outside the permit area; 108174

(21) Place all excess spoil material resulting from coal mining and reclamation operations in such a manner that all of the following apply:

(a) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way as to ensure mass stability and to prevent mass movement.

(b) The areas of disposal are within the permit areas for which performance security has been provided. All organic matter shall be removed immediately prior to spoil placement except in the zoned concept method.

(c) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and mass movement.

(d) The disposal area does not contain springs, natural watercourses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented unless the zoned concept method is used.

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon, or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement.

(f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed.

(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.

(h) Design of the spoil disposal area is certified by a

qualified registered professional engineer in conformance with professional standards. 108205
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(i) All other provisions of this chapter are met. 108207

(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site; 108208
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(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; 108212
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(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion; 108216
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(25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or 1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations: 108220
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(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible. 108227
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(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible. 108230
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(c) Mitigation activities off the permit area, including 108235
mitigation banking and payment of in-lieu mitigation fees, will be 108236
performed pursuant to a permit issued under sections 401 and 404 108237
of the "Federal Water Pollution Control Act" as defined in section 108238
6111.01 of the Revised Code or an isolated wetland permit issued 108239
under Chapter 6111. of the Revised Code or pursuant to a no-cost 108240
reclamation contract for the restoration of water resources 108241
affected by past mining activities pursuant to section 1513.37 of 108242
the Revised Code. 108243

(d) The proposed mitigation plan and mitigation activities 108244
comply with the standards established in this section. 108245

If the chief approves restoration off the permit area in 108246
accordance with this division, the operator shall complete all 108247
mitigation construction or other activities required by the 108248
mitigation plan. 108249

Performance security for reclamation activities on the permit 108250
area shall be released pursuant to division (F) of this section, 108251
except that the release of the remaining portion of performance 108252
security under division (F)(3)(c) of this section shall not be 108253
approved prior to the construction of required mitigation 108254
activities off the permit area. 108255

(B)(1) The chief may permit mining operations for the 108256
purposes set forth in division (B)(3) of this section. 108257

(2) When an applicant meets the requirements of divisions 108258
(B)(3) and (4) of this section, a permit without regard to the 108259
requirement to restore to approximate original contour known as 108260
mountain top removal set forth in divisions (A)(3) or (C)(2) and 108261
(3) of this section may be granted for the mining of coal where 108262
the mining operation will remove an entire coal seam or seams 108263
running through the upper fraction of a mountain, ridge, or hill, 108264
except as provided in division (B)(4)(a) of this section, by 108265

removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accordance with this division.

(3) In cases where an industrial, commercial, agricultural, residential, or public facility use, including recreational facilities, is proposed for the postmining use of the affected land, the chief may grant a permit for a mining operation of the nature described in division (B)(2) of this section when all of the following apply:

(a) After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is considered to constitute an equal or better economic or public use of the affected land, as compared with premining use.

(b) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the use will be all of the following:

(i) Compatible with adjacent land uses;

(ii) Obtainable according to data regarding expected need and market;

(iii) Assured of investment in necessary public facilities;

(iv) Supported by commitments from public agencies where appropriate;

(v) Practicable with respect to private financial capability for completion of the proposed use;

(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;

(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the

site. 108296

(c) The proposed use is consistent with adjacent land uses 108297
and existing state and local land use plans and programs. 108298

(d) The chief provides the governing body of the unit of 108299
general-purpose local government in which the land is located, and 108300
any state or federal agency that the chief, in the chief's 108301
discretion, determines to have an interest in the proposed use, an 108302
opportunity of not more than sixty days to review and comment on 108303
the proposed use. 108304

(e) All other requirements of this chapter will be met. 108305

(4) In granting a permit pursuant to this division, the chief 108306
shall require that each of the following is met: 108307

(a) The toe of the lowest coal seam and the overburden 108308
associated with it are retained in place as a barrier to slides 108309
and erosion. 108310

(b) The reclaimed area is stable. 108311

(c) The resulting plateau or rolling contour drains inward 108312
from the out slopes except at specified points. 108313

(d) No damage will be done to natural watercourses. 108314

(e) Spoil will be placed on the mountaintop bench as is 108315
necessary to achieve the planned postmining land use, except that 108316
all excess spoil material not retained on the mountaintop bench 108317
shall be placed in accordance with division (A)(21) of this 108318
section. 108319

(f) Stability of the spoil retained on the mountaintop bench 108320
is ensured and the other requirements of this chapter are met. 108321

(5) The chief shall adopt specific rules to govern the 108322
granting of permits in accordance with divisions (B)(1) to (4) of 108323
this section and may impose such additional requirements as the 108324
chief considers necessary. 108325

(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:

(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section.

(2) The operator shall complete backfilling with spoil material to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator shall not disturb land above the top of the highwall unless the chief finds that the disturbance will facilitate compliance with the environmental protection standards of this section, except that any such disturbance involving land above the highwall shall be limited to that amount of land necessary to facilitate compliance.

(D)(1) The chief may permit variances for the purposes set forth in division (D)(3) of this section, provided that the watershed control of the area is improved and that complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of divisions (D)(3) and (4) of this section, a variance from the requirement to restore to approximate original contour set forth in division (C)(2) of this section may be granted for the mining of coal when the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accordance with divisions (D)(3) and (4) of this section.

(3) A variance pursuant to division (D)(2) of this section may be granted if:

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this

section, the chief shall require that only such amount of spoil 108389
will be placed off the mine bench as is necessary to achieve the 108390
planned postmining land use, ensure stability of the spoil 108391
retained on the bench, and meet all other requirements of this 108392
chapter. All spoil placement off the mine bench shall comply with 108393
division (A)(21) of this section. 108394

(5) The chief shall adopt specific rules to govern the 108395
granting of variances under division (D) of this section and may 108396
impose such additional requirements as the chief considers 108397
necessary. 108398

(6) All variances granted under division (D) of this section 108399
shall be reviewed not more than three years from the date of 108400
issuance of the permit unless the permittee affirmatively 108401
demonstrates that the proposed development is proceeding in 108402
accordance with the terms of the reclamation plan. 108403

(E) The chief shall establish standards and criteria 108404
regulating the design, location, construction, operation, 108405
maintenance, enlargement, modification, removal, and abandonment 108406
of new and existing coal mine waste piles referred to in division 108407
(A)(13) of this section and division (A)(5) of section 1513.35 of 108408
the Revised Code. The standards and criteria shall conform to the 108409
standards and criteria used by the chief of the United States army 108410
corps of engineers to ensure that flood control structures are 108411
safe and effectively perform their intended function. In addition 108412
to engineering and other technical specifications, the standards 108413
and criteria developed pursuant to this division shall include 108414
provisions for review and approval of plans and specifications 108415
prior to construction, enlargement, modification, removal, or 108416
abandonment; performance of periodic inspections during 108417
construction; issuance of certificates of approval upon completion 108418
of construction; performance of periodic safety inspections; and 108419
issuance of notices for required remedial or maintenance work. 108420

(F)(1) The permittee may file a request with the chief for 108421
release of a part of a performance security under division (F)(3) 108422
of this section. Within thirty days after any request for 108423
performance security release under this section has been filed 108424
with the chief, the operator shall submit a copy of an 108425
advertisement placed at least once a week for four successive 108426
weeks in a newspaper of general circulation in the locality of the 108427
coal mining operation. The advertisement shall be considered part 108428
of any performance security release application and shall contain 108429
a notification of the precise location of the land affected, the 108430
number of acres, the permit number and the date approved, the 108431
amount of the performance security filed and the portion sought to 108432
be released, the type and appropriate dates of reclamation work 108433
performed, and a description of the results achieved as they 108434
relate to the operator's approved reclamation plan and, if 108435
applicable, the operator's pollution abatement plan. In addition, 108436
as part of any performance security release application, the 108437
applicant shall submit copies of the letters sent to adjoining 108438
property owners, local governmental bodies, planning agencies, and 108439
sewage and water treatment authorities or water companies in the 108440
locality in which the coal mining and reclamation activities took 108441
place, notifying them of the applicant's intention to seek release 108442
from the performance security. 108443

(2) Upon receipt of a copy of the advertisement and request 108444
for release of a performance security under division (F)(3)(c) of 108445
this section, the chief, within thirty days, shall conduct an 108446
inspection and evaluation of the reclamation work involved. The 108447
evaluation shall consider, among other things, the degree of 108448
difficulty to complete any remaining reclamation, whether 108449
pollution of surface and subsurface water is occurring, the 108450
probability of continuation or future occurrence of the pollution, 108451
and the estimated cost of abating the pollution. The chief shall 108452
notify the permittee in writing of the decision to release or not 108453

to release all or part of the performance security within sixty 108454
days after the filing of the request if no public hearing is held 108455
pursuant to division (F)(6) of this section or, if there has been 108456
a public hearing held pursuant to division (F)(6) of this section, 108457
within thirty days thereafter. 108458

(3) The chief may release the performance security if the 108459
reclamation covered by the performance security or portion thereof 108460
has been accomplished as required by this chapter and rules 108461
adopted under it according to the following schedule: 108462

(a) When the operator completes the backfilling, regrading, 108463
and drainage control of an area for which performance security has 108464
been provided in accordance with the approved reclamation plan, 108465
and, if the area covered by the performance security is one for 108466
which an authorization was made under division (E)(7) of section 108467
1513.07 of the Revised Code, the operator has complied with the 108468
approved pollution abatement plan and all additional requirements 108469
established by the chief in rules adopted under section 1513.02 of 108470
the Revised Code governing coal mining and reclamation operations 108471
on pollution abatement areas, the chief shall grant a release of 108472
fifty per cent of the performance security for the applicable 108473
permit area. 108474

(b) After resoiling and revegetation have been established on 108475
the regraded mined lands in accordance with the approved 108476
reclamation plan, the chief shall grant a release in an amount not 108477
exceeding thirty-five per cent of the original performance 108478
security for all or part of the affected area under the permit. 108479
When determining the amount of performance security to be released 108480
after successful revegetation has been established, the chief 108481
shall retain that amount of performance security for the 108482
revegetated area that would be sufficient for a third party to 108483
cover the cost of reestablishing revegetation for the period 108484
specified for operator responsibility in this section for 108485

reestablishing revegetation. No part of the performance security 108486
shall be released under this division so long as the lands to 108487
which the release would be applicable are contributing suspended 108488
solids to streamflow or runoff outside the permit area in excess 108489
of the requirements of this section or until soil productivity for 108490
prime farmlands has returned to equivalent levels of yield as 108491
nonmined land of the same soil type in the surrounding area under 108492
equivalent management practices as determined from the soil survey 108493
performed pursuant to section 1513.07 of the Revised Code. If the 108494
area covered by the performance security is one for which an 108495
authorization was made under division (E)(7) of section 1513.07 of 108496
the Revised Code, no part of the performance security shall be 108497
released under this division until the operator has complied with 108498
the approved pollution abatement plan and all additional 108499
requirements established by the chief in rules adopted under 108500
section 1513.02 of the Revised Code governing coal mining and 108501
reclamation operations on pollution abatement areas. Where a silt 108502
dam is to be retained as a permanent impoundment pursuant to 108503
division (A)(10) of this section, the portion of performance 108504
security may be released under this division so long as provisions 108505
for sound future maintenance by the operator or the landowner have 108506
been made with the chief. 108507

(c) When the operator has completed successfully all coal 108508
mining and reclamation activities, including, if applicable, all 108509
additional requirements established in the pollution abatement 108510
plan approved under division (E)(7) of section 1513.07 of the 108511
Revised Code and all additional requirements established by the 108512
chief in rules adopted under section 1513.02 of the Revised Code 108513
governing coal mining and reclamation operations on pollution 108514
abatement areas, the chief shall release all or any of the 108515
remaining portion of the performance security for all or part of 108516
the affected area under a permit, but not before the expiration of 108517
the period specified for operator responsibility in this section, 108518

except that the chief may adopt rules for a variance to the 108519
operator period of responsibility considering vegetation success 108520
and probability of continued growth and consent of the landowner, 108521
provided that no performance security shall be fully released 108522
until all reclamation requirements of this chapter are fully met. 108523

(4) If the chief disapproves the application for release of 108524
the performance security or portion thereof, the chief shall 108525
notify the permittee, in writing, stating the reasons for 108526
disapproval and recommending corrective actions necessary to 108527
secure the release, and allowing the opportunity for a public 108528
adjudicatory hearing. 108529

(5) When any application for total or partial performance 108530
security release is filed with the chief under this section, the 108531
chief shall notify the municipal corporation in which the coal 108532
mining operation is located by certified mail at least thirty days 108533
prior to the release of all or a portion of the performance 108534
security. 108535

(6) A person with a valid legal interest that might be 108536
adversely affected by release of a performance security under this 108537
section or the responsible officer or head of any federal, state, 108538
or local government agency that has jurisdiction by law or special 108539
expertise with respect to any environmental, social, or economic 108540
impact involved in the operation or is authorized to develop and 108541
enforce environmental standards with respect to such operations 108542
may file written objections to the proposed release from the 108543
performance security with the chief within thirty days after the 108544
last publication of the notice required by division (F)(1) of this 108545
section. If written objections are filed and an informal 108546
conference is requested, the chief shall inform all interested 108547
parties of the time and place of the conference. The date, time, 108548
and location of the informal conference shall be advertised by the 108549
chief in a newspaper of general circulation in the locality of the 108550

coal mining operation proposed for performance security release 108551
for at least once a week for two consecutive weeks. The informal 108552
conference shall be held in the locality of the coal mining 108553
operation proposed for performance security release or in Franklin 108554
county, at the option of the objector, within thirty days after 108555
the request for the conference. An electronic ~~or stenographic~~ 108556
record shall be made of the conference proceeding unless waived by 108557
all parties. The record shall be maintained and shall be 108558
accessible to the parties until final release of the performance 108559
security at issue. In the event all parties requesting the 108560
informal conference stipulate agreement prior to the requested 108561
informal conference and withdraw their request, the informal 108562
conference need not be held. 108563

(7) If an informal conference has been held pursuant to 108564
division (F)(6) of this section, the chief shall issue and furnish 108565
the applicant and persons who participated in the conference with 108566
the written decision regarding the release within sixty days after 108567
the conference. Within thirty days after notification of the final 108568
decision of the chief regarding the performance security release, 108569
the applicant or any person with an interest that is or may be 108570
adversely affected by the decision may appeal the decision to the 108571
reclamation commission pursuant to section 1513.13 of the Revised 108572
Code. 108573

(8)(a) If the chief determines that a permittee is 108574
responsible for mine drainage that requires water treatment after 108575
reclamation is completed under the terms of the permit or that a 108576
permittee must provide an alternative water supply after 108577
reclamation is completed under the terms of the permit, the 108578
permittee shall provide alternative financial security in an 108579
amount determined by the chief prior to the release of the 108580
remaining portion of performance security under division (F)(3)(c) 108581
of this section. The alternative financial security shall be in an 108582

amount that is equal to or greater than the present value of the 108583
estimated cost over time to develop and implement mine drainage 108584
plans and provide water treatment or in an amount that is 108585
necessary to provide and maintain an alternative water supply, as 108586
applicable. The alternative financial security shall include a 108587
contract, trust, or other agreement or mechanism that is 108588
enforceable under law to provide long-term water treatment or a 108589
long-term alternative water supply, or both. The contract, trust, 108590
or other agreement or mechanism included with the alternative 108591
financial security may provide for the funding of the alternative 108592
financial security incrementally over a period of time, not to 108593
exceed five years, with reliance on guarantees or other collateral 108594
provided by the permittee and approved by the chief for the 108595
balance of the alternative financial security required until the 108596
alternative financial security has been fully funded by the 108597
permittee. 108598

(b) The chief shall adopt rules in accordance with Chapter 108599
119. of the Revised Code that are necessary for the administration 108600
of division (F)(8)(a) of this section. 108601

(c) If the chief determines that a permittee must provide 108602
alternative financial security under division (F)(8)(a) of this 108603
section and the performance security for the permit was provided 108604
under division (C)(2) of section 1513.08 of the Revised Code, the 108605
permittee may fund the alternative financial security 108606
incrementally over a period of time, not to exceed five years, 108607
with reliance on the reclamation forfeiture fund created in 108608
section 1513.18 of the Revised Code for the balance of the 108609
alternative financial security required until the alternative 108610
financial security has been fully funded by the permittee. The 108611
permittee semiannually shall pay to the division of mineral 108612
resources management a fee that is equal to seven and one-half per 108613
cent of the average balance of the alternative financial security 108614

that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is the property of the state.

Sec. 1565.12. When a loss of life is occasioned by accident in any mine, the operator thereof shall forthwith give notice thereof to the chief of the division of mineral resources management, and to the deputy mine inspector in charge of the district. Such notice shall be given by telephone or ~~telegraph~~ electronic format. The operator of such mine shall, within twenty-four hours after such accident causing loss of life, send a written report of the accident to the chief. Such written report shall specify the character and cause of the accident, the names of the persons killed, and the nature of the injuries that caused death. In the case of injury thereafter resulting in death, the

operator shall send a written notice thereof to the chief, and to 108646
the deputy mine inspector of such district, at such time as such 108647
death comes to the operator's knowledge. 108648

No operator of a mine shall refuse or neglect to comply with 108649
this section. 108650

Sec. 1571.05. (A) Whenever any part of a gas storage 108651
reservoir or any part of its protective area underlies any part of 108652
a coal mine, or is, or within nine months is expected or intended 108653
to be, within two thousand linear feet of the boundary of a coal 108654
mine that is operating in a coal seam any part of which extends 108655
over any part of the storage reservoir or its protective area, the 108656
operator of the reservoir, if the reservoir operator or some other 108657
reservoir operator has not theretofore done so, shall: 108658

(1) Use every known method that is reasonable under the 108659
circumstance for discovering and locating all wells drilled within 108660
the area of the reservoir or its protective area that underlie any 108661
part of the coal mine or its protective area; 108662

(2) Plug or recondition all known wells drilled within the 108663
area of the reservoir or its protective area that underlie any 108664
part of the coal mine. 108665

(B) Whenever an operator of a gas storage reservoir is 108666
notified by the operator of a coal mine, as provided in division 108667
(B) of section 1571.03 of the Revised Code, that the coal mine 108668
operator believes that part of the boundary of the mine is within 108669
two thousand linear feet of a well that is drilled through the 108670
horizon of the coal mine and into or through the storage stratum 108671
or strata of the reservoir within the boundary of the reservoir or 108672
within its protective area, the reservoir operator shall plug or 108673
recondition the well as in this section prescribed, unless it is 108674
agreed in a conference or is ordered by the chief of the division 108675
of oil and gas resources management after a hearing, as provided 108676

in section 1571.10 of the Revised Code, that the well referred to 108677
in the notice is not such a well as is described in division (B) 108678
of section 1571.03 of the Revised Code. 108679

Whenever an operator of a gas storage reservoir is notified 108680
by the operator of a coal mine as provided in division (C) or (D) 108681
of section 1571.03 of the Revised Code, that part of the boundary 108682
of the mine is, or within nine months is intended or expected to 108683
be, within two thousand linear feet of a well that is drilled 108684
through the horizon of the mine and into or through the storage 108685
stratum or strata of the reservoir within the boundary of the 108686
reservoir or within its protective area, the reservoir operator 108687
shall plug or recondition the well as in this section prescribed. 108688

Whenever the operator of a coal mine considers that the use 108689
of a well such as in this section described, if used for injecting 108690
gas into, or storing gas in, or removing gas from, a gas storage 108691
reservoir, would be hazardous to the safety of persons or property 108692
on or in the vicinity of the premises of the coal mine or the 108693
reservoir or well, the coal mine operator may file with the 108694
division objections to the use of the well for such purposes, and 108695
a request that a conference be held as provided in section 1571.10 108696
of the Revised Code, to discuss and endeavor to resolve by mutual 108697
agreement whether or not the well shall or shall not be used for 108698
such purposes, and whether or not the well shall be reconditioned, 108699
inactivated, or plugged. The request shall set forth the mine 108700
operator's reasons for such objections. If no approved agreement 108701
is reached in the conference, the gas storage well inspector shall 108702
within ten days after the termination of the conference, file with 108703
the chief a request that the chief hear and determine the matters 108704
considered at the conference as provided in section 1571.10 of the 108705
Revised Code. Upon conclusion of the hearing, the chief shall find 108706
and determine whether or not the safety of persons or of the 108707
property on or in the vicinity of the premises of the coal mine, 108708

or the reservoir, or the well requires that the well be 108709
reconditioned, inactivated, or plugged, and shall make an order 108710
consistent with that determination, provided that the chief shall 108711
not order a well plugged unless the chief first finds that there 108712
is underground leakage of gas therefrom. 108713

The plugging or reconditioning of each well described in a 108714
notice from a coal mine operator to a reservoir operator as 108715
provided in division (B) of section 1571.03 of the Revised Code, 108716
which must be plugged or reconditioned, shall be completed within 108717
such time as the gas storage well inspector may fix in the case of 108718
each such well. The plugging or reconditioning of each well 108719
described in a notice from a coal mine operator to a reservoir 108720
operator as provided in division (C) of section 1571.03 of the 108721
Revised Code, which must be plugged or reconditioned, shall be 108722
completed by the time the well, by reason of the extension of the 108723
boundary of the coal mine, is within two thousand linear feet of 108724
any part of the boundary of the mine. The plugging or 108725
reconditioning of each well described in a notice from a coal mine 108726
operator to a reservoir operator, as provided in division (D) of 108727
section 1571.03 of the Revised Code, which must be plugged or 108728
reconditioned, shall be completed by the time the well, by reason 108729
of the opening of the new mine, is within two thousand linear feet 108730
of any part of the boundary of the new mine. A reservoir operator 108731
who is required to complete the plugging or reconditioning of a 108732
well within a period of time fixed as in this division prescribed, 108733
may prior to the end of that period of time, notify the division 108734
and the mine operator from whom the reservoir operator received a 108735
notice as provided in division (B), (C), or (D) of section 1571.03 108736
of the Revised Code, in writing by ~~registered~~ certified mail or 108737
electronic format, that the completion of the plugging or 108738
reconditioning of the well referred to in the notice will be 108739
delayed beyond the end of the period of time fixed therefor as in 108740
this section provided, and that the reservoir operator requests 108741

that a conference be held for the purpose of endeavoring to reach 108742
an agreement establishing a date subsequent to the end of that 108743
period of time, on or before which the reservoir operator may 108744
complete the plugging or reconditioning without incurring any 108745
penalties for failure to do so as provided in this chapter. If 108746
such a reservoir operator sends to such a mine operator and to the 108747
division a notice and request for a conference as in this division 108748
provided, the reservoir operator shall not incur any penalties for 108749
failure to complete the plugging or reconditioning of the well 108750
within the period of time fixed as in this division prescribed, 108751
unless the reservoir operator fails to complete the plugging or 108752
reconditioning of the well within the period of time fixed by an 108753
approved agreement reached in the conference, or fixed by an order 108754
by the chief upon a hearing held in the matter in the event of 108755
failure to reach an approved agreement in the conference. 108756

Whenever, in compliance with this division, a well is to be 108757
plugged by a reservoir operator, the operator shall give to the 108758
division notice thereof, as many days in advance as will be 108759
necessary for the gas storage well inspector or a deputy mine 108760
inspector to be present at the plugging. The notification shall be 108761
made on blanks furnished by the division and shall show the 108762
following information: 108763

(1) Name and address of the applicant; 108764

(2) The location of the well identified by section or lot 108765
number, city or village, and township and county; 108766

(3) The well name and number of each well to be plugged. 108767

(C) The operator shall give written notice at the same time 108768
to the owner of the land upon which the well is located, the 108769
owners or agents of the adjoining land, and adjoining well owners 108770
or agents of the operator's intention to abandon the well, and of 108771
the time when the operator will be prepared to commence plugging 108772

and filling the same. In addition to giving such notices, the 108773
reservoir operator shall also at the same time send a copy of the 108774
notice by ~~registered~~ certified mail or electronic format to the 108775
coal mine operator, if any, who sent to the reservoir operator the 108776
notice as provided in division (B), (C), or (D) of section 1571.03 108777
of the Revised Code, in order that the coal mine operator or the 108778
coal mine operator's designated representative may attend and 108779
observe the manner in which the plugging of the well is done. 108780

If the reservoir operator plugs the well without the gas 108781
storage well inspector or a deputy mine inspector being present to 108782
supervise the plugging, the reservoir operator shall send to the 108783
division and to the coal mine operator a copy of the report of the 108784
plugging of the well, including in the report: 108785

(1) The date of abandonment; 108786

(2) The name of the owner or operator of the well at the time 108787
of abandonment and the well owner's or operator's post office 108788
address; 108789

(3) The location of the well as to township and county and 108790
the name of the owner of the surface upon which the well is 108791
drilled, with the address thereof; 108792

(4) The date of the permit to drill; 108793

(5) The date when drilled; 108794

(6) Whether the well has been mapped; 108795

(7) The depth of the well; 108796

(8) The depth of the top of the sand to which the well was 108797
drilled; 108798

(9) The depth of each seam of coal drilled through; 108799

(10) A detailed report as to how the well was plugged, giving 108800
in particular the manner in which the coal and various sands were 108801
plugged, and the date of the plugging of the well, including 108802

therein the names of those who witnessed the plugging of the well. 108803

The report shall be signed by the operator or the operator's 108804
agent who plugged the well and verified by the oath of the party 108805
so signing. For the purposes of this section, a deputy mine 108806
inspector may take acknowledgements and administer oaths to the 108807
parties signing the report. 108808

Whenever, in compliance with this division, a well is to be 108809
reconditioned by a reservoir operator, the operator shall give to 108810
the division notice thereof as many days before the reconditioning 108811
is begun as will be necessary for the gas storage well inspector, 108812
or a deputy mine inspector, to be present at the reconditioning. 108813
No well shall be reconditioned if an inspector of the division is 108814
not present unless permission to do so has been granted by the 108815
chief. The reservoir operator, at the time of giving notice to the 108816
division as in this section required, also shall send a copy of 108817
the notice by ~~registered~~ certified mail or electronic format to 108818
the coal mine operator, if any, who sent to the reservoir operator 108819
the notice as provided in division (B), (C), or (D) of section 108820
1571.03 of the Revised Code, in order that the coal mine operator 108821
or the coal mine operator's designated representative may attend 108822
and observe the manner in which the reconditioning of the well is 108823
done. 108824

If the reservoir operator reconditions the well when the gas 108825
storage well inspector or a deputy mine inspector is not present 108826
to supervise the reconditioning, the reservoir operator shall make 108827
written report to the division describing the manner in which the 108828
reconditioning was done, and shall send to the coal mine operator 108829
a copy of the report by ~~registered~~ certified mail or electronic 108830
format. 108831

(D) Wells that are required by this section to be plugged 108832
shall be plugged in the manner specified in sections 1509.13 to 108833
1509.17 of the Revised Code, and the operator shall give the 108834

notifications and reports required by divisions (B) and (C) of 108835
this section. No such well shall be plugged or abandoned without 108836
the written approval of the division, and no such well shall be 108837
mudded, plugged, or abandoned without the gas storage well 108838
inspector or a deputy mine inspector present unless written 108839
permission has been granted by the chief or the gas storage well 108840
inspector. For purposes of this section, the chief of the division 108841
of mineral resources management has the authority given the chief 108842
of the division of oil and gas resources management in sections 108843
1509.15 and 1509.17 of the Revised Code. If such a well has been 108844
plugged prior to the time plugging thereof is required by this 108845
section, and, on the basis of the data, information, and other 108846
evidence available it is determined that the plugging was done in 108847
the manner required by this section, or was done in accordance 108848
with statutes prescribing the manner of plugging wells in effect 108849
at the time the plugging was done, and that there is no evidence 108850
of leakage of gas from the well either at or below the surface, 108851
and that the plugging is sufficiently effective to prevent the 108852
leakage of gas from the well, the obligations imposed upon the 108853
reservoir operator by this section as to plugging the well shall 108854
be considered fully satisfied. The operator of a coal mine any 108855
part of the boundary of which is, or within nine months is 108856
expected or intended to be, within two thousand linear feet of the 108857
well may at any time raise a question as to whether the plugging 108858
of the well is sufficiently effective to prevent the leakage of 108859
gas therefrom, and the issue so made shall be determined by a 108860
conference or hearing as provided in section 1571.10 of the 108861
Revised Code. 108862

(E) Wells that are to be reconditioned as required by this 108863
section shall be, or shall be made to be: 108864

(1) Cased in accordance with the statutes of this state in 108865
effect at the time the wells were drilled, with the casing being, 108866

or made to be, sufficiently effective in that there is no evidence 108867
of any leakage of gas therefrom; 108868

(2) Equipped with a producing string and well head composed 108869
of new pipe, or pipe as good as new, and fittings designed to 108870
operate with safety and to contain the stored gas at maximum 108871
pressures contemplated. 108872

When a well that is to be reconditioned as required by this 108873
section has been reconditioned for use in the operation of the 108874
reservoir prior to the time prescribed in this section, and on the 108875
basis of the data, information, and other evidence available it is 108876
determined that at the time the well was so reconditioned the 108877
requirements prescribed in this division were met, and that there 108878
is no evidence of underground leakage of gas from the well, and 108879
that the reconditioning is sufficiently effective to prevent 108880
underground leakage from the well, the obligations imposed upon 108881
the reservoir operator by this section as to reconditioning the 108882
well shall be considered fully satisfied. Any operator of a coal 108883
mine any part of the boundary of which is, or within nine months 108884
is expected or intended to be, within two thousand linear feet of 108885
the well may at any time raise a question as to whether the 108886
reconditioning of the well is sufficiently effective to prevent 108887
underground leakage of gas therefrom, and the issue so made shall 108888
be determined by a conference or hearing as provided in section 108889
1571.10 of the Revised Code. 108890

If the gas storage well inspector at any time finds that a 108891
well that is drilled through the horizon of a coal mine and into 108892
or through the storage stratum or strata of a reservoir within the 108893
boundary of the reservoir or within its protective area is located 108894
within the boundary of the coal mine or within two thousand linear 108895
feet of the mine boundary, and was drilled prior to the time the 108896
statutes of this state required that wells be cased, and that the 108897
well fails to meet the casing and equipping requirements 108898

prescribed in this division, the gas storage well inspector shall 108899
promptly notify the operator of the reservoir thereof in writing, 108900
and the reservoir operator upon receipt of the notice shall 108901
promptly recondition the well in the manner prescribed in this 108902
division for reconditioning wells, unless, in a conference or 108903
hearing as provided in section 1571.10 of the Revised Code, a 108904
different course of action is agreed upon or ordered. 108905

(F)(1) When a well within the boundary of a gas storage 108906
reservoir or within the reservoir's protective area penetrates the 108907
storage stratum or strata of the reservoir, but does not penetrate 108908
the coal seam within the boundary of a coal mine, the gas storage 108909
well inspector may, upon application of the operator of the 108910
storage reservoir, exempt the well from the requirements of this 108911
section. Either party affected by the action of the gas storage 108912
well inspector may request a conference and hearing with respect 108913
to the exemption. 108914

(2) When a well located within the boundary of a storage 108915
reservoir or a reservoir's protective area is a producing well in 108916
a stratum above or below the storage stratum, the obligations 108917
imposed by this section shall not begin until the well ceases to 108918
be a producing well. 108919

(G) When retreat mining reaches a point in a coal mine when 108920
the operator of the mine expects that within ninety days retreat 108921
work will be at the location of a pillar surrounding an active 108922
storage reservoir well, the operator of the mine shall promptly 108923
send by ~~registered~~ certified mail or electronic format notice to 108924
that effect to the operator of the reservoir. Thereupon the 108925
operators may by agreement determine whether it is necessary or 108926
advisable to temporarily inactivate the well. If inactivated, the 108927
well shall not be reactivated until a reasonable period of time 108928
has elapsed, such period of time to be determined by agreement by 108929
the operators. In the event that the parties cannot agree upon 108930

either of the foregoing matters, the question shall be submitted 108931
to the gas storage well inspector for a conference in accordance 108932
with section 1571.10 of the Revised Code. 108933

(H)(1) The provisions of this section that require the 108934
plugging or reconditioning of wells shall not apply to such wells 108935
as are used to inject gas into, store gas in, or remove gas from a 108936
gas storage reservoir when the sole purpose of the injection, 108937
storage, or removal is testing. The operator of a gas storage 108938
reservoir who injects gas into, stores gas in, or removes gas from 108939
a reservoir for the sole purpose of testing shall be subject to 108940
all other provisions of this chapter that are applicable to 108941
operators of reservoirs. 108942

(2) If the injection of gas into, or storage of gas in, a gas 108943
storage reservoir any part of which, or of the protective area of 108944
which, is within the boundary of a coal mine is begun after 108945
September 9, 1957, and if the injection or storage of gas is for 108946
the sole purpose of testing, the operator of the reservoir shall 108947
send by ~~registered~~ certified mail or electronic format to the 108948
operator of the coal mine, the division of oil and gas resources 108949
management, and the division of mineral resources management at 108950
least sixty days' notice of the date upon which the testing will 108951
be begun. 108952

If at any time within the period of time during which testing 108953
of a reservoir is in progress, any part of the reservoir or of its 108954
protective area comes within any part of the boundary of a coal 108955
mine, the operator of the reservoir shall promptly send notice to 108956
that effect by ~~registered~~ certified mail or electronic format to 108957
the operator of the mine, the division of oil and gas resources 108958
management, and the division of mineral resources management. 108959

(3) Any coal mine operator who receives a notice as provided 108960
for in division (H)(2) of this section may within thirty days of 108961
the receipt thereof file with the division objections to the 108962

testing. The gas storage well inspector also may, within the time 108963
within which a coal mine operator may file an objection, place in 108964
the files of the division objections to the testing. The reservoir 108965
operator shall comply throughout the period of the testing 108966
operations with all conditions and requirements agreed upon and 108967
approved in the conference on such objections conducted as 108968
provided in section 1571.10 of the Revised Code, or in an order 108969
made by the chief following a hearing in the matter as provided in 108970
section 1571.10 of the Revised Code. If in complying with the 108971
agreement or order either the reservoir operator or the coal mine 108972
operator encounters or discovers conditions that were not known to 108973
exist at the time of the conference or hearing and that materially 108974
affect the agreement or order, or the ability of the reservoir 108975
operator to comply therewith, either operator may apply for a 108976
rehearing or modification of the order. 108977

(I) In addition to complying with all other provisions of 108978
this chapter and any lawful orders issued thereunder, the operator 108979
of each gas storage reservoir shall keep all wells drilled into or 108980
through the storage stratum or strata within the boundary of the 108981
operator's reservoir or within the reservoir's protective area in 108982
such condition, and operate the same in such manner, as to prevent 108983
the escape of gas therefrom into any coal mine, and shall operate 108984
and maintain the storage reservoir and its facilities in such 108985
manner and at such pressures as will prevent gas from escaping 108986
from the reservoir or its facilities into any coal mine. 108987

Sec. 1571.08. (A) Whenever in this chapter, the method or 108988
material to be used in discharging any obligations imposed by this 108989
chapter is specified, an alternative method or material may be 108990
used if approved by the gas storage well inspector or the chief of 108991
the division of oil and gas resources management. A person 108992
desiring to use such alternative method or material shall file 108993
with the division of oil and gas resources management an 108994

application for permission to do so. Such application shall 108995
describe such alternative method or material in reasonable detail. 108996
The gas storage well inspector shall promptly send by ~~registered~~ 108997
certified mail or electronic format notice of the filing of such 108998
application to any coal mine operator or reservoir operator whose 108999
mine or reservoir may be directly affected thereby. Any such coal 109000
mine operator or reservoir operator may within ten days following 109001
receipt of such notice, file with the division objections to such 109002
application. The gas storage well inspector may also file with the 109003
division an objection to such application at any time during which 109004
coal mine operators or reservoir operators are permitted to file 109005
objections. If no objections are filed within the ten-day period 109006
of time, the gas storage well inspector shall thereupon issue a 109007
permit approving the use of such alternative method or material. 109008
If any such objections are filed by any coal mine operator or 109009
reservoir operator, or by the gas storage well inspector, the 109010
question as to whether or not the use of such alternative method 109011
or material, or a modification thereof is approved, shall be 109012
determined by a conference or hearing as provided in section 109013
1571.10 of the Revised Code. 109014

(B) Whenever in this chapter, provision is made for the 109015
filing of objections with the division, such objections shall be 109016
in writing and shall state as definitely as is reasonably possible 109017
the reasons for such objections. Upon the filing of any such 109018
objection the gas storage well inspector shall promptly fix the 109019
time and place for holding a conference for the purpose of 109020
discussing and endeavoring to resolve by mutual agreement the 109021
issue raised by such objection. The gas storage well inspector 109022
shall send written notice thereof by ~~registered~~ certified mail or 109023
electronic format to each person having a direct interest therein. 109024
Thereupon the issue made by such objection shall be determined by 109025
a conference or hearing in accordance with the procedures for 109026
conferences and hearings as provided in section 1571.10 of the 109027

Revised Code. 109028

Sec. 1571.10. (A) The gas storage well inspector or any 109029
person having a direct interest in the administration of this 109030
chapter may at any time file with the division of oil and gas 109031
resources management a written request that a conference be held 109032
for the purpose of discussing and endeavoring to resolve by mutual 109033
agreement any question or issue relating to the administration of 109034
this chapter, or to compliance with its provisions, or to any 109035
violation thereof. Such request shall describe the matter 109036
concerning which the conference is requested. Thereupon the gas 109037
storage well inspector shall promptly fix the time and place for 109038
the holding of such conference and shall send written notice 109039
thereof to each person having a direct interest therein. At such 109040
conference the gas storage well inspector or a representative of 109041
the division designated by the gas storage well inspector shall be 109042
in attendance, and shall preside at the conference, and the gas 109043
storage well inspector or designated representative may make such 109044
recommendations as the gas storage well inspector or designated 109045
representative deems proper. Any agreement reached at such 109046
conference shall be consistent with the requirements of this 109047
chapter and, if approved by the gas storage well inspector, it 109048
shall be reduced to writing and shall be effective. Any such 109049
agreement approved by the gas storage well inspector shall be kept 109050
on file in the division and a copy thereof shall be furnished to 109051
each of the persons having a direct interest therein. The 109052
conference shall be deemed terminated as of the date an approved 109053
agreement is reached or when any person having a direct interest 109054
therein refuses to confer thereafter. Such a conference shall be 109055
held in all cases prior to the holding of a hearing as provided in 109056
this section. 109057

(B) Within ten days after the termination of a conference at 109058
which no approved agreement is reached, any person who 109059

participated in such conference and who has a direct interest in 109060
the subject matter thereof, or the gas storage well inspector, may 109061
file with the chief of the division of oil and gas resources 109062
management a request that the chief hear and determine the matter 109063
or matters, or any part thereof considered at the conference. 109064
Thereupon the chief shall promptly fix the time and place for the 109065
holding of such hearing and shall send written notice thereof to 109066
each person having a direct interest therein. The form of the 109067
request for such hearing and the conduct of the hearing shall be 109068
in accordance with rules that the chief adopts under section 109069
1571.11 of the Revised Code. Consistent with the requirement for 109070
reasonable notice each such hearing shall be held promptly after 109071
the filing of the request therefor. Any person having a direct 109072
interest in the matter to be heard shall be entitled to appear and 109073
be heard in person or by attorney. The division may present at 109074
such hearing any evidence that is material to the matter being 109075
heard and that has come to the division's attention in any 109076
investigation or inspection made pursuant to this chapter. 109077

(C) For the purpose of conducting such a hearing the chief 109078
may require the attendance of witnesses and the production of 109079
books, records, and papers, and the chief may, and at the request 109080
of any person having a direct interest in the matter being heard, 109081
the chief shall, issue subpoenas for witnesses or subpoenas duces 109082
tecum to compel the production of any books, records, or papers, 109083
directed to the sheriffs of the counties where such witnesses are 109084
found, which subpoenas shall be served and returned in the same 109085
manner as subpoenas in criminal cases are served and returned. The 109086
fees of sheriffs shall be the same as those allowed by the court 109087
of common pleas in criminal cases. Witnesses shall be paid the 109088
fees and mileage provided for under section 119.094 of the Revised 109089
Code. Such fee and mileage expenses shall be paid in advance by 109090
the persons at whose request they are incurred, and the remainder 109091
of such expenses shall be paid out of funds appropriated for the 109092

expenses of the division. 109093

In case of disobedience or neglect of any subpoena served on 109094
any person, or the refusal of any witness to testify to any matter 109095
regarding which the witness may be lawfully interrogated, the 109096
court of common pleas of the county in which such disobedience, 109097
neglect, or refusal occurs, or any judge thereof, on application 109098
of the chief, shall compel obedience by attachment proceedings for 109099
contempt as in the case of disobedience of the requirements of a 109100
subpoena issued from such court or a refusal to testify therein. 109101
Witnesses at such hearings shall testify under oath, and the chief 109102
may administer oaths or affirmations to persons who so testify. 109103

(D) With the consent of the chief, the testimony of any 109104
witness may be taken by deposition at the instance of a party to 109105
any hearing before the chief at any time after hearing has been 109106
formally commenced. The chief may, of the chief's own motion, 109107
order testimony to be taken by deposition at any stage in any 109108
hearing, proceeding, or investigation pending before the chief. 109109
Such deposition shall be taken in the manner prescribed by the 109110
laws of this state for taking depositions in civil cases in courts 109111
of record. 109112

(E) After the conclusion of a hearing the chief shall make a 109113
determination and finding of facts. Every adjudication, 109114
determination, or finding by the chief shall be made by written 109115
order and shall contain a written finding by the chief of the 109116
facts upon which the adjudication, determination, or finding is 109117
based. Notice of the making of such order shall be given to the 109118
persons whose rights, duties, or privileges are affected thereby, 109119
by sending a certified copy thereof by ~~registered~~ certified mail 109120
or electronic format to each of such persons. 109121

Adjudications, determinations, findings, and orders made by 109122
the chief shall not be governed by, or be subject to, Chapter 119. 109123
of the Revised Code. 109124

Sec. 1571.14. Any person claiming to be aggrieved or 109125
adversely affected by an order of the chief of the division of oil 109126
and gas resources management made as provided in section 1571.10 109127
or 1571.16 of the Revised Code may appeal to the director of 109128
natural resources for an order vacating or modifying such order. 109129
Upon receipt of the appeal, the director shall appoint an 109130
individual who has knowledge of the laws and rules regarding the 109131
underground storage of gas and who shall act as a hearing officer 109132
in accordance with Chapter 119. of the Revised Code in hearing the 109133
appeal. 109134

The person appealing to the director shall be known as 109135
appellant and the chief shall be known as appellee. The appellant 109136
and the appellee shall be deemed parties to the appeal. 109137

The appeal shall be in writing and shall set forth the order 109138
complained of and the grounds upon which the appeal is based. The 109139
appeal shall be filed with the director within thirty days after 109140
the date upon which appellant received notice by ~~registered~~ 109141
certified mail or electronic format of the making of the order 109142
complained of, as required by section 1571.10 of the Revised Code. 109143
Notice of the filing of such appeal shall be delivered by 109144
appellant to the chief within three days after the appeal is filed 109145
with the director. 109146

Within seven days after receipt of the notice of appeal the 109147
chief shall prepare and certify to the director at the expense of 109148
appellant a complete transcript of the proceedings out of which 109149
the appeal arises, including a transcript of the testimony 109150
submitted to the chief. 109151

Upon the filing of the appeal the director shall fix the time 109152
and place at which the hearing on the appeal will be held, and 109153
shall give appellant and the chief at least ten days' written 109154
notice thereof by mail. The director may postpone or continue any 109155

hearing upon the director's own motion or upon application of 109156
appellant or of the chief. 109157

The filing of an appeal provided for in this section does not 109158
automatically suspend or stay execution of the order appealed 109159
from, but upon application by the appellant the director may 109160
suspend or stay such execution pending determination of the appeal 109161
upon such terms as the director deems proper. 109162

The hearing officer appointed by the director shall hear the 109163
appeal de novo, and either party to the appeal may submit such 109164
evidence as the hearing officer deems admissible. 109165

For the purpose of conducting a hearing on an appeal, the 109166
hearing officer may require the attendance of witnesses and the 109167
production of books, records, and papers, and may, and at the 109168
request of any party shall, issue subpoenas for witnesses or 109169
subpoenas duces tecum to compel the production of any books, 109170
records, or papers, directed to the sheriffs of the counties where 109171
such witnesses are found, which subpoenas shall be served and 109172
returned in the same manner as subpoenas in criminal cases are 109173
served and returned. The fees of sheriffs shall be the same as 109174
those allowed by the court of common pleas in criminal cases. 109175
Witnesses shall be paid the fees and mileage provided for under 109176
section 119.094 of the Revised Code. Such fee and mileage expenses 109177
incurred at the request of appellant shall be paid in advance by 109178
appellant, and the remainder of such expenses shall be paid out of 109179
funds appropriated for the expenses of the division of oil and gas 109180
resources management. 109181

In case of disobedience or neglect of any subpoena served on 109182
any person, or the refusal of any witness to testify to any matter 109183
regarding which the witness may be lawfully interrogated, the 109184
court of common pleas of the county in which such disobedience, 109185
neglect, or refusal occurs, or any judge thereof, on application 109186
of the director, shall compel obedience by attachment proceedings 109187

for contempt as in the case of disobedience of the requirements of 109188
a subpoena issued from such court or a refusal to testify therein. 109189
Witnesses at such hearings shall testify under oath, and the 109190
hearing officer may administer oaths or affirmations to persons 109191
who so testify. 109192

At the request of any party to the appeal, a record of the 109193
testimony and other evidence submitted shall be taken by an 109194
official court reporter at the expense of the party making the 109195
request for the record. The record shall include all of the 109196
testimony and other evidence and the rulings on the admissibility 109197
thereof presented at the hearing. The hearing officer shall pass 109198
upon the admissibility of evidence, but any party may at the time 109199
object to the admission of any evidence and except to the ruling 109200
of the hearing officer thereon, and if the hearing officer refuses 109201
to admit evidence, the party offering same may make a proffer 109202
thereof, and such proffer shall be made a part of the record of 109203
such hearing. 109204

If upon completion of the hearing the hearing officer finds 109205
that the order appealed from was lawful and reasonable, the 109206
hearing officer shall make a written order affirming the order 109207
appealed from. If the hearing officer finds that such order was 109208
unreasonable or unlawful, the hearing officer shall make a written 109209
order vacating the order appealed from and making the order that 109210
it finds the chief should have made. Every order made by the 109211
hearing officer shall contain a written finding by the hearing 109212
officer of the facts upon which the order is based. Notice of the 109213
making of such order shall be given forthwith to each party to the 109214
appeal by mailing a certified copy thereof to each such party by 109215
~~registered~~ certified mail or electronic format. 109216

Sec. 1571.15. Any party adversely affected by an order of the 109217
hearing officer under section 1571.14 of the Revised Code may 109218

appeal to the court of common pleas of any county in which the 109219
well, or part of the gas storage reservoir, or part of the coal 109220
mine, involved in the order of the hearing officer which is being 109221
appealed, is located. Any party desiring to so appeal shall file 109222
with the director of natural resources a notice of appeal 109223
designating the order appealed from and stating whether the appeal 109224
is taken on questions of law or questions of law and fact. A copy 109225
of such notice shall also be filed by appellant with the court and 109226
shall be mailed or otherwise delivered to appellee. The notice 109227
shall be filed and mailed or otherwise delivered within thirty 109228
days after the date upon which appellant received notice from the 109229
hearing officer by ~~registered~~ certified mail or electronic format 109230
of the making of the order appealed from. No appeal bond shall be 109231
required to make either an appeal on questions of law or an appeal 109232
on questions of law and fact effective. 109233

The filing of a notice of appeal shall not automatically 109234
operate as a suspension of the order of the hearing officer. If it 109235
appears to the court that an unjust hardship to the appellant will 109236
result from the execution of the hearing officer's order pending 109237
determination of the appeal, the court may grant a suspension of 109238
such order and fix its terms. 109239

Within fifteen days after receipt of the notice of appeal the 109240
hearing officer shall prepare and file in the court the complete 109241
record of proceedings out of which the appeal arises, including a 109242
transcript of the testimony and other evidence which has been 109243
submitted before ~~him~~ the hearing officer. The expense of preparing 109244
and transcribing such record shall be taxed as a part of the costs 109245
of the appeal. Appellant shall provide security for costs 109246
satisfactory to the court. Upon demand by a party the director 109247
shall furnish at the cost of the party requesting the same a copy 109248
of such record. In the event such complete record is not filed in 109249
the court within the time provided for in this section either 109250

party may apply to the court to have the case docketed, and the 109251
court shall order such record filed. 109252

Appeals taken on questions of law shall be heard upon 109253
assignments of error filed in the cause or set out in the briefs 109254
of the appellant before the hearing. Errors not argued by brief 109255
may be disregarded, but the court may consider and decide errors 109256
which are not assigned or argued. Failure to file such briefs and 109257
assignments of error within the time prescribed by the court's 109258
rules shall be a cause for dismissal of such appeal. 109259

In appeals taken on questions of law and fact, the hearing in 109260
the court shall be a hearing de novo of the appeal heard by the 109261
hearing officer in which the order appealed from was made. In such 109262
hearings any party may offer as evidence any part of the record of 109263
the proceedings out of which the appeal arises, certified to the 109264
court as provided for in this section, and any other evidence 109265
which the court deems admissible. 109266

If the court finds that the order of the hearing officer 109267
appealed from was lawful and reasonable, it shall affirm such 109268
order. If the court finds that such order was unreasonable or 109269
unlawful, it shall vacate such order and make the order which it 109270
finds the hearing officer should have made. The judgment of the 109271
court is final unless reversed, vacated, or modified on appeal as 109272
in civil actions. 109273

Sec. 1571.16. (A) The gas storage well inspector or any 109274
person having a direct interest in the subject matter of this 109275
chapter may file with the division of oil and gas resources 109276
management a complaint in writing stating that a person is 109277
violating, or is about to violate, a provision or provisions of 109278
this chapter, or has done, or is about to do, an act, matter, or 109279
thing therein prohibited or declared to be unlawful, or has 109280
failed, omitted, neglected, or refused, or is about to fail, omit, 109281

neglect, or refuse, to perform a duty enjoined upon the person by 109282
this chapter. Upon the filing of such a complaint, the chief of 109283
the division of oil and gas resources management shall promptly 109284
fix the time for the holding of a hearing on such complaint and 109285
shall send by ~~registered~~ certified mail or electronic format to 109286
the person so complained of, a copy of such complaint together 109287
with at least five days' notice of the time and place at which 109288
such hearing will be held. Such notice of such hearing shall also 109289
be given to all persons having a direct interest in the matters 109290
complained of in such complaint. Such hearing shall be conducted 109291
in the same manner, and the chief and persons having a direct 109292
interest in the matter being heard, shall have the same powers, 109293
rights, and duties as provided in divisions (B), (C), (D), and (E) 109294
of section 1571.10 of the Revised Code, in connection with 109295
hearings by the chief, provided that if after conclusion of the 109296
hearing the chief finds that the charges against the person 109297
complained of, as stated in such complaint, have not been 109298
sustained by a preponderance of evidence, the chief shall make an 109299
order dismissing the complaint, and if the chief finds that the 109300
charges have been so sustained, the chief shall by appropriate 109301
order require compliance with those provisions. 109302

(B) Whenever the chief is of the opinion that any person is 109303
violating, or is about to violate, any provision of this chapter, 109304
or has done, or is about to do, any act, matter, or thing therein 109305
prohibited or declared to be unlawful, or has failed, omitted, 109306
neglected, or refused, or is about to fail, omit, neglect, or 109307
refuse, to perform any duty enjoined upon the person by this 109308
chapter, or has failed, omitted, neglected, or refused, or is 109309
about to fail, omit, neglect, or refuse, to obey any lawful 109310
requirement or order made by the chief, or any final judgment, 109311
order, or decree made by any court pursuant to this chapter, then 109312
and in every such case, the chief may institute in a court of 109313
competent jurisdiction of the county or counties wherein the 109314

operation is situated, an action to enjoin or restrain such 109315
violations or to enforce obedience with law or the orders of the 109316
chief. No injunction bond shall be required to be filed in any 109317
such proceeding. Such persons or corporations as the court may 109318
deem necessary or proper to be joined as parties in order to make 109319
its judgment, order, or writ effective may be joined as parties. 109320
An appeal may be taken as in other civil actions. 109321

(C) In addition to the other remedies as provided in 109322
divisions (A) and (B) of this section, any reservoir operator or 109323
coal mine operator affected by this chapter may proceed by 109324
injunction or other appropriate remedy to restrain violations or 109325
threatened violations of this chapter or of orders of the chief, 109326
or of the hearing officer appointed under section 1571.14 of the 109327
Revised Code, or the judgments, orders, or decrees of any court or 109328
to enforce obedience therewith. 109329

(D) Each remedy prescribed in divisions (A), (B), and (C) of 109330
this section is deemed concurrent or contemporaneous with each 109331
other remedy prescribed therein, and the existence or exercise of 109332
any one such remedy shall not prevent the exercise of any other 109333
such remedy. 109334

(E) The provisions of this chapter providing for conferences, 109335
hearings by the chief, appeals to the hearing officer from orders 109336
of the chief, and appeals to the court of common pleas from orders 109337
of the hearing officer, and the remedies prescribed in divisions 109338
(A), (B), (C), and (D) of this section, do not constitute the 109339
exclusive procedure that a person, who deems the person's rights 109340
to be unlawfully affected by any official action taken thereunder, 109341
must pursue in order to protect and preserve such rights, nor does 109342
this chapter constitute a procedure that such a person must pursue 109343
before the person may lawfully proceed by other actions, legal or 109344
equitable, to protect and preserve such rights. 109345

Sec. 1707.02. (A) "Exempt," as used in this section, means 109346
exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised 109347
Code. 109348

(B)(1) Except as provided in division (B)(2) of this section, 109349
the following securities are exempt, if the issuer or guarantor 109350
has the power of taxation or assessment for the purpose of paying 109351
the obligation represented by the security, or is in specific 109352
terms empowered by the laws of the state of issuance to issue 109353
securities payable as to principal or interest, or as to both, out 109354
of revenues collected or administered by such issuer: 109355

(a) Any security issued or guaranteed by the United States; 109356

(b) Any security issued or guaranteed by, and recognized, at 109357
the time of sale, as its valid obligation by, any foreign 109358
government with which the United States is, at the time of sale, 109359
maintaining diplomatic relations; 109360

(c) Any security issued or guaranteed, and recognized as its 109361
valid obligation, by any political subdivision or any governmental 109362
or other public body, corporation, or agency in or of the United 109363
States, any state, territory, or possession of the United States, 109364
or any foreign government with which the United States is, at the 109365
time of sale, maintaining diplomatic relations. 109366

(2) If a security described in division (B)(1) of this 109367
section is not payable out of the proceeds of a general tax, the 109368
security is exempt only if, at the time of its first sale in this 109369
state, there is no default in the payment of any of the interest 109370
or principal of the security, and there are no adjudications or 109371
pending suits adversely affecting its validity. 109372

(C) Any security issued or guaranteed by a state or 109373
nationally chartered bank, savings and loan association, savings 109374
bank, or credit union, or a governmental corporation or agency 109375

created by or under the laws of the United States or of Canada is 109376
exempt, if it is under the supervision of or subject to regulation 109377
by the government or state under whose laws it was organized. 109378

(D) Any interim certificate is exempt, if the securities to 109379
be delivered therefor are themselves exempt, are the subject 109380
matter of an exempt transaction, have been registered by 109381
description or registered by qualification, or are the subject 109382
matter of a transaction which has been registered by description. 109383

(E)(1) A security is exempt if it meets any of the following 109384
requirements: 109385

(a) The security is listed, or authorized for listing, on the 109386
New York stock exchange, the American stock exchange, or the 109387
national market system of the NASDAQ stock market, or any 109388
successor to such entities. 109389

(b) The security is listed, or authorized for listing, on a 109390
national securities exchange or system, or on a tier or segment of 109391
such exchange or system, designated by the securities and exchange 109392
commission in rule 146(b) promulgated under section 18(b)(1) of 109393
the Securities Act of 1933. 109394

(c) The security is listed, or authorized for listing, on a 109395
national securities exchange or system, or on a tier or segment of 109396
such exchange or system, that has listing standards that the 109397
division of securities, on its own initiative or on the basis of 109398
an application, determines by rule are substantially similar to 109399
the listing standards applicable to securities described in 109400
division (E)(1)(a) of this section. 109401

(d) The security is a security of the same issuer that is 109402
equal in seniority or that is a senior security to a security 109403
described in division (E)(1)(a), (b), or (c) of this section. 109404

(2) Application for approval of a stock exchange or system 109405
not approved in this section may be made by any organized stock 109406

exchange or system, or by any dealer who is a member of such 109407
exchange, in such manner and upon such forms as are prescribed by 109408
the division, accompanied by payment of an approval fee of two 109409
hundred dollars, and the division shall make such investigation 109410
and may hold such hearings as it deems necessary to determine the 109411
propriety of giving approval. The cost of such investigation shall 109412
be borne by the applicant. The division may enter an order of 109413
approval, and if it does so, it shall notify the applicant of such 109414
approval. 109415

(3) The division may revoke the approval of an exchange or 109416
system enumerated in division (E)(1) of this section, provided 109417
that the exchange or system is not listed in section 18(b)(1) of 109418
the Securities Act of 1933 or any rule promulgated thereunder. The 109419
division may effect a revocation after due notice, investigation, 109420
a hearing, and a finding that the practices or requirements of 109421
such exchange or system have been so changed or modified, or are, 109422
in their actual operation, such that the contemplated protection 109423
is no longer afforded. The principles of res adjudicata ordinarily 109424
applicable in civil matters shall not be applicable to this 109425
matter, which is hereby declared to be administrative rather than 109426
judicial. Notice of the hearing may be given by ~~certified~~ 109427
electronic mail at least ten days before such hearing. 109428

(4) The division may suspend the exemption of any security 109429
described in division (E)(1) of this section, provided that the 109430
security is listed or authorized for listing on an exchange or 109431
system that is not listed in section 18(b)(1) of the Securities 109432
Act of 1933 or any rule promulgated thereunder. The division may 109433
effect a suspension by giving notice, by ~~certified~~ electronic 109434
mail, to that effect to the exchange or system upon which such 109435
security is listed or designated and to the issuer of such 109436
security. After notice and hearing, the division may revoke such 109437
exemption if it appears to it that sales of such security have 109438

been fraudulent or that future sales of it would be fraudulent. 109439
The division shall set such hearing not later than ten days from 109440
the date of the order of suspension, but may for good cause 109441
continue such hearing upon application of the exchange or system 109442
upon which such security is listed or designated or upon 109443
application of the issuer of such security. 109444

(F) Any security, issued or guaranteed as to principal, 109445
interest, or dividend or distribution by a corporation owning or 109446
operating any public utility, is exempt, if such corporation is, 109447
as to its rates and charges or as to the issuance and guaranteeing 109448
of securities, under the supervision of or regulated by a public 109449
commission, board, or officer of the United States, or of Canada, 109450
or of any state, province, or municipal corporation in either of 109451
such countries. Equipment-trust securities based on chattel 109452
mortgages, leases, or agreements for conditional sale, of cars, 109453
locomotives, motor trucks, or other rolling stock or of motor 109454
vehicles mortgaged, leased, or sold to, or finished for the use 109455
of, a public utility, are exempt; and so are equipment securities 109456
where the ownership or title of such equipment is pledged or 109457
retained, in accordance with the laws of the United States or of 109458
any state, or of Canada or any province thereof, to secure the 109459
payment of such securities. 109460

(G) Commercial paper and promissory notes are exempt when 109461
they are not offered directly or indirectly for sale to the 109462
public. 109463

(H) Any security issued or guaranteed by an insurance 109464
company, except as provided in section 1707.32 of the Revised 109465
Code, is exempt if such company is under the supervision of, and 109466
the issuance or guaranty of such security is regulated by, a 109467
state. 109468

(I) Any security, except notes, bonds, debentures, or other 109469
evidences of indebtedness or of promises or agreements to pay 109470

money, which is issued by a person, corporation, or association 109471
organized not for profit, including persons, corporations, and 109472
associations organized exclusively for conducting county fairs, or 109473
for religious, educational, social, recreational, athletic, 109474
benevolent, fraternal, charitable, or reformatory purposes, and 109475
agricultural cooperatives as defined in section 1729.01 of the 109476
Revised Code, is exempt, if no part of the net earnings of such 109477
issuer inures to the benefit of any shareholder or member of such 109478
issuer or of any individual, and if the total commission, 109479
remuneration, expense, or discount in connection with the sale of 109480
such securities does not exceed two per cent of the total sale 109481
price thereof plus five hundred dollars. 109482

(J)(1) Any securities outstanding for a period of not less 109483
than five years, on which there has occurred no default in payment 109484
of principal, interest, or dividend or distribution for the five 109485
years immediately preceding the sale, are exempt. 109486

(2) For the purpose of division (J) of this section, the 109487
dividend, distribution, or interest rate on securities in which no 109488
such rate is specified shall be at the rate of at least four per 109489
cent annually on the aggregate of the price at which such 109490
securities are to be sold. 109491

(K) All bonds issued under authority of Chapter 165. or 761., 109492
or section 4582.06 or 4582.31 of the Revised Code are exempt. 109493

Sec. 1707.04. (A) The division of securities may consider and 109494
conduct hearings upon any plan of reorganization, 109495
recapitalization, or refinancing of a corporation organized under 109496
the laws of this state, or having its principal place of business 109497
within this state, when such plan is proposed by such corporation 109498
or by any of its shareholders or creditors and contains a proposal 109499
to issue securities in exchange for one or more bona fide 109500
outstanding securities, claims, or property interests, or partly 109501

in such exchange or partly for cash. The division may also approve 109502
the terms of such issuance and exchange and the fairness of such 109503
terms, after a hearing upon such fairness at which all persons to 109504
whom it is proposed to issue securities in such exchange have the 109505
right to appear, if application for such a hearing is made by such 109506
corporation, by the holders of a majority in amount of its debts, 109507
or by the holders of a majority in amount of any outstanding class 109508
of securities issued by it. Notice in person or by electronic or 109509
regular mail of the time and place of such hearing shall be given 109510
to all persons to whom it is proposed to issue such securities, 109511
and evidence satisfactory to the division that such notice has 109512
been given shall be filed with the division. Securities issued in 109513
accordance with a plan so approved by the division are exempt from 109514
sections 1707.01 to 1707.50 of the Revised Code, relating to 109515
registration or qualification of securities or the registration of 109516
transactions therein. 109517

(B) "Reorganization," "recapitalization," and "refinancing," 109518
as used in this section, include the following: 109519

(1) A readjustment by modification of the terms of securities 109520
by agreement; 109521

(2) A readjustment by the exchange of securities by the 109522
issuer for others of its securities; 109523

(3) The exchange of securities by the issuer for securities 109524
of another issuer; 109525

(4) The acquisition of assets of a person, directly or 109526
indirectly, partly or wholly in consideration for securities 109527
distributed or to be distributed as part of the same transaction, 109528
directly or indirectly, to holders of securities issued by such 109529
person or secured by assets of such person; 109530

(5) A merger or consolidation. 109531

(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.

Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:

(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;

(3) Engage in any manipulative act or practice.

(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice ~~by telegraph of the fact~~ of the service of process ~~and forward a copy of such process to such address by certified mail, return receipt requested.~~ This section does not affect any right to serve process in any other manner

permitted by law. 109563

(C) Any person who makes or opposes a control bid is subject 109564
to the liabilities and penalties applicable to a seller, and an 109565
offeree is entitled to the remedies applicable to a purchaser, as 109566
set forth in sections 1707.41 to 1707.50 of the Revised Code. 109567

(D) In case any provision or application of any provision of 109568
this section is for any reason held to be illegal or invalid, such 109569
illegality or invalidity shall not affect any legal and valid 109570
provision or application of this section. 109571

Sec. 1707.091. (A) Any security for which a registration 109572
statement has been filed pursuant to Section 6 of the Securities 109573
Act of 1933 or for which a notification form and offering circular 109574
has been filed pursuant to regulation A of the general rules and 109575
regulations of the securities and exchange commission, 17 C.F.R. 109576
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 109577
before or after the effective date of this section, in connection 109578
with the same offering may be registered by coordination. 109579

(B) A registration statement filed by or on behalf of the 109580
issuer under this section with the division of securities shall 109581
contain the following information and be accompanied by the 109582
following items in addition to the consent to service of process 109583
required by section 1707.11 of the Revised Code: 109584

(1) One copy of the latest form of prospectus or offering 109585
circular and notification filed with the securities and exchange 109586
commission; 109587

(2) If the division of securities by rule or otherwise 109588
requires, a copy of the articles of incorporation and code of 109589
regulations or bylaws, or their substantial equivalents, as 109590
currently in effect, a copy of any agreements with or among 109591
underwriters, a copy of any indenture or other instrument 109592

governing the issuance of the security to be registered, and a specimen or copy of the security;

(3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission;

(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date;

(5) A filing fee of one hundred dollars.

(C) A registration statement filed under this section becomes effective either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:

(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised Code;

(2) The registration statement has been on file with the division for at least fifteen days or for such shorter period as the division by rule or otherwise permits; provided, that if the registration statement is not filed with the division within five days of the initial filing with the securities and exchange commission, the registration statement must be on file with the division for thirty days or for such shorter period as the

division by rule or otherwise permits. 109624

(3) A statement of the maximum and minimum proposed offering 109625
prices and the maximum underwriting discounts and commissions has 109626
been on file with the division for two full business days or for 109627
such shorter period as the division by rule or otherwise permits 109628
and the offering is made within those limitations; 109629

(4) The division has received a registration fee of one-tenth 109630
of one per cent of the aggregate price at which the securities are 109631
to be sold to the public in this state, which fee, however, shall 109632
in no case be less than one hundred or more than one thousand 109633
dollars. 109634

(D) The issuer shall promptly notify the division by 109635
telephone ~~or telegram~~ of the date and time when the federal 109636
registration statement became effective, or when the offering may 109637
otherwise be commenced in accordance with the rules, regulations, 109638
or orders of the securities and exchange commission, and of the 109639
contents of the price amendment, if any, and shall promptly file 109640
the price amendment. 109641

"Price amendment" for the purpose of this division, means the 109642
final federal registration statement amendment that includes a 109643
statement of the offering price, underwriting and selling 109644
discounts or commissions, amount of proceeds, conversion rates, 109645
call prices, and other matters dependent upon the offering price. 109646

If the division fails to receive the required notice and 109647
required copies of the price amendment, the division may enter a 109648
provisional stop order retroactively denying effectiveness to the 109649
registration statement or suspending its effectiveness until there 109650
is compliance with this division, provided the division promptly 109651
notifies the issuer or its representative by telephone ~~or~~ 109652
~~telegram~~, and promptly confirms by letter ~~or telegram~~ when it 109653
notifies by telephone, of the entry of the order. If the issuer or 109654

its representative proves compliance with the requirements of this 109655
division as to notice and price amendment filing, the stop order 109656
is void as of the time of its entry. The division may by rule or 109657
otherwise waive either or both of the conditions specified in 109658
divisions (C)(2) and (3) of this section. If the federal 109659
registration statement becomes effective, or if the offering may 109660
otherwise be commenced in accordance with the rules, regulations, 109661
or orders of the securities and exchange commission, before all of 109662
the conditions specified in divisions (C) and (D) of this section 109663
are satisfied and they are not waived by the division the 109664
registration statement becomes effective as soon as all of the 109665
conditions are satisfied. 109666

If the issuer advises the division of the date when the 109667
federal registration statement is expected to become effective, or 109668
when the offering may otherwise be commenced in accordance with 109669
the rules, regulations, or orders of the securities and exchange 109670
commission, the division shall promptly advise the issuer or its 109671
representative by telephone ~~or telegram~~, at the issuer's expense, 109672
whether all of the conditions have been satisfied or whether the 109673
division then contemplates the institution of a proceeding under 109674
section 1707.13 or 1707.23 of the Revised Code, but such advice 109675
does not preclude the institution of such a proceeding at any 109676
time. 109677

Sec. 1707.11. (A) Each person that is not organized under the 109678
laws of this state, that is not licensed under section 1703.03 of 109679
the Revised Code, or that does not have its principal place of 109680
business in this state, shall submit to the division of securities 109681
an irrevocable consent to service of process, as described in 109682
division (B) of this section, in connection with any of the 109683
following: 109684

(1) Filings to claim any of the exemptions enumerated in 109685

division (Q), (W), or (Y) of section 1707.03 of the Revised Code; 109686

(2) Applications for registration by description, 109687
qualification, or coordination; 109688

(3) Notice filings pursuant to section 1707.092 of the 109689
Revised Code. 109690

(B) The irrevocable written consent shall be executed and 109691
acknowledged by an individual duly authorized to give the consent 109692
and shall do all of the following: 109693

(1) Designate the secretary of state as agent for service of 109694
process or pleadings; 109695

(2) State that actions growing out of the sale of such 109696
securities, the giving of investment advice, or fraud committed by 109697
a person on whose behalf the consent is submitted may be commenced 109698
against the person, in the proper court of any county in this 109699
state in which a cause of action may arise or in which the 109700
plaintiff in the action may reside, by serving on the secretary of 109701
state any proper process or pleading authorized by the laws of 109702
this state; 109703

(3) Stipulate that service of process or pleading on the 109704
secretary of state shall be taken in all courts to be as valid and 109705
binding as if service had been made upon the person on whose 109706
behalf the consent is submitted. 109707

(C) Notwithstanding any application, form, or other material 109708
filed with or submitted to the division that purports to appoint 109709
as agent for service of process a person other than the secretary 109710
of state, the application, form, or other material shall be 109711
considered to appoint the secretary of state as agent for service 109712
of process. 109713

(D) Service of any process or pleadings may be made on the 109714
secretary of state ~~by duplicate copies, of which one shall be~~ 109715

~~filed~~ in the office of the secretary of state, and ~~the other~~ 109716
~~immediately~~ forwarded by the secretary of state ~~by certified mail~~ 109717
to the principal place of business of the person on whose behalf 109718
the consent is submitted or to the last known address as shown on 109719
the filing made with the division. However, failure to ~~mail~~ send 109720
such copy does not invalidate the service. 109721

(E) Notwithstanding any provision of this chapter, or of any 109722
rule adopted by the division of securities under this chapter, 109723
that requires the submission of a consent to service of process, 109724
the division may provide by rule for the electronic filing or 109725
submission of a consent to service of process. 109726

Sec. 1707.43. (A) Subject to divisions (B) and (C) of this 109727
section, every sale or contract for sale made in violation of 109728
Chapter 1707. of the Revised Code, is voidable at the election of 109729
the purchaser. The person making such sale or contract for sale, 109730
and every person that has participated in or aided the seller in 109731
any way in making such sale or contract for sale, are jointly and 109732
severally liable to the purchaser, in an action at law in any 109733
court of competent jurisdiction, upon tender to the seller ~~in~~ 109734
~~person or in open court~~ of the securities sold or of the contract 109735
made, for the full amount paid by the purchaser and for all 109736
taxable court costs, unless the court determines that the 109737
violation did not materially affect the protection contemplated by 109738
the violated provision. 109739

(B) No action for the recovery of the purchase price as 109740
provided for in this section, and no other action for any recovery 109741
based upon or arising out of a sale or contract for sale made in 109742
violation of Chapter 1707. of the Revised Code, shall be brought 109743
more than two years after the plaintiff knew, or had reason to 109744
know, of the facts by reason of which the actions of the person or 109745
director were unlawful, or more than five years from the date of 109746

such sale or contract for sale, whichever is the shorter period. 109747

(C) No purchaser is entitled to the benefit of this section 109748
who has failed to accept, within thirty days from the date of such 109749
offer, an offer in writing made after two weeks from the date of 109750
the sale or contract of sale, by the seller or by any person that 109751
has participated in or aided the seller in any way in making the 109752
sale or contract of sale, to take back the security in question 109753
and to refund the full amount paid by the purchaser. 109754

Sec. 1733.16. Unless otherwise provided in the articles, 109755
regulations, or bylaws, and subject to the exceptions applicable 109756
during an emergency, as that term is defined in section 1733.01 of 109757
the Revised Code: 109758

(A) Meetings of the directors may be called by the 109759
chairperson, vice-chairperson, president, or any vice-president of 109760
the board or any two directors. 109761

(B) Regularly scheduled meetings of the directors shall be 109762
held in the manner prescribed by the credit union's code of 109763
regulations, but not less frequently than quarterly. 109764

(C) Meetings of the directors may be held within or without 109765
the state. Unless the articles or regulations prohibit 109766
participation by directors at a meeting by means of communication 109767
equipment, meetings of the directors may be held through any 109768
communication equipment if all the persons participating can hear 109769
each other, and participation in the meeting pursuant to this 109770
division constitutes presence at the meeting. 109771

(D) Notice of the place, if any, and time of each meeting of 109772
the directors shall be given to each director either by personal 109773
delivery or by mail, ~~telegram, cablegram,~~ overnight delivery 109774
service, or any other means of communication authorized by the 109775
~~director~~ board of directors at least two days before the meeting, 109776

unless otherwise specified in the regulations or bylaws. The 109777
notice described in this division need not specify the purpose of 109778
the meeting. 109779

(E) Notice of adjournment of a meeting need not be given, if 109780
the time and place to which it is adjourned are fixed and 109781
announced at the meeting. 109782

Sec. 2941.401. When a person has entered upon a term of 109783
imprisonment in a correctional institution of this state, and when 109784
during the continuance of the term of imprisonment there is 109785
pending in this state any untried indictment, information, or 109786
complaint against the prisoner, ~~he~~ the prisoner shall be brought 109787
to trial within one hundred eighty days after ~~he~~ the prisoner 109788
causes to be delivered to the prosecuting attorney and the 109789
appropriate court in which the matter is pending, written notice 109790
of the place of ~~his~~ the prisoner's imprisonment and a request for 109791
a final disposition to be made of the matter, except that for good 109792
cause shown in open court, with the prisoner or ~~his~~ the prisoner's 109793
counsel present, the court may grant any necessary or reasonable 109794
continuance. The request of the prisoner shall be accompanied by a 109795
certificate of the warden or superintendent having custody of the 109796
prisoner, stating the term of commitment under which the prisoner 109797
is being held, the time served and remaining to be served on the 109798
sentence, the amount of good time earned, the time of parole 109799
eligibility of the prisoner, and any decisions of the adult parole 109800
authority relating to the prisoner. 109801

The written notice and request for final disposition shall be 109802
given or sent by the prisoner to the warden or superintendent 109803
having custody of ~~him~~ the prisoner, who shall promptly forward it 109804
with the certificate to the appropriate prosecuting attorney and 109805
court by registered or certified mail, return receipt requested. 109806
If the appropriate prosecuting attorney and agency having custody 109807

of the prisoner have previously agreed, then the written notice, 109808
request, and certificate may be sent by electronic mail or 109809
facsimile, in lieu of registered mail or certified mail. 109810

The warden or superintendent having custody of the prisoner 109811
shall promptly inform ~~him~~ the prisoner in writing of the source 109812
and contents of any untried indictment, information, or complaint 109813
against ~~him~~ the prisoner, concerning which the warden or 109814
superintendent has knowledge, and of ~~his~~ the prisoner's right to 109815
make a request for final disposition thereof. 109816

Escape from custody by the prisoner, subsequent to ~~his~~ the 109817
prisoner's execution of the request for final disposition, voids 109818
the request. 109819

If the action is not brought to trial within the time 109820
provided, subject to continuance allowed pursuant to this section, 109821
no court any longer has jurisdiction thereof, the indictment, 109822
information, or complaint is void, and the court shall enter an 109823
order dismissing the action with prejudice. 109824

This section does not apply to any person adjudged to be 109825
mentally ill or who is under sentence of life imprisonment or 109826
death, or to any prisoner under sentence of death. 109827

Sec. 3111.23. The natural mother, the man acknowledging he is 109828
the natural father, or the other custodian or guardian of a child, 109829
a child support enforcement agency pursuant to section 3111.22 of 109830
the Revised Code, a local registrar of vital statistics pursuant 109831
to section 3705.091 of the Revised Code, or a hospital staff 109832
person pursuant to section 3727.17 of the Revised Code, ~~in person~~ 109833
~~or~~ by mail, may file an acknowledgment of paternity with the 109834
office of child support in the department of job and family 109835
services, acknowledging that the child is the child of the man who 109836
signed the acknowledgment. The acknowledgment of paternity shall 109837
be made on the affidavit prepared pursuant to section 3111.31 of 109838

the Revised Code, shall be signed by the natural mother and the man acknowledging that he is the natural father, and each signature shall be notarized. The mother and man may sign and have the signature notarized outside of each other's presence. An acknowledgment shall be sent to the office no later than ten days after it has been signed and notarized. If a person knows a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section and that the presumed father is not the man who signed an acknowledgment with respect to the child, the person shall not notarize or file the acknowledgment pursuant to this section.

Sec. 3301.05. A majority of the voting members of the state board of education shall constitute a quorum for the transaction of business. Official actions of the state board, including the making and adoption of motions and resolutions, shall be transacted only at public meetings open to the public. The superintendent of public instruction, or a designated subordinate ~~designated by him~~, shall record all official actions taken at each meeting of the board ~~in a book provided for that purpose~~, which shall be a public record. The record of the proceedings of each meeting of the board shall be read at its next succeeding meeting and corrected and approved, which approval shall be noted in the proceedings. The president shall sign the record and the superintendent of public instruction or ~~his~~ a designated subordinate attest it. The president's signature of the record and the attestation of the superintendent or designated subordinate may be made electronically.

Sec. 3302.04. As used in divisions (A), (C), and (D) of this section, for the 2014-2015 school year, and for each school year thereafter, when a provision refers to a school district or school

building in a state of academic emergency, it shall mean a 109869
district or building rated "F"; when a provision refers to a 109870
school district or school building under an academic watch, it 109871
shall mean a district or building rated "D"; and when a provision 109872
refers to a school district or school building in need of 109873
continuous improvement, it shall mean a district or building rated 109874
"C" as those letter grade ratings for overall performance are 109875
assigned under division (C)(3) of section 3302.03 of the Revised 109876
Code, as it exists on or after March 22, 2013. 109877

(A) The department of education shall establish a system of 109878
intensive, ongoing support for the improvement of school districts 109879
and school buildings. In accordance with the model of 109880
differentiated accountability described in section 3302.041 of the 109881
Revised Code, the system shall give priority to the following: 109882

(1) For any school year prior to the 2012-2013 school year, 109883
districts and buildings that have been declared to be under an 109884
academic watch or in a state of academic emergency under section 109885
3302.03 of the Revised Code; 109886

(2) For the 2012-2013 school year, and for each school year 109887
thereafter, districts and buildings in the manner prescribed by 109888
any agreement currently in force between the department and the 109889
United States department of education. The department shall 109890
endeavor to include schools and buildings that receive grades or 109891
performance ratings under section 3302.03 of the Revised Code that 109892
the department considers to be low performing. 109893

The system shall include services provided to districts and 109894
buildings through regional service providers, such as educational 109895
service centers. The system may include the appointment of an 109896
improvement coordinator for any of the lowest performing 109897
districts, as determined by the department, to coordinate the 109898
district's academic improvement efforts and to build support among 109899
the community for those efforts. 109900

(B) This division does not apply to any school district after 109901
June 30, 2008. 109902

When a school district has been notified by the department 109903
pursuant to section 3302.03 of the Revised Code that the district 109904
or a building within the district has failed to make adequate 109905
yearly progress for two consecutive school years, the district 109906
shall develop a three-year continuous improvement plan for the 109907
district or building containing each of the following: 109908

(1) An analysis of the reasons for the failure of the 109909
district or building to meet any of the applicable performance 109910
indicators established under section 3302.02 of the Revised Code 109911
that it did not meet and an analysis of the reasons for its 109912
failure to make adequate yearly progress; 109913

(2) Specific strategies that the district or building will 109914
use to address the problems in academic achievement identified in 109915
division (B)(1) of this section; 109916

(3) Identification of the resources that the district will 109917
allocate toward improving the academic achievement of the district 109918
or building; 109919

(4) A description of any progress that the district or 109920
building made in the preceding year toward improving its academic 109921
achievement; 109922

(5) An analysis of how the district is utilizing the 109923
professional development standards adopted by the state board 109924
pursuant to section 3319.61 of the Revised Code; 109925

(6) Strategies that the district or building will use to 109926
improve the cultural competency, as defined pursuant to section 109927
3319.61 of the Revised Code, of teachers and other educators. 109928

No three-year continuous improvement plan shall be developed 109929
or adopted pursuant to this division unless at least one public 109930

hearing is held within the affected school district or building 109931
concerning the final draft of the plan. Notice of the hearing 109932
shall be given two weeks prior to the hearing by publication in 109933
one newspaper of general circulation within the territory of the 109934
affected school district or building. Copies of the plan shall be 109935
made available to the public. 109936

(C)(1) For any school year prior to the school year that 109937
begins on July 1, 2012, when a school district or building has 109938
been notified by the department pursuant to section 3302.03 of the 109939
Revised Code that the district or building is under an academic 109940
watch or in a state of academic emergency, the district or 109941
building shall be subject to any rules establishing intervention 109942
in academic watch or emergency school districts or buildings. 109943

(2) For the 2012-2013 school year, and for each school year 109944
thereafter, a district or building that meets the conditions for 109945
intervention prescribed by the agreement described in division 109946
(A)(2) of this section shall be subject to any rules establishing 109947
such intervention. 109948

(D)(1) For any school year prior to the 2012-2013 school 109949
year, within one hundred twenty days after any school district or 109950
building is declared to be in a state of academic emergency under 109951
section 3302.03 of the Revised Code, the department may initiate a 109952
site evaluation of the building or school district. 109953

(2) For the 2012-2013 school year, and for each school year 109954
thereafter, the department may initiate a site evaluation of a 109955
building or school district that meets the conditions for a site 109956
evaluation prescribed by the agreement described in division 109957
(A)(2) of this section. 109958

~~(3) Division (D)(3) of this section does not apply to any 109959
school district after June 30, 2008. 109960~~

~~If any school district that is declared to be in a state of 109961~~

~~academic emergency or in a state of academic watch under section 109962
3302.03 of the Revised Code or encompasses a building that is 109963
declared to be in a state of academic emergency or in a state of 109964
academic watch fails to demonstrate to the department satisfactory 109965
improvement of the district or applicable buildings or fails to 109966
submit to the department any information required under rules 109967
established by the state board of education, prior to approving a 109968
three year continuous improvement plan under rules established by 109969
the state board of education, the department shall conduct a site 109970
evaluation of the school district or applicable buildings to 109971
determine whether the school district is in compliance with 109972
minimum standards established by law or rule. 109973~~

~~(4) Division (D)(4) of this section does not apply to any 109974
school district after June 30, 2008. Site evaluations conducted 109975
under divisions (D)(1), (2), and (3) of this section shall 109976
include, but not be limited to, the following: 109977~~

~~(a) Determining whether teachers are assigned to subject 109978
areas for which they are licensed or certified; 109979~~

~~(b) Determining pupil teacher ratios; 109980~~

~~(c) Examination of compliance with minimum instruction time 109981
requirements for each school day and for each school year; 109982~~

~~(d) Determining whether materials and equipment necessary to 109983
implement the curriculum approved by the school district board are 109984
available; 109985~~

~~(e) Examination of whether the teacher and principal 109986
evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 109987
and 3319.111 of the Revised Code; 109988~~

~~(f) Examination of the adequacy of efforts to improve the 109989
cultural competency, as defined pursuant to section 3319.61 of the 109990
Revised Code, of teachers and other educators. 109991~~

(E) This division applies only to school districts that 109992
operate a school building that fails to make adequate yearly 109993
progress for two or more consecutive school years. It does not 109994
apply to any such district after June 30, 2008, except as provided 109995
in division (D)(2) of section 3313.97 of the Revised Code. 109996

(1) For any school building that fails to make adequate 109997
yearly progress for two consecutive school years, the district 109998
shall do all of the following: 109999

(a) Provide written notification of the academic issues that 110000
resulted in the building's failure to make adequate yearly 110001
progress to the parent or guardian of each student enrolled in the 110002
building. The notification shall also describe the actions being 110003
taken by the district or building to improve the academic 110004
performance of the building and any progress achieved toward that 110005
goal in the immediately preceding school year. 110006

(b) If the building receives funds under Title I, Part A of 110007
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 110008
6311 to 6339, from the district, in accordance with section 110009
3313.97 of the Revised Code, offer all students enrolled in the 110010
building the opportunity to enroll in an alternative building 110011
within the district that is not in school improvement status as 110012
defined by the "No Child Left Behind Act of 2001." Notwithstanding 110013
Chapter 3327. of the Revised Code, the district shall spend an 110014
amount equal to twenty per cent of the funds it receives under 110015
Title I, Part A of the "Elementary and Secondary Education Act of 110016
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 110017
students who enroll in alternative buildings under this division, 110018
unless the district can satisfy all demand for transportation with 110019
a lesser amount. If an amount equal to twenty per cent of the 110020
funds the district receives under Title I, Part A of the 110021
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 110022
to 6339, is insufficient to satisfy all demand for transportation, 110023

the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E)(2) of this section.

(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, offer supplemental educational services to students who are enrolled in the building and who are in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

The district shall spend a combined total of an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in

alternative buildings under division (E)(1)(b) or (E)(2)(a) of 110056
this section and to pay the costs of the supplemental educational 110057
services provided to students under division (E)(2)(b) of this 110058
section, unless the district can satisfy all demand for 110059
transportation and pay the costs of supplemental educational 110060
services for those students who request them with a lesser amount. 110061
In allocating funds between the requirements of divisions 110062
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 110063
shall spend at least an amount equal to five per cent of the funds 110064
it receives under Title I, Part A of the "Elementary and Secondary 110065
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 110066
transportation for students who enroll in alternative buildings 110067
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 110068
district can satisfy all demand for transportation with a lesser 110069
amount, and at least an amount equal to five per cent of the funds 110070
it receives under Title I, Part A of the "Elementary and Secondary 110071
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 110072
of the supplemental educational services provided to students 110073
under division (E)(2)(b) of this section, unless the district can 110074
pay the costs of such services for all students requesting them 110075
with a lesser amount. If an amount equal to twenty per cent of the 110076
funds the district receives under Title I, Part A of the 110077
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 110078
to 6339, is insufficient to satisfy all demand for transportation 110079
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 110080
the costs of all of the supplemental educational services provided 110081
to students under division (E)(2)(b) of this section, the district 110082
shall grant priority over all other students in providing 110083
transportation and in paying the costs of supplemental educational 110084
services to the lowest achieving students among the subgroup 110085
described in division (B)(3) of section 3302.01 of the Revised 110086
Code. 110087

Any district that does not receive funds under Title I, Part 110088

A of the "Elementary and Secondary Education Act of 1965," 20 110089
U.S.C. 6311 to 6339, shall not be required to provide 110090
transportation to any student who enrolls in an alternative 110091
building under division (E)(2)(a) of this section or to pay the 110092
costs of supplemental educational services provided to any student 110093
under division (E)(2)(b) of this section. 110094

No student who enrolls in an alternative building under 110095
division (E)(2)(a) of this section shall be eligible for 110096
supplemental educational services under division (E)(2)(b) of this 110097
section. 110098

(3) For any school building that fails to make adequate 110099
yearly progress for four consecutive school years, the district 110100
shall continue to comply with division (E)(2) of this section and 110101
shall implement at least one of the following options with respect 110102
to the building: 110103

(a) Institute a new curriculum that is consistent with the 110104
statewide academic standards adopted pursuant to division (A) of 110105
section 3301.079 of the Revised Code; 110106

(b) Decrease the degree of authority the building has to 110107
manage its internal operations; 110108

(c) Appoint an outside expert to make recommendations for 110109
improving the academic performance of the building. The district 110110
may request the department to establish a state intervention team 110111
for this purpose pursuant to division (G) of this section. 110112

(d) Extend the length of the school day or year; 110113

(e) Replace the building principal or other key personnel; 110114

(f) Reorganize the administrative structure of the building. 110115

(4) For any school building that fails to make adequate 110116
yearly progress for five consecutive school years, the district 110117
shall continue to comply with division (E)(2) of this section and 110118

shall develop a plan during the next succeeding school year to 110119
improve the academic performance of the building, which shall 110120
include at least one of the following options: 110121

(a) Reopen the school as a community school under Chapter 110122
3314. of the Revised Code; 110123

(b) Replace personnel; 110124

(c) Contract with a nonprofit or for-profit entity to operate 110125
the building; 110126

(d) Turn operation of the building over to the department; 110127

(e) Other significant restructuring of the building's 110128
governance. 110129

(5) For any school building that fails to make adequate 110130
yearly progress for six consecutive school years, the district 110131
shall continue to comply with division (E)(2) of this section and 110132
shall implement the plan developed pursuant to division (E)(4) of 110133
this section. 110134

(6) A district shall continue to comply with division 110135
(E)(1)(b) or (E)(2) of this section, whichever was most recently 110136
applicable, with respect to any building formerly subject to one 110137
of those divisions until the building makes adequate yearly 110138
progress for two consecutive school years. 110139

(F) This division applies only to school districts that have 110140
been identified for improvement by the department pursuant to the 110141
"No Child Left Behind Act of 2001." It does not apply to any such 110142
district after June 30, 2008. 110143

(1) If a school district has been identified for improvement 110144
for one school year, the district shall provide a written 110145
description of the continuous improvement plan developed by the 110146
district pursuant to division (B) of this section to the parent or 110147
guardian of each student enrolled in the district. If the district 110148

does not have a continuous improvement plan, the district shall 110149
develop such a plan in accordance with division (B) of this 110150
section and provide a written description of the plan to the 110151
parent or guardian of each student enrolled in the district. 110152

(2) If a school district has been identified for improvement 110153
for two consecutive school years, the district shall continue to 110154
implement the continuous improvement plan developed by the 110155
district pursuant to division (B) or (F)(1) of this section. 110156

(3) If a school district has been identified for improvement 110157
for three consecutive school years, the department shall take at 110158
least one of the following corrective actions with respect to the 110159
district: 110160

(a) Withhold a portion of the funds the district is entitled 110161
to receive under Title I, Part A of the "Elementary and Secondary 110162
Education Act of 1965," 20 U.S.C. 6311 to 6339; 110163

(b) Direct the district to replace key district personnel; 110164

(c) Institute a new curriculum that is consistent with the 110165
statewide academic standards adopted pursuant to division (A) of 110166
section 3301.079 of the Revised Code; 110167

(d) Establish alternative forms of governance for individual 110168
school buildings within the district; 110169

(e) Appoint a trustee to manage the district in place of the 110170
district superintendent and board of education. 110171

The department shall conduct individual audits of a sampling 110172
of districts subject to this division to determine compliance with 110173
the corrective actions taken by the department. 110174

(4) If a school district has been identified for improvement 110175
for four consecutive school years, the department shall continue 110176
to monitor implementation of the corrective action taken under 110177
division (F)(3) of this section with respect to the district. 110178

(5) If a school district has been identified for improvement 110179
for five consecutive school years, the department shall take at 110180
least one of the corrective actions identified in division (F)(3) 110181
of this section with respect to the district, provided that the 110182
corrective action the department takes is different from the 110183
corrective action previously taken under division (F)(3) of this 110184
section with respect to the district. 110185

(G) The department may establish a state intervention team to 110186
evaluate all aspects of a school district or building, including 110187
management, curriculum, instructional methods, resource 110188
allocation, and scheduling. Any such intervention team shall be 110189
appointed by the department and shall include teachers and 110190
administrators recognized as outstanding in their fields. The 110191
intervention team shall make recommendations regarding methods for 110192
improving the performance of the district or building. 110193

The department shall not approve a district's request for an 110194
intervention team under division (E)(3) of this section if the 110195
department cannot adequately fund the work of the team, unless the 110196
district agrees to pay for the expenses of the team. 110197

(H) The department shall conduct individual audits of a 110198
sampling of community schools established under Chapter 3314. of 110199
the Revised Code to determine compliance with this section. 110200

(I) A school district in which the pilot project scholarship 110201
program is operating under sections 3313.974 to 3313.979 of the 110202
Revised Code shall report the use of funding for tutorial 110203
assistance grants under that program in the district's three-year 110204
continuous improvement plan under this section in a manner 110205
approved by the department. 110206

(J) The state board shall adopt rules for implementing this 110207
section. 110208

Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department.

(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain the following:

(1) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child;

(2) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child.

The form required under division (B) of this section may be submitted electronically.

Sec. 3313.41. (A) Except as provided in divisions (C), (D), and (F) of this section and in sections 3313.412 and 3313.413 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is

personal property, in the school district of the board of 110239
education that owns the property. The board may offer real 110240
property for sale as an entire tract or in parcels. 110241

(B) When the board of education has offered real or personal 110242
property for sale at public auction at least once pursuant to 110243
division (A) of this section, and the property has not been sold, 110244
the board may sell it at a private sale. Regardless of how it was 110245
offered at public auction, at a private sale, the board shall, as 110246
it considers best, sell real property as an entire tract or in 110247
parcels, and personal property in a single lot or in several lots. 110248

(C) If a board of education decides to dispose of real or 110249
personal property that it owns in its corporate capacity and that 110250
exceeds in value ten thousand dollars, it may sell the property to 110251
the adjutant general; to any subdivision or taxing authority as 110252
respectively defined in section 5705.01 of the Revised Code, 110253
township park district, board of park commissioners established 110254
under Chapter 755. of the Revised Code, or park district 110255
established under Chapter 1545. of the Revised Code; to a wholly 110256
or partially tax-supported university, university branch, or 110257
college; to a nonprofit institution of higher education that has a 110258
certificate of authorization under Chapter 1713. of the Revised 110259
Code; to the governing authority of a chartered nonpublic school; 110260
or to the board of trustees of a school district library, upon 110261
such terms as are agreed upon. The sale of real or personal 110262
property to the board of trustees of a school district library is 110263
limited, in the case of real property, to a school district 110264
library within whose boundaries the real property is situated, or, 110265
in the case of personal property, to a school district library 110266
whose boundaries lie in whole or in part within the school 110267
district of the selling board of education. 110268

(D) When a board of education decides to trade as a part or 110269

an entire consideration, an item of personal property on the 110270
purchase price of an item of similar personal property, it may 110271
trade the same upon such terms as are agreed upon by the parties 110272
to the trade. 110273

(E) The president and the treasurer of the board of education 110274
shall execute and deliver deeds or other necessary instruments of 110275
conveyance to complete any sale or trade under this section. 110276

(F) When a board of education has identified a parcel of real 110277
property that it determines is needed for school purposes, the 110278
board may, upon a majority vote of the members of the board, 110279
acquire that property by exchanging real property that the board 110280
owns in its corporate capacity for the identified real property or 110281
by using real property that the board owns in its corporate 110282
capacity as part or an entire consideration for the purchase price 110283
of the identified real property. Any exchange or acquisition made 110284
pursuant to this division shall be made by a conveyance executed 110285
by the president and the treasurer of the board. 110286

(G) When a school district board of education has property 110287
that the board, by resolution, finds is not needed for school 110288
district use, is obsolete, or is unfit for the use for which it 110289
was acquired, the board may donate that property in accordance 110290
with this division if the fair market value of the property is, in 110291
the opinion of the board, two thousand five hundred dollars or 110292
less. 110293

The property may be donated to an eligible nonprofit 110294
organization that is located in this state and is exempt from 110295
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 110296
Before donating any property under this division, the board shall 110297
adopt a resolution expressing its intent to make unneeded, 110298
obsolete, or unfit-for-use school district property available to 110299
these organizations. The resolution shall include guidelines and 110300
procedures the board considers to be necessary to implement the 110301

donation program and shall indicate whether the school district 110302
will conduct the donation program or the board will contract with 110303
a representative to conduct it. If a representative is known when 110304
the resolution is adopted, the resolution shall provide contact 110305
information such as the representative's name, address, and 110306
telephone number. 110307

The resolution shall include within its procedures a 110308
requirement that any nonprofit organization desiring to obtain 110309
donated property under this division shall submit a written notice 110310
to the board or its representative. The written notice shall 110311
include evidence that the organization is a nonprofit organization 110312
that is located in this state and is exempt from federal income 110313
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 110314
the organization's primary purpose; a description of the type or 110315
types of property the organization needs; and the name, address, 110316
and telephone number of a person designated by the organization's 110317
governing board to receive donated property and to serve as its 110318
agent. The written notice may be submitted electronically to the 110319
board or its representative. 110320

After adoption of the resolution, the board shall ~~publish, in~~ 110321
~~a newspaper of general circulation in the school district or as~~ 110322
~~provided in section 7.16 of the Revised Code, notice of its intent~~ 110323
~~to donate unneeded, obsolete, or unfit for use school district~~ 110324
~~property to eligible nonprofit organizations. The notice shall~~ 110325
~~include a summary of the information provided in the resolution~~ 110326
~~and shall be published twice. The second notice shall be published~~ 110327
~~not less than ten nor more than twenty days after the previous~~ 110328
~~notice. A similar notice also shall be posted continually post in~~ 110329
the board's office notice of its intent to donate school district 110330
property that is unneeded, obsolete, or unfit for use to eligible 110331
nonprofit organizations. If the school district maintains a web 110332
site on the internet, the notice shall be posted continually at 110333

that web site. 110334

The board or its representatives shall maintain a list of all 110335
nonprofit organizations that notify the board or its 110336
representative of their desire to obtain donated property under 110337
this division and that the board or its representative determines 110338
to be eligible, in accordance with the requirements set forth in 110339
this section and in the donation program's guidelines and 110340
procedures, to receive donated property. 110341

The board or its representative also shall maintain a list of 110342
all school district property the board finds to be unneeded, 110343
obsolete, or unfit for use and to be available for donation under 110344
this division. The list shall be posted continually in a 110345
conspicuous location in the board's office, and, if the school 110346
district maintains a web site on the internet, the list shall be 110347
posted continually at that web site. An item of property on the 110348
list shall be donated to the eligible nonprofit organization that 110349
first declares to the board or its representative its desire to 110350
obtain the item unless the board previously has established, by 110351
resolution, a list of eligible nonprofit organizations that shall 110352
be given priority with respect to the item's donation. Priority 110353
may be given on the basis that the purposes of a nonprofit 110354
organization have a direct relationship to specific school 110355
district purposes of programs provided or administered by the 110356
board. A resolution giving priority to certain nonprofit 110357
organizations with respect to the donation of an item of property 110358
shall specify the reasons why the organizations are given that 110359
priority. 110360

Members of the board shall consult with the Ohio ethics 110361
commission, and comply with Chapters 102. and 2921. of the Revised 110362
Code, with respect to any donation under this division to a 110363
nonprofit organization of which a board member, any member of a 110364
board member's family, or any business associate of a board member 110365

is a trustee, officer, board member, or employee. 110366

Sec. 3313.818. (A)(1) The department of education shall 110367
establish a program under which public schools that meet the 110368
conditions prescribed in this section shall offer breakfast to all 110369
students either before or during the school day. Each of the 110370
following shall apply: 110371

(a) In the ~~first~~ 2020-2021 school year ~~after the effective~~ 110372
~~date of this section~~, the program shall apply to any public school 110373
in which seventy per cent or more of the students enrolled in the 110374
school during the previous school year were eligible under federal 110375
requirements for free or reduced-price breakfasts or lunches. 110376

(b) In the ~~second~~ 2021-2022 school year ~~after the effective~~ 110377
~~date of this section~~, the program shall apply to any public school 110378
in which sixty per cent or more of the students enrolled in the 110379
school during the previous school year were eligible under federal 110380
requirements for free or reduced-price breakfasts or lunches. 110381

(c) In the ~~third~~ 2022-2023 school year ~~after the enactment~~ 110382
~~date of this section~~ and every school year thereafter, the program 110383
shall apply to any public school in which fifty per cent or more 110384
of the students enrolled in the school during the previous school 110385
year were eligible under federal requirements for free or 110386
reduced-price breakfasts or lunches. 110387

(2) The district superintendent or building principal, in 110388
consultation with the building staff, shall determine the model 110389
for serving breakfast under the program. Each breakfast served 110390
under the program shall comply with federal meal patterns and 110391
nutritional standards and with section 3313.814 of the Revised 110392
Code. A school district board of education may make a charge in 110393
accordance with federal requirements for each meal to cover all or 110394
part of the costs incurred in operating the program. 110395

(B) The department shall publish a list of public schools that meet the conditions of division (A) of this section. The department shall offer technical assistance to school districts and schools regarding the implementation of a school breakfast program that complies with this section and the submission of claims for reimbursement under the federal school breakfast program.

(C)(1) The department shall monitor each school participating in the program and ensure that each participating school complies with the requirements of this section.

(2) If the board of education of a school district determines that, for financial reasons, a school under the board's control cannot comply with the requirements of this section or the board already has a successful breakfast program or partnership in place, the district board may choose not to comply with those requirements.

(D) Not later than the thirty-first day of December of each school year, the department shall provide statistical reports on its web site that specify the number and percentage of students participating in school breakfast programs disaggregated by school district and individual schools, including community schools, established under Chapter 3314. of the Revised Code, and STEM schools, established under Chapter 3326. of the Revised Code.

(E) Not later than the thirty-first day of December of each school year, the department shall prepare a report on the implementation and effectiveness of the program established under this section and submit the report to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. The report may be submitted electronically. The report shall include:

(1) The number of students and participation rates in the

free and reduced-price breakfast programs under this section for 110427
each school building; 110428

(2) The type of breakfast model used by each school building 110429
participating in the breakfast program; 110430

(3) The number of students and participation rates in free or 110431
reduced-price lunch for each school building. 110432

Sec. 3314.21. (A) As used in this section: 110433

(1) "Harmful to juveniles" has the same meaning as in section 110434
2907.01 of the Revised Code. 110435

(2) "Obscene" has the same meaning as in division (F) of 110436
section 2907.01 of the Revised Code as that division has been 110437
construed by the supreme court of this state. 110438

(3) "Teacher of record" means a teacher who is responsible 110439
for the overall academic development and achievement of a student 110440
and not merely the student's instruction in any single subject. 110441

(B)(1) It is the intent of the general assembly that teachers 110442
employed by internet- or computer-based community schools conduct 110443
visits with their students ~~in person~~ throughout the school year. 110444

(2) Each internet- or computer-based community school shall 110445
retain an affiliation with at least one full-time teacher of 110446
record licensed in accordance with division (A)(10) of section 110447
3314.03 of the Revised Code. 110448

(3) Each student enrolled in an internet- or computer-based 110449
community school shall be assigned to at least one teacher of 110450
record. No teacher of record shall be primarily responsible for 110451
the academic development and achievement of more than one hundred 110452
twenty-five students enrolled in the internet- or computer-based 110453
community school that has retained that teacher. 110454

(C) For any internet- or computer-based community school, the 110455

contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following:

(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student who works primarily from the student's residence on a computer obtained from a source other than the school.

(2) A plan for fulfilling the intent of the general assembly specified in division (B)(1) of this section. The plan shall indicate the number of times teachers will visit each student throughout the school year and the manner in which those visits will be conducted. The visits may be conducted electronically.

(3) That the school will set up a central base of operation and the sponsor will maintain a representative within fifty miles of that base of operation to provide monitoring and assistance.

(D)(1) Annually, each internet- or computer-based community school shall prepare and submit to the department of education, in a time and manner prescribed by the department, a report that contains information about all of the following:

(a) Classroom size;

(b) The ratio of teachers to students per classroom;

(c) The number of student-teacher meetings conducted in person or by video conference;

(d) Any other information determined necessary by the department.

(2) The department annually shall prepare and submit to the state board of education a report that contains the information

received under division (D)(1) of this section. 110486

Sec. 3319.081. Except as otherwise provided in division (G) 110487
of this section, in all school districts wherein the provisions of 110488
Chapter 124. of the Revised Code do not apply, the following 110489
employment contract system shall control for employees whose 110490
contracts of employment are not otherwise provided by law: 110491

(A) Newly hired regular nonteaching school employees, 110492
including regular hourly rate and per diem employees, shall enter 110493
into written contracts for their employment which shall be for a 110494
period of not more than one year. If such employees are rehired, 110495
their three subsequent contracts shall be for a period of two 110496
years each. 110497

(B) After the termination of the third two-year contract 110498
provided in division (A) of this section, if the contract of a 110499
nonteaching employee is renewed, the employee shall be continued 110500
in employment, and the salary provided in the contract may be 110501
increased but not reduced unless such reduction is a part of a 110502
uniform plan affecting the nonteaching employees of the entire 110503
district. 110504

(C) The contracts as provided for in this section may be 110505
terminated by a majority vote of the board of education. Except as 110506
provided in sections 3319.0810 and 3319.172 of the Revised Code, 110507
the contracts may be terminated only for violation of written 110508
rules and regulations as set forth by the board of education or 110509
for incompetency, inefficiency, dishonesty, drunkenness, immoral 110510
conduct, insubordination, discourteous treatment of the public, 110511
neglect of duty, or any other acts of misfeasance, malfeasance, or 110512
nonfeasance. In addition to the right of the board of education to 110513
terminate the contract of an employee, the board may suspend an 110514
employee for a definite period of time or demote the employee for 110515
the reasons set forth in this division. The action of the board of 110516

education terminating the contract of an employee or suspending or 110517
demoting the employee shall be served upon the employee by 110518
certified mail, regular mail with a certificate of mailing, or 110519
other form of delivery with proof of delivery, including 110520
electronic delivery with electronic proof of delivery. Within ten 110521
days following the receipt of such notice by the employee, the 110522
employee may file an appeal, in writing, with the court of common 110523
pleas of the county in which such school board is situated. After 110524
hearing the appeal the common pleas court may affirm, disaffirm, 110525
or modify the action of the school board. 110526

A violation of division (A)(7) of section 2907.03 of the 110527
Revised Code is grounds for termination of employment of a 110528
nonteaching employee under this division. 110529

(D) All employees who have been employed by a school district 110530
where the provisions of Chapter 124. of the Revised Code do not 110531
apply, for a period of at least three years on November 24, 1967, 110532
shall hold continuing contracts of employment pursuant to this 110533
section. 110534

(E) Any nonteaching school employee may terminate the 110535
nonteaching school employee's contract of employment thirty days 110536
subsequent to the filing of a written notice of such termination 110537
with the treasurer of the board. 110538

(F) A person hired exclusively for the purpose of replacing a 110539
nonteaching school employee while such employee is on leave of 110540
absence granted under section 3319.13 of the Revised Code is not a 110541
regular nonteaching school employee under this section. 110542

(G) All nonteaching employees employed pursuant to this 110543
section and Chapter 124. of the Revised Code shall be paid for all 110544
time lost when the schools in which they are employed are closed 110545
owing to an epidemic or other public calamity. Nothing in this 110546
division shall be construed as requiring payment in excess of an 110547

employee's regular wage rate or salary for any time worked while 110548
the school in which the employee is employed is officially closed 110549
for the reasons set forth in this division. 110550

Sec. 3319.11. (A) As used in this section: 110551

(1) "Evaluation procedures" means the procedures required by 110552
the policy adopted pursuant to division (A) of section 3319.111 of 110553
the Revised Code. 110554

(2) "Limited contract" means a limited contract, as described 110555
in section 3319.08 of the Revised Code, that a school district 110556
board of education or governing board of an educational service 110557
center enters into with a teacher who is not eligible for 110558
continuing service status. 110559

(3) "Extended limited contract" means a limited contract, as 110560
described in section 3319.08 of the Revised Code, that a board of 110561
education or governing board enters into with a teacher who is 110562
eligible for continuing service status. 110563

(B) Teachers eligible for continuing service status in any 110564
city, exempted village, local, or joint vocational school district 110565
or educational service center shall be those teachers qualified as 110566
described in division (D) of section 3319.08 of the Revised Code, 110567
who within the last five years have taught for at least three 110568
years in the district or center, and those teachers who, having 110569
attained continuing contract status elsewhere, have served two 110570
years in the district or center, but the board, upon the 110571
recommendation of the superintendent, may at the time of 110572
employment or at any time within such two-year period, declare any 110573
of the latter teachers eligible. 110574

(1) Upon the recommendation of the superintendent that a 110575
teacher eligible for continuing service status be reemployed, a 110576
continuing contract shall be entered into between the board and 110577

the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule.

The teacher is presumed to have accepted employment under the 110611
extended limited contract for a term not to exceed one year unless 110612
such teacher notifies the board in writing to the contrary on or 110613
before the fifteenth day of June, and an extended limited contract 110614
for a term not to exceed one year shall be executed accordingly. 110615
Upon any subsequent reemployment of a teacher only a continuing 110616
contract may be entered into. 110617

(3) Any teacher receiving written notice of the intention of 110618
a board not to reemploy such teacher pursuant to this division is 110619
entitled to the hearing provisions of division (G) of this 110620
section. 110621

(C)(1) If a board rejects the recommendation of the 110622
superintendent for reemployment of a teacher pursuant to division 110623
(B)(1) of this section, the superintendent may recommend 110624
reemployment of the teacher, if continuing service status has not 110625
previously been attained elsewhere, under an extended limited 110626
contract for a term not to exceed two years, provided that written 110627
notice of the superintendent's intention to make such 110628
recommendation has been given to the teacher with reasons directed 110629
at the professional improvement of the teacher on or before the 110630
first day of June. Upon subsequent reemployment of the teacher 110631
only a continuing contract may be entered into. 110632

(2) If a board of education takes affirmative action on a 110633
superintendent's recommendation, made pursuant to division (C)(1) 110634
of this section, of an extended limited contract for a term not to 110635
exceed two years but the board does not give the teacher written 110636
notice of its affirmative action on the superintendent's 110637
recommendation of an extended limited contract on or before the 110638
first day of June, the teacher is deemed reemployed under a 110639
continuing contract at the same salary plus any increment provided 110640
by the salary schedule. The teacher is presumed to have accepted 110641
employment under such continuing contract unless such teacher 110642

notifies the board in writing to the contrary on or before the 110643
fifteenth day of June, and a continuing contract shall be executed 110644
accordingly. 110645

(3) A board shall not reject a superintendent's 110646
recommendation, made pursuant to division (C)(1) of this section, 110647
of an extended limited contract for a term not to exceed two years 110648
except by a three-fourths vote of its full membership. If a board 110649
rejects by a three-fourths vote of its full membership the 110650
recommendation of the superintendent of an extended limited 110651
contract for a term not to exceed two years, the board may declare 110652
its intention not to reemploy the teacher by giving the teacher 110653
written notice on or before the first day of June of its intention 110654
not to reemploy the teacher. If evaluation procedures have not 110655
been complied with pursuant to section 3319.111 of the Revised 110656
Code or if the board does not give the teacher written notice on 110657
or before the first day of June of its intention not to reemploy 110658
the teacher, the teacher is deemed reemployed under an extended 110659
limited contract for a term not to exceed one year at the same 110660
salary plus any increment provided by the salary schedule. The 110661
teacher is presumed to have accepted employment under the extended 110662
limited contract for a term not to exceed one year unless such 110663
teacher notifies the board in writing to the contrary on or before 110664
the fifteenth day of June, and an extended limited contract for a 110665
term not to exceed one year shall be executed accordingly. Upon 110666
any subsequent reemployment of the teacher only a continuing 110667
contract may be entered into. 110668

Any teacher receiving written notice of the intention of a 110669
board not to reemploy such teacher pursuant to this division is 110670
entitled to the hearing provisions of division (G) of this 110671
section. 110672

(D) A teacher eligible for continuing contract status 110673
employed under an extended limited contract pursuant to division 110674

(B) or (C) of this section, is, at the expiration of such extended 110675
limited contract, deemed reemployed under a continuing contract at 110676
the same salary plus any increment granted by the salary schedule, 110677
unless evaluation procedures have been complied with pursuant to 110678
section 3319.111 of the Revised Code and the employing board, 110679
acting on the superintendent's recommendation that the teacher not 110680
be reemployed, gives the teacher written notice on or before the 110681
first day of June of its intention not to reemploy such teacher. A 110682
teacher who does not have evaluation procedures applied in 110683
compliance with section 3319.111 of the Revised Code or who does 110684
not receive notice on or before the first day of June of the 110685
intention of the board not to reemploy such teacher is presumed to 110686
have accepted employment under a continuing contract unless such 110687
teacher notifies the board in writing to the contrary on or before 110688
the fifteenth day of June, and a continuing contract shall be 110689
executed accordingly. 110690

Any teacher receiving a written notice of the intention of a 110691
board not to reemploy such teacher pursuant to this division is 110692
entitled to the hearing provisions of division (G) of this 110693
section. 110694

(E) The board shall enter into a limited contract with each 110695
teacher employed by the board who is not eligible to be considered 110696
for a continuing contract. 110697

Any teacher employed under a limited contract, and not 110698
eligible to be considered for a continuing contract, is, at the 110699
expiration of such limited contract, considered reemployed under 110700
the provisions of this division at the same salary plus any 110701
increment provided by the salary schedule unless evaluation 110702
procedures have been complied with pursuant to section 3319.111 of 110703
the Revised Code and the employing board, acting upon the 110704
superintendent's written recommendation that the teacher not be 110705
reemployed, gives such teacher written notice of its intention not 110706

to reemploy such teacher on or before the first day of June. A 110707
teacher who does not have evaluation procedures applied in 110708
compliance with section 3319.111 of the Revised Code or who does 110709
not receive notice of the intention of the board not to reemploy 110710
such teacher on or before the first day of June is presumed to 110711
have accepted such employment unless such teacher notifies the 110712
board in writing to the contrary on or before the fifteenth day of 110713
June, and a written contract for the succeeding school year shall 110714
be executed accordingly. 110715

Any teacher receiving a written notice of the intention of a 110716
board not to reemploy such teacher pursuant to this division is 110717
entitled to the hearing provisions of division (G) of this 110718
section. 110719

(F) The failure of a superintendent to make a recommendation 110720
to the board under any of the conditions set forth in divisions 110721
(B) to (E) of this section, or the failure of the board to give 110722
such teacher a written notice pursuant to divisions (C) to (E) of 110723
this section shall not prejudice or prevent a teacher from being 110724
deemed reemployed under either a limited or continuing contract as 110725
the case may be under the provisions of this section. A failure of 110726
the parties to execute a written contract shall not void any 110727
automatic reemployment provisions of this section. 110728

(G)(1) Any teacher receiving written notice of the intention 110729
of a board of education not to reemploy such teacher pursuant to 110730
division (B), (C)(3), (D), or (E) of this section may, within ten 110731
days of the date of receipt of the notice, file with the treasurer 110732
of the board a written demand for a written statement describing 110733
the circumstances that led to the board's intention not to 110734
reemploy the teacher. 110735

(2) The treasurer of a board, on behalf of the board, shall, 110736
within ten days of the date of receipt of a written demand for a 110737
written statement pursuant to division (G)(1) of this section, 110738

provide to the teacher a written statement describing the 110739
circumstances that led to the board's intention not to reemploy 110740
the teacher. 110741

(3) Any teacher receiving a written statement describing the 110742
circumstances that led to the board's intention not to reemploy 110743
the teacher pursuant to division (G)(2) of this section may, 110744
within five days of the date of receipt of the statement, file 110745
with the treasurer of the board a written demand for a hearing 110746
before the board pursuant to divisions (G)(4) to (6) of this 110747
section. 110748

(4) The treasurer of a board, on behalf of the board, shall, 110749
within ten days of the date of receipt of a written demand for a 110750
hearing pursuant to division (G)(3) of this section, provide to 110751
the teacher a written notice setting forth the time, date, and 110752
place of the hearing. The board shall schedule and conclude the 110753
hearing within forty days of the date on which the treasurer of 110754
the board receives a written demand for a hearing pursuant to 110755
division (G)(3) of this section. 110756

(5) Any hearing conducted pursuant to this division shall be 110757
conducted by a majority of the members of the board. The hearing 110758
shall be held in executive session of the board unless the board 110759
and the teacher agree to hold the hearing in public. The 110760
superintendent, assistant superintendent, the teacher, and any 110761
person designated by either party to take a record of the hearing 110762
may be present at the hearing. The board may be represented by 110763
counsel and the teacher may be represented by counsel or a 110764
designee. A record of the hearing may be taken by either party at 110765
the expense of the party taking the record. 110766

(6) Within ten days of the conclusion of a hearing conducted 110767
pursuant to this division, the board shall issue to the teacher a 110768
written decision containing an order affirming the intention of 110769
the board not to reemploy the teacher reported in the notice given 110770

to the teacher pursuant to division (B), (C)(3), (D), or (E) of 110771
this section or an order vacating the intention not to reemploy 110772
and expunging any record of the intention, notice of the 110773
intention, and the hearing conducted pursuant to this division. 110774

(7) A teacher may appeal an order affirming the intention of 110775
the board not to reemploy the teacher to the court of common pleas 110776
of the county in which the largest portion of the territory of the 110777
school district or service center is located, within thirty days 110778
of the date on which the teacher receives the written decision, on 110779
the grounds that the board has not complied with this section or 110780
section 3319.111 of the Revised Code. 110781

Notwithstanding section 2506.04 of the Revised Code, the 110782
court in an appeal under this division is limited to the 110783
determination of procedural errors and to ordering the correction 110784
of procedural errors and shall have no jurisdiction to order a 110785
board to reemploy a teacher, except that the court may order a 110786
board to reemploy a teacher in compliance with the requirements of 110787
division (B), (C)(3), (D), or (E) of this section when the court 110788
determines that evaluation procedures have not been complied with 110789
pursuant to section 3319.111 of the Revised Code or the board has 110790
not given the teacher written notice on or before the first day of 110791
June of its intention not to reemploy the teacher pursuant to 110792
division (B), (C)(3), (D), or (E) of this section. Otherwise, the 110793
determination whether to reemploy or not reemploy a teacher is 110794
solely a board's determination and not a proper subject of 110795
judicial review and, except as provided in this division, no 110796
decision of a board whether to reemploy or not reemploy a teacher 110797
shall be invalidated by the court on any basis, including that the 110798
decision was not warranted by the results of any evaluation or was 110799
not warranted by any statement given pursuant to division (G)(2) 110800
of this section. 110801

No appeal of an order of a board may be made except as 110802

specified in this division. 110803

(H)(1) In giving a teacher any notice required by division 110804
(B), (C), (D), or (E) of this section, the board or the 110805
superintendent shall do either of the following: 110806

(a) Deliver the notice by personal service upon the teacher; 110807

(b) Deliver the notice by certified mail, return receipt 110808
requested, regular mail with a certificate of mailing, or other 110809
form of delivery with proof of delivery, addressed to the teacher 110810
at the teacher's place of employment and deliver a copy of the 110811
notice by certified mail, return receipt requested, regular mail 110812
with a certificate of mailing, or other form of delivery with 110813
proof of delivery, addressed to the teacher at the teacher's place 110814
of residence. Delivery of the notice required under division 110815
(H)(1)(b) of this section may be satisfied by electronic delivery 110816
with electronic proof of delivery. 110817

(2) In giving a board any notice required by division (B), 110818
(C), (D), or (E) of this section, the teacher shall do either of 110819
the following: 110820

(a) Deliver the notice by personal delivery to the office of 110821
the superintendent during regular business hours; 110822

(b) Deliver the notice by certified mail, return receipt 110823
requested, regular mail with a certificate of mailing, or other 110824
form of delivery with proof of delivery, addressed to the office 110825
of the superintendent and deliver a copy of the notice by 110826
certified mail, return receipt requested, regular mail with a 110827
certificate of mailing, or other form of delivery with proof of 110828
delivery, addressed to the president of the board at the 110829
president's place of residence. Delivery of the notice required 110830
under division (H)(2)(b) of this section may be satisfied by 110831
electronic delivery with electronic proof of delivery. 110832

(3) When any notice and copy of the notice are mailed 110833

pursuant to division (H)(1)(b) or (2)(b) of this section, the 110834
notice or copy of the notice with the earlier date of receipt 110835
shall constitute the notice for the purposes of division (B), (C), 110836
(D), or (E) of this section. 110837

(I) The provisions of this section shall not apply to any 110838
supplemental written contracts entered into pursuant to section 110839
3319.08 of the Revised Code. 110840

(J) Notwithstanding any provision to the contrary in Chapter 110841
4117. of the Revised Code, the dates set forth in this section as 110842
"on or before the first day of June" or "on or before the 110843
fifteenth day of June" prevail over any conflicting provisions of 110844
a collective bargaining agreement entered into on or after ~~the~~ 110845
~~effective date of this amendment~~ March 22, 2013. 110846

Sec. 3319.16. The contract of any teacher employed by the 110847
board of education of any city, exempted village, local, county, 110848
or joint vocational school district may not be terminated except 110849
for good and just cause. Notwithstanding any provision to the 110850
contrary in Chapter 4117. of the Revised Code, the provisions of 110851
this section relating to the grounds for termination of the 110852
contract of a teacher prevail over any conflicting provisions of a 110853
collective bargaining agreement entered into after ~~the effective~~ 110854
~~date of this amendment~~ October 16, 2009. 110855

Before terminating any contract, the employing board shall 110856
furnish the teacher a written notice signed by its treasurer of 110857
its intention to consider the termination of the teacher's 110858
contract with full specification of the grounds for such 110859
consideration. The board shall not proceed with formal action to 110860
terminate the contract until after the tenth day after receipt of 110861
the notice by the teacher. Within ten days after receipt of the 110862
notice from the treasurer of the board, the teacher may file with 110863
the treasurer a written demand for a hearing before the board or 110864

before a referee, and the board shall set a time for the hearing 110865
which shall be within thirty days from the date of receipt of the 110866
written demand, and the treasurer shall give the teacher at least 110867
twenty days' notice in writing of the time and place of the 110868
hearing. If a referee is demanded by either the teacher or board, 110869
the treasurer also shall give twenty days' notice to the 110870
superintendent of public instruction. No hearing shall be held 110871
during the summer vacation without the teacher's consent. The 110872
hearing shall be private unless the teacher requests a public 110873
hearing. The hearing shall be conducted by a referee appointed 110874
pursuant to section 3319.161 of the Revised Code, if demanded; 110875
otherwise, it shall be conducted by a majority of the members of 110876
the board and shall be confined to the grounds given for the 110877
termination. The board shall provide for a complete ~~stenographic~~ 110878
record of the proceedings, a copy of the record to be furnished to 110879
the teacher. The board may suspend a teacher pending final action 110880
to terminate the teacher's contract if, in its judgment, the 110881
character of the charges warrants such action. 110882

Both parties may be present at such hearing, be represented 110883
by counsel, require witnesses to be under oath, cross-examine 110884
witnesses, take a record of the proceedings, and require the 110885
presence of witnesses in their behalf upon subpoena to be issued 110886
by the treasurer of the board. In case of the failure of any 110887
person to comply with a subpoena, a judge of the court of common 110888
pleas of the county in which the person resides, upon application 110889
of any interested party, shall compel attendance of the person by 110890
attachment proceedings as for contempt. Any member of the board or 110891
the referee may administer oaths to witnesses. After a hearing by 110892
a referee, the referee shall file a report within ten days after 110893
the termination of the hearing. After consideration of the 110894
referee's report, the board, by a majority vote, may accept or 110895
reject the referee's recommendation on the termination of the 110896
teacher's contract. After a hearing by the board, the board, by 110897

majority vote, may enter its determination upon its minutes. Any 110898
order of termination of a contract shall state the grounds for 110899
termination. If the decision, after hearing, is against 110900
termination of the contract, the charges and the record of the 110901
hearing shall be physically expunged from the minutes, and, if the 110902
teacher has suffered any loss of salary by reason of being 110903
suspended, the teacher shall be paid the teacher's full salary for 110904
the period of such suspension. 110905

Any teacher affected by an order of termination of contract 110906
may appeal to the court of common pleas of the county in which the 110907
school is located within thirty days after receipt of notice of 110908
the entry of such order. The appeal shall be an original action in 110909
the court and shall be commenced by the filing of a complaint 110910
against the board, in which complaint the facts shall be alleged 110911
upon which the teacher relies for a reversal or modification of 110912
such order of termination of contract. Upon service or waiver of 110913
summons in that appeal, the board immediately shall transmit to 110914
the clerk of the court for filing a transcript of the original 110915
papers filed with the board, a certified copy of the minutes of 110916
the board into which the termination finding was entered, and a 110917
certified transcript of all evidence adduced at the hearing or 110918
hearings before the board or a certified transcript of all 110919
evidence adduced at the hearing or hearings before the referee, 110920
whereupon the cause shall be at issue without further pleading and 110921
shall be advanced and heard without delay. The court shall examine 110922
the transcript and record of the hearing and shall hold such 110923
additional hearings as it considers advisable, at which it may 110924
consider other evidence in addition to the transcript and record. 110925

Upon final hearing, the court shall grant or deny the relief 110926
prayed for in the complaint as may be proper in accordance with 110927
the evidence adduced in the hearing. Such an action is a special 110928
proceeding, and either the teacher or the board may appeal from 110929

the decision of the court of common pleas pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

In any court action, the board may utilize the services of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer of a municipal corporation as authorized by section 3313.35 of the Revised Code, or may employ other legal counsel.

A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of a teacher contract under this section.

Sec. 3319.291. (A) The state board of education shall require each of the following persons, at the times prescribed by division (A) of this section, to undergo a criminal records check, unless the person has undergone a records check under this section or a former version of this section less than five years prior to that time.

(1) Any person initially applying for any certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code at the time that application is made;

(2) Any person applying for renewal of any certificate, license, or permit described in division (A)(1) of this section at the time that application is made;

(3) Any person who is teaching under a professional teaching certificate issued under former section 3319.222 of the Revised Code upon a date prescribed by the state board;

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the

Revised Code upon a date prescribed by the state board and every 110960
five years thereafter. 110961

(B)(1) Except as otherwise provided in division (B)(2) of 110962
this section, the state board shall require each person subject to 110963
a criminal records check under this section to submit two complete 110964
sets of fingerprints and written permission that authorizes the 110965
superintendent of public instruction to forward the fingerprints 110966
to the bureau of criminal identification and investigation 110967
pursuant to division (F) of section 109.57 of the Revised Code and 110968
that authorizes that bureau to forward the fingerprints to the 110969
federal bureau of investigation for purposes of obtaining any 110970
criminal records that the federal bureau maintains on the person. 110971

(2) If both of the following conditions apply to a person 110972
subject to a criminal records check under this section, the state 110973
board shall require the person to submit one complete set of 110974
fingerprints and written permission that authorizes the 110975
superintendent of public instruction to forward the fingerprints 110976
to the bureau of criminal identification and investigation so that 110977
bureau may forward the fingerprints to the federal bureau of 110978
investigation for purposes of obtaining any criminal records that 110979
the federal bureau maintains on the person: 110980

(a) Under this section or any former version of this section, 110981
the state board or the superintendent of public instruction 110982
previously requested the superintendent of the bureau of criminal 110983
identification and investigation to determine whether the bureau 110984
has any information, gathered pursuant to division (A) of section 110985
109.57 of the Revised Code, on the person. 110986

(b) The person presents proof that the person has been a 110987
resident of this state for the five-year period immediately prior 110988
to the date upon which the person becomes subject to a criminal 110989
records check under this section. 110990

(C) Except as provided in division (D) of this section, prior to issuing or renewing any certificate, license, or permit for a person described in division (A)(1) or (2) of this section who is subject to a criminal records check and in the case of a person described in division (A)(3) or (4) of this section who is subject to a criminal records check, the state board or the superintendent of public instruction shall do one of the following:

(1) If the person is required to submit fingerprints and written permission under division (B)(1) of this section, request the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to the person and to obtain any criminal records that the federal bureau of investigation has on the person.

(2) If the person is required to submit fingerprints and written permission under division (B)(2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division (C) of this section if the person provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by the person in lieu of requesting that information under division (C) of this section if the records were issued by the bureau within the immediately preceding year.

(E)(1) If a person described in division (A)(3) or (4) of this section who is subject to a criminal records check fails to submit fingerprints and written permission by the date specified in the applicable division, and the state board or the superintendent of public instruction does not apply division (D) of this section to the person, or if a person who is subject to division (G) of this section fails to submit fingerprints and written permission by the date prescribed under that division, the superintendent shall prepare a written notice to be sent to the person by mail or electronically stating that if the person does not submit the fingerprints and written permission within fifteen days after the date the notice was mailed or sent electronically, the person's application will be rejected or the person's professional or permanent teaching certificate or license will be inactivated. The superintendent shall send the notification by regular mail to the person's last known residence address or last known place of employment, as indicated in the department of education's records, or both. If the notice is sent electronically, the notification shall be sent via electronic mail to the person's last known electronic mail address.

If the person fails to submit the fingerprints and written permission within fifteen days after the date the notice was mailed, the superintendent of public instruction, on behalf of the state board, shall issue a written order rejecting the application or inactivating the person's professional or permanent teaching certificate or license. The rejection or inactivation shall remain in effect until the person submits the fingerprints and written permission. The superintendent shall send the order by regular mail or electronic mail to the person's last known residence address, last known electronic mail address, or last known place of employment, as indicated in the department's records, ~~or both~~. The order shall state the reason for the rejection or inactivation and shall explain that the rejection or inactivation remains in

effect until the person submits the fingerprints and written 111056
permission. 111057

The rejection or inactivation of a professional or permanent 111058
teaching certificate or license under division (E)(1) of this 111059
section does not constitute a suspension or revocation of the 111060
certificate or license by the state board under section 3319.31 of 111061
the Revised Code and the state board and the superintendent of 111062
public instruction need not provide the person with an opportunity 111063
for a hearing with respect to the rejection or inactivation. 111064

(2) If a person whose professional or permanent teaching 111065
certificate or license has been rejected or inactivated under 111066
division (E)(1) of this section submits fingerprints and written 111067
permission as required by division (B) or (G) of this section, the 111068
superintendent of public instruction, on behalf of the state 111069
board, shall issue a written order issuing or reactivating the 111070
certificate or license. The superintendent shall send the order to 111071
the person by regular mail or electronic mail. 111072

(F) Notwithstanding divisions (A) to (C) of this section, if 111073
a person holds more than one certificate, license, or permit 111074
described in division (A)(1) of this section, the following shall 111075
apply: 111076

(1) If the certificates, licenses, or permits are of 111077
different durations, the person shall be subject to divisions (A) 111078
to (C) of this section only when applying for renewal of the 111079
certificate, license, or permit that is of the longest duration. 111080
Prior to renewing any certificate, license, or permit with a 111081
shorter duration, the state board or the superintendent of public 111082
instruction shall determine whether the department of education 111083
has received any information about the person pursuant to section 111084
109.5721 of the Revised Code, but the person shall not be subject 111085
to divisions (A) to (C) of this section as long as the person's 111086
certificate, license, or permit with the longest duration is 111087

valid. 111088

(2) If the certificates, licenses, or permits are of the same 111089
duration but do not expire in the same year, the person shall 111090
designate one of the certificates, licenses, or permits as the 111091
person's primary certificate, license, or permit and shall notify 111092
the department of that designation. The person shall be subject to 111093
divisions (A) to (C) of this section only when applying for 111094
renewal of the person's primary certificate, license, or permit. 111095
Prior to renewing any certificate, license, or permit that is not 111096
the person's primary certificate, license, or permit, the state 111097
board or the superintendent of public instruction shall determine 111098
whether the department has received any information about the 111099
person pursuant to section 109.5721 of the Revised Code, but the 111100
person shall not be subject to divisions (A) to (C) of this 111101
section as long as the person's primary certificate, license, or 111102
permit is valid. 111103

(3) If the certificates, licenses, or permits are of the same 111104
duration and expire in the same year and the person applies for 111105
renewal of the certificates, licenses, or permits at the same 111106
time, the state board or the superintendent of public instruction 111107
shall request only one criminal records check of the person under 111108
division (C) of this section. 111109

(G) If the department is unable to enroll a person who has 111110
submitted an application for licensure, or to whom the state board 111111
has issued a license, in the retained applicant fingerprint 111112
database established under section 109.5721 of the Revised Code 111113
because the person has not satisfied the requirements for 111114
enrollment, the department shall require the person to satisfy the 111115
requirements for enrollment, including requiring the person to 111116
submit, by a date prescribed by the department, one complete set 111117
of fingerprints and written permission that authorizes the 111118
superintendent of public instruction to forward the fingerprints 111119

to the bureau of criminal identification and investigation for the 111120
purpose of enrolling the person in the database. If the person 111121
fails to comply by the prescribed date, the department shall 111122
reject the application or shall take action to inactivate the 111123
person's license in accordance with division (E) of this section. 111124

Sec. 3319.311. (A)(1) The state board of education, or the 111125
superintendent of public instruction on behalf of the board, may 111126
investigate any information received about a person that 111127
reasonably appears to be a basis for action under section 3319.31 111128
of the Revised Code, including information received pursuant to 111129
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 111130
or 5153.176 of the Revised Code. Except as provided in division 111131
(A)(2) of this section, the board shall contract with the office 111132
of the Ohio attorney general to conduct any investigation of that 111133
nature. The board shall pay for the costs of the contract only 111134
from moneys in the state board of education licensure fund 111135
established under section 3319.51 of the Revised Code. Except as 111136
provided in division (A)(2) of this section, all information 111137
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 111138
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 111139
information obtained during an investigation is confidential and 111140
is not a public record under section 149.43 of the Revised Code. 111141
If an investigation is conducted under this division regarding 111142
information received about a person and no action is taken against 111143
the person under this section or section 3319.31 of the Revised 111144
Code within two years of the completion of the investigation, all 111145
records of the investigation shall be expunged. 111146

(2) In the case of a person about whom the board has learned 111147
of a plea of guilty to, finding of guilt by a jury or court of, or 111148
a conviction of an offense listed in division (C) of section 111149
3319.31 of the Revised Code, or substantially comparable conduct 111150
occurring in a jurisdiction outside this state, the board or the 111151

superintendent of public instruction need not conduct any further 111152
investigation and shall take the action required by division (C) 111153
or (F) of that section. Except as provided in division (G) of this 111154
section, all information obtained by the board or the 111155
superintendent of public instruction pertaining to the action is a 111156
public record under section 149.43 of the Revised Code. 111157

(B) The superintendent of public instruction shall review the 111158
results of each investigation of a person conducted under division 111159
(A)(1) of this section and shall determine, on behalf of the state 111160
board, whether the results warrant initiating action under 111161
division (B) of section 3319.31 of the Revised Code. The 111162
superintendent shall advise the board of such determination at a 111163
meeting of the board. Within fourteen days of the next meeting of 111164
the board, any member of the board may ask that the question of 111165
initiating action under section 3319.31 of the Revised Code be 111166
placed on the board's agenda for that next meeting. Prior to 111167
initiating that action against any person, the person's name and 111168
any other personally identifiable information shall remain 111169
confidential. 111170

(C) The board shall take no action against a person under 111171
division (B) of section 3319.31 of the Revised Code without 111172
providing the person with written notice of the charges and with 111173
an opportunity for a hearing in accordance with Chapter 119. of 111174
the Revised Code. 111175

(D) For purposes of an investigation under division (A)(1) of 111176
this section or a hearing under division (C) of this section or 111177
under division (E)(2) of section 3319.31 of the Revised Code, the 111178
board, or the superintendent on behalf of the board, may 111179
administer oaths, order the taking of depositions, issue 111180
subpoenas, and compel the attendance of witnesses and the 111181
production of books, accounts, papers, records, documents, and 111182
testimony. The issuance of subpoenas under this division may be by 111183

certified mail, regular mail with a certificate of mailing, or 111184
other form of delivery with proof of delivery, including 111185
electronic delivery with electronic proof of delivery, or personal 111186
delivery to the person. 111187

(E) The superintendent, on behalf of the board, may enter 111188
into a consent agreement with a person against whom action is 111189
being taken under division (B) of section 3319.31 of the Revised 111190
Code. The board may adopt rules governing the superintendent's 111191
action under this division. 111192

(F) No surrender of a license shall be effective until the 111193
board takes action to accept the surrender unless the surrender is 111194
pursuant to a consent agreement entered into under division (E) of 111195
this section. 111196

(G) The name of any person who is not required to report 111197
information under section 3314.40, 3319.313, 3326.24, 3328.19, 111198
5126.253, or 5153.176 of the Revised Code, but who in good faith 111199
provides information to the state board or superintendent of 111200
public instruction about alleged misconduct committed by a person 111201
who holds a license or has applied for issuance or renewal of a 111202
license, shall be confidential and shall not be released. Any such 111203
person shall be immune from any civil liability that otherwise 111204
might be incurred or imposed for injury, death, or loss to person 111205
or property as a result of the provision of that information. 111206

(H)(1) No person shall knowingly make a false report to the 111207
superintendent of public instruction or the state board of 111208
education alleging misconduct by an employee of a public or 111209
chartered nonpublic school or an employee of the operator of a 111210
community school established under Chapter 3314. or a 111211
college-preparatory boarding school established under Chapter 111212
3328. of the Revised Code. 111213

(2)(a) In any civil action brought against a person in which 111214

it is alleged and proved that the person violated division (H)(1) 111215
of this section, the court shall award the prevailing party 111216
reasonable attorney's fees and costs that the prevailing party 111217
incurred in the civil action or as a result of the false report 111218
that was the basis of the violation. 111219

(b) If a person is convicted of or pleads guilty to a 111220
violation of division (H)(1) of this section, if the subject of 111221
the false report that was the basis of the violation was charged 111222
with any violation of a law or ordinance as a result of the false 111223
report, and if the subject of the false report is found not to be 111224
guilty of the charges brought against the subject as a result of 111225
the false report or those charges are dismissed, the court that 111226
sentences the person for the violation of division (H)(1) of this 111227
section, as part of the sentence, shall order the person to pay 111228
restitution to the subject of the false report, in an amount equal 111229
to reasonable attorney's fees and costs that the subject of the 111230
false report incurred as a result of or in relation to the 111231
charges. 111232

Sec. 3321.13. (A) Whenever any child of compulsory school age 111233
withdraws from school the teacher of that child shall ascertain 111234
the reason for withdrawal. The fact of the withdrawal and the 111235
reason for it shall be immediately transmitted by the teacher to 111236
the superintendent of the city, local, or exempted village school 111237
district. If the child who has withdrawn from school has done so 111238
because of change of residence, the next residence shall be 111239
ascertained and shall be included in the notice thus transmitted. 111240
The superintendent shall thereupon forward a card showing the 111241
essential facts regarding the child and stating the place of the 111242
child's new residence to the superintendent of schools of the 111243
district to which the child has moved. 111244

The superintendent of public instruction may prescribe the 111245

forms to be used in the operation of this division. 111246

(B)(1) Upon receipt of information that a child of compulsory 111247
school age has withdrawn from school for a reason other than 111248
because of change of residence and is not enrolled in and 111249
attending in accordance with school policy an approved program to 111250
obtain a diploma or its equivalent, the superintendent shall 111251
notify the registrar of motor vehicles and the juvenile judge of 111252
the county in which the district is located of the withdrawal and 111253
failure to enroll in and attend an approved program to obtain a 111254
diploma or its equivalent. A notification to the registrar 111255
required by this division shall be given in the manner the 111256
registrar by rule requires and a notification to the juvenile 111257
judge required by this division shall be given in writing. Each 111258
notification shall be given within two weeks after the withdrawal 111259
and failure to enroll in and attend an approved program or its 111260
equivalent. 111261

(2) The board of education of a school district may adopt a 111262
resolution providing that the provisions of division (B)(2) of 111263
this section apply within the district. The provisions of division 111264
(B)(2) of this section do not apply within any school district, 111265
and no superintendent of a school district shall send a 111266
notification of the type described in division (B)(2) of this 111267
section to the registrar of motor vehicles or the juvenile judge 111268
of the county in which the district is located, unless the board 111269
of education of the district has adopted such a resolution. If the 111270
board of education of a school district adopts a resolution 111271
providing that the provisions of division (B)(2) of this section 111272
apply within the district, and if the superintendent of schools of 111273
that district receives information that, during any semester or 111274
term, a child of compulsory school age has been absent without 111275
legitimate excuse from the school the child is supposed to attend 111276
for more than sixty consecutive hours in a single month or for at 111277

least ninety hours in a school year, the superintendent shall 111278
notify the child and the child's parent, guardian, or custodian, 111279
in writing, that the information has been provided to the 111280
superintendent, that as a result of that information the child's 111281
temporary instruction permit or driver's license will be suspended 111282
or the opportunity to obtain such a permit or license will be 111283
denied, and that the child and the child's parent, guardian, or 111284
custodian may ~~appear in person~~ participate in a hearing at a 111285
scheduled date, time, and place ~~before~~ conducted by the 111286
superintendent or a designee to challenge the information provided 111287
to the superintendent. The hearing may be conducted by electronic 111288
means. 111289

The notification to the child and the child's parent, 111290
guardian, or custodian required by division (B)(2) of this section 111291
shall set forth the information received by the superintendent and 111292
shall inform the child and the child's parent, guardian, or 111293
custodian of the scheduled date, time, and ~~place~~ participation 111294
method of the ~~appearance that they may have~~ hearing before the 111295
superintendent or a designee. The date scheduled for the 111296
~~appearance~~ hearing shall be no earlier than three and no later 111297
than five days after the notification is given, provided that an 111298
extension may be granted upon request of the child or the child's 111299
parent, guardian, or custodian. If an extension is granted, the 111300
superintendent shall schedule a new date, time, and ~~place~~ method 111301
for the ~~appearance~~ hearing and shall inform the child and the 111302
child's parent, guardian, or custodian of the new date, time, and 111303
~~place~~ method. 111304

If the child and the child's parent, guardian, or custodian 111305
do not appear before the superintendent or a designee on the 111306
scheduled date and ~~at~~ for the scheduled ~~time and place~~ hearing, or 111307
if the child and the child's parent, guardian, or custodian appear 111308
before the superintendent or a designee on the scheduled date and 111309

at the scheduled time ~~and place~~ but the superintendent or a 111310
designee determines that the information the superintendent 111311
received indicating that, during the semester or term, the child 111312
had been absent without legitimate excuse from the school the 111313
child was supposed to attend for more than sixty consecutive hours 111314
or for at least ninety total hours, the superintendent shall 111315
notify the registrar of motor vehicles and the juvenile judge of 111316
the county in which the district is located that the child has 111317
been absent for that period of time and that the child does not 111318
have any legitimate excuse for the habitual absence. A 111319
notification to the registrar required by this division shall be 111320
given in the manner the registrar by rule requires and a 111321
notification to the juvenile judge required by this division shall 111322
be given in writing. Each notification shall be given within two 111323
weeks after the receipt of the information of the habitual absence 111324
from school without legitimate excuse, or, if the child and the 111325
child's parent, guardian, or custodian appear before the 111326
superintendent or a designee to challenge the information, within 111327
two weeks after the ~~appearance~~ hearing. 111328

For purposes of division (B)(2) of this section, a legitimate 111329
excuse for absence from school includes, but is not limited to, 111330
the fact that the child in question has enrolled in another school 111331
or school district in this or another state, the fact that the 111332
child in question was excused from attendance for any of the 111333
reasons specified in section 3321.04 of the Revised Code, or the 111334
fact that the child in question has received an age and schooling 111335
certificate in accordance with section 3331.01 of the Revised 111336
Code. 111337

(3) Whenever a pupil is suspended or expelled from school 111338
pursuant to section 3313.66 of the Revised Code and the reason for 111339
the suspension or expulsion is the use or possession of alcohol, a 111340
drug of abuse, or alcohol and a drug of abuse, the superintendent 111341

of schools of that district may notify the registrar and the 111342
juvenile judge of the county in which the district is located of 111343
such suspension or expulsion. Any such notification of suspension 111344
or expulsion shall be given to the registrar, in the manner the 111345
registrar by rule requires and shall be given to the juvenile 111346
judge in writing. The notifications shall be given within two 111347
weeks after the suspension or expulsion. 111348

(4) Whenever a pupil is suspended, expelled, removed, or 111349
permanently excluded from a school for misconduct included in a 111350
policy that the board of education of a city, exempted village, or 111351
local school district has adopted under division (A) of section 111352
3313.661 of the Revised Code, and the misconduct involves a 111353
firearm or a knife or other weapon as defined in that policy, the 111354
superintendent of schools of that district shall notify the 111355
registrar and the juvenile judge of the county in which the 111356
district is located of the suspension, expulsion, removal, or 111357
permanent exclusion. The notification shall be given to the 111358
registrar in the manner the registrar, by rule, requires and shall 111359
be given to the juvenile judge in writing. The notifications shall 111360
be given within two weeks after the suspension, expulsion, 111361
removal, or permanent exclusion. 111362

(C) A notification of withdrawal, habitual absence without 111363
legitimate excuse, suspension, or expulsion given to the registrar 111364
or a juvenile judge under division (B)(1), (2), (3), or (4) of 111365
this section shall contain the name, address, date of birth, 111366
school, and school district of the child. If the superintendent 111367
finds, after giving a notification of withdrawal, habitual absence 111368
without legitimate excuse, suspension, or expulsion to the 111369
registrar and the juvenile judge under division (B)(1), (2), (3), 111370
or (4) of this section, that the notification was given in error, 111371
the superintendent immediately shall notify the registrar and the 111372
juvenile judge of that fact. 111373

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of 111374
the Revised Code, sent by registered mail, regular mail with a 111375
certificate of mailing, or other form of delivery with proof of 111376
delivery, including electronic delivery and electronic proof of 111377
delivery, is a legal notice. 111378

Sec. 3704.03. The director of environmental protection may do 111379
any of the following: 111380

(A) Develop programs for the prevention, control, and 111381
abatement of air pollution; 111382

(B) Advise, consult, contract, and cooperate with any 111383
governmental or private agency in the furtherance of the purposes 111384
of this chapter; 111385

(C) Encourage, participate in, or conduct studies, 111386
investigations, and research relating to air pollution, collect 111387
and disseminate information, and conduct education and training 111388
programs relating to the causes, prevention, control, and 111389
abatement of air pollution; 111390

(D) Adopt, modify, and rescind rules prescribing ambient air 111391
quality standards for the state as a whole or for various areas of 111392
the state that are consistent with and no more stringent than the 111393
national ambient air quality standards in effect under the federal 111394
Clean Air Act; 111395

(E) Adopt, modify, suspend, and rescind rules for the 111396
prevention, control, and abatement of air pollution, including 111397
rules prescribing for the state as a whole or for various areas of 111398
the state emission standards for air contaminants, and other 111399
necessary rules for the purpose of achieving and maintaining 111400
compliance with ambient air quality standards in all areas within 111401
the state as expeditiously as practicable, but not later than any 111402
deadlines applicable under the federal Clean Air Act; rules for 111403

the prevention or control of the emission of hazardous or toxic 111404
air contaminants; rules prescribing fugitive dust limitations and 111405
standards that are related, on an areawide basis, to attainment 111406
and maintenance of ambient air quality standards; rules 111407
prescribing shade, density, or opacity limitations and standards 111408
for emissions, provided that with regard to air contaminant 111409
sources for which there are particulate matter emission standards 111410
in addition to a shade, density, or opacity rule, upon 111411
demonstration by such a source of compliance with those other 111412
standards, the shade, density, or opacity rule shall provide for 111413
establishment of a shade, density, or opacity limitation for that 111414
source that does not require the source to reduce emissions below 111415
the level specified by those other standards; rules for the 111416
prevention or control of odors and air pollution nuisances; rules 111417
that prevent significant deterioration of air quality to the 111418
extent required by the federal Clean Air Act; rules for the 111419
protection of visibility as required by the federal Clean Air Act; 111420
and rules prescribing open burning limitations and standards. In 111421
adopting, modifying, suspending, or rescinding any such rules, the 111422
director, to the extent consistent with the federal Clean Air Act, 111423
shall hear and give consideration to evidence relating to all of 111424
the following: 111425

(1) Conditions calculated to result from compliance with the 111426
rules, the overall cost within this state of compliance with the 111427
rules, and their relation to benefits to the people of the state 111428
to be derived from that compliance; 111429

(2) The quantity and characteristics of air contaminants, the 111430
frequency and duration of their presence in the ambient air, and 111431
the dispersion and dilution of those contaminants; 111432

(3) Topography, prevailing wind directions and velocities, 111433
physical conditions, and other factors that may or may combine to 111434
affect air pollution. 111435

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2)(a) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with such standards, this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Each proposed new or modified air contaminant source shall provide

such notice of its proposed installation or modification to other 111468
states as is required under the federal Clean Air Act. 111469
Installation permits shall include the authorization to operate 111470
sources installed and operated in accordance with terms and 111471
conditions of the installation permits for a period not to exceed 111472
one year from commencement of operation, which authorization shall 111473
constitute an operating permit under division (G) of this section 111474
and rules adopted under it. 111475

No installation permit shall be required for activities that 111476
are subject to and in compliance with a plant-wide applicability 111477
limit issued by the director in accordance with rules adopted 111478
under this section. 111479

No installation permit shall be issued except in accordance 111480
with all requirements of this chapter and rules adopted 111481
thereunder. No application shall be denied or permit revoked or 111482
modified without a written order stating the findings upon which 111483
denial, revocation, or modification is based. A copy of the order 111484
shall be sent to the applicant or permit holder by certified mail. 111485

(b) An air contaminant source that is the subject of an 111486
installation permit shall be installed or modified in accordance 111487
with the permit not later than eighteen months after the permit's 111488
effective date at which point the permit shall terminate unless 111489
one of the following applies: 111490

(i) The owner or operator has undertaken a continuing program 111491
of installation or modification during the eighteen-month period. 111492

(ii) The owner or operator has entered into a binding 111493
contractual obligation to undertake and complete within a 111494
reasonable period of time a continuing program of installation or 111495
modification of the air contaminant source during the 111496
eighteen-month period. 111497

(iii) The director has extended the date by which the air 111498

contaminant source that is the subject of the installation permit 111499
must be installed or modified. 111500

(iv) The installation permit is the subject of an appeal by a 111501
party other than the owner or operator of the air contaminant 111502
source that is the subject of the installation permit, in which 111503
case the date of termination of the permit is not later than 111504
eighteen months after the effective date of the permit plus the 111505
number of days between the date in which the permit was appealed 111506
and the date on which all appeals concerning the permit have been 111507
resolved. 111508

(v) The installation permit has been superseded by a 111509
subsequent installation permit, in which case the original 111510
installation permit terminates on the effective date of the 111511
superseding installation permit. 111512

Division (F)(2)(b) of this section applies to an installation 111513
permit that has not terminated as of ~~the effective date of this~~ 111514
~~amendment~~ October 16, 2009. 111515

The director may adopt rules in accordance with Chapter 119. 111516
of the Revised Code for the purpose of establishing additional 111517
requirements that are necessary for the implementation of division 111518
(F)(2)(b) of this section. 111519

(3) Not later than two years after August 3, 2006, the 111520
director shall adopt a rule in accordance with Chapter 119. of the 111521
Revised Code specifying that a permit to install is required only 111522
for new or modified air contaminant sources that emit any of the 111523
following air contaminants: 111524

(a) An air contaminant or precursor of an air contaminant for 111525
which a national ambient air quality standard has been adopted 111526
under the federal Clean Air Act; 111527

(b) An air contaminant for which the air contaminant source 111528
is regulated under the federal Clean Air Act; 111529

(c) An air contaminant that presents, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects, including, but not limited to, substances that are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, or neurotoxic, that cause reproductive dysfunction, or that are acutely or chronically toxic, or a threat of adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, and that is identified in the rule by chemical name and chemical abstract service number.

The director may modify the rule adopted under division (F)(3)(c) of this section for the purpose of adding or deleting air contaminants. For each air contaminant that is contained in or deleted from the rule adopted under division (F)(3)(c) of this section, the director shall include in a notice accompanying any proposed or final rule an explanation of the director's determination that the air contaminant meets the criteria established in that division and should be added to, or no longer meets the criteria and should be deleted from, the list of air contaminants. The explanation shall include an identification of the scientific evidence on which the director relied in making the determination. Until adoption of the rule under division (F)(3)(c) of this section, nothing shall affect the director's authority to issue, deny, modify, or revoke permits to install under this chapter and rules adopted under it.

(4)(a) Applications for permits to install new or modified air contaminant sources shall contain sufficient information regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or

modified air contaminant sources. The director shall make copies 111562
of the document available to the public upon request at no cost 111563
and post the document on the environmental protection agency's web 111564
site. Any inconsistency between the document and division (F)(4) 111565
of this section shall be resolved in favor of division (F)(4) of 111566
this section. 111567

(b) The maximum acceptable ground level concentration of an 111568
air contaminant shall be calculated in accordance with the 111569
document entitled "Review of New Sources of Air Toxics Emissions, 111570
Option A." Modeling shall be conducted to determine the increase 111571
in the ground level concentration of an air contaminant beyond the 111572
facility's boundary caused by the emissions from a new or modified 111573
source that is the subject of an application for a permit to 111574
install. Modeling shall be based on the maximum hourly rate of 111575
emissions from the source using information including, but not 111576
limited to, any emission control devices or methods, operational 111577
restrictions, stack parameters, and emission dispersion devices or 111578
methods that may affect ground level concentrations, either 111579
individually or in combination. The director shall determine 111580
whether the activities for which a permit to install is sought 111581
will cause an increase in the ground level concentration of one or 111582
more relevant air contaminants beyond the facility's boundary by 111583
an amount in excess of the maximum acceptable ground level 111584
concentration. In making the determination as to whether the 111585
maximum acceptable ground level concentration will be exceeded, 111586
the director shall give consideration to the modeling conducted 111587
under division (F)(4)(b) of this section and other relevant 111588
information submitted by the applicant. 111589

(c) If the modeling conducted under division (F)(4)(b) of 111590
this section with respect to an application for a permit to 111591
install demonstrates that the maximum ground level concentration 111592
from a new or modified source will be greater than or equal to 111593

eighty per cent, but less than one hundred per cent of the maximum acceptable ground level concentration for an air contaminant, the director may establish terms and conditions in the permit to install for the air contaminant source that will require the owner or operator of the air contaminant source to maintain emissions of that air contaminant commensurate with the modeled level, which shall be expressed as allowable emissions per day. In order to calculate the allowable emissions per day, the director shall multiply the hourly emission rate modeled under division (F)(4)(b) of this section to determine the ground level concentration by the operating schedule that has been identified in the permit to install application. Terms and conditions imposed under division (F)(4)(c) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(d) If the modeling conducted under division (F)(4)(b) of this section with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be less than eighty per cent of the maximum acceptable ground level concentration, the owner or operator of the source annually shall report to the director, on a form prescribed by the director, whether operations of the source are consistent with the information regarding the operations that was used to conduct the modeling with regard to the permit to install application. The annual report to the director shall be in lieu of an emission limit or other permit terms and conditions imposed pursuant to division (F)(4) of this section. The director may consider any significant departure from the operations of the source described in the permit to install application that results in greater emissions than the emissions rate modeled to determine the ground level concentration as a modification and require the owner or operator to submit a permit to install application for

the increased emissions. The requirements established in division 111627
(F)(4)(d) of this section are not federally enforceable 111628
requirements and, if included in a Title V permit, shall be placed 111629
in the portion of the permit that is only enforceable by the 111630
state. 111631

(e) Division (F)(4) of this section and the document entitled 111632
"Review of New Sources of Air Toxics Emissions, Option A" shall 111633
not be included in the state implementation plan under section 110 111634
of the federal Clean Air Act and do not apply to an air 111635
contaminant source that is subject to a maximum achievable control 111636
technology standard or residual risk standard under section 112 of 111637
the federal Clean Air Act, to a particular air contaminant 111638
identified under 40 C.F.R. 51.166, division (b)(23), for which the 111639
director has determined that the owner or operator of the source 111640
is required to install best available control technology for that 111641
particular air contaminant, or to a particular air contaminant for 111642
which the director has determined that the source is required to 111643
meet the lowest achievable emission rate, as defined in 40 C.F.R. 111644
part 51, Appendix S, for that particular air contaminant. 111645

(f)(i) Division (F)(4) of this section and the document 111646
entitled "Review of New Sources of Air Toxics Emissions, Option A" 111647
do not apply to parking lots, storage piles, storage tanks, 111648
transfer operations, grain silos, grain dryers, emergency 111649
generators, gasoline dispensing operations, air contaminant 111650
sources that emit air contaminants solely from the combustion of 111651
fossil fuels, or the emission of wood dust, sand, glass dust, coal 111652
dust, silica, and grain dust. 111653

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 111654
the director may require an individual air contaminant source that 111655
is within one of the source categories identified in division 111656
(F)(4)(f)(i) of this section to submit information in an 111657
application for a permit to install a new or modified source in 111658

order to determine the source's conformity to the document if the 111659
director has information to conclude that the particular new or 111660
modified source will potentially cause an increase in ground level 111661
concentration beyond the facility's boundary that exceeds the 111662
maximum acceptable ground level concentration as set forth in the 111663
document. 111664

(iii) The director may adopt rules in accordance with Chapter 111665
119. of the Revised Code that are consistent with the purposes of 111666
this chapter and that add to or delete from the source category 111667
exemptions established in division (F)(4)(f)(i) of this section. 111668

(5) Not later than one year after August 3, 2006, the 111669
director shall adopt rules in accordance with Chapter 119. of the 111670
Revised Code specifying activities that do not, by themselves, 111671
constitute beginning actual construction activities related to the 111672
installation or modification of an air contaminant source for 111673
which a permit to install is required such as the grading and 111674
clearing of land, on-site storage of portable parts and equipment, 111675
and the construction of foundations or buildings that do not 111676
themselves emit air contaminants. The rules also shall allow 111677
specified initial activities that are part of the installation or 111678
modification of an air contaminant source, such as the 111679
installation of electrical and other utilities for the source, 111680
prior to issuance of a permit to install, provided that the owner 111681
or operator of the source has filed a complete application for a 111682
permit to install, the director or the director's designee has 111683
determined that the application is complete, and the owner or 111684
operator of the source has notified the director that this 111685
activity will be undertaken prior to the issuance of a permit to 111686
install. Any activity that is undertaken by the source under those 111687
rules shall be at the risk of the owner or operator. The rules 111688
shall not apply to activities that are precluded prior to permit 111689
issuance under section 111, section 112, Part C of Title I, and 111690

Part D of Title I of the federal Clean Air Act. 111691

(G) Adopt, modify, suspend, and rescind rules prohibiting the 111692
operation or other use of any new, modified, or existing air 111693
contaminant source unless an operating permit has been obtained 111694
from the director or the director's authorized representative, or 111695
the air contaminant source is being operated in compliance with 111696
the conditions of a variance issued pursuant to division (H) of 111697
this section. Applications for operating permits shall be 111698
accompanied by such plans, specifications, and other pertinent 111699
information as the director may require. Operating permits may be 111700
issued for a period determined by the director not to exceed ten 111701
years, are renewable, and are transferable. The director shall 111702
specify in each operating permit that the permit is conditioned 111703
upon payment of the applicable fees as required by section 3745.11 111704
of the Revised Code and upon the right of the director's 111705
authorized representatives to enter upon the premises of the 111706
person to whom the permit has been issued, at any reasonable time 111707
and subject to safety requirements of the person in control of the 111708
premises, for the purpose of determining compliance with this 111709
chapter, the rules adopted thereunder, and the conditions of any 111710
permit, variance, or order issued thereunder. Operating permits 111711
may be denied or revoked for failure to comply with this chapter 111712
or the rules adopted thereunder. An operating permit shall be 111713
issued only upon a showing satisfactory to the director or the 111714
director's representative that the air contaminant source is being 111715
operated in compliance with applicable emission standards and 111716
other rules or upon submission of a schedule of compliance 111717
satisfactory to the director for a source that is not in 111718
compliance with all applicable requirements at the time of permit 111719
issuance, provided that the compliance schedule shall be 111720
consistent with and at least as stringent as that contained in any 111721
judicial consent decree or administrative order to which the air 111722
contaminant source is subject. The rules shall provide for the 111723

issuance of conditional operating permits for such reasonable 111724
periods as the director may determine to allow the holder of an 111725
installation permit, who has constructed, installed, located, or 111726
modified a new air contaminant source in accordance with the 111727
provisions of an installation permit, to make adjustments or 111728
modifications necessary to enable the new air contaminant source 111729
to comply with applicable emission standards and other rules. 111730
Terms and conditions of operating permits issued pursuant to this 111731
division shall be federally enforceable for the purpose of 111732
establishing the potential to emit of a stationary source and 111733
shall be expressly designated as federally enforceable. Any such 111734
federally enforceable restrictions on a source's potential to emit 111735
shall include both an annual limit and a short-term limit of not 111736
more than thirty days for each pollutant to be restricted together 111737
with adequate methods for establishing compliance with the 111738
restrictions. In other respects, operating permits issued pursuant 111739
to this division are enforceable as state law only. No application 111740
shall be denied or permit revoked or modified without a written 111741
order stating the findings upon which denial, revocation, or 111742
modification is based. A copy of the order shall be sent to the 111743
applicant or permit holder by certified mail. 111744

(H) Adopt, modify, and rescind rules governing the issuance, 111745
revocation, modification, or denial of variances that authorize 111746
emissions in excess of the applicable emission standards. 111747

No variance shall be issued except pursuant to those rules. 111748
The rules shall prescribe conditions and criteria in furtherance 111749
of the purposes of this chapter and consistent with the federal 111750
Clean Air Act governing eligibility for issuance of variances, 111751
which shall include all of the following: 111752

(1) Provisions requiring consistency of emissions authorized 111753
by a variance with timely attainment and maintenance of ambient 111754
air quality standards; 111755

(2) Provisions prescribing the classes and categories of air 111756
contaminants and air contaminant sources for which variances may 111757
be issued; 111758

(3) Provisions defining the circumstances under which an 111759
applicant shall demonstrate that compliance with applicable 111760
emission standards is technically infeasible, economically 111761
unreasonable, or impossible because of conditions beyond the 111762
control of the applicant; 111763

(4) Other provisions prescribed in furtherance of the goals 111764
of this chapter. 111765

The rules shall prohibit the issuance of variances from any 111766
emission limitation that was applicable to a source pursuant to an 111767
installation permit and shall prohibit issuance of variances that 111768
conflict with the federal Clean Air Act. 111769

Applications for variances shall be accompanied by such 111770
information as the director may require. In issuing variances, the 111771
director may order the person to whom a variance is issued to 111772
furnish plans and specifications and such other information and 111773
data, including interim reports, as the director may require and 111774
to proceed to take such action within such time as the director 111775
may determine to be appropriate and reasonable to prevent, 111776
control, or abate the person's existing emissions of air 111777
contaminants. The director shall specify in each variance that the 111778
variance is conditioned upon payment of the applicable fees as 111779
required by section 3745.11 of the Revised Code and upon the right 111780
of the director's authorized representatives to enter upon the 111781
premises of the person to whom the variance has been issued, at 111782
any reasonable time and subject to safety requirements of the 111783
person in control of the premises, for the purpose of determining 111784
compliance with this chapter, the rules adopted thereunder, and 111785
the conditions of any permit, variance, or order issued 111786
thereunder. 111787

The director may hold a public hearing on an application for 111788
a variance or renewal thereof at a location in the county where 111789
the variance is sought. The director shall give not less than 111790
twenty days' notice of the hearing to the applicant by certified 111791
mail or another type of mail accompanied by a receipt and. The 111792
director also shall cause at least one publication of notice in a 111793
newspaper with general circulation in the county where the 111794
variance is sought or may instead provide public notice by 111795
publication on the environmental protection agency's web site. The 111796
director shall keep available for public inspection at the 111797
principal office of the environmental protection agency a current 111798
schedule of pending applications for variances and a current 111799
schedule of pending variance hearings. The director shall make a 111800
complete stenographic record or electronic record of testimony and 111801
other evidence submitted at the hearing. The director shall make a 111802
written determination to issue, renew, or deny the variance and 111803
shall enter the determination and the basis therefor into the 111804
record of the hearing. The director shall issue, renew, or deny an 111805
application for a variance or renewal thereof, or issue a proposed 111806
action upon the application pursuant to section 3745.07 of the 111807
Revised Code, within six months of the date upon which the 111808
director receives a complete application with all pertinent 111809
information and data required by the director. 111810

Any variance granted pursuant to rules adopted under this 111811
division shall be for a period specified by the director, not to 111812
exceed three years, and may be renewed from time to time on such 111813
terms and for such periods, not to exceed three years each, as the 111814
director determines to be appropriate. A variance may be revoked, 111815
or renewal denied, for failure to comply with conditions specified 111816
in the variance. No variance shall be issued, denied, revoked, or 111817
modified without a written order stating the findings upon which 111818
the issuance, denial, revocation, or modification is based. A copy 111819
of the order shall be sent to the applicant or variance holder by 111820

certified mail. 111821

(I) Require the owner or operator of an air contaminant 111822
source to install, employ, maintain, and operate such emissions, 111823
ambient air quality, meteorological, or other monitoring devices 111824
or methods as the director shall prescribe; to sample those 111825
emissions at such locations, at such intervals, and in such manner 111826
as the director prescribes; to maintain records and file periodic 111827
reports with the director containing information as to location, 111828
size, and height of emission outlets, rate, duration, and 111829
composition of emissions, and any other pertinent information the 111830
director prescribes; and to provide such written notice to other 111831
states as the director shall prescribe. In requiring monitoring 111832
devices, records, and reports, the director, to the extent 111833
consistent with the federal Clean Air Act, shall give 111834
consideration to technical feasibility and economic reasonableness 111835
and allow reasonable time for compliance. For sources where a 111836
specific monitoring, record-keeping, or reporting requirement is 111837
specified for a particular air contaminant from a particular air 111838
contaminant source in an applicable regulation adopted by the 111839
United States environmental protection agency under the federal 111840
Clean Air Act or in an applicable rule adopted by the director, 111841
the director shall not impose an additional requirement in a 111842
permit that is a different monitoring, record-keeping, or 111843
reporting requirement other than the requirement specified in the 111844
applicable regulation or rule for that air contaminant except as 111845
otherwise agreed to by the owner or operator of the air 111846
contaminant source and the director. If two or more regulations or 111847
rules impose different monitoring, record-keeping, or reporting 111848
requirements for the same air contaminant from the same air 111849
contaminant source, the director may impose permit terms and 111850
conditions that consolidate or streamline the monitoring, 111851
record-keeping, or reporting requirements in a manner that 111852
conforms with each applicable requirement. To the extent 111853

consistent with the federal Clean Air Act and except as otherwise 111854
agreed to by the owner or operator of an air contaminant source 111855
and the director, the director shall not require an operating 111856
restriction that has the practical effect of increasing the 111857
stringency of an existing applicable emission limitation or 111858
standard. 111859

(J) Establish, operate, and maintain monitoring stations and 111860
other devices designed to measure air pollution and enter into 111861
contracts with any public or private agency for the establishment, 111862
operation, or maintenance of such stations and devices; 111863

(K) By rule adopt procedures for giving reasonable public 111864
notice and conducting public hearings on any plans for the 111865
prevention, control, and abatement of air pollution that the 111866
director is required to submit to the federal government; 111867

(L) Through any employee, agent, or authorized representative 111868
of the director or the environmental protection agency, enter upon 111869
private or public property, including improvements thereon, at any 111870
reasonable time, to make inspections, take samples, conduct tests, 111871
and examine records or reports pertaining to any emission of air 111872
contaminants and any monitoring equipment or methods and to 111873
determine if there are any actual or potential emissions from such 111874
premises and, if so, to determine the sources, amounts, contents, 111875
and extent of those emissions, or to ascertain whether there is 111876
compliance with this chapter, any orders issued or rules adopted 111877
thereunder, or any other determination of the director. The 111878
director, at reasonable times, may have access to and copy any 111879
such records. If entry or inspection authorized by this division 111880
is refused, hindered, or thwarted, the director or the director's 111881
authorized representative may by affidavit apply for, and any 111882
judge of a court of record may issue, an appropriate inspection 111883
warrant necessary to achieve the purposes of this chapter within 111884
the court's territorial jurisdiction. 111885

(M) Accept and administer gifts or grants from the federal government and from any other source, public or private, for carrying out any of the functions under this chapter; 111886
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(N) Obtain necessary scientific, technical, and laboratory services; 111889
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(O) Establish advisory boards in accordance with section 121.13 of the Revised Code; 111891
111892

(P) Delegate to any city or general health district or political subdivision of the state any of the director's enforcement and monitoring powers and duties, other than rule-making powers, as the director elects to delegate, and in addition employ, compensate, and prescribe the powers and duties of such officers, employees, and consultants as are necessary to enable the director to exercise the authority and perform duties imposed upon the director by law. Technical and other services shall be performed, insofar as practical, by personnel of the environmental protection agency. 111893
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(Q) Certify to the government of the United States or any agency thereof that an industrial air pollution facility is in conformity with the state program or requirements for control of air pollution whenever such certificate is required for a taxpayer pursuant to any federal law or requirements; 111903
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(R) Issue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of this chapter and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable emission standards or other requirements of this chapter and rules adopted thereunder. Any such order shall require compliance with applicable emission standards by a specified date and shall not conflict with any requirement of the federal Clean Air Act. In the making of such 111908
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orders, the director, to the extent consistent with the federal 111917
Clean Air Act, shall give consideration to, and base the 111918
determination on, evidence relating to the technical feasibility 111919
and economic reasonableness of compliance with such orders and 111920
their relation to benefits to the people of the state to be 111921
derived from such compliance. If, under the federal Clean Air Act, 111922
any such order shall provide for the posting of a bond or surety 111923
to secure compliance with the order as a condition of issuance of 111924
the order, the order shall so provide, but only to the extent 111925
required by the federal Clean Air Act. 111926

(S) To the extent provided by the federal Clean Air Act, 111927
adopt, modify, and rescind rules providing for the administrative 111928
assessment and collection of monetary penalties, not in excess of 111929
those required pursuant to the federal Clean Air Act, for failure 111930
to comply with any emission limitation or standard, compliance 111931
schedule, or other requirement of any rule, order, permit, or 111932
variance issued or adopted under this chapter or required under 111933
the applicable implementation plan whether or not the source is 111934
subject to a federal or state consent decree. The director may 111935
require the submission of compliance schedules, calculations of 111936
penalties for noncompliance, and related information. Any orders, 111937
payments, sanctions, or other requirements imposed pursuant to 111938
rules adopted under this division shall be in addition to any 111939
other permits, orders, payments, sanctions, or other requirements 111940
established under this chapter and shall not affect any civil or 111941
criminal enforcement proceedings brought under any provision of 111942
this chapter or any other provision of state or local law. This 111943
division does not apply to any requirement of this chapter 111944
regarding the prevention or abatement of odors. 111945

(T) Require new or modified air contaminant sources to 111946
install best available technology, but only in accordance with 111947
this division. With respect to permits issued pursuant to division 111948

(F) of this section beginning three years after August 3, 2006, 111949
best available technology for air contaminant sources and air 111950
contaminants emitted by those sources that are subject to 111951
standards adopted under section 112, Part C of Title I, and Part D 111952
of Title I of the federal Clean Air Act shall be equivalent to and 111953
no more stringent than those standards. For an air contaminant or 111954
precursor of an air contaminant for which a national ambient air 111955
quality standard has been adopted under the federal Clean Air Act, 111956
best available technology only shall be required to the extent 111957
required by rules adopted under Chapter 119. of the Revised Code 111958
for permit to install applications filed three or more years after 111959
August 3, 2006. 111960

Best available technology requirements established in rules 111961
adopted under this division shall be expressed only in one of the 111962
following ways that is most appropriate for the applicable source 111963
or source categories: 111964

(1) Work practices; 111965

(2) Source design characteristics or design efficiency of 111966
applicable air contaminant control devices; 111967

(3) Raw material specifications or throughput limitations 111968
averaged over a twelve-month rolling period; 111969

(4) Monthly allowable emissions averaged over a twelve-month 111970
rolling period. 111971

Best available technology requirements shall not apply to an 111972
air contaminant source that has the potential to emit, taking into 111973
account air pollution controls installed on the source, less than 111974
ten tons per year of emissions of an air contaminant or precursor 111975
of an air contaminant for which a national ambient air quality 111976
standard has been adopted under the federal Clean Air Act. In 111977
addition, best available technology requirements established in 111978
rules adopted under this division shall not apply to any existing, 111979

new, or modified air contaminant source that is subject to a 111980
plant-wide applicability limit that has been approved by the 111981
director. Further, best available technology requirements 111982
established in rules adopted under this division shall not apply 111983
to general permits issued prior to January 1, 2006, under rules 111984
adopted under this chapter. 111985

For permits to install issued three or more years after 111986
August 3, 2006, any new or modified air contaminant source that 111987
has the potential to emit, taking into account air pollution 111988
controls installed on the source, ten or more tons per year of 111989
volatile organic compounds or nitrogen oxides shall meet, at a 111990
minimum, the requirements of any applicable reasonably available 111991
control technology rule in effect as of January 1, 2006, 111992
regardless of the location of the source. 111993

(U) Consistent with section 507 of the federal Clean Air Act, 111994
adopt, modify, suspend, and rescind rules for the establishment of 111995
a small business stationary source technical and environmental 111996
compliance assistance program as provided in section 3704.18 of 111997
the Revised Code; 111998

(V) Provide for emissions trading, marketable permits, 111999
auctions of emission rights, and economic incentives that would 112000
reduce the cost or increase the efficiency of achieving a 112001
specified level of environmental protection; 112002

(W) Provide for the construction of an air contaminant source 112003
prior to obtaining a permit to install pursuant to division (F) of 112004
this section if the applicant demonstrates that the source will be 112005
installed to comply with all applicable emission limits and will 112006
not adversely affect public health or safety or the environment 112007
and if the director determines that such an action will avoid an 112008
unreasonable hardship on the owner or operator of the source. Any 112009
such determination shall be consistent with the federal Clean Air 112010
Act. 112011

(X) Exercise all incidental powers, including adoption of 112012
rules, required to carry out this chapter. 112013

The environmental protection agency shall develop a plan to 112014
control air pollution resulting from state-operated facilities and 112015
property. 112016

Sec. 3734.02. (A) The director of environmental protection, 112017
in accordance with Chapter 119. of the Revised Code, shall adopt 112018
and may amend, suspend, or rescind rules having uniform 112019
application throughout the state governing solid waste facilities 112020
and the inspections of and issuance of permits and licenses for 112021
all solid waste facilities in order to ensure that the facilities 112022
will be located, maintained, and operated, and will undergo 112023
closure and post-closure care, in a sanitary manner so as not to 112024
create a nuisance, cause or contribute to water pollution, create 112025
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 112026
257.3-8, as amended. The rules may include, without limitation, 112027
financial assurance requirements for closure and post-closure care 112028
and corrective action and requirements for taking corrective 112029
action in the event of the surface or subsurface discharge or 112030
migration of explosive gases or leachate from a solid waste 112031
facility, or of ground water contamination resulting from the 112032
transfer or disposal of solid wastes at a facility, beyond the 112033
boundaries of any area within a facility that is operating or is 112034
undergoing closure or post-closure care where solid wastes were 112035
disposed of or are being disposed of. The rules shall not concern 112036
or relate to personnel policies, salaries, wages, fringe benefits, 112037
or other conditions of employment of employees of persons owning 112038
or operating solid waste facilities. The director, in accordance 112039
with Chapter 119. of the Revised Code, shall adopt and may amend, 112040
suspend, or rescind rules governing the issuance, modification, 112041
revocation, suspension, or denial of variances from the director's 112042
solid waste rules, including, without limitation, rules adopted 112043

under this chapter governing the management of scrap tires. 112044

Variances shall be issued, modified, revoked, suspended, or 112045
rescinded in accordance with this division, rules adopted under 112046
it, and Chapter 3745. of the Revised Code. The director may order 112047
the person to whom a variance is issued to take such action within 112048
such time as the director may determine to be appropriate and 112049
reasonable to prevent the creation of a nuisance or a hazard to 112050
the public health or safety or the environment. Applications for 112051
variances shall contain such detail plans, specifications, and 112052
information regarding objectives, procedures, controls, and other 112053
pertinent data as the director may require. The director shall 112054
grant a variance only if the applicant demonstrates to the 112055
director's satisfaction that construction and operation of the 112056
solid waste facility in the manner allowed by the variance and any 112057
terms or conditions imposed as part of the variance will not 112058
create a nuisance or a hazard to the public health or safety or 112059
the environment. In granting any variance, the director shall 112060
state the specific provision or provisions whose terms are to be 112061
varied and also shall state specific terms or conditions imposed 112062
upon the applicant in place of the provision or provisions. 112063

The director may hold a public hearing on an application for 112064
a variance or renewal of a variance at a location in the county 112065
where the operations that are the subject of the application for 112066
the variance are conducted. The director shall give not less than 112067
twenty days' notice of the hearing to the applicant by certified 112068
mail or by another type of mail accompanied by a receipt ~~and~~. The 112069
director shall publish at least one notice of the hearing in a 112070
newspaper with general circulation in the county where the hearing 112071
is to be held or may instead provide public notice by publication 112072
on the environmental protection agency's web site. The director 112073
shall make available for public inspection at the principal office 112074
of the environmental protection agency a current list of pending 112075

applications for variances and a current schedule of pending 112076
variance hearings. The director shall make a complete stenographic 112077
record or electronic record of testimony and other evidence 112078
submitted at the hearing. 112079

Within ten days after the hearing, the director shall make a 112080
written determination to issue, renew, or deny the variance and 112081
shall enter the determination and the basis for it into the record 112082
of the hearing. The director shall issue, renew, or deny an 112083
application for a variance or renewal of a variance within six 112084
months of the date upon which the director receives a complete 112085
application with all pertinent information and data required. No 112086
variance shall be issued, revoked, modified, or denied until the 112087
director has considered the relative interests of the applicant, 112088
other persons and property affected by the variance, and the 112089
general public. Any variance granted under this division shall be 112090
for a period specified by the director and may be renewed from 112091
time to time on such terms and for such periods as the director 112092
determines to be appropriate. No application shall be denied and 112093
no variance shall be revoked or modified without a written order 112094
stating the findings upon which the denial, revocation, or 112095
modification is based. A copy of the order shall be sent to the 112096
applicant or variance holder by certified mail or by another type 112097
of mail accompanied by a receipt. 112098

(B) The director shall prescribe and furnish the forms 112099
necessary to administer and enforce this chapter. The director may 112100
cooperate with and enter into agreements with other state, local, 112101
or federal agencies to carry out the purposes of this chapter. The 112102
director may exercise all incidental powers necessary to carry out 112103
the purposes of this chapter. 112104

(C) Except as provided in this division and divisions (N)(2) 112105
and (3) of this section, no person shall establish a new solid 112106
waste facility or infectious waste treatment facility, or modify 112107

an existing solid waste facility or infectious waste treatment 112108
facility, without submitting an application for a permit with 112109
accompanying detail plans, specifications, and information 112110
regarding the facility and method of operation and receiving a 112111
permit issued by the director, except that no permit shall be 112112
required under this division to install or operate a solid waste 112113
facility for sewage sludge treatment or disposal when the 112114
treatment or disposal is authorized by a current permit issued 112115
under Chapter 3704. or 6111. of the Revised Code. 112116

No person shall continue to operate a solid waste facility 112117
for which the director has disapproved plans and specifications 112118
required to be filed by an order issued under division (A)(3) of 112119
section 3734.05 of the Revised Code, after the date prescribed for 112120
commencement of closure of the facility in the order issued under 112121
division (A)(4) of that section denying the permit application or 112122
approval. 112123

On and after the effective date of the rules adopted under 112124
division (A) of this section and division (D) of section 3734.12 112125
of the Revised Code governing solid waste transfer facilities, no 112126
person shall establish a new, or modify an existing, solid waste 112127
transfer facility without first submitting an application for a 112128
permit with accompanying engineering detail plans, specifications, 112129
and information regarding the facility and its method of operation 112130
to the director and receiving a permit issued by the director. 112131

No person shall establish a new compost facility or continue 112132
to operate an existing compost facility that accepts exclusively 112133
source separated yard wastes without submitting a completed 112134
registration for the facility to the director in accordance with 112135
rules adopted under divisions (A) and (N)(3) of this section. 112136

This division does not apply to a generator of infectious 112137
wastes that does any of the following: 112138

(1) Treats, by methods, techniques, and practices established 112139
by rules adopted under division (B)(2)(a) of section 3734.021 of 112140
the Revised Code, any of the following: 112141

(a) Infectious wastes that are generated on any premises that 112142
are owned or operated by the generator; 112143

(b) Infectious wastes that are generated by a generator who 112144
has staff privileges at a hospital as defined in section 3727.01 112145
of the Revised Code; 112146

(c) Infectious wastes that are generated in providing care to 112147
a patient by an emergency medical services organization as defined 112148
in section 4765.01 of the Revised Code. 112149

(2) Holds a license or renewal of a license to operate a 112150
crematory facility issued under Chapter 4717. and a permit issued 112151
under Chapter 3704. of the Revised Code; 112152

(3) Treats or disposes of dead animals or parts thereof, or 112153
the blood of animals, and is subject to any of the following: 112154

(a) Inspection under the "Federal Meat Inspection Act," 81 112155
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 112156

(b) Chapter 918. of the Revised Code; 112157

(c) Chapter 953. of the Revised Code. 112158

(D) Neither this chapter nor any rules adopted under it apply 112159
to single-family residential premises; to infectious wastes 112160
generated by individuals for purposes of their own care or 112161
treatment; to the temporary storage of solid wastes, other than 112162
scrap tires, prior to their collection for disposal; to the 112163
storage of one hundred or fewer scrap tires unless they are stored 112164
in such a manner that, in the judgment of the director or the 112165
board of health of the health district in which the scrap tires 112166
are stored, the storage causes a nuisance, a hazard to public 112167
health or safety, or a fire hazard; or to the collection of solid 112168

wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility

installation and operation permit issued in accordance with 112199
 section 3734.05 of the Revised Code and subject to the payment of 112200
 an application fee not to exceed one thousand five hundred 112201
 dollars, payable upon application for a hazardous waste facility 112202
 installation and operation permit and upon application for a 112203
 renewal permit issued under division (H) of section 3734.05 of the 112204
 Revised Code, to be credited to the hazardous waste facility 112205
 management fund created in section 3734.18 of the Revised Code. 112206
 The term of a hazardous waste facility installation and operation 112207
 permit shall not exceed ten years. 112208

In addition to the application fee, there is hereby levied an 112209
 annual permit fee to be paid by the permit holder upon the 112210
 anniversaries of the date of issuance of the hazardous waste 112211
 facility installation and operation permit and of any subsequent 112212
 renewal permits and to be credited to the hazardous waste facility 112213
 management fund. Annual permit fees totaling forty thousand 112214
 dollars or more for any one facility may be paid on a quarterly 112215
 basis with the first quarterly payment each year being due on the 112216
 anniversary of the date of issuance of the hazardous waste 112217
 facility installation and operation permit and of any subsequent 112218
 renewal permits. The annual permit fee shall be determined for 112219
 each permit holder by the director in accordance with the 112220
 following schedule: 112221

TYPE OF BASIC				112222
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	112223
Storage facility using:				112224
Containers	On-site, off-site, and			112225
	satellite	\$	500	112226
Tanks	On-site, off-site, and			112227
	satellite		500	112228
Waste pile	On-site, off-site, and			112229
	satellite		3,000	112230

Surface impoundment	On-site and satellite	8,000	112231
	Off-site	10,000	112232
Disposal facility using:			112233
Deep well injection	On-site and satellite	15,000	112234
	Off-site	25,000	112235
Landfill	On-site and satellite	25,000	112236
	Off-site	40,000	112237
Land application	On-site and satellite	2,500	112238
	Off-site	5,000	112239
Surface impoundment	On-site and satellite	10,000	112240
	Off-site	20,000	112241
Treatment facility using:			112242
Tanks	On-site, off-site, and satellite	700	112243 112244
Surface impoundment	On-site and satellite	8,000	112245
	Off-site	10,000	112246
Incinerator	On-site and satellite	5,000	112247
	Off-site	10,000	112248
Other forms of treatment	On-site, off-site, and satellite	1,000	112249 112250 112251

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage

and treatment. A facility using more than one method of storage, 112264
treatment, or disposal shall pay the permit fee indicated by the 112265
schedule for each such method. 112266

The director shall not require the payment of that portion of 112267
an annual permit fee of any permit holder that would apply to a 112268
hazardous waste management unit for which a permit has been 112269
issued, but for which construction has not yet commenced. Once 112270
construction has commenced, the director shall require the payment 112271
of a part of the appropriate fee indicated by the schedule that 112272
bears the same relationship to the total fee that the number of 112273
days remaining until the next anniversary date at which payment of 112274
the annual permit fee is due bears to three hundred sixty-five. 112275

The director, by rules adopted in accordance with Chapters 112276
119. and 3745. of the Revised Code, shall prescribe procedures for 112277
collecting the annual permit fee established by this division and 112278
may prescribe other requirements necessary to carry out this 112279
division. 112280

(3) The prohibition against establishing or operating a 112281
hazardous waste facility without a hazardous waste facility 112282
installation and operation permit does not apply to either of the 112283
following: 112284

(a) A facility that is operating in accordance with a permit 112285
renewal issued under division (H) of section 3734.05 of the 112286
Revised Code, a revision issued under division (I) of that section 112287
as it existed prior to August 20, 1996, or a modification issued 112288
by the director under division (I) of that section on and after 112289
August 20, 1996; 112290

(b) Except as provided in division (J) of section 3734.05 of 112291
the Revised Code, a facility that will operate or is operating in 112292
accordance with a permit by rule, or that is not subject to permit 112293
requirements, under rules adopted by the director. In accordance 112294

with Chapter 119. of the Revised Code, the director shall adopt, 112295
and subsequently may amend, suspend, or rescind, rules for the 112296
purposes of division (E)(3)(b) of this section. Any rules so 112297
adopted shall be consistent with and equivalent to regulations 112298
pertaining to interim status adopted under the "Resource 112299
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 112300
6921, as amended, except as otherwise provided in this chapter. 112301

If a modification is requested or proposed for a facility 112302
described in division (E)(3)(a) or (b) of this section, division 112303
(I)(7) of section 3734.05 of the Revised Code applies. 112304

(F) No person shall store, treat, or dispose of hazardous 112305
waste identified or listed under this chapter and rules adopted 112306
under it, regardless of whether generated on or off the premises 112307
where the waste is stored, treated, or disposed of, or transport 112308
or cause to be transported any hazardous waste identified or 112309
listed under this chapter and rules adopted under it to any other 112310
premises, except at or to any of the following: 112311

(1) A hazardous waste facility operating under a permit 112312
issued in accordance with this chapter; 112313

(2) A facility in another state operating under a license or 112314
permit issued in accordance with the "Resource Conservation and 112315
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 112316
amended; 112317

(3) A facility in another nation operating in accordance with 112318
the laws of that nation; 112319

(4) A facility holding a permit issued pursuant to Title I of 112320
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 112321
Stat. 1052, 33 U.S.C.A. 1401, as amended; 112322

(5) A hazardous waste facility as described in division 112323
(E)(3)(a) or (b) of this section. 112324

(G) The director, by order, may exempt any person generating, 112325
collecting, storing, treating, disposing of, or transporting solid 112326
wastes, infectious wastes, or hazardous waste, or processing solid 112327
wastes that consist of scrap tires, in such quantities or under 112328
such circumstances that, in the determination of the director, are 112329
unlikely to adversely affect the public health or safety or the 112330
environment from any requirement to obtain a registration 112331
certificate, permit, or license or comply with the manifest system 112332
or other requirements of this chapter. Such an exemption shall be 112333
consistent with and equivalent to any regulations adopted by the 112334
administrator of the United States environmental protection agency 112335
under the "Resource Conservation and Recovery Act of 1976," 90 112336
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 112337
provided in this chapter. 112338

(H) No person shall engage in filling, grading, excavating, 112339
building, drilling, or mining on land where a hazardous waste 112340
facility, or a solid waste facility, was operated without prior 112341
authorization from the director, who shall establish the procedure 112342
for granting such authorization by rules adopted in accordance 112343
with Chapter 119. of the Revised Code. 112344

A public utility that has main or distribution lines above or 112345
below the land surface located on an easement or right-of-way 112346
across land where a solid waste facility was operated may engage 112347
in any such activity within the easement or right-of-way without 112348
prior authorization from the director for purposes of performing 112349
emergency repair or emergency replacement of its lines; of the 112350
poles, towers, foundations, or other structures supporting or 112351
sustaining any such lines; or of the appurtenances to those 112352
structures, necessary to restore or maintain existing public 112353
utility service. A public utility may enter upon any such easement 112354
or right-of-way without prior authorization from the director for 112355
purposes of performing necessary or routine maintenance of those 112356

portions of its existing lines; of the existing poles, towers, 112357
foundations, or other structures sustaining or supporting its 112358
lines; or of the appurtenances to any such supporting or 112359
sustaining structure, located on or above the land surface on any 112360
such easement or right-of-way. Within twenty-four hours after 112361
commencing any such emergency repair, replacement, or maintenance 112362
work, the public utility shall notify the director or the 112363
director's authorized representative of those activities and shall 112364
provide such information regarding those activities as the 112365
director or the director's representative may request. Upon 112366
completion of the emergency repair, replacement, or maintenance 112367
activities, the public utility shall restore any land of the solid 112368
waste facility disturbed by those activities to the condition 112369
existing prior to the commencement of those activities. 112370

(I) No owner or operator of a hazardous waste facility, in 112371
the operation of the facility, shall cause, permit, or allow the 112372
emission therefrom of any particulate matter, dust, fumes, gas, 112373
mist, smoke, vapor, or odorous substance that, in the opinion of 112374
the director, unreasonably interferes with the comfortable 112375
enjoyment of life or property by persons living or working in the 112376
vicinity of the facility, or that is injurious to public health. 112377
Any such action is hereby declared to be a public nuisance. 112378

(J) Notwithstanding any other provision of this chapter, in 112379
the event the director finds an imminent and substantial danger to 112380
public health or safety or the environment that creates an 112381
emergency situation requiring the immediate treatment, storage, or 112382
disposal of hazardous waste, the director may issue a temporary 112383
emergency permit to allow the treatment, storage, or disposal of 112384
the hazardous waste at a facility that is not otherwise authorized 112385
by a hazardous waste facility installation and operation permit to 112386
treat, store, or dispose of the waste. The emergency permit shall 112387
not exceed ninety days in duration and shall not be renewed. The 112388

director shall adopt, and may amend, suspend, or rescind, rules in 112389
accordance with Chapter 119. of the Revised Code governing the 112390
issuance, modification, revocation, and denial of emergency 112391
permits. 112392

(K) Except for infectious wastes generated by a person who 112393
produces fewer than fifty pounds of infectious wastes at a 112394
premises during any one month, no owner or operator of a sanitary 112395
landfill shall knowingly accept for disposal, or dispose of, any 112396
infectious wastes that have not been treated to render them 112397
noninfectious. 112398

(L) The director, in accordance with Chapter 119. of the 112399
Revised Code, shall adopt, and may amend, suspend, or rescind, 112400
rules having uniform application throughout the state establishing 112401
a training and certification program that shall be required for 112402
employees of boards of health who are responsible for enforcing 112403
the solid waste and infectious waste provisions of this chapter 112404
and rules adopted under them and for persons who are responsible 112405
for the operation of solid waste facilities or infectious waste 112406
treatment facilities. The rules shall provide all of the 112407
following, without limitation: 112408

(1) The program shall be administered by the director and 112409
shall consist of a course on new solid waste and infectious waste 112410
technologies, enforcement procedures, and rules; 112411

(2) The course shall be offered on an annual basis; 112412

(3) Those persons who are required to take the course under 112413
division (L) of this section shall do so triennially; 112414

(4) Persons who successfully complete the course shall be 112415
certified by the director; 112416

(5) Certification shall be required for all employees of 112417
boards of health who are responsible for enforcing the solid waste 112418
or infectious waste provisions of this chapter and rules adopted 112419

under them and for all persons who are responsible for the 112420
operation of solid waste facilities or infectious waste treatment 112421
facilities; 112422

(6)(a) All employees of a board of health who, on the 112423
effective date of the rules adopted under this division, are 112424
responsible for enforcing the solid waste or infectious waste 112425
provisions of this chapter and the rules adopted under them shall 112426
complete the course and be certified by the director not later 112427
than January 1, 1995; 112428

(b) All employees of a board of health who, after the 112429
effective date of the rules adopted under division (L) of this 112430
section, become responsible for enforcing the solid waste or 112431
infectious waste provisions of this chapter and rules adopted 112432
under them and who do not hold a current and valid certification 112433
from the director at that time shall complete the course and be 112434
certified by the director within two years after becoming 112435
responsible for performing those activities. 112436

No person shall fail to obtain the certification required 112437
under this division. 112438

(M) The director shall not issue a permit under section 112439
3734.05 of the Revised Code to establish a solid waste facility, 112440
or to modify a solid waste facility operating on December 21, 112441
1988, in a manner that expands the disposal capacity or geographic 112442
area covered by the facility, that is or is to be located within 112443
the boundaries of a state park established or dedicated under 112444
Chapter 1546. of the Revised Code, a state park purchase area 112445
established under section 1546.06 of the Revised Code, any unit of 112446
the national park system, or any property that lies within the 112447
boundaries of a national park or recreation area, but that has not 112448
been acquired or is not administered by the secretary of the 112449
United States department of the interior, located in this state, 112450
or any candidate area located in this state and identified for 112451

potential inclusion in the national park system in the edition of 112452
the "national park system plan" submitted under paragraph (b) of 112453
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 112454
U.S.C.A. 1a-5, as amended, current at the time of filing of the 112455
application for the permit, unless the facility or proposed 112456
facility is or is to be used exclusively for the disposal of solid 112457
wastes generated within the park or recreation area and the 112458
director determines that the facility or proposed facility will 112459
not degrade any of the natural or cultural resources of the park 112460
or recreation area. The director shall not issue a variance under 112461
division (A) of this section and rules adopted under it, or issue 112462
an exemption order under division (G) of this section, that would 112463
authorize any such establishment or expansion of a solid waste 112464
facility within the boundaries of any such park or recreation 112465
area, state park purchase area, or candidate area, other than a 112466
solid waste facility exclusively for the disposal of solid wastes 112467
generated within the park or recreation area when the director 112468
determines that the facility will not degrade any of the natural 112469
or cultural resources of the park or recreation area. 112470

(N)(1) The rules adopted under division (A) of this section, 112471
other than those governing variances, do not apply to scrap tire 112472
collection, storage, monocell, monofill, and recovery facilities. 112473
Those facilities are subject to and governed by rules adopted 112474
under sections 3734.70 to 3734.73 of the Revised Code, as 112475
applicable. 112476

(2) Division (C) of this section does not apply to scrap tire 112477
collection, storage, monocell, monofill, and recovery facilities. 112478
The establishment and modification of those facilities are subject 112479
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 112480
Code, as applicable. 112481

(3) The director may adopt, amend, suspend, or rescind rules 112482
under division (A) of this section creating an alternative system 112483

for authorizing the establishment, operation, or modification of a solid waste compost facility in lieu of the requirement that a person seeking to establish, operate, or modify a solid waste compost facility apply for and receive a permit under division (C) of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1) and (2)(a) of section 3734.05 of the Revised Code to a solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code.

(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code.

(4) The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code governing the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material, including, without limitation, technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than five picocuries per gram above natural background. Rules adopted by the director may include at a minimum both of the following:

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

Sec. 3734.021. (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to render them noninfectious by methods, techniques, or practices prescribed by rules adopted under division (B)(2)(a) of this section before they are transported off that premises for disposal

or ensure that such wastes are treated to render them 112577
noninfectious at an infectious waste treatment facility off that 112578
premises prior to disposal of the wastes; 112579

(ii) Transport and dispose of infectious wastes, if a 112580
generator produces fewer than fifty pounds of infectious wastes 112581
during any one month that are subject to and packaged and labeled 112582
in accordance with federal requirements, in the same manner as 112583
solid wastes. Such generators who treat specimen cultures and 112584
cultures of viable infectious agents on the premises where they 112585
are generated shall not be considered treatment facilities as 112586
"treatment" and "facility" are defined in section 3734.01 of the 112587
Revised Code. 112588

(iii) Dispose of infectious wastes subject to and treated in 112589
accordance with rules adopted under division (B)(1)(a)(i) of this 112590
section in the same manner as solid wastes; 112591

(iv) May take wastes generated in providing care to a patient 112592
by an emergency medical services organization, as defined in 112593
section 4765.01 of the Revised Code, to and leave them at a 112594
hospital, as defined in section 3727.01 of the Revised Code, for 112595
treatment at a treatment facility owned or operated by the 112596
hospital or, in conjunction with infectious wastes generated by 112597
the hospital, at another treatment facility regardless of whether 112598
the wastes were generated in providing care to the patient at the 112599
scene of an emergency or during the transportation of the patient 112600
to a hospital; 112601

(v) May take wastes generated by an individual for purposes 112602
of the individual's own care or treatment to and leave them at a 112603
hospital, as defined in section 3727.01 of the Revised Code, for 112604
treatment at a treatment facility owned or operated by the 112605
hospital or, in conjunction with infectious wastes generated by 112606
the hospital, at another treatment facility. 112607

(b) Each generator of fifty pounds or more of infectious wastes during any one month: 112608
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(i) Register with the environmental protection agency as a generator of infectious wastes and obtain a registration certificate. The fee for issuance of a generator registration certificate is one hundred forty dollars payable at the time of application. The registration certificate applies to all the premises owned or operated by the generator in this state where infectious wastes are generated and shall list the address of each such premises. If a generator owns or operates facilities for the treatment of infectious wastes it generates, the certificate shall list the address and method of treatment used at each such facility. 112610
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A generator registration certificate is valid for three years from the date of issuance and shall be renewed for a term of three years upon the generator's submission of an application for renewal and payment of a one hundred forty dollar renewal fee. 112621
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The rules may establish a system of staggered renewal dates with approximately one-third of such certificates subject to renewal each year. The applicable renewal date shall be prescribed on each registration certificate. Registration fees shall be prorated according to the time remaining in the registration cycle to the nearest year. 112625
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The registration and renewal fees collected under division (B)(1)(b)(i) of this section shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code. 112631
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(ii) Segregate infectious wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious wastes from designating and managing any wastes, in addition to those defined 112635
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as infectious wastes under section 3734.01 of the Revised Code, as 112639
infectious wastes. After designating any such other wastes as 112640
infectious, the generator shall manage those wastes in compliance 112641
with the requirements of this chapter and rules adopted under it 112642
applicable to the management of infectious wastes. 112643

(iii) Either treat the infectious wastes that it generates at 112644
a facility owned or operated by the generator by methods, 112645
techniques, or practices prescribed by rules adopted under 112646
division (B)(2)(a) of this section to render them noninfectious, 112647
or designate the wastes for treatment off that premises at an 112648
infectious waste treatment facility holding a license issued under 112649
division (B) of section 3734.05 of the Revised Code, at an 112650
infectious waste treatment facility that is located in another 112651
state that is in compliance with applicable state and federal 112652
laws, or at a treatment facility authorized by rules adopted under 112653
division (B)(2)(d) of this section, prior to disposal of the 112654
wastes. After being treated to render them noninfectious, the 112655
wastes shall be disposed of at a solid waste disposal facility 112656
holding a license issued under division (A) of section 3734.05 of 112657
the Revised Code or at a disposal facility in another state that 112658
is in compliance with applicable state and federal laws. 112659

(iv) Not compact or grind any type of infectious wastes prior 112660
to treatment in accordance with rules adopted under division 112661
(B)(2)(a) of this section; 112662

(v) May discharge untreated liquid or semiliquid infectious 112663
wastes consisting of blood, blood products, body fluids, and 112664
excreta into a disposal system, as defined in section 6111.01 of 112665
the Revised Code, unless the discharge of those wastes into a 112666
disposal system is inconsistent with the terms and conditions of 112667
the permit for the system issued under Chapter 6111. of the 112668
Revised Code; 112669

(vi) May transport or cause to be transported infectious 112670

wastes that have been treated to render them noninfectious in the 112671
same manner as solid wastes are transported. 112672

(2) Establish standards for owners and operators of 112673
infectious waste treatment facilities that include, without 112674
limitation, the following requirements and authorizations that: 112675

(a) Require treatment of all wastes received to be performed 112676
in accordance with methods, techniques, and practices approved by 112677
the director; 112678

(b) Govern the location, design, construction, and operation 112679
of infectious waste treatment facilities. The rules adopted under 112680
division (B)(2)(b) of this section shall require that a new 112681
infectious waste incineration facility be located so that the 112682
incinerator unit and all areas where infectious wastes are handled 112683
on the premises where the facility is proposed to be located are 112684
at least three hundred feet inside the property line of the tract 112685
of land on which the facility is proposed to be located and are at 112686
least one thousand feet from any domicile, school, prison, or jail 112687
that is in existence on the date on which the application for the 112688
permit to establish the incinerator is submitted under division 112689
(B)(2)(b) of section 3734.05 of the Revised Code. 112690

(c) Establish quality control and testing procedures to 112691
ensure compliance with the rules adopted under division (B)(2)(b) 112692
of this section; 112693

(d) Authorize infectious wastes to be treated at a facility 112694
that holds a license or renewal of a license to operate a 112695
crematory facility issued under Chapter 4717., and a permit issued 112696
under Chapter 3704., of the Revised Code to the extent that the 112697
treatment of those wastes is consistent with that permit and its 112698
terms and conditions. The rules adopted under divisions (B)(2)(b) 112699
and (c) of this section do not apply to a facility holding such a 112700
license and permit. 112701

In adopting the rules required by divisions (B)(2)(a) to (d) 112702
of this section, the director shall consider and, to the maximum 112703
feasible extent, utilize existing standards and guidelines 112704
established by professional and governmental organizations having 112705
expertise in the fields of infection control and infectious wastes 112706
management. 112707

(e) Require shipping papers to accompany shipments of wastes 112708
that have been treated to render them noninfectious. The shipping 112709
papers shall include only the following elements: 112710

(i) The name of the owner or operator of the facility where 112711
the wastes were treated and the address of the treatment facility; 112712
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(ii) A certification by the owner or operator of the 112714
treatment facility where the wastes were treated indicating that 112715
the wastes have been treated by the methods, techniques, and 112716
practices prescribed in rules adopted under division (B)(2)(a) of 112717
this section. 112718

(C) This section and rules adopted under it do not apply to 112719
the treatment or disposal of wastes consisting of dead animals or 112720
parts thereof, or the blood of animals: 112721

(1) By the owner of the animal after slaughter by the owner 112722
on the owner's premises to obtain meat for consumption by the 112723
owner and the members of the owner's household; 112724

(2) In accordance with Chapter 941. of the Revised Code; or 112725

(3) By persons who are subject to any of the following: 112726

(a) Inspection under the "Federal Meat Inspection Act," 81 112727
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 112728

(b) Chapter 918. of the Revised Code; 112729

(c) Chapter 953. of the Revised Code. 112730

(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises.

(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating infectious waste treatment facilities.

(F)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules adopted under it, and Chapter 3745. of the Revised Code.

(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures, controls, and any other information that the director may require. The director shall issue, renew, or deny a variance or renewal of a variance within six months of the date on which the director receives a complete application with all required information and data.

(3) The director may hold a public hearing on an application submitted under division (F) of this section for a variance at a location in the county in which the operations that are the subject of the application for a variance or renewal of variance are conducted. Not less than twenty days before the hearing, the director shall provide to the applicant notice of the hearing by certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the

hearing is to be held or may instead provide public notice by 112763
publication on the environmental protection agency's web site. The 112764
director shall make a complete stenographic record or electronic 112765
record of testimony and other evidence submitted at the hearing. 112766
Not later than ten days after the hearing, the director shall make 112767
a written determination to issue, renew, or deny the variance and 112768
shall enter the determination and the basis for it into the record 112769
of the hearing. 112770

(4) A variance shall not be issued, modified, revoked, or 112771
denied under division (F) of this section until the director has 112772
considered the relative interests of the applicant, other persons 112773
and property that will be affected by the variance, and the 112774
general public. The director shall grant a variance only if the 112775
applicant demonstrates to the director's satisfaction that the 112776
requested action will not create a nuisance or a hazard to the 112777
health or safety of the public or to the environment. In granting 112778
a variance, the director shall state the specific provision or 112779
provisions whose terms are to be varied and also shall state 112780
specific terms or conditions imposed on the applicant in place of 112781
the provision or provisions. 112782

(5) A variance granted under division (F) of this section 112783
shall be for a period specified by the director and may be renewed 112784
from time to time on terms and for periods that the director 112785
determines to be appropriate. The director may order the person to 112786
whom a variance has been issued to take action within the time 112787
that the director determines to be appropriate and reasonable to 112788
prevent the creation of a nuisance or a hazard to the health or 112789
safety of the public or to the environment. 112790

(6) An application submitted under division (F) of this 112791
section shall not be denied and a variance shall not be revoked or 112792
modified under that division without a written order of the 112793
director stating the findings on which the denial, revocation, or 112794

modification is based. A copy of the order shall be sent to the 112795
applicant or holder of a variance by certified mail or by another 112796
type of mail that is accompanied by a receipt. 112797

(7) The director shall make available for public inspection 112798
at the principal office of the environmental protection agency a 112799
current list of pending applications for variances submitted under 112800
division (F) of this section and a current schedule of pending 112801
variance hearings under it. 112802

Sec. 3734.575. (A) The board of county commissioners of a 112803
county solid waste management district and the board of directors 112804
of a joint solid waste management district that is levying fees or 112805
amended fees or receiving fee revenue under division (B) of 112806
section 3734.57; section 3734.571, 3734.572, or 3734.573; or 112807
division (A), (B), or (D) of section 3734.574 of the Revised Code, 112808
within thirty days after the end of each calendar quarter, shall 112809
submit to the director of environmental protection a report 112810
containing all of the following information for that preceding 112811
quarter: 112812

(1) The specific fees levied by the district; 112813

(2) Revenues received by the district during the quarter from 112814
each of those sources, as applicable; 112815

(3) All district planning account balances; 112816

(4) The amount and use of revenues spent; 112817

(5) A certification statement that the information in the 112818
report is true and accurate. 112819

A board shall submit each report on forms prescribed by the 112820
director and ~~by computer disk as~~ in a manner prescribed by ~~him~~ the 112821
director. A board is responsible for the accuracy of the 112822
information contained in each report and for providing it to the 112823
director not later than the deadline established in this division. 112824

Annually by not earlier than the first day of April, the 112825
director shall submit a compilation of the individual district 112826
reports received during the preceding calendar year to the speaker 112827
of the house of representatives and the president of the senate. 112828
In submitting the compilation, the director's sole responsibility 112829
shall be to compile the information submitted by the boards under 112830
this division. 112831

(B) If changes in the 1994 budget of a county or joint 112832
district result from the required change in the fees levied by the 112833
district under division (B) of section 3734.57 of the Revised 112834
Code, the levying of the fees under section 3734.573 of the 112835
Revised Code, or the levying of fees under division (A) or (B) of 112836
section 3734.574 of the Revised Code, the board of county 112837
commissioners or directors of the district shall include a 112838
description of the changes in the annual report of the district 112839
required to be submitted to the director pursuant to rules adopted 112840
under section 3734.50 of the Revised Code. 112841

Sec. 3745.019. (A) Notwithstanding any provision of the 112842
Revised Code or Administrative Code requiring the director of 112843
environmental protection to provide public notice by publication 112844
in one or more newspapers, including one or more newspapers of 112845
general circulation, the director may instead provide public 112846
notice by publication on the environmental protection agency's 112847
official web site. 112848

(B) Notwithstanding any provision of the Revised Code or 112849
Administrative Code requiring the director of environmental 112850
protection to deliver a document or notice by certified mail, the 112851
director may instead deliver the document or notice by any method 112852
capable of documenting the intended recipient's receipt of the 112853
document or notice. 112854

Sec. 3746.09. (A) A person who proposes to enter into or who 112855
is participating in the voluntary action program under this 112856
chapter and rules adopted under it, in accordance with this 112857
section and rules adopted under division (B)(10) of section 112858
3746.04 of the Revised Code, may apply to the director of 112859
environmental protection for a variance from applicable standards 112860
otherwise established in this chapter and rules adopted under it. 112861
The application for a variance shall be prepared by a certified 112862
professional. The director shall issue a variance from those 112863
applicable standards only if the application makes all of the 112864
following demonstrations to the director's satisfaction: 112865

(1) Either or both of the following: 112866

(a) It is technically infeasible to comply with the 112867
applicable standards otherwise established at the property named 112868
in the application; 112869

(b) The costs of complying with the applicable standards 112870
otherwise established at the property substantially exceed the 112871
economic benefits. 112872

(2) The proposed alternative standard or set of standards and 112873
terms and conditions set forth in the application will result in 112874
an improvement of environmental conditions at the property and 112875
ensure that public health and safety will be protected. 112876

(3) The establishment of and compliance with the alternative 112877
standard or set of standards and terms and conditions are 112878
necessary to promote, protect, preserve, or enhance employment 112879
opportunities or the reuse of the property named in the 112880
application. 112881

A variance issued under this section shall state the specific 112882
standard or standards whose terms are being varied and shall set 112883
forth the specific alternative standard or set of standards and 112884

the terms and conditions imposed on the applicant in their place. 112885
A variance issued under this section shall include only standards 112886
and terms and conditions proposed by the applicant in the 112887
application, except that the director may impose any additional or 112888
alternative terms and conditions that the director determines to 112889
be necessary to ensure that public health and safety will be 112890
protected. If the director finds that compliance with any standard 112891
or term or condition proposed by the applicant will not protect 112892
public health and safety and that the imposition of additional or 112893
alternative terms and conditions will not ensure that public 112894
health or safety will be protected, the director shall disapprove 112895
the application and shall include in the order of denial the 112896
specific findings on which the denial was based. 112897

(B) Variances shall be issued or denied in accordance with 112898
this section, rules adopted under division (B)(10) of section 112899
3746.04 of the Revised Code, and Chapter 3745. of the Revised 112900
Code. Upon determining that an application for a variance is 112901
complete, the director shall schedule a public meeting on the 112902
application to be held within ninety days after the director 112903
determines that the application is complete in the county in which 112904
is located the property to which the application pertains. 112905

(C) Not less than thirty days before the date scheduled for 112906
the public meeting on an application for a variance, the director 112907
shall publish notice of the public meeting and that the director 112908
will receive written comments on the application for a period of 112909
forty-five days commencing on the date of the publication of the 112910
notice. The notice shall contain all of the following information, 112911
at a minimum: 112912

(1) The address of the property to which the application 112913
pertains; 112914

(2) A brief summary of the alternative standards and terms 112915
and conditions proposed by the applicant; 112916

(3) The date, time, and location of the public meeting. 112917

The notice shall be published in a newspaper of general 112918
circulation in the county in which the property is located and, if 112919
the property is located in close proximity to the boundary of the 112920
county with an adjacent county, as determined by the director, 112921
shall be published in a newspaper of general circulation in the 112922
adjacent county. Concurrently with the publication of the notice 112923
of the public meeting, the director shall mail notice of the 112924
application, comment period, and public meeting to the owner of 112925
each parcel of land that is adjacent to the affected property and 112926
to the legislative authority of the municipal corporation or 112927
township, and county, in which the affected property is located. 112928
The notices mailed to the adjacent land owners and legislative 112929
authorities shall contain the same information as the published 112930
notice. 112931

(D) At the public meeting on an application for a variance, 112932
the applicant, or a representative of the applicant who is 112933
knowledgeable about the affected property and the application, 112934
shall present information regarding the application and the basis 112935
of the request for the variance and shall respond to questions 112936
from the public regarding the affected property and the 112937
application. A representative of the environmental protection 112938
agency who is familiar with the affected property and the 112939
application shall attend the public meeting to hear the public's 112940
comments and to respond to questions from the public regarding the 112941
affected property and the application. A stenographic record or 112942
electronic record of the proceedings at the public meeting shall 112943
be kept and shall be made a part of the administrative record 112944
regarding the application. 112945

(E) Within ninety days after conducting the public meeting on 112946
an application for a variance under division (D) of this section, 112947
the director shall issue a proposed action to the applicant in 112948

accordance with section 3745.07 of the Revised Code that indicates 112949
the director's intent with regard to the issuance or denial of the 112950
application. When considering whether to issue or deny the 112951
application or whether to impose terms and conditions of the 112952
variance that are in addition or alternative to those proposed by 112953
the applicant, the director shall consider comments on the 112954
application made by the public at the public meeting and written 112955
comments on the application received from the public. 112956

Sec. 3752.11. (A) As used in this section: 112957

(1) "Reporting facility" means a reporting facility at which 112958
all regulated operations have been temporarily or permanently 112959
discontinued. 112960

(2) "Abandoned by the owner" means either of the following 112961
that occurs on or after ~~the effective date of this section~~ July 1, 112962
1996: 112963

(a) All of the fee owners of a reporting facility have 112964
indicated ~~affirmately~~ affirmatively in writing to the holder of 112965
the first mortgage on the real property at the facility that they, 112966
and all tenants claiming possession under those owners, have 112967
abandoned all rights of possession to the reporting facility; 112968

(b) The first mortgage loan on the real property at the 112969
reporting facility is in default, the property is not occupied by 112970
any tenants, and the holder of the first ~~morgage~~ mortgage has been 112971
unable to contact the mortgagor under the mortgage regarding the 112972
default within the earlier of ninety days after the default or 112973
sixty days after the first time the first mortgage holder has 112974
attempted unsuccessfully to contact the mortgagor following the 112975
default if the first mortgage holder is unable to contact the 112976
mortgagor within the sixty-day period. 112977

(3) "Default" means the failure of the mortgagor to make any 112978

payment to the holder of the first mortgage required by the terms 112979
of the mortgage documents that is not cured by the mortgagor 112980
within any applicable cure periods, deferred with the consent of 112981
the holder of the first mortgage, or waived by the holder of the 112982
first mortgage. 112983

(4) "Contact" means actual person to person, telephonic, or 112984
similar direct voice conversation between the holder of the first 112985
mortgage and the mortgagor or written correspondence from the 112986
mortgagor to the holder of the first mortgage by mail, ~~telegram,~~ 112987
~~telex~~ any other method capable of documenting the intended 112988
recipient's receipt of the document or notice, or similar means of 112989
communication. 112990

(B) Not later than fifteen days after a reporting facility 112991
has been abandoned by the owner, the holder of the first mortgage 112992
on real property at the reporting facility shall do both of the 112993
following: 112994

(1) Secure against unauthorized entry each building or 112995
structure at the facility where regulated operations were 112996
conducted and that contains or is contaminated with regulated 112997
substances and each outdoor location of operation. The holder 112998
shall secure each such building, structure, or outdoor location of 112999
operation by boarding windows, doors, and other potential means of 113000
entry, by providing security personnel, or by other methods 113001
prescribed in rules adopted under section 3752.03 of the Revised 113002
Code. Within that period, the holder also shall post about each 113003
such building, structure, or outdoor location of operation in 113004
publicly visible locations warning signs that prohibit trespassing 113005
and state that the building, structure, or outdoor location of 113006
operation contains or is contaminated with regulated substances 113007
that may endanger public health or safety if released into the 113008
environment. The holder shall continue the security measures, and 113009
maintain the warning signs, as required at each such building, 113010

structure, or outdoor location of operation until title to the 113011
facility has been transferred or until the holder files a release 113012
of the mortgage with the county recorder of the county in which 113013
the facility is located. Promptly after discovering that any of 113014
the entry barriers or warning signs installed pursuant to division 113015
(B)(1) of this section have been damaged, lost, or removed, the 113016
holder shall repair or replace them in order to maintain the 113017
security of the building, structure, or outdoor location of 113018
operation. 113019

(2) Submit to the director of environmental protection, the 113020
local emergency planning committee of the emergency planning 113021
district in which the facility is located, and the fire department 113022
having jurisdiction where the facility is located a notice of the 113023
abandonment of the facility by the owner and of the holder's 113024
compliance with division (B)(1) of this section. The holder shall 113025
submit the notice on a form prescribed by the director. 113026

(C) Within thirty days before the date when the holder of a 113027
mortgage will cease to maintain security and warning signs at a 113028
reporting facility pursuant to the filing of a release of the 113029
mortgage as provided in division (B)(1) of this section, the 113030
holder shall so notify the director, the local emergency planning 113031
committee of the emergency planning district in which the facility 113032
is located, and the fire department having jurisdiction where the 113033
facility is located. The holder shall submit the notice on a form 113034
prescribed by the director. 113035

(D) Actions undertaken by a holder of a mortgage under 113036
division (B) of this section, and the undertaking of any other 113037
activities relating to protecting and securing the facility, do 113038
not cause the holder to be an owner, operator, or mortgagee in 113039
possession of the facility or subject the holder to this chapter 113040
or any other provision of state law imposing liability or 113041
responsibility for the cleanup, removal, or remediation of 113042

regulated substances, provided that all activities not specified 113043
in that division shall be performed in compliance with the 113044
applicable requirements of Chapters 3704., 3714., 3734., 3737., 113045
3750., 3751., 6109., and 6111. of the Revised Code and rules 113046
adopted under them. 113047

(E) The holder of a mortgage who proceeds in good faith under 113048
divisions (B) and (C) of this section is not liable to the owner 113049
of the facility or the mortgagor, as appropriate, for damages 113050
suffered by the owner or mortgagor due to actions taken by the 113051
holder under those divisions. 113052

(F) Nothing in this section prevents the holder of a first 113053
mortgage from applying to the court for the appointment of a 113054
receiver. If a receiver is appointed, the receiver shall succeed 113055
to the obligations of the holder of the first mortgage under 113056
divisions (B) and (C) of this section. 113057

(G) No person shall fail to comply with this section. 113058

Sec. 3772.031. (A)(1) The general assembly finds that the 113059
exclusion or ejection of certain persons from casino facilities 113060
and from sports gaming is necessary to effectuate the intents and 113061
purposes of this chapter and Chapter 3775. of the Revised Code and 113062
to maintain strict and effective regulation of casino gaming and 113063
sports gaming. 113064

(2) The commission, by rule, shall provide for a list of 113065
persons who are to be excluded or ejected from a casino facility 113066
and a list of persons who are to be excluded or ejected from a 113067
sports gaming facility and from participating in the play or 113068
operation of sports gaming in this state. Persons included on an 113069
exclusion list shall be identified by name and physical 113070
description. The commission shall publish the exclusion lists on 113071
its web site, and shall transmit a copy of the exclusion lists 113072
periodically to casino operators and sports gaming proprietors, as 113073

applicable, as they are initially issued and thereafter as they are revised from time to time. 113074
113075

(3) A casino operator shall take steps necessary to ensure that all its key employees and casino gaming employees are aware of and understand the casino exclusion list and its function, and that all its key employees and casino gaming employees are kept aware of the content of the casino exclusion list as it is issued and thereafter revised from time to time. 113076
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(4) A sports gaming proprietor shall take steps necessary to ensure that its appropriate agents and employees are aware of and understand the sports gaming exclusion list and its function, and that all its appropriate agents and employees are kept aware of the content of the sports gaming exclusion list as it is issued and thereafter revised from time to time. 113082
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(B) The casino exclusion list may include any person whose presence in a casino facility is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of this chapter, or to the strict and effective regulation of casino gaming. The sports gaming exclusion list may include any person whose presence in a sports gaming facility or whose participation in the play or operation of sports gaming in this state is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of Chapter 3775. of the Revised Code, or to the strict and effective regulation of sports gaming. In determining whether to include a person on an exclusion list, the commission may consider: 113088
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(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and 113101
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(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino

facility or in the sports gaming industry in this state would be 113135
adverse to the interest of licensed gaming in this state; 113136

(7) If the commission has suspended the person's gaming 113137
privileges; 113138

(8) If the commission has revoked the person's licenses 113139
related to this chapter or Chapter 3775. of the Revised Code; 113140

(9) If the commission determines that the person poses a 113141
threat to the safety of patrons or employees of a casino facility 113142
or a sports gaming facility; 113143

(10) If the person has a history of conduct involving the 113144
disruption of gaming operations within a casino facility or in the 113145
sports gaming industry in this state. 113146

Race, color, creed, national origin or ancestry, or sex are 113147
not grounds for placing a person on an exclusion list. 113148

(C) The commission shall notify a person of the commission's 113149
intent to include such person on one or both exclusion lists. The 113150
notice shall be provided by personal service, by certified mail to 113151
the person's last known address, by commercial carrier utilizing a 113152
method of delivery that provides confirmation of delivery, or, if 113153
service cannot be accomplished by personal service ~~or~~, certified 113154
mail, or commercial carrier, by publication daily for two weeks in 113155
a newspaper of general circulation within the county in which the 113156
person resides and in a newspaper of general circulation within 113157
each county in which a casino facility or sports gaming facility, 113158
as applicable, is located. 113159

(D)(1) Except as otherwise provided in this section, a person 113160
who receives notice of intent to include the person on an 113161
exclusion list is entitled, upon the person's request, to an 113162
adjudication hearing under Chapter 119. of the Revised Code, in 113163
which the person may demonstrate why the person should not be 113164
included on the exclusion list or lists. The person shall request 113165

such an adjudication hearing not later than thirty days after the 113166
person receives the notice by personal service ~~or~~, certified mail, 113167
or commercial carrier, or not later than thirty days after the 113168
last newspaper publication of the notice. 113169

(2) If the person does not request a hearing in accordance 113170
with division (D)(1) of this section, the commission may, but is 113171
not required to, conduct an adjudication hearing under Chapter 113172
119. of the Revised Code. The commission may reopen an 113173
adjudication under this section at any time. 113174

(3) If the adjudication hearing, order, or any appeal thereof 113175
under Chapter 119. of the Revised Code results in an order that 113176
the person should not be included on the exclusion list or lists, 113177
the commission shall publish a revised exclusion list that does 113178
not include the person. The commission also shall notify casino 113179
operators or sports gaming proprietors, as applicable, that the 113180
person has been removed from the exclusion list or lists. A casino 113181
operator shall take all steps necessary to ensure its key 113182
employees and casino gaming employees are made aware that the 113183
person has been removed from the casino exclusion list. A sports 113184
gaming proprietor shall take all steps necessary to ensure its 113185
appropriate agents and employees are made aware that the person 113186
has been removed from the sports gaming exclusion list. 113187

(E) This section does not apply to any voluntary exclusion 113188
list created as part of a voluntary exclusion program under this 113189
chapter or Chapter 3775. of the Revised Code. 113190

Sec. 3772.04. (A)(1) If the commission concludes that an 113191
applicant, licensee, or other person subject to the commission's 113192
jurisdiction under this chapter should be fined or penalized, or 113193
that a license required by this chapter or Chapter 3775. of the 113194
Revised Code should be limited, conditioned, restricted, 113195
suspended, revoked, denied, or not renewed, the commission may, 113196

and if so requested by the licensee, applicant, or other person, 113197
shall, conduct a hearing in an adjudication under Chapter 119. of 113198
the Revised Code. After notice and opportunity for a hearing, the 113199
commission may fine or penalize the applicant, licensee, or other 113200
person or limit, condition, restrict, suspend, revoke, deny, or 113201
not renew a license under rules adopted by the commission. The 113202
commission may reopen an adjudication under this section at any 113203
time. 113204

(2) The commission shall appoint a hearing examiner to 113205
conduct the hearing in the adjudication. A party to the 113206
adjudication may file written objections to the hearing examiner's 113207
report and recommendations not later than the thirtieth day after 113208
they are served upon the party or the party's attorney or other 113209
representative of record. The commission shall not take up the 113210
hearing examiner's report and recommendations earlier than the 113211
thirtieth day after the hearing examiner's report and 113212
recommendations were submitted to the commission. 113213

(3) If the commission finds that a person fails or has failed 113214
to meet any requirement under this chapter or Chapter 3775. of the 113215
Revised Code or a rule adopted thereunder, or violates or has 113216
violated this chapter or Chapter 3775. of the Revised Code or a 113217
rule adopted thereunder, the commission may issue an order: 113218

(a) Limiting, conditioning, restricting, suspending, 113219
revoking, denying, or not renewing, a license issued under this 113220
chapter or Chapter 3775. of the Revised Code; 113221

(b) Requiring a casino facility to exclude a licensee from 113222
the casino facility or requiring a casino facility not to pay to 113223
the licensee any remuneration for services or any share of 113224
profits, income, or accruals on the licensee's investment in the 113225
casino facility; or 113226

(c) Fining a licensee or other person according to the 113227

penalties adopted by the commission. 113228

(4) An order may be judicially reviewed under section 119.12 113229
of the Revised Code. 113230

(B) Without in any manner limiting the authority of the 113231
commission to impose the level and type of discipline the 113232
commission considers appropriate, the commission may take into 113233
consideration the following: 113234

(1) If the licensee knew or reasonably should have known that 113235
the action complained of was a violation of any law, rule, or 113236
condition on the licensee's license; 113237

(2) If the licensee has previously been disciplined by the 113238
commission; 113239

(3) If the licensee has previously been subject to discipline 113240
by the commission concerning the violation of any law, rule, or 113241
condition of the licensee's license; 113242

(4) If the licensee reasonably relied upon professional 113243
advice from a lawyer, doctor, accountant, or other recognized 113244
professional that was relevant to the action resulting in the 113245
violation; 113246

(5) If the licensee or the licensee's employer had a 113247
reasonably constituted and functioning compliance program; 113248

(6) If the imposition of a condition requiring the licensee 113249
to establish and implement a written self-enforcement and 113250
compliance program would assist in ensuring the licensee's future 113251
compliance with all statutes, rules, and conditions of the 113252
license; 113253

(7) If the licensee realized a pecuniary gain from the 113254
violation; 113255

(8) If the amount of any fine or other penalty imposed would 113256
result in disgorgement of any gains unlawfully realized by the 113257

licensee;	113258
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	113259 113260 113261
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	113262 113263 113264
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	113265 113266 113267
(12) If the licensee's action substantially deviated from industry standards and customs;	113268 113269
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	113270 113271
(14) If the licensee has initiated remedial measures to prevent similar violations;	113272 113273
(15) The magnitude of penalties imposed on other licensees for similar violations;	113274 113275
(16) The proportionality of the penalty in relation to the misconduct;	113276 113277
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	113278 113279
(18) Any mitigating factors offered by the licensee; and	113280
(19) Any other factors the commission considers relevant.	113281
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual	113282 113283 113284 113285 113286

notice to all interested parties. 113287

(D)(1) For the purpose of conducting the hearing in an 113288
adjudication under division (A) of this section, or in the 113289
discharge of any duties imposed by this chapter or Chapter 3775. 113290
of the Revised Code, the commission may require that testimony be 113291
given under oath and administer such oath, issue subpoenas 113292
compelling the attendance of witnesses and the production of any 113293
papers, books, and accounts, directed to the sheriffs of the 113294
counties where such witnesses or papers, books, and accounts are 113295
found and cause the deposition of any witness. The subpoenas shall 113296
be served and returned in the same manner as subpoenas in criminal 113297
cases are served and returned. The fees of sheriffs shall be the 113298
same as those allowed by the court of common pleas in criminal 113299
cases. 113300

(2) In the event of the refusal of any person without good 113301
cause to comply with the terms of a subpoena issued by the 113302
commission or refusal to testify on matters about which the person 113303
may lawfully be questioned, the prosecuting attorney of the county 113304
in which such person resides, upon the petition of the commission, 113305
may bring a proceeding for contempt against such person in the 113306
court of common pleas of that county. 113307

(3) Witnesses shall be paid the fees and mileage provided for 113308
in section 119.094 of the Revised Code. 113309

(4) All fees and mileage expenses incurred at the request of 113310
a party shall be paid in advance by the party. 113311

(E) When conducting a public hearing, the commission shall 113312
not limit the number of speakers who may testify. However, the 113313
commission may set reasonable time limits on the length of an 113314
individual's testimony or the total amount of time allotted to 113315
proponents and opponents of an issue before the commission. 113316

(F) The commission may rely, in whole or in part, upon 113317

investigations, conclusions, or findings of other casino gaming or 113318
sports gaming commissions, as applicable, or other government 113319
regulatory bodies in connection with licensing, investigations, or 113320
other matters relating to an applicant or licensee under this 113321
chapter. 113322

(G) Notwithstanding anything to the contrary in this chapter 113323
or Chapter 3775. of the Revised Code, and except with respect to a 113324
license issued under this chapter to a casino operator, management 113325
company, or holding company, the executive director may issue an 113326
emergency order for the suspension, limitation, or conditioning of 113327
any license, registration, approval, or certificate issued, 113328
approved, granted, or otherwise authorized by the commission under 113329
Chapter 3772. or 3775. of the Revised Code or the rules adopted 113330
thereunder, requiring the inclusion of persons on the casino 113331
exclusion list or sports gaming exclusion list provided for under 113332
section 3772.031 of the Revised Code or Chapter 3775. of the 113333
Revised Code and the rules adopted thereunder, and requiring a 113334
casino facility not to pay a licensee, registrant, or approved or 113335
certified person any remuneration for services or any share of 113336
profits, income, or accruals on that person's investment in the 113337
casino facility. 113338

(1) An emergency order may be issued when the executive 113339
director finds either of the following: 113340

(a) A licensee, registrant, or approved or certified person 113341
has been charged with a violation of any of the criminal laws of 113342
this state, another state, or the federal government; 113343

(b) Such an action is necessary to prevent a violation of 113344
this chapter or Chapter 3775. of the Revised Code or a rule 113345
adopted thereunder. 113346

(2) An emergency order issued under division (G) of this 113347
section shall state the reasons for the commission's action, cite 113348

the law or rule directly involved, and state that the party will 113349
be afforded a hearing if the party requests it within thirty days 113350
after the time of mailing or personal delivery of the order. 113351

(3)(a) Not later than the next business day after the 113352
issuance of the emergency order, the order shall be sent by 113353
registered or certified mail, return receipt requested, or by 113354
commercial carrier utilizing any form of delivery requiring a 113355
signed receipt, to the party at the party's last known mailing 113356
address appearing in the commission's records or personally 113357
delivered at any time to the party by an employee or agent of the 113358
commission. 113359

(b) A copy of the order shall be mailed or an electronic copy 113360
provided to the attorney or other representative of record 113361
representing the party. 113362

(c) If the order sent by registered or certified mail or by 113363
commercial carrier is returned because the party fails to claim 113364
the order, the commission shall send the order by ordinary mail to 113365
the party at the party's last known address and shall obtain a 113366
certificate of mailing. Service by ordinary mail is complete when 113367
the certificate of mailing is obtained unless the order is 113368
returned showing failure of delivery. 113369

(d) If the order sent by commercial carrier or registered, 113370
certified, or ordinary mail is returned for failure of delivery, 113371
the commission shall either make personal delivery of the order by 113372
an employee or agent of the commission or cause a summary of the 113373
substantive provisions of the order to be published once a week 113374
for three consecutive weeks in a newspaper of general circulation 113375
in the county where the last known address of the party is 113376
located. 113377

(i) Failure of delivery occurs only when a mailed order is 113378
returned by the postal authorities or commercial carrier marked 113379

undeliverable, address or addressee unknown, or forwarding address 113380
unknown or expired. 113381

(ii) When service is completed by publication, a proof of 113382
publication affidavit, with the first publication of the summary 113383
set forth in the affidavit, shall be mailed by ordinary mail to 113384
the party at the party's last known address and the order shall be 113385
deemed received as of the date of the last publication. 113386

(e) Refusal of delivery of the order sent by mail or 113387
personally delivered to the party is not failure of delivery and 113388
service is deemed to be complete. 113389

(4) The emergency order shall be effective immediately upon 113390
service of the order on the party. The emergency order shall 113391
remain effective until further order of the executive director or 113392
the commission. 113393

(5) The commission may, and if so requested by the person 113394
affected by the emergency order shall, promptly conduct a hearing 113395
in an adjudication under Chapter 119. of the Revised Code. 113396

Sec. 3772.11. (A) A person may apply to the commission for a 113397
casino operator, management company, or holding company license to 113398
conduct casino gaming at a casino facility as provided in this 113399
chapter. The application shall be ~~made under oath~~ certified as 113400
true on forms provided by the commission and shall contain 113401
information as prescribed by rule, including, but not limited to, 113402
all of the following: 113403

(1) The name, business address, business telephone number, 113404
social security number, and, where applicable, the federal tax 113405
identification number of any applicant; 113406

(2) The identity of every person having a greater than five 113407
per cent direct or indirect interest in the applicant casino 113408
facility for which the license is sought; 113409

(3) An identification of any business, including the state of incorporation or registration if applicable, in which an applicant, or the spouse or children of an applicant, has an equity interest of more than five per cent;

(4) The name of any casino operator, management company, holding company, and gaming-related vendor in which the applicant has an equity interest of at least five per cent;

(5) If an applicant has ever applied for or has been granted any gaming license or certificate issued by a licensing authority in Ohio or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;

(6) If an applicant has ever filed or had filed against it a civil or administrative action or proceeding in bankruptcy, including the date of filing, the name and location of the court, the case caption, the docket number, and the disposition;

(7) The name and business telephone number of any attorney representing an applicant in matters before the commission;

(8) Information concerning the amount, type of tax, the taxing agency, and times involved, if the applicant has filed or been served with a complaint or notice filed with a public body concerning a delinquency in the payment of or a dispute over a filing concerning the payment of a tax required under federal, state, or local law;

(9) A description of any proposed casino gaming operation and related casino enterprises, including the type of casino facility, location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant

regarding compliance with federal and state affirmative action 113441
guidelines, projected or actual admissions, projected or actual 113442
gross receipts, and scientific market research; 113443

(10) Financial information in the manner and form prescribed 113444
by the commission; 113445

(11) If an applicant has directly made a political 113446
contribution, loan, donation, or other payment of one hundred 113447
dollars or more to a statewide office holder, a member of the 113448
general assembly, a local government official elected in a 113449
jurisdiction where a casino facility is located, or a ballot issue 113450
not more than one year before the date the applicant filed the 113451
application and all information relating to the contribution, 113452
loan, donation, or other payment; 113453

(12) Any criminal conviction; and 113454

(13) Other information required by the commission under rules 113455
adopted by the commission. 113456

(B) Any holding company or management company, its directors, 113457
executive officers, members, managers, and any shareholder who 113458
holds more than five per cent ownership interest of a holding 113459
company or management company shall be required to submit the same 113460
information as required by an applicant under this section. 113461

Sec. 3772.12. (A) A person may apply for a gaming-related 113462
vendor license. All applications shall be ~~made under oath~~ 113463
certified as true. 113464

(B) A person who holds a gaming-related vendor's license is 113465
authorized to sell or lease, and to contract to sell or lease, 113466
equipment and supplies to any licensee involved in the ownership 113467
or management of a casino facility. 113468

(C) Gambling supplies and equipment shall not be distributed 113469
unless supplies and equipment conform to standards adopted in 113470

rules adopted by the commission. 113471

Sec. 3772.13. (A) No person may be employed as a key employee 113472
of a casino operator, management company, or holding company 113473
unless the person is the holder of a valid key employee license 113474
issued by the commission. 113475

(B) No person may be employed as a key employee of a 113476
gaming-related vendor unless that person is either the holder of a 113477
valid key employee license issued by the commission, or the 113478
person, at least five business days prior to the first day of 113479
employment as a key employee, has filed a notification of 113480
employment with the commission and subsequently files a completed 113481
application for a key employee license within the first thirty 113482
days of employment as a key employee. 113483

(C) Each applicant shall, before the issuance of any key 113484
employee license, produce information, documentation, and 113485
assurances as are required by this chapter and rules adopted 113486
thereunder. In addition, each applicant shall, in writing, 113487
authorize the examination of all bank accounts and records as may 113488
be deemed necessary by the commission. 113489

(D) To be eligible for a key employee license, the applicant 113490
shall be at least twenty-one years of age and shall meet the 113491
criteria set forth by rule by the commission. 113492

(E) Each application for a key employee license shall be on a 113493
form prescribed by the commission and shall contain all 113494
information required by the commission. The applicant shall set 113495
forth in the application if the applicant has been issued prior 113496
gambling-related licenses; if the applicant has been licensed in 113497
any other state under any other name, and, if so, the name under 113498
which the license was issued and the applicant's age at the time 113499
the license was issued; any criminal conviction the applicant has 113500
had; and if a permit or license issued to the applicant in any 113501

other state has been suspended, restricted, or revoked, and, if 113502
so, the cause and the duration of each action. The applicant also 113503
shall complete a cover sheet for the application on which the 113504
applicant shall disclose the applicant's name, the business 113505
address of the casino operator, management company, holding 113506
company, or gaming-related vendor employing the applicant, the 113507
business address and telephone number of such employer, and the 113508
county, state, and country in which the applicant's residence is 113509
located. 113510

(F) Each applicant shall submit with each application, on a 113511
form provided by the commission, two sets of fingerprints and a 113512
photograph. The commission shall charge each applicant an 113513
application fee set by the commission to cover all actual costs 113514
generated by each licensee and all background checks under this 113515
section and section 3772.07 of the Revised Code. 113516

(G)(1) The casino operator, management company, or holding 113517
company by whom a person is employed as a key employee shall 113518
terminate the person's employment in any capacity requiring a 113519
license under this chapter and shall not in any manner permit the 113520
person to exercise a significant influence over the operation of a 113521
casino facility if: 113522

(a) The person does not apply for and receive a key employee 113523
license within three months of being issued a provisional license, 113524
as established under commission rule. 113525

(b) The person's application for a key employee license is 113526
denied by the commission. 113527

(c) The person's key employee license is revoked by the 113528
commission. 113529

The commission shall notify the casino operator, management 113530
company, or holding company who employs such a person by certified 113531
mail, personal service, common carrier service utilizing any form 113532

of delivery requiring a signed receipt, or by an electronic means 113533
that provides evidence of delivery, of any such finding, denial, 113534
or revocation. 113535

(2) A casino operator, management company, or holding company 113536
shall not pay to a person whose employment is terminated under 113537
division (G)(1) of this section, any remuneration for any services 113538
performed in any capacity in which the person is required to be 113539
licensed, except for amounts due for services rendered before 113540
notice was received under that division. A contract or other 113541
agreement for personal services or for the conduct of any casino 113542
gaming at a casino facility between a casino operator, management 113543
company, or holding company and a person whose employment is 113544
terminated under division (G)(1) of this section may be terminated 113545
by the casino operator, management company, or holding company 113546
without further liability on the part of the casino operator, 113547
management company, or holding company. Any such contract or other 113548
agreement is deemed to include a term authorizing its termination 113549
without further liability on the part of the casino operator, 113550
management company, or holding company upon receiving notice under 113551
division (G)(1) of this section. That a contract or other 113552
agreement does not expressly include such a term is not a defense 113553
in any action brought to terminate the contract or other 113554
agreement, and is not grounds for relief in any action brought 113555
questioning termination of the contract or other agreement. 113556

(3) A casino operator, management company, or holding 113557
company, without having obtained the prior approval of the 113558
commission, shall not enter into any contract or other agreement 113559
with a person who has been found unsuitable, who has been denied a 113560
license, or whose license has been revoked under division (G)(1) 113561
of this section, or with any business enterprise under the control 113562
of such a person, after the date on which the casino operator, 113563
management company, or holding company receives notice under that 113564

division. 113565

Sec. 3772.131. (A) All casino gaming employees are required 113566
to have a casino gaming employee license. "Casino gaming employee" 113567
means the following and their supervisors: 113568

(1) Individuals involved in operating a casino gaming pit, 113569
including dealers, skills, clerks, hosts, and junket 113570
representatives; 113571

(2) Individuals involved in handling money, including 113572
cashiers, change persons, count teams, and coin wrappers; 113573

(3) Individuals involved in operating casino games; 113574

(4) Individuals involved in operating and maintaining slot 113575
machines, including mechanics, floor persons, and change and 113576
payoff persons; 113577

(5) Individuals involved in security, including guards and 113578
game observers; 113579

(6) Individuals with duties similar to those described in 113580
divisions (A)(1) to (5) of this section or other persons as the 113581
commission determines. "Casino gaming employee" does not include 113582
an individual whose duties are related solely to nongaming 113583
activities such as entertainment, hotel operation, maintenance, or 113584
preparing or serving food and beverages. 113585

(B) The commission may issue a casino gaming employee license 113586
to an applicant after it has determined that the applicant is 113587
eligible for a license under rules adopted by the commission and 113588
paid any applicable fee. All applications shall be ~~made under oath~~ 113589
certified as true. 113590

(C) To be eligible for a casino gaming employee license, an 113591
applicant shall be at least twenty-one years of age. 113592

(D) Each application for a casino gaming employee license 113593

shall be on a form prescribed by the commission and shall contain 113594
all information required by the commission. The applicant shall 113595
set forth in the application if the applicant has been issued 113596
prior gambling-related licenses; if the applicant has been 113597
licensed in any other state under any other name, and, if so, the 113598
name under which the license was issued and the applicant's age at 113599
the time the license was issued; any criminal conviction the 113600
applicant has had; and if a permit or license issued to the 113601
applicant in any other state has been suspended, restricted, or 113602
revoked, and, if so, the cause and the duration of each action. 113603

(E) Each applicant shall submit with each application, on a 113604
form provided by the commission, two sets of the applicant's 113605
fingerprints and a photograph. The commission shall charge each 113606
applicant an application fee to cover all actual costs generated 113607
by each licensee and all background checks. 113608

Sec. 3781.08. The board of building standards shall organize 113609
by choosing a ~~chairman~~ chairperson who shall serve for a term of 113610
two years. The department of commerce shall provide and assign to 113611
the board of building standards such ~~stenographers~~, clerks, 113612
experts, and other employees as are required to enable the board 113613
to perform the duties and exercise the powers imposed upon or 113614
vested in it by law. 113615

Sec. 3781.11. (A) The rules of the board of building 113616
standards shall: 113617

(1) For nonresidential buildings, provide uniform minimum 113618
standards and requirements, and for residential buildings, provide 113619
standards and requirements that are uniform throughout the state, 113620
for construction and construction materials, including 113621
construction of industrialized units, to make residential and 113622
nonresidential buildings safe and sanitary as defined in section 113623

3781.06 of the Revised Code; 113624

(2) Formulate such standards and requirements, so far as may 113625
be practicable, in terms of performance objectives, so as to make 113626
adequate performance for the use intended the test of 113627
acceptability; 113628

(3) Permit, to the fullest extent feasible, the use of 113629
materials and technical methods, devices, and improvements, 113630
including the use of industrialized units which tend to reduce the 113631
cost of construction and erection without affecting minimum 113632
requirements for the health, safety, and security of the occupants 113633
or users of buildings or industrialized units and without 113634
preferential treatment of types or classes of materials or 113635
products or methods of construction; 113636

(4) Encourage, so far as may be practicable, the 113637
standardization of construction practices, methods, equipment, 113638
material, and techniques, including methods employed to produce 113639
industrialized units; 113640

(5) Not require any alteration or repair of any part of a 113641
school building owned by a chartered nonpublic school or a city, 113642
local, exempted village, or joint vocational school district and 113643
operated in conjunction with any primary or secondary school 113644
program that is not being altered or repaired if all of the 113645
following apply: 113646

(a) The school building meets all of the applicable building 113647
code requirements in existence at the time of the construction of 113648
the building. 113649

(b) The school building otherwise satisfies the requirements 113650
of section 3781.06 of the Revised Code. 113651

(c) The part of the school building altered or repaired 113652
conforms to all rules of the board existing on the date of the 113653
repair or alteration. 113654

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which 113686
minimum standards are prescribed by the state board of education 113687
pursuant to division (D) of section 3301.07 of the Revised Code. 113688

(2) "Workshop or factory" includes manufacturing, mechanical, 113689
electrical, mercantile, art, and laundering establishments, 113690
printing, ~~telegraph~~, and telephone offices, railroad depots, and 113691
memorial buildings, but does not include hotels and tenement and 113692
apartment houses. 113693

Sec. 3781.25. As used in sections 3781.25 to 3781.38 of the 113694
Revised Code: 113695

(A) "Protection service" means a notification center, but not 113696
an owner of an individual utility, that exists for the purpose of 113697
receiving notice from persons that prepare plans and 113698
specifications for or that engage in excavation work, that 113699
distributes this information to its members and participants, and 113700
that has registered by March 14, 1989, with the secretary of state 113701
and the public utilities commission of Ohio under former division 113702
(F) of section 153.64 of the Revised Code as it existed on that 113703
date. 113704

(B) "Underground utility facility" includes any item buried 113705
or placed below ground or submerged under water for use in 113706
connection with the storage or conveyance of water or sewage; 113707
electronic, or telephonic, ~~or telegraphic~~ communications; 113708
television signals; electricity; crude oil; petroleum products; 113709
artificial or liquefied petroleum; manufactured, mixed, or natural 113710
gas; synthetic or liquefied natural gas; propane gas; coal; steam; 113711
hot water; or other substances. "Underground utility facility" 113712
includes all operational underground pipes, sewers, tubing, 113713
conduits, cables, valves, lines, wires, worker access holes, and 113714
attachments, owned by any person, firm, or company. "Underground 113715
utility facility" does not include a private septic system in a 113716

one-family or multi-family dwelling utilized only for that 113717
dwelling and not connected to any other system. 113718

(C) "Utility" means any owner or operator, or an agent of an 113719
owner or operator, of an underground utility facility, including 113720
any public authority, that owns or operates an underground utility 113721
facility. "Utility" does not include the owners of the following 113722
types of real property with respect to any underground utility 113723
facility located on that property: 113724

(1) The owner of a single-family or two-, three-, or 113725
four-unit residential dwelling; 113726

(2) The owner of an apartment complex; 113727

(3) The owner of a commercial or industrial building or 113728
complex of buildings, including but not limited to, factories and 113729
shopping centers; 113730

(4) The owner of a farm; 113731

(5) The owner of an exempt domestic well as defined in 113732
section 1509.01 of the Revised Code. 113733

(D) "Approximate location" means the immediate area within 113734
the perimeter of a proposed excavation site where the underground 113735
utility facilities are located. 113736

(E) "Tolerance zone" means the site of the underground 113737
utility facility including the width of the underground utility 113738
facility plus eighteen inches on each side of the facility. 113739

(F) "Working days" excludes Saturdays, Sundays, and legal 113740
holidays as defined in section 1.14 of the Revised Code and 113741
"hours" excludes hours on Saturdays, Sundays, and legal holidays. 113742

(G) "Designer" means an engineer, architect, landscape 113743
architect, contractor, surveyor, or other person who develops 113744
plans or designs for real property improvement or any other 113745
activity that will involve excavation. 113746

(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

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(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.

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(J) "Excavation site" means the area within which excavation will be performed.

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(K) "Excavator" means the person or persons responsible for making the actual excavation.

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(L) "Interstate gas pipeline" means an interstate gas pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C. 1671, as amended.

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(M) "Interstate hazardous liquids pipeline" means an interstate hazardous liquids pipeline subject to the "Hazardous Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 2002, as amended.

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(N) "Special notification requirements" means requirements for notice to an owner of an interstate hazardous liquids pipeline or an interstate gas pipeline that must be made prior to commencing excavation and pursuant to the owner's public safety

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program adopted under federal law. 113778

(O) "Commercial excavator" means any excavator, excluding a utility as defined in this section, that satisfies both of the following: 113779
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(1) For compensation, performs, directs, supervises, or is responsible for the excavation, construction, improvement, renovation, repair, or maintenance on a construction project and holds out or represents oneself as qualified or permitted to act as such; 113782
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(2) Employs tradespersons who actually perform excavation, construction, improvement, renovation, repair, or maintenance on a construction project. 113787
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(P) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes a public authority. 113790
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(Q) "Positive response system" means an automated system facilitated by a protection service allowing a utility to communicate to an excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site. 113792
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(R) "One-call notification system" means the software or communications system used by a protection system to notify its membership of proposed excavation sites. 113797
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(S) "Project" means any undertaking by a private party of an improvement requiring excavation. 113800
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(T) "Public authority" has the same meaning as in section 153.64 of the Revised Code. 113802
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(U) "Improvement" means any construction, reconstruction, improvement, enlargement, alteration, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and all other 113804
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structures or works of any nature. 113808

(V) "Emergency" means an unexpected occurrence causing a 113809
disruption or damage to an underground utility facility that 113810
requires immediate repair or a situation that creates a clear and 113811
imminent danger that demands immediate action to prevent or 113812
mitigate loss of or damage to life, health, property, or essential 113813
public services. 113814

(W) "Nondestructive manner" means using low-impact, low-risk 113815
technologies such as hand tools, or hydro or air vacuum excavation 113816
equipment. 113817

(X) "Cable service provider" has the same meaning as in 113818
section 1332.01 of the Revised Code. 113819

(Y) "Electric cooperative" and "electric utility" have the 113820
same meanings as in section 4928.01 of the Revised Code. 113821

Sec. 3781.29. (A)(1) Except as otherwise provided in division 113822
(A)(2) of this section, within forty-eight hours of receiving 113823
notice under section 3781.28 of the Revised Code, each utility 113824
shall review the status of its facilities within the excavation 113825
site, locate and mark its underground utility facilities at the 113826
excavation site in such a manner as to indicate their course, and 113827
report the appropriate information to the protection service for 113828
its positive response system. If a utility does not mark its 113829
underground utility facilities or contact the excavator within 113830
that time, the utility is deemed to have given notice that it does 113831
not have any facilities at the excavation site. If the utility 113832
cannot accurately mark the facilities, the utility shall mark them 113833
to the best of its ability, notify the excavator using the 113834
positive response system that the markings may not be accurate, 113835
and provide additional guidance to the excavator in locating the 113836
facilities as needed during the excavation. 113837

(2) In the case of an interstate hazardous liquids pipeline 113838
or an interstate gas pipeline, the owner of the pipeline shall 113839
locate and mark its pipeline within the time frame established in 113840
the public safety program of the owner. 113841

(B) Unless a facility actually is uncovered or probed by the 113842
utility or excavator, any indications of the depth of the facility 113843
shall be treated as estimates only. 113844

(C)(1) Except as provided in division (C)(2) of this section, 113845
a utility shall mark its underground facilities using the 113846
following color codes: 113847

Type of Underground			
Utility Facility	Color		113849
Electric power transmission	Safety red		113850
and distribution			113851
Gas transmission and distribution	High visibility safety yellow		113852
Oil transmission and distribution	High visibility safety yellow		113853
Dangerous materials, product	High visibility safety yellow		113854
lines, and steam lines			113855
Telephone and telegraph systems	Safety alert orange		113856
Police and fire communications	Safety alert orange		113857
Cable television	Safety alert orange		113858
Water systems	Safety precaution blue		113859
Slurry systems	Safety precaution purple		113860
Sewer lines	Safety green.		113861

(2) All underground facilities shall be marked in accordance 113862
with the Ohio universal marking standards that are on file with 113863
the Ohio utilities protection service. Industry representatives 113864
serving on Ohio damage prevention councils shall review the 113865
marking standards every two years. 113866

(D) Except as otherwise provided in divisions (E) and (F) of 113867
this section, prior to notifying a protection service of the 113868
proposed excavation, an excavator shall define and premark the 113869

approximate location. Proposed construction or excavation markings shall be made in white through the use of an industry-recognized method such as chalk-based paint, flags, stakes, or other method applicable to the specific site and when possible shall indicate the excavator's identity by name, abbreviation, or initial.

(E)(1) Before beginning an emergency excavation, or as soon as possible thereafter, an excavator shall make every effort to notify a protection service of the excavation. In providing notification, the excavator shall provide, at a minimum:

(a) The name of the individual notifying the protection service;

(b) The name, address, any electronic mail address, and ~~any~~ telephone ~~and facsimile~~ numbers of the excavator;

(c) The specific location of the excavation site;

(d) A description of the excavation.

(2) Upon receiving the information set forth in division (E)(1) of this section, the protection service shall provide the excavator with a reference number and a list of utilities that the protection service intends to notify. The protection service shall immediately notify each utility that according to the registration information provided under section 3781.26 of the Revised Code has facilities located within the designated area of the emergency excavation.

(3) Any utility notified of an emergency excavation may inspect all of its underground utility facilities located at the emergency excavation site and may take any otherwise lawful action it considers necessary to prevent disturbance to or interference with its facilities during excavation.

(F) An excavator is not required to premark the approximate location of an excavation as provided in division (D) of this

section in any of the following situations: 113900

(1) The utility can determine the precise location, 113901
direction, size, and length of the proposed excavation site by 113902
referring to the notification provided by the protection service 113903
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 113904

(2) The excavator and the affected utility have had an 113905
on-site, preconstruction meeting for the purpose of premarking the 113906
excavation site. 113907

(3) The excavation involves replacing a pole that is within 113908
five feet of the location of an existing pole. 113909

(4) Premarking by the excavator would clearly interfere with 113910
pedestrian or vehicular traffic control. 113911

Sec. 3781.342. (A) The underground technical committee may 113912
conduct meetings in person, by teleconference, or by video 113913
conference. 113914

(B) The committee shall establish a primary meeting location 113915
that is open and accessible to the public. 113916

(C) Before convening a meeting by teleconference or video 113917
conference, the committee shall send, via electronic mail, 113918
~~facsimile~~, or United States postal service, a copy of 113919
meeting-related documents to each committee member. 113920

(D) The minutes of each meeting shall specify who was 113921
attending by teleconference, who was attending by video 113922
conference, and who was physically present. Any vote taken in a 113923
meeting held by teleconference that is not unanimous shall be 113924
recorded as a roll call vote. 113925

Sec. 3904.08. (A) If any individual, after proper 113926
identification, submits a written request to an insurance 113927
institution, agent, or insurance support organization for access 113928

to recorded personal information about the individual that is 113929
reasonably described by the individual and reasonably locatable 113930
and retrievable by the insurance institution, agent, or insurance 113931
support organization, the insurance institution, agent, or 113932
insurance support organization, within thirty business days from 113933
the date such request is received, shall do all of the following: 113934

(1) Inform the individual of the nature and substance of such 113935
recorded personal information in writing, by telephone, or by 113936
other oral communication, whichever the insurance institution, 113937
agent, or insurance support organization prefers; 113938

(2) Permit the individual to ~~see and copy, in person, such~~ 113939
~~recorded personal information pertaining to him or to obtain a~~ 113940
copy of such recorded ~~personal~~ information ~~by mail, whichever the~~ 113941
~~individual prefers~~ in a manner agreed upon by the individual and 113942
insurance institution, agent, or insurance support organization, 113943
unless such recorded personal information is in coded form, in 113944
which case an accurate translation in plain language shall be 113945
provided in writing; 113946

(3) Disclose to the individual the identity, if recorded, of 113947
those persons to whom the insurance institution, agent, or 113948
insurance support organization has disclosed such personal 113949
information within two years prior to such request, and if the 113950
identity is not recorded, the names of those insurance 113951
institutions, agents, insurance support organizations, or other 113952
persons to whom such information is normally disclosed; 113953

(4) Provide the individual with a summary of the procedures 113954
by which ~~he~~ the individual may request correction, amendment, or 113955
deletion of recorded personal information. 113956

(B) Any personal information provided pursuant to division 113957
(A) of this section shall identify the source of the information 113958
if such source is an institutional source. 113959

(C) Medical record information supplied by a medical care institution or medical professional and requested under division (A) of this section, together with the identity of the medical professional or medical care institution that provided such information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent, or insurance support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent, or insurance support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

(D) Except for personal information provided under section 3904.10 of the Revised Code, an insurance institution, agent, or insurance support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

(E) The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under division (A) of this section, an insurance institution, agent, or insurance support organization may make arrangements with an insurance support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

(F) The rights granted to individuals in this section extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent, or insurance support organization in connection with an insurance

transaction. The rights granted to all natural persons by this 113992
division do not extend to information about them that relates to 113993
and is collected in connection with or in reasonable anticipation 113994
of a claim or civil or criminal proceeding involving them. 113995

(G) This section does not apply to a consumer reporting 113996
agency. 113997

Sec. 4121.19. A full and complete record shall be kept of all 113998
proceedings had before the bureau of workers' compensation on any 113999
investigation, ~~and all testimony shall be taken down by a~~ 114000
~~stenographer appointed by the bureau.~~ 114001

Sec. 4123.512. (A) The claimant or the employer may appeal an 114002
order of the industrial commission made under division (E) of 114003
section 4123.511 of the Revised Code in any injury or occupational 114004
disease case, other than a decision as to the extent of disability 114005
to the court of common pleas of the county in which the injury was 114006
inflicted or in which the contract of employment was made if the 114007
injury occurred outside the state, or in which the contract of 114008
employment was made if the exposure occurred outside the state. If 114009
no common pleas court has jurisdiction for the purposes of an 114010
appeal by the use of the jurisdictional requirements described in 114011
this division, the appellant may use the venue provisions in the 114012
Rules of Civil Procedure to vest jurisdiction in a court. If the 114013
claim is for an occupational disease, the appeal shall be to the 114014
court of common pleas of the county in which the exposure which 114015
caused the disease occurred. Like appeal may be taken from an 114016
order of a staff hearing officer made under division (D) of 114017
section 4123.511 of the Revised Code from which the commission has 114018
refused to hear an appeal. Except as otherwise provided in this 114019
division, the appellant shall file the notice of appeal with a 114020
court of common pleas within sixty days after the date of the 114021
receipt of the order appealed from or the date of receipt of the 114022

order of the commission refusing to hear an appeal of a staff 114023
hearing officer's decision under division (D) of section 4123.511 114024
of the Revised Code. Either the claimant or the employer may file 114025
a notice of an intent to settle the claim within thirty days after 114026
the date of the receipt of the order appealed from or of the order 114027
of the commission refusing to hear an appeal of a staff hearing 114028
officer's decision. The claimant or employer shall file notice of 114029
intent to settle with the administrator of workers' compensation, 114030
and the notice shall be served on the opposing party and the 114031
party's representative. The filing of the notice of intent to 114032
settle extends the time to file an appeal to one hundred fifty 114033
days, unless the opposing party files an objection to the notice 114034
of intent to settle within fourteen days after the date of the 114035
receipt of the notice of intent to settle. The party shall file 114036
the objection with the administrator, and the objection shall be 114037
served on the party that filed the notice of intent to settle and 114038
the party's representative. The filing of the notice of the appeal 114039
with the court is the only act required to perfect the appeal. 114040

If an action has been commenced in a court of a county other 114041
than a court of a county having jurisdiction over the action, the 114042
court, upon notice by any party or upon its own motion, shall 114043
transfer the action to a court of a county having jurisdiction. 114044

Notwithstanding anything to the contrary in this section, if 114045
the commission determines under section 4123.522 of the Revised 114046
Code that an employee, employer, or their respective 114047
representatives have not received written notice of an order or 114048
decision which is appealable to a court under this section and 114049
which grants relief pursuant to section 4123.522 of the Revised 114050
Code, the party granted the relief has sixty days from receipt of 114051
the order under section 4123.522 of the Revised Code to file a 114052
notice of appeal under this section. 114053

(B) The notice of appeal shall state the names of the administrator of workers' compensation, the claimant, and the employer; the number of the claim; the date of the order appealed from; and the fact that the appellant appeals therefrom.

The administrator, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates or may result in a recovery from the employer if the employer is determined to be a noncomplying employer under section 4123.75 of the Revised Code.

(C) The attorney general or one or more of the attorney general's assistants or special counsel designated by the attorney general shall represent the administrator and the commission. In the event the attorney general or the attorney general's designated assistants or special counsel are absent, the administrator or the commission shall select one or more of the attorneys in the employ of the administrator or the commission as the administrator's attorney or the commission's attorney in the appeal. Any attorney so employed shall continue the representation during the entire period of the appeal and in all hearings thereof except where the continued representation becomes impractical.

(D) Upon receipt of notice of appeal, the clerk of courts shall provide notice to all parties who are appellees and to the commission.

The claimant shall, within thirty days after the filing of the notice of appeal, file a petition containing a statement of

facts in ordinary and concise language showing a cause of action 114086
to participate or to continue to participate in the fund and 114087
setting forth the basis for the jurisdiction of the court over the 114088
action. Further pleadings shall be had in accordance with the 114089
Rules of Civil Procedure, provided that service of summons on such 114090
petition shall not be required and provided that the claimant may 114091
not dismiss the complaint without the employer's consent if the 114092
employer is the party that filed the notice of appeal to court 114093
pursuant to this section. The clerk of the court shall, upon 114094
receipt thereof, transmit by certified mail a copy thereof to each 114095
party named in the notice of appeal other than the claimant. Any 114096
party may file with the clerk prior to the trial of the action a 114097
deposition of any physician taken in accordance with the 114098
provisions of the Revised Code, which deposition may be read in 114099
the trial of the action even though the physician is a resident of 114100
or subject to service in the county in which the trial is had. The 114101
bureau of workers' compensation shall pay the cost of the 114102
~~stenographic~~ deposition filed in court and of copies of the 114103
~~stenographic~~ deposition for each party from the surplus fund and 114104
charge the costs thereof against the unsuccessful party if the 114105
claimant's right to participate or continue to participate is 114106
finally sustained or established in the appeal. In the event the 114107
deposition is taken and filed, the physician whose deposition is 114108
taken is not required to respond to any subpoena issued in the 114109
trial of the action. The court, or the jury under the instructions 114110
of the court, if a jury is demanded, shall determine the right of 114111
the claimant to participate or to continue to participate in the 114112
fund upon the evidence adduced at the hearing of the action. 114113

(E) The court shall certify its decision to the commission 114114
and the certificate shall be entered in the records of the court. 114115
Appeals from the judgment are governed by the law applicable to 114116
the appeal of civil actions. 114117

(F) The cost of any legal proceedings authorized by this section, including an attorney's fee to the claimant's attorney to be fixed by the trial judge, based upon the effort expended, in the event the claimant's right to participate or to continue to participate in the fund is established upon the final determination of an appeal, shall be taxed against the employer or the commission if the commission or the administrator rather than the employer contested the right of the claimant to participate in the fund. The attorney's fee shall not exceed five thousand dollars.

(G) If the finding of the court or the verdict of the jury is in favor of the claimant's right to participate in the fund, the commission and the administrator shall thereafter proceed in the matter of the claim as if the judgment were the decision of the commission, subject to the power of modification provided by section 4123.52 of the Revised Code.

(H)(1) An appeal from an order issued under division (E) of section 4123.511 of the Revised Code or any action filed in court in a case in which an award of compensation or medical benefits has been made shall not stay the payment of compensation or medical benefits under the award, or payment for subsequent periods of total disability or medical benefits during the pendency of the appeal. If, in a final administrative or judicial action, it is determined that payments of compensation or benefits, or both, made to or on behalf of a claimant should not have been made, the amount thereof shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. In the event the employer is a state risk, the amount shall not be charged to the employer's experience, and the administrator shall adjust the employer's account accordingly. In the event the employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid compensation the

self-insuring employer reports to the administrator under division 114150
(L) of section 4123.35 of the Revised Code. If an employer is a 114151
state risk and has paid an assessment for a violation of a 114152
specific safety requirement, and, in a final administrative or 114153
judicial action, it is determined that the employer did not 114154
violate the specific safety requirement, the administrator shall 114155
reimburse the employer from the surplus fund account under 114156
division (B) of section 4123.34 of the Revised Code for the amount 114157
of the assessment the employer paid for the violation. 114158

(2)(a) Notwithstanding a final determination that payments of 114159
benefits made to or on behalf of a claimant should not have been 114160
made, the administrator or self-insuring employer shall award 114161
payment of medical or vocational rehabilitation services submitted 114162
for payment after the date of the final determination if all of 114163
the following apply: 114164

(i) The services were approved and were rendered by the 114165
provider in good faith prior to the date of the final 114166
determination. 114167

(ii) The services were payable under division (I) of section 114168
4123.511 of the Revised Code prior to the date of the final 114169
determination. 114170

(iii) The request for payment is submitted within the time 114171
limit set forth in section 4123.52 of the Revised Code. 114172

(b) Payments made under division (H)(1) of this section shall 114173
be charged to the surplus fund account under division (B) of 114174
section 4123.34 of the Revised Code. If the employer of the 114175
employee who is the subject of a claim described in division 114176
(H)(2)(a) of this section is a state fund employer, the payments 114177
made under that division shall not be charged to the employer's 114178
experience. If that employer is a self-insuring employer, the 114179
self-insuring employer shall deduct the amount from the paid 114180

compensation the self-insuring employer reports to the 114181
administrator under division (L) of section 4123.35 of the Revised 114182
Code. 114183

(c) Division (H)(2) of this section shall apply only to a 114184
claim under this chapter or Chapter 4121., 4127., or 4131. of the 114185
Revised Code arising on or after July 29, 2011. 114186

(3) A self-insuring employer may elect to pay compensation 114187
and benefits under this section directly to an employee or an 114188
employee's dependents by filing an application with the bureau of 114189
workers' compensation not more than one hundred eighty days and 114190
not less than ninety days before the first day of the employer's 114191
next six-month coverage period. If the self-insuring employer 114192
timely files the application, the application is effective on the 114193
first day of the employer's next six-month coverage period, 114194
provided that the administrator shall compute the employer's 114195
assessment for the surplus fund account due with respect to the 114196
period during which that application was filed without regard to 114197
the filing of the application. On and after the effective date of 114198
the employer's election, the self-insuring employer shall pay 114199
directly to an employee or to an employee's dependents 114200
compensation and benefits under this section regardless of the 114201
date of the injury or occupational disease, and the employer shall 114202
receive no money or credits from the surplus fund account on 114203
account of those payments and shall not be required to pay any 114204
amounts into the surplus fund account on account of this section. 114205
The election made under this division is irrevocable. 114206

(I) All actions and proceedings under this section which are 114207
the subject of an appeal to the court of common pleas or the court 114208
of appeals shall be preferred over all other civil actions except 114209
election causes, irrespective of position on the calendar. 114210

This section applies to all decisions of the commission or 114211
the administrator on November 2, 1959, and all claims filed 114212

thereafter are governed by sections 4123.511 and 4123.512 of the Revised Code.

Any action pending in common pleas court or any other court on January 1, 1986, under this section is governed by former sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 4123.522 of the Revised Code.

Sec. 4123.52. (A) The jurisdiction of the industrial commission and the authority of the administrator of workers' compensation over each case is continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified. No modification or change nor any finding or award in respect of any claim shall be made with respect to disability, compensation, dependency, or benefits, after five years from the date of injury in the absence of the payment of medical benefits under this chapter or in the absence of payment of compensation under section 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the Revised Code or wages in lieu of compensation in a manner so as to satisfy the requirements of section 4123.84 of the Revised Code, in which event the modification, change, finding, or award shall be made within five years from the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code. The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor.

(B) Notwithstanding division (A) of this section, and except as otherwise provided in a rule that shall be adopted by the administrator, with the advice and consent of the bureau of

workers' compensation board of directors, neither the 114244
administrator nor the commission shall make any finding or award 114245
for payment of medical or vocational rehabilitation services 114246
submitted for payment more than one year after the date the 114247
services were rendered or more than one year after the date the 114248
services became payable under division (I) of section 4123.511 of 114249
the Revised Code, whichever is later. No medical or vocational 114250
rehabilitation provider shall bill a claimant for services 114251
rendered if the administrator or commission is prohibited from 114252
making that payment under this division. 114253

(C) Division (B) of this section does not apply to requests 114254
made by the centers for medicare and medicaid services in the 114255
United States department of health and human services for 114256
reimbursement of conditional payments made pursuant to section 114257
1395y(b)(2) of title 42, United States Code (commonly known as the 114258
"Medicare Secondary Payer Act"). 114259

(D) This section does not affect the right of a claimant to 114260
compensation accruing subsequent to the filing of any such 114261
application, provided the application is filed within the time 114262
limit provided in this section. 114263

(E) This section does not deprive the commission of its 114264
continuing jurisdiction to determine the questions raised by any 114265
application for modification of award which has been filed with 114266
the commission after June 1, 1932, and prior to the expiration of 114267
the applicable period but in respect to which no award has been 114268
granted or denied during the applicable period. 114269

(F) The commission may, by general rules, provide for the 114270
destruction of files of cases in which no further action may be 114271
taken. 114272

(G) The commission and administrator of workers' compensation 114273
each may, by general rules, provide for the retention and 114274

destruction of all other records in their possession or under 114275
their control pursuant to section 121.211 and sections 149.34 to 114276
149.36 of the Revised Code. The bureau of workers' compensation 114277
may purchase or rent required equipment for the document retention 114278
media, as determined necessary to preserve the records. 114279
Photographs, microphotographs, microfilm, films, or other direct 114280
or electronic document retention media, when properly identified, 114281
have the same effect as the original record and may be offered in 114282
like manner and may be received as evidence in proceedings before 114283
the industrial commission, staff hearing officers, and district 114284
hearing officers, and in any court where the original record could 114285
have been introduced. 114286

Sec. 4125.03. (A) The professional employer organization with 114287
whom a shared employee is coemployed shall do all of the 114288
following: 114289

(1) Pay wages associated with a shared employee pursuant to 114290
the terms and conditions of compensation in the professional 114291
employer organization agreement between the professional employer 114292
organization and the client employer; 114293

(2) Pay all related payroll taxes associated with a shared 114294
employee independent of the terms and conditions contained in the 114295
professional employer organization agreement between the 114296
professional employer organization and the client employer; 114297

(3) Maintain workers' compensation coverage, pay all workers' 114298
compensation premiums and manage all workers' compensation claims, 114299
filings, and related procedures associated with a shared employee 114300
in compliance with Chapters 4121. and 4123. of the Revised Code, 114301
except that when shared employees include family farm officers, 114302
ordained ministers, or corporate officers of the client employer, 114303
payroll reports shall include the entire amount of payroll 114304
associated with those persons; 114305

- (4) Provide written notice to each shared employee it assigns to perform services to a client employer of the relationship between and the responsibilities of the professional employer organization and the client employer;
- (5) Maintain complete records separately listing the manual classifications of each client employer and the payroll reported to each manual classification for each client employer for each payroll reporting period during the time period covered in the professional employer organization agreement;
- (6) Maintain a record of workers' compensation claims for each client employer;
- (7) Make periodic reports, as determined by the administrator of workers' compensation, of client employers and total workforce to the administrator;
- (8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to the administrator;
- (9) Within fourteen days after receiving notice from the bureau of workers' compensation that a refund or rebate will be applied to workers' compensation premiums, provide a copy of that notice to any client employer to whom that notice is relevant.
- (B) The professional employer organization with whom a shared employee is coemployed shall provide a list of all of the following information to the client employer upon the written request of the client employer:
- (1) All workers' compensation claims, premiums, and payroll associated with that client employer;
- (2) Compensation and benefits paid and reserves established for each claim listed under division (B)(1) of this section;
- (3) Any other information available to the professional

employer organization from the bureau of workers' compensation 114336
regarding that client employer. 114337

(C)(1) A professional employer organization shall provide the 114338
information required under division (B) of this section in writing 114339
to the requesting client employer within forty-five days after 114340
receiving a written request from the client employer. 114341

(2) For purposes of division (C) of this section, a 114342
professional employer organization has provided the required 114343
information to the client employer when ~~the~~ any of the following 114344
occur: 114345

(a) The information is received by the United States postal 114346
service ~~or when the;~~ 114347

(b) The information is personally delivered, in writing, 114348
directly to the client employer; 114349

(c) The information is delivered by electronic mail to the 114350
client employer. 114351

(D) Except as provided in section 4125.08 of the Revised Code 114352
and unless otherwise agreed to in the professional employer 114353
organization agreement, the professional employer organization 114354
with whom a shared employee is coemployed has a right of direction 114355
and control over each shared employee assigned to a client 114356
employer's location. However, a client employer shall retain 114357
sufficient direction and control over a shared employee as is 114358
necessary to do any of the following: 114359

(1) Conduct the client employer's business, including 114360
training and supervising shared employees; 114361

(2) Ensure the quality, adequacy, and safety of the goods or 114362
services produced or sold in the client employer's business; 114363

(3) Discharge any fiduciary responsibility that the client 114364
employer may have; 114365

(4) Comply with any applicable licensure, regulatory, or 114366
statutory requirement of the client employer. 114367

(E) Unless otherwise agreed to in the professional employer 114368
organization agreement, liability for acts, errors, and omissions 114369
shall be determined as follows: 114370

(1) A professional employer organization shall not be liable 114371
for the acts, errors, and omissions of a client employer or a 114372
shared employee when those acts, errors, and omissions occur under 114373
the direction and control of the client employer. 114374

(2) A client employer shall not be liable for the acts, 114375
errors, and omissions of a professional employer organization or a 114376
shared employee when those acts, errors, and omissions occur under 114377
the direction and control of the professional employer 114378
organization. 114379

(F) Nothing in divisions (D) and (E) of this section shall be 114380
construed to limit any liability or obligation specifically agreed 114381
to in the professional employer organization agreement. 114382

Sec. 4141.09. (A) There is hereby created an unemployment 114383
compensation fund to be administered by the state without 114384
liability on the part of the state beyond the amounts paid into 114385
the fund and earned by the fund. The unemployment compensation 114386
fund shall consist of all contributions, payments in lieu of 114387
contributions described in sections 4141.241 and 4141.242 of the 114388
Revised Code, reimbursements of the federal share of extended 114389
benefits described in section 4141.301 of the Revised Code, 114390
collected under sections 4141.01 to 4141.56 of the Revised Code, 114391
and the amount required under division (A)(4) of section 4141.35 114392
of the Revised Code, together with all interest earned upon any 114393
moneys deposited with the secretary of the treasury of the United 114394
States to the credit of the account of this state in the 114395
unemployment trust fund established and maintained pursuant to 114396

section 904 of the "Social Security Act," any property or 114397
securities acquired through the use of moneys belonging to the 114398
fund, and all earnings of such property or securities. The 114399
unemployment compensation fund shall be used to pay benefits, 114400
shared work compensation as defined in section 4141.50 of the 114401
Revised Code, and refunds as provided by such sections and for no 114402
other purpose. 114403

(B) The treasurer of state shall be the custodian of the 114404
unemployment compensation fund and shall administer such fund in 114405
accordance with the directions of the director of job and family 114406
services. All disbursements therefrom shall be paid by the 114407
treasurer of state on warrants drawn by the director. Such 114408
warrants may ~~bear the facsimile~~ have the signature of the director 114409
printed thereon and that of a deputy or other employee of the 114410
director charged with the duty of keeping the account of the 114411
unemployment compensation fund and with the preparation of 114412
warrants for the payment of benefits to the persons entitled 114413
thereto. Moneys in the clearing and benefit accounts shall not be 114414
commingled with other state funds, except as provided in division 114415
(C) of this section, but shall be maintained in separate accounts 114416
on the books of the depository bank. Such money shall be secured 114417
by the depository bank to the same extent and in the same manner 114418
as required by sections 135.01 to 135.21 of the Revised Code; and 114419
collateral pledged for this purpose shall be kept separate and 114420
distinct from any collateral pledged to secure other funds of this 114421
state. All sums recovered for losses sustained by the unemployment 114422
compensation fund shall be deposited therein. The treasurer of 114423
state shall be liable on the treasurer's official bond for the 114424
faithful performance of the treasurer's duties in connection with 114425
the unemployment compensation fund, such liability to exist in 114426
addition to any liability upon any separate bond. 114427

(C) The treasurer of state shall maintain within the 114428

unemployment compensation fund three separate accounts which shall 114429
be a clearing account, a trust fund account, and a benefit 114430
account. All moneys payable to the unemployment compensation fund, 114431
upon receipt by the director, shall be forwarded to the treasurer 114432
of state, who shall immediately deposit them in the clearing 114433
account. Refunds of contributions, or payments in lieu of 114434
contributions, payable pursuant to division (E) of this section 114435
may be paid from the clearing account upon warrants signed by a 114436
deputy or other employee of the director charged with the duty of 114437
keeping the record of the clearing account and with the 114438
preparation of warrants for the payment of refunds to persons 114439
entitled thereto. After clearance thereof, all moneys in the 114440
clearing account shall be deposited with the secretary of the 114441
treasury of the United States to the credit of the account of this 114442
state in the unemployment trust fund established and maintained 114443
pursuant to section 904 of the "Social Security Act," in 114444
accordance with requirements of the "Federal Unemployment Tax 114445
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 114446
in this state relating to the deposit, administration, release, or 114447
disbursement of moneys in the possession or custody of this state 114448
to the contrary notwithstanding. The benefit account shall consist 114449
of all moneys requisitioned from this state's account in the 114450
unemployment trust fund. Federal funds may be deposited, at the 114451
director's discretion, into the benefit account. Any funds 114452
deposited into the benefit account shall be disbursed solely for 114453
payment of benefits under a federal program administered by this 114454
state and for no other purpose. Moneys in the clearing and benefit 114455
accounts may be deposited by the treasurer of state, under the 114456
direction of the director, in any bank or public depository in 114457
which general funds of the state may be deposited, but no public 114458
deposit insurance charge or premium shall be paid out of the fund. 114459

(D) Moneys shall be requisitioned from this state's account 114460
in the unemployment trust fund solely for the payment of benefits 114461

and in accordance with regulations prescribed by the director. The 114462
director shall requisition from the unemployment trust fund such 114463
amounts, not exceeding the amount standing to this state's account 114464
therein, as are deemed necessary for the payment of benefits for a 114465
reasonable future period. Upon receipt thereof, the treasurer of 114466
state shall deposit such moneys in the benefit account. 114467
Expenditures of such money in the benefit account and refunds from 114468
the clearing account shall not require specific appropriations or 114469
other formal release by state officers of money in their custody. 114470
Any balance of moneys requisitioned from the unemployment trust 114471
fund which remains unclaimed or unpaid in the benefit account 114472
after the expiration of the period for which such sums were 114473
requisitioned shall either be deducted from estimates for and may 114474
be utilized for the payment of benefits during succeeding periods, 114475
or, in the discretion of the director, shall be redeposited with 114476
the secretary of the treasury of the United States to the credit 114477
of this state's account in the unemployment trust fund, as 114478
provided in division (C) of this section. Unclaimed or unpaid 114479
federal funds redeposited with the secretary of the treasury of 114480
the United States shall be credited to the appropriate federal 114481
account. 114482

(E) No claim for an adjustment or a refund on contribution, 114483
payment in lieu of contributions, interest, or forfeiture alleged 114484
to have been erroneously or illegally assessed or collected, or 114485
alleged to have been collected without authority, and no claim for 114486
an adjustment or a refund of any sum alleged to have been 114487
excessive or in any manner wrongfully collected shall be allowed 114488
unless an application, in writing, therefor is made within four 114489
years from the date on which such payment was made. If the 114490
director determines that such contribution, payment in lieu of 114491
contributions, interest, or forfeiture, or any portion thereof, 114492
was erroneously collected, the director shall allow such employer 114493
to make an adjustment thereof without interest in connection with 114494

subsequent contribution payments, or payments in lieu of 114495
contributions, by the employer, or the director may refund said 114496
amount, without interest, from the clearing account of the 114497
unemployment compensation fund, except as provided in division (B) 114498
of section 4141.11 of the Revised Code. For like cause and within 114499
the same period, adjustment or refund may be so made on the 114500
director's own initiative. An overpayment of contribution, payment 114501
in lieu of contributions, interest, or forfeiture for which an 114502
employer has not made application for refund prior to the date of 114503
sale of the employer's business shall accrue to the employer's 114504
successor in interest. 114505

An application for an adjustment or a refund, or any portion 114506
thereof, that is rejected is binding upon the employer unless, 114507
within thirty days after the mailing of a written notice of 114508
rejection to the employer's last known address, or, in the absence 114509
of mailing of such notice, within thirty days after the delivery 114510
of such notice, the employer files an application for a review and 114511
redetermination setting forth the reasons therefor. The director 114512
shall promptly examine the application for review and 114513
redetermination, and if a review is granted, the employer shall be 114514
promptly notified thereof, and shall be granted an opportunity for 114515
a prompt hearing. 114516

(F) If the director finds that contributions have been paid 114517
to the director in error, and that such contributions should have 114518
been paid to a department of another state or of the United States 114519
charged with the administration of an unemployment compensation 114520
law, the director may upon request by such department or upon the 114521
director's own initiative transfer to such department the amount 114522
of such contributions, less any benefits paid to claimants whose 114523
wages were the basis for such contributions. The director may 114524
request and receive from such department any contributions or 114525
adjusted contributions paid in error to such department which 114526

should have been paid to the director. 114527

(G) In accordance with section 303(c)(3) of the Social 114528
Security Act, and section 3304(a)(17) of the Internal Revenue Code 114529
of 1954 for continuing certification of Ohio unemployment 114530
compensation laws for administrative grants and for tax credits, 114531
any interest required to be paid on advances under Title XII of 114532
the Social Security Act shall be paid in a timely manner and shall 114533
not be paid, directly or indirectly, by an equivalent reduction in 114534
the Ohio unemployment taxes or otherwise, by the state from 114535
amounts in the unemployment compensation fund. 114536

(H) The treasurer of state, under the direction of the 114537
director and in accordance with the "Cash Management Improvement 114538
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 114539
amounts of interest earned by the state on funds in the benefit 114540
account established pursuant to division (C) of this section into 114541
the unemployment trust fund. 114542

(I) The treasurer of state, under the direction of the 114543
director, shall deposit federal funds received by the director for 114544
training and administration and for payment of benefits, job 114545
search, relocation, transportation, and subsistence allowances 114546
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 114547
2101, as amended; the "North American Free Trade Agreement 114548
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 114549
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 114550
3801, as amended, into the Trade Act training and administration 114551
account, which is hereby created for the purpose of making 114552
payments specified under those acts. The treasurer of state, under 114553
the direction of the director, may transfer funds from the Trade 114554
Act training and administration account to the benefit account for 114555
the purpose of making any payments directly to claimants for 114556
benefits, job search, relocation, transportation, and subsistence 114557
allowances, as specified by those acts. 114558

Sec. 4141.47. (A) There is hereby created the auxiliary 114559
services personnel unemployment compensation fund, which shall not 114560
be a part of the state treasury. The fund shall consist of moneys 114561
paid into the fund pursuant to section 3317.06 of the Revised 114562
Code. The treasurer of state shall administer it in accordance 114563
with the directions of the director of job and family services. 114564
The director shall establish procedures under which school 114565
districts that are charged and have paid for unemployment benefits 114566
as reimbursing employers pursuant to this chapter for personnel 114567
employed pursuant to section 3317.06 of the Revised Code may apply 114568
for and receive reimbursement for those payments under this 114569
section. School districts are not entitled to reimbursement for 114570
any delinquency charges, except as otherwise provided by law. In 114571
the case of school districts electing to pay contributions under 114572
section 4141.242 of the Revised Code, the director shall establish 114573
procedures for reimbursement of the district from the fund of 114574
contributions made on wages earned by any auxiliary service 114575
personnel. 114576

(B) In the event of the termination of the auxiliary services 114577
program established pursuant to section 3317.06 of the Revised 114578
Code, and after the director has made reimbursement to school 114579
districts for all possible unemployment compensation claims of 114580
persons who were employed pursuant to section 3317.06 of the 114581
Revised Code, the director shall certify that fact to the 114582
treasurer of state, who shall then transfer all unexpended moneys 114583
in the auxiliary services personnel unemployment compensation fund 114584
to the general revenue fund. In the event the auxiliary services 114585
personnel unemployment compensation fund contains insufficient 114586
moneys to pay all valid claims by school districts for 114587
reimbursement pursuant to this section, the director shall 114588
estimate the total additional amount necessary to meet the 114589
liabilities of the fund and submit a request to the general 114590

assembly for an appropriation of that amount of money from the 114591
general revenue fund to the auxiliary services personnel 114592
unemployment compensation fund. 114593

(C) All disbursements from the auxiliary services personnel 114594
unemployment compensation fund shall be paid by the treasurer of 114595
state on warrants drawn by the director. The warrants may ~~bear~~ 114596
have the ~~facsimile~~ signature of the director printed thereon or 114597
that of a deputy or other employee of the director charged with 114598
the duty of keeping the account of the fund. Moneys in the fund 114599
shall be maintained in a separate account on the books of the 114600
depository bank. The money shall be secured by the depository bank 114601
to the same extent and in the same manner as required by Chapter 114602
135. of the Revised Code. All sums recovered for losses sustained 114603
by the fund shall be deposited therein. The treasurer of state is 114604
liable on the treasurer of state's official bond for the faithful 114605
performance of the treasurer of state's duties in connection with 114606
the fund. 114607

(D) All necessary and proper expenses incurred in 114608
administering this section shall be paid to the director from the 114609
auxiliary services personnel unemployment compensation fund. For 114610
this purpose, there is hereby created in the state treasury the 114611
auxiliary services program administrative fund. The treasurer of 114612
state, pursuant to the warrant procedures specified in division 114613
(C) of this section, shall advance moneys as requested by the 114614
director from the auxiliary services personnel unemployment 114615
compensation fund to the auxiliary services program administrative 114616
fund. The director periodically may request the advance of such 114617
moneys as in the treasurer of state's opinion are needed to meet 114618
anticipated administrative expenses and may make disbursements 114619
from the auxiliary services program administrative fund to pay 114620
those expenses. 114621

(E) Upon receipt of a certification from the department of 114622

education regarding a refund to a board of education pursuant to 114623
section 3317.06 of the Revised Code, the director shall issue a 114624
refund in the amount certified to the board from the auxiliary 114625
services personnel unemployment compensation fund. 114626

Sec. 4167.10. (A) In order to carry out the purposes of this 114627
chapter, the administrator of workers' compensation or the 114628
administrator's designee shall, as provided in this section, enter 114629
without delay during normal working hours and at other reasonable 114630
times, to inspect and investigate any plant, facility, 114631
establishment, construction site, or any other area, workplace, or 114632
environment where work is being performed by a public employee of 114633
a public employer, and any place of employment and all pertinent 114634
conditions, structures, machines, apparatus, devices, equipment, 114635
and materials therein, and question privately any public employer, 114636
administrator, department head, operator, agent, or public 114637
employee. The authority to inspect and investigate includes the 114638
taking of environmental samples, the taking and obtaining of 114639
photographs related to the purposes of the inspection or 114640
investigation, the examination of records required to be kept 114641
under section 4167.11 of the Revised Code and other documents and 114642
records relevant to the inspection and investigation, the issuance 114643
of subpoenas, and the conducting of tests and other studies 114644
reasonably calculated to serve the purposes of implementing and 114645
enforcing this chapter. Except as provided in this section, the 114646
administrator or the administrator's designee shall conduct 114647
scheduled inspections and investigations only pursuant to rules 114648
adopted under section 4167.02 of the Revised Code, a request to do 114649
so by a public employee or public employee representative, or the 114650
notification the administrator receives pursuant to division (B) 114651
of section 4167.06 of the Revised Code and only if the 114652
administrator or the administrator's designee complies with this 114653
section. The administrator or the administrator's designee shall 114654

conduct all requested or required inspections within a reasonable 114655
amount of time following receipt of the request or notification. 114656

(B)(1) Any public employee or public employee representative 114657
who believes that a violation of an Ohio employment risk reduction 114658
standard exists that threatens physical harm, or that an imminent 114659
danger exists, may request an inspection by giving written notice 114660
to the administrator or the administrator's designee of the 114661
violation or danger. The notice shall set forth with reasonable 114662
particularity the grounds for the notice, and shall be signed by 114663
the public employee or public employee representative. The names 114664
of individual public employees making the notice or referred to 114665
therein shall not appear in the copy provided to the public 114666
employer pursuant to division (B)(2) of this section and shall be 114667
kept confidential. 114668

(2) If, upon receipt of a notification pursuant to division 114669
(B)(1) of this section, the administrator determines that there 114670
are no reasonable grounds to believe that a violation or danger 114671
exists, the administrator shall inform the public employee or 114672
public employee representative in writing of the determination. 114673
If, upon receipt of a notification, the administrator determines 114674
that there are reasonable grounds to believe that a violation or 114675
danger exists, the administrator shall, within one week, excluding 114676
Saturdays, Sundays, and any legal holiday as defined in section 114677
1.14 of the Revised Code, after receipt of the notification, 114678
notify the public employer, by certified mail, return receipt 114679
requested, of the alleged violation or danger. The notice provided 114680
to the public employer or the public employer's agent shall inform 114681
the public employer of the alleged violation or danger and that 114682
the administrator or the administrator's designee will investigate 114683
and inspect the public employer's workplace as provided in this 114684
section. The public employer must respond to the administrator, in 114685
a method determined by the administrator, concerning the alleged 114686

violation or danger, within thirty days after receipt of the 114687
notice. If the public employer does not correct the violation or 114688
danger within the thirty-day period or if the public employer 114689
fails to respond within that time period, the administrator or the 114690
administrator's designee shall investigate and inspect the public 114691
employer's workplace as provided in this section. The 114692
administrator or the administrator's designee shall not conduct 114693
any inspection prior to the end of the thirty-day period unless 114694
requested or permitted by the public employer. The administrator 114695
may, at any time upon the request of the public employer, inspect 114696
and investigate any violation or danger alleged to exist at the 114697
public employer's place of employment. 114698

(3) The authority of the administrator or the administrator's 114699
designee to investigate and inspect a premises pursuant to a 114700
public employee or public employee representative notification is 114701
not limited to the alleged violation or danger contained in the 114702
notification. The administrator or the administrator's designee 114703
may investigate and inspect any other area of the premises where 114704
there is reason to believe that a violation or danger exists. In 114705
addition, if the administrator or the administrator's designee 114706
detects any obvious or apparent violation at any temporary place 114707
of employment while en route to the premises to be inspected or 114708
investigated, and that violation presents a substantial 114709
probability that the condition or practice could result in death 114710
or serious physical harm, the administrator or the administrator's 114711
designee may use any of the enforcement mechanisms provided in 114712
this section to correct or remove the condition or practice. 114713

(4) If, during an inspection or investigation, the 114714
administrator or the administrator's designee finds any condition 114715
or practice in any place of employment that presents a substantial 114716
probability that the condition or practice could result in death 114717
or serious physical harm, after notifying the employer of the 114718

administrator's intent to issue an order, the administrator shall 114719
issue an order, or the administrator's designee shall issue an 114720
order after consultation ~~either by telephone or in person~~ with the 114721
administrator and upon the recommendation of the administrator, 114722
which prohibits the employment of any public employee or any 114723
continuing operation or process under such condition or practice 114724
until necessary steps are taken to correct or remove the condition 114725
or practice. The order shall not be effective for more than 114726
fifteen days, unless a court of competent jurisdiction otherwise 114727
orders as provided in section 4167.14 of the Revised Code. 114728

(C) In making any inspections or investigations under this 114729
chapter, the administrator or the administrator's designee may 114730
administer oaths and require, by subpoena, the attendance and 114731
testimony of witnesses and the production of evidence under oath. 114732
Witnesses shall receive the fees and mileage provided for under 114733
section 119.094 of the Revised Code. In the case of contumacy, 114734
failure, or refusal of any person to comply with an order or any 114735
subpoena lawfully issued, or upon the refusal of any witness to 114736
testify to any matter regarding which the witness may lawfully be 114737
interrogated, a judge of the court of common pleas of any county 114738
in this state, on the application of the administrator or the 114739
administrator's designee, shall issue an order requiring the 114740
person to appear and to produce evidence if, as, and when so 114741
ordered, and to give testimony relating to the matter under 114742
investigation or in question. The court may punish any failure to 114743
obey the order of the court as a contempt thereof. 114744

(D) If, upon inspection or investigation, the administrator 114745
or the administrator's designee believes that a public employer 114746
has violated any requirement of this chapter or any rule, Ohio 114747
employment risk reduction standard, or order adopted or issued 114748
pursuant thereto, the administrator or the administrator's 114749
designee shall, with reasonable promptness, issue a citation to 114750

the public employer. The citation shall be in writing and describe 114751
with particularity the nature of the alleged violation, including 114752
a reference to the provision of law, Ohio employment risk 114753
reduction standard, rule, or order alleged to have been violated. 114754
In addition, the citation shall fix a time for the abatement of 114755
the violation, as provided in division (H) of this section. The 114756
administrator may prescribe procedures for the issuance of a 114757
notice with respect to minor violations and for enforcement of 114758
minor violations that have no direct or immediate relationship to 114759
safety or health. 114760

(E) Upon receipt of any citation under this section, the 114761
public employer shall immediately post the citation, or a copy 114762
thereof, at or near each place an alleged violation referred to in 114763
the citation occurred. 114764

(F) The administrator may not issue a citation under this 114765
section after the expiration of six months following the final 114766
occurrence of any violation. 114767

(G) If the administrator issues a citation pursuant to this 114768
section, the administrator shall mail the citation to the public 114769
employer by certified mail, return receipt requested. The public 114770
employer has fourteen days after receipt of the citation within 114771
which to notify the administrator that the employer wishes to 114772
contest the citation. If the employer notifies the administrator 114773
within the fourteen days that the employer wishes to contest the 114774
citation, or if within fourteen days after the issuance of a 114775
citation a public employee or public employee representative files 114776
notice that the time period fixed in the citation for the 114777
abatement of the violation is unreasonable, the administrator 114778
shall hold an adjudication hearing in accordance with Chapter 119. 114779
of the Revised Code. 114780

(H) In establishing the time limits in which a public 114781
employer must abate a violation under this section, the 114782

administrator shall consider the costs to the public employer, the 114783
size and financial resources of the public employer, the severity 114784
of the violation, the technological feasibility of the public 114785
employer's ability to comply with requirements of the citation, 114786
the possible present and future detriment to the health and safety 114787
of any public employee for failure of the public employer to 114788
comply with requirements of the citation, and such other factors 114789
as the administrator determines appropriate. The administrator 114790
may, after considering the above factors, permit the public 114791
employer to comply with the citation over a period of up to two 114792
years and may extend that period an additional one year, as the 114793
administrator determines appropriate. 114794

(I) Any public employer may request the administrator to 114795
conduct an employment risk reduction inspection of the public 114796
employer's place of employment. The administrator or the 114797
administrator's designee shall conduct the inspection within a 114798
reasonable amount of time following the request. Neither the 114799
administrator nor any other person may use any information 114800
obtained from the inspection for a period not to exceed three 114801
years in any proceeding for a violation of this chapter or any 114802
rule or order issued thereunder nor in any other action in any 114803
court in this state. 114804

Sec. 4301.17. (A)(1) Subject to local option as provided in 114805
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 114806
stores or agencies may be established in each county. One 114807
additional store may be established in any county for each twenty 114808
thousand of population of that county or major fraction thereof in 114809
excess of the first forty thousand, according to the last 114810
preceding federal decennial census or according to the population 114811
estimates certified by the department of development between 114812
decennial censuses. A person engaged in a mercantile business may 114813
act as the agent for the division of liquor control for the sale 114814

of spirituous liquor in a municipal corporation, in the 114815
unincorporated area of a township, or in an area designated and 114816
approved as a resort area under section 4303.262 of the Revised 114817
Code. The division shall fix the compensation for such an agent in 114818
the manner it considers best, but the compensation shall not 114819
exceed seven per cent of the gross sales made by the agent in any 114820
one year. 114821

(2) The division shall adopt rules in accordance with Chapter 114822
119. of the Revised Code governing the allocation and equitable 114823
distribution of agency store contracts. The division shall comply 114824
with the rules when awarding a contract under division (A)(1) of 114825
this section. 114826

(3) Pursuant to an agency store's contract, an agency store 114827
may be issued a D-1 permit to sell beer, a D-2 permit to sell wine 114828
and mixed beverages, and a D-5 permit to sell beer, wine, mixed 114829
beverages, and spirituous liquor. 114830

(4) Pursuant to an agency store's contract, an agency store 114831
may be issued a D-3 permit to sell spirituous liquor if the agency 114832
store contains at least ten thousand square feet of sales floor 114833
area. A D-3 permit issued to an agency store shall not be 114834
transferred to a new location. The division shall revoke any D-3 114835
permit issued to an agency store under division (A)(4) of this 114836
section if the agent no longer operates the agency store. The 114837
division shall not issue a D-3a permit to an agency store. 114838

(5) An agency store to which a D-8 permit has been issued may 114839
allow the sale of tasting samples of spirituous liquor in 114840
accordance with section 4301.171 of the Revised Code. 114841

(6) An agency store may sell beer, wine, mixed beverages, and 114842
spirituous liquor only between the hours of nine a.m. and eleven 114843
p.m. 114844

(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify, ~~by certified mail or by personal service,~~ the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to relocation of the agency store or to the assignment of

that contract to operate an agency store at the same location. The 114878
division may also consent to the assignment of an existing agency 114879
contract simultaneously with the relocation of the agency store. 114880
In any such assignment or relocation, the assignee and the 114881
location shall be subject to the same requirements that the 114882
existing location met at the time that the contract was first 114883
entered into as well as any additional requirements imposed by the 114884
division in rules adopted by the superintendent of liquor control. 114885
The division shall not consent to an assignment or relocation of 114886
an agency store until it has notified the authorities in control 114887
of the school, church, library, public playground, or township 114888
park and has provided those authorities with an opportunity for a 114889
complete hearing upon the advisability of consenting to the 114890
assignment or relocation. 114891

Any hearing provided for in this division shall be held in 114892
the central office of the division, except that upon written 114893
request of the legislative authority of the municipal corporation, 114894
the board of county commissioners, the board of township trustees, 114895
or the authorities in control of the school, church, library, 114896
public playground, or township park, the hearing shall be held in 114897
the county seat of the county where the proposed agency store is 114898
to be located. 114899

(C) All agency contracts entered into by the division 114900
pursuant to this section shall be in writing and shall contain a 114901
clause providing for the termination of the contract at will by 114902
the division upon its giving ninety days' notice in writing to the 114903
agent of its intention to do so. Any agency contract may include a 114904
clause requiring the agent to report to the appropriate law 114905
enforcement agency the name and address of any individual under 114906
twenty-one years of age who attempts to make an illegal purchase. 114907

The division shall issue a C-1 and C-2 permit to each agent 114908
who prior to November 1, 1994, had not been issued both of these 114909

permits, notwithstanding the population quota restrictions 114910
contained in section 4303.29 of the Revised Code or in any rule of 114911
the liquor control commission and notwithstanding the requirements 114912
of section 4303.31 of the Revised Code. The location of a C-1 or 114913
C-2 permit issued to such an agent shall not be transferred. The 114914
division shall revoke any C-1 or C-2 permit issued to an agent 114915
under this paragraph if the agent no longer operates an agency 114916
store. 114917

The division may enter into agreements with the department of 114918
development to implement a minority loan program to provide 114919
low-interest loans to minority business enterprises, as defined in 114920
section 122.71 of the Revised Code, that are awarded liquor agency 114921
contracts or assignments. 114922

(D) If the division closes a state liquor store and replaces 114923
that store with an agency store, any employees of the division 114924
employed at that state liquor store who lose their jobs at that 114925
store as a result shall be given preference by the agent who 114926
operates the agency store in filling any vacancies that occur 114927
among the agent's employees, if that preference does not conflict 114928
with the agent's obligations pursuant to a collective bargaining 114929
agreement. 114930

If the division closes a state liquor store and replaces the 114931
store with an agency store, any employees of the division employed 114932
at the state liquor store who lose their jobs at that store as a 114933
result may displace other employees as provided in sections 114934
124.321 to 124.328 of the Revised Code. If an employee cannot 114935
displace other employees and is laid off, the employee shall be 114936
reinstated in another job as provided in sections 124.321 to 114937
124.328 of the Revised Code, except that the employee's rights of 114938
reinstatement in a job at a state liquor store shall continue for 114939
a period of two years after the date of the employee's layoff and 114940
shall apply to jobs at state liquor stores located in the 114941

employee's layoff jurisdiction and any layoff jurisdiction 114942
adjacent to the employee's layoff jurisdiction. 114943

(E) The division shall require every agent to give bond with 114944
surety to the satisfaction of the division, in the amount the 114945
division fixes, conditioned for the faithful performance of the 114946
agent's duties as prescribed by the division. 114947

Sec. 4301.30. (A) All fees collected by the division of 114948
liquor control shall be deposited in the state treasury to the 114949
credit of the undivided liquor permit fund, which is hereby 114950
created, at the time prescribed under section 4301.12 of the 114951
Revised Code. Each payment shall be accompanied by a statement 114952
showing separately the amount collected for each class of permits 114953
in each municipal corporation and in each township outside the 114954
limits of any municipal corporation in such township. 114955

(B)(1) An amount equal to forty-five per cent of the fund 114956
shall be paid from the fund into the state liquor regulatory fund, 114957
which is hereby created in the state treasury. The state liquor 114958
regulatory fund shall be used to pay the operating expenses of the 114959
division of liquor control in administering and enforcing Title 114960
XLIII of the Revised Code and the operating expenses of the liquor 114961
control commission. Investment earnings of the fund shall be 114962
credited to the fund. 114963

(2) Whenever, in the judgment of the director of budget and 114964
management, the amount of money that is in the state liquor 114965
regulatory fund is in excess of the amount that is needed to pay 114966
the operating expenses of the division in administering and 114967
enforcing Title XLIII of the Revised Code and the operating 114968
expenses of the commission, the director shall credit the excess 114969
amount to the general revenue fund. 114970

(C) Twenty per cent of the undivided liquor permit fund shall 114971
be paid into the statewide treatment and prevention fund, which is 114972

hereby created in the state treasury. This amount shall be 114973
appropriated by the general assembly, together with an amount 114974
equal to one and one-half per cent of the gross profit of the 114975
division of liquor control derived under division (B)(4) of 114976
section 4301.10 of the Revised Code, to the department of mental 114977
health and addiction services. In planning for the allocation of 114978
and in allocating these amounts for the purposes of Chapter 5119. 114979
of the Revised Code, the department shall comply with the 114980
nondiscrimination provisions of Title VI of the Civil Rights Act 114981
of 1964, and any rules adopted under that act. 114982

(D) Thirty-five per cent of the undivided liquor permit fund 114983
shall be distributed by the superintendent of liquor control at 114984
quarterly calendar periods as follows: 114985

(1) To each municipal corporation, the aggregate amount shown 114986
by the statements to have been collected from permits in the 114987
municipal corporation, for the use of the general fund of the 114988
municipal corporation; 114989

(2) To each township, the aggregate amount shown by the 114990
statements to have been collected from permits in its territory, 114991
outside the limits of any municipal corporation located in the 114992
township, for the use of the general fund of the township, or for 114993
fire protection purposes, including buildings and equipment in the 114994
township or in an established fire district within the township, 114995
to the extent that the funds are derived from liquor permits 114996
within the territory comprising such fire district. 114997

(E) For the purpose of the distribution required by this 114998
section, E, H, and D permits covering boats or vessels are deemed 114999
to have been issued in the municipal corporation or township 115000
wherein the owner or operator of the vehicle, boat, vessel, or 115001
dining car equipment to which the permit relates has the owner's 115002
or operator's principal office or place of business within the 115003
state. 115004

(F) If the ~~liquor control commission~~ division determines that 115005
the police or other officers of any municipal corporation or 115006
township entitled to share in distributions under this section are 115007
refusing or culpably neglecting to enforce this chapter and 115008
Chapter 4303. of the Revised Code, or the penal laws of this state 115009
relating to the manufacture, importation, transportation, 115010
distribution, and sale of beer and intoxicating liquors, or if the 115011
prosecuting officer of a municipal corporation or a municipal 115012
court fails to comply with the request of the ~~commission~~ division 115013
authorized by division (A)(4) of section 4301.10 of the Revised 115014
Code, the ~~commission~~ division, by certified mail or by electronic 115015
means as determined by the superintendent to provide proper notice 115016
under the laws of this state, may notify the chief executive 115017
officer of the municipal corporation or the board of township 115018
trustees of the township of the failure and require the immediate 115019
cooperation of the responsible officers of the municipal 115020
corporation or township with the division ~~of liquor control~~ in the 115021
enforcement of those chapters and penal laws. Within thirty days 115022
after the notice is served, the ~~commission~~ division shall 115023
determine whether the requirement has been complied with. If the 115024
~~commission~~ division determines that the requirement has not been 115025
complied with, it may ~~issue an order to the superintendent to~~ 115026
withhold the distributive share of the municipal corporation or 115027
township ~~until further order of the commission~~. This action of the 115028
~~commission~~ division is reviewable within thirty days thereafter in 115029
the court of common pleas of Franklin county. 115030

(G) All fees collected by the division of liquor control from 115031
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by 115032
B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c 115033
permits or A-2 or A-2f permits, shall be deposited in the state 115034
treasury to the credit of the state liquor regulatory fund. Once 115035
during each fiscal year, an amount equal to fifty per cent of the 115036
fees collected shall be paid from the state liquor regulatory fund 115037

into the general revenue fund. 115038

Sec. 4303.24. All application processing fees shall be 115039
remitted to the division of liquor control when applications are 115040
filed. The pendency, priority, or validity of an application for a 115041
permit or duplicate permit received by the division shall not be 115042
affected because the division did not issue the permit applied for 115043
or the applicant failed to appeal to the liquor control 115044
commission. 115045

The division, prior to the granting of a permit or duplicate 115046
permit applied for, shall notify, by certified mail, the applicant 115047
or the applicant's authorized agent. The applicant or the 115048
applicant's authorized agent, within thirty days after the mailing 115049
of that notice, shall pay to the division the entire amount of ~~the~~ 115050
any unpaid requisite permit fee required by sections 4303.02 to 115051
4303.231 or, in the case of a duplicate permit, section 4303.30 of 115052
the Revised Code, if the permit or duplicate permit is issued 115053
during the first six months of the year the permit or duplicate 115054
permit covers, or one-half of the amount of the requisite permit 115055
fee, if the permit or duplicate permit is issued during the last 115056
six months of the year the permit or duplicate permit covers. If 115057
the notice is returned because of failure or refusal of delivery, 115058
the division shall send another notice, by regular mail or by 115059
electronic means as determined by the division to provide proper 115060
notice under the laws of this state, to the applicant or the 115061
applicant's agent. If the applicant fails to pay the applicable 115062
amount of that requisite permit fee within ~~these~~ thirty days of 115063
the mailing of the last notice, the division shall cancel the 115064
applicant's application. 115065

All other fees shall be paid at the time and in the manner 115066
prescribed by the division. The liquor control commission may 115067
adopt rules requiring reports or returns for the purpose of 115068

determining the amounts of additional permit fees. 115069

Sec. 4507.081. (A) Upon the expiration of a restricted 115070
license issued under division (D)(3) of section 4507.08 of the 115071
Revised Code and submission of a statement as provided in division 115072
(C) of this section, the registrar of motor vehicles may issue a 115073
driver's license to the person to whom the restricted license was 115074
issued. A driver's license issued under this section, unless 115075
otherwise suspended or canceled, shall be effective for one year. 115076

(B) A driver's license issued under this section may be 115077
renewed annually, for no more than three consecutive years, 115078
whenever the person to whom the license has been issued submits to 115079
the registrar, ~~by certified mail and~~ no sooner than thirty days 115080
prior to the expiration date of the license or renewal thereof, a 115081
statement as provided in division (C) of this section. A renewal 115082
of a driver's license, unless the license is otherwise suspended 115083
or canceled, shall be effective for one year following the 115084
expiration date of the license or renewal thereof, ~~and shall be~~ 115085
~~evidenced by a validation sticker. The renewal validation sticker~~ 115086
~~shall be in a form prescribed by the registrar and shall be~~ 115087
~~affixed to the license.~~ 115088

(C) No person may be issued a driver's license under this 115089
section, and no such driver's license may be renewed, unless the 115090
person presents a signed statement from a licensed physician that 115091
the person's condition either is dormant or is under effective 115092
medical control, that the control has been maintained continuously 115093
for at least one year prior to the date on which application for 115094
the license is made, and that, if continued medication is 115095
prescribed to control the condition, the person may be depended 115096
upon to take the medication. 115097

The statement shall be made on a form provided by the 115098
registrar, ~~shall be in not less than duplicate,~~ and shall contain 115099

any other information the registrar considers necessary. The 115100
~~duplicate copy of the statement may be retained by the person~~ 115101
~~requesting the license renewal and, when in the person's immediate~~ 115102
~~possession and used in conjunction with the original license,~~ 115103
~~shall entitle the person to operate a motor vehicle during a~~ 115104
~~period of no more than thirty days following the date of~~ 115105
~~submission of the statement to the registrar, except when the~~ 115106
~~registrar denies the request for the license renewal and so~~ 115107
~~notifies the person.~~ 115108

(D) Whenever the registrar receives a statement indicating 115109
that the condition of a person to whom a driver's license has been 115110
issued under this section no longer is dormant or under effective 115111
medical control, the registrar shall cancel the person's driver's 115112
license. 115113

(E) Nothing in this section shall require a person submitting 115114
a signed statement from a licensed physician to obtain a medical 115115
examination prior to the submission of the statement. 115116

(F) Any person whose driver's license has been canceled under 115117
this section may apply for a subsequent restricted license 115118
according to the provisions of section 4507.08 of the Revised 115119
Code. 115120

Sec. 4508.021. (A) As used in this section: 115121

(1) "State agency" has the same meaning as in section 1.60 of 115122
the Revised Code. 115123

(2) "Electronic medium" means a ~~video cassette tape, CD-ROM,~~ 115124
~~interactive videodisc~~ web site, electronic mail communication, 115125
compact disc media, or other electronic format used to convey 115126
~~information to students~~ through electronic means which information 115127
is sent or conveyed. 115128

(B) The classroom instruction required by division (C) of 115129

section 4508.02 of the Revised Code shall include the 115130
dissemination of information regarding anatomical gifts and 115131
anatomical gift procedures or a presentation and discussion of 115132
such gifts and procedures in accordance with this section. The 115133
second chance trust fund advisory committee created under section 115134
2108.35 of the Revised Code shall approve any brochure, written 115135
material, or electronic medium used by a driver training school to 115136
provide information to students regarding anatomical gifts and 115137
anatomical gift procedures. However, the committee shall not 115138
approve any such brochure, written material, or electronic medium 115139
that contains religious content for use in a driver education 115140
course conducted by a school district or educational service 115141
center. 115142

(C)(1) If any brochure or other written material approved by 115143
the committee under division (B) of this section is made available 115144
to a driver training school at no cost, the instructor shall 115145
provide such brochure or material to students. 115146

(2) If any electronic medium that is less than twenty minutes 115147
in length and that is approved by the committee under division (B) 115148
of this section is made available to a driver training school at 115149
no cost, the instructor shall show the electronic medium to 115150
students, provided that the school maintains operable viewing 115151
equipment. If more than one such electronic medium is made 115152
available to a school in accordance with this division, the 115153
instructor shall select one electronic medium from among those 115154
received by the school to show to students. 115155

(3) If no electronic medium is shown to students as specified 115156
in division (C)(2) of this section, the instructor shall organize 115157
a classroom presentation and discussion regarding anatomical gifts 115158
and anatomical gift procedures. The instructor may arrange for the 115159
presentation to be conducted by an employee of the department of 115160
health or any other state agency, an employee or volunteer of the 115161

second chance trust fund, an employee or volunteer of any 115162
organization involved in the procurement of organ donations, an 115163
organ donor, an organ recipient, an employee or volunteer of a 115164
tissue or eye bank, or a tissue or corneal transplant recipient, 115165
provided that no such person charges a fee to the school for the 115166
presentation. However, no such presentation that contains 115167
religious content shall be made to students of a driver education 115168
course conducted by a school district or educational service 115169
center. Students shall be granted the opportunity to ask questions 115170
on anatomical gifts and anatomical gift procedures during the 115171
presentation and discussion. 115172

Nothing in this section shall prohibit an instructor from 115173
also organizing a classroom presentation and discussion regarding 115174
anatomical gifts and anatomical gift procedures in accordance with 115175
this division if the instructor shows an electronic medium to 115176
students pursuant to division (C)(2) of this section. 115177

(D) No student shall be required to participate in any 115178
instruction in anatomical gifts or anatomical gift procedures 115179
conducted under this section upon written notification from the 115180
student's parent or guardian, or the student if the student is 115181
over eighteen years of age, that such instruction conflicts with 115182
the religious convictions of the student or the student's parent 115183
or guardian. If a student is excused from such instruction, the 115184
instructor shall give the student an alternative assignment. 115185

Sec. 4509.101. (A)(1) No person shall operate, or permit the 115186
operation of, a motor vehicle in this state, unless proof of 115187
financial responsibility is maintained continuously throughout the 115188
registration period with respect to that vehicle, or, in the case 115189
of a driver who is not the owner, with respect to that driver's 115190
operation of that vehicle. 115191

(2) Whoever violates division (A)(1) of this section shall be 115192

subject to the following civil penalties: 115193

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 115194
class (F) suspension of the person's driver's license, commercial 115195
driver's license, temporary instruction permit, probationary 115196
license, or nonresident operating privilege for the period of time 115197
specified in division (B)(6) of section 4510.02 of the Revised 115198
Code and impoundment of the person's license. The court may grant 115199
limited driving privileges to the person, but only if the person 115200
presents proof of financial responsibility and is enrolled in a 115201
reinstatement fee payment plan pursuant to section 4510.10 of the 115202
Revised Code. 115203

(b) If, within five years of the violation, the person's 115204
operating privileges are again suspended and the person's license 115205
again is impounded for a violation of division (A)(1) of this 115206
section, a class C suspension of the person's driver's license, 115207
commercial driver's license, temporary instruction permit, 115208
probationary license, or nonresident operating privilege for the 115209
period of time specified in division (B)(3) of section 4510.02 of 115210
the Revised Code. The court may grant limited driving privileges 115211
to the person only if the person presents proof of financial 115212
responsibility and has complied with division (A)(5) of this 115213
section, and no court may grant limited driving privileges for the 115214
first fifteen days of the suspension. 115215

(c) If, within five years of the violation, the person's 115216
operating privileges are suspended and the person's license is 115217
impounded two or more times for a violation of division (A)(1) of 115218
this section, a class B suspension of the person's driver's 115219
license, commercial driver's license, temporary instruction 115220
permit, probationary license, or nonresident operating privilege 115221
for the period of time specified in division (B)(2) of section 115222
4510.02 of the Revised Code. The court may grant limited driving 115223
privileges to the person only if the person presents proof of 115224

financial responsibility and has complied with division (A)(5) of 115225
this section, except that no court may grant limited driving 115226
privileges for the first thirty days of the suspension. 115227

(d) In addition to the suspension of an owner's license under 115228
division (A)(2)(a), (b), or (c) of this section, the suspension of 115229
the rights of the owner to register the motor vehicle and the 115230
impoundment of the owner's certificate of registration and license 115231
plates until the owner complies with division (A)(5) of this 115232
section. 115233

The clerk of court shall waive the cost of filing a petition 115234
for limited driving privileges if, pursuant to section 2323.311 of 115235
the Revised Code, the petitioner applies to be qualified as an 115236
indigent litigant and the court approves the application. 115237

(3) A person to whom this state has issued a certificate of 115238
registration for a motor vehicle or a license to operate a motor 115239
vehicle or who is determined to have operated any motor vehicle or 115240
permitted the operation in this state of a motor vehicle owned by 115241
the person shall be required to verify the existence of proof of 115242
financial responsibility covering the operation of the motor 115243
vehicle or the person's operation of the motor vehicle under 115244
either of the following circumstances: 115245

(a) The person or a motor vehicle owned by the person is 115246
involved in a traffic accident that requires the filing of an 115247
accident report under section 4509.06 of the Revised Code. 115248

(b) The person receives a traffic ticket indicating that 115249
proof of the maintenance of financial responsibility was not 115250
produced upon the request of a peace officer or state highway 115251
patrol trooper made in accordance with division (D)(2) of this 115252
section. 115253

(4) An order of the registrar that suspends and impounds a 115254
license or registration, or both, shall state the date on or 115255

before which the person is required to surrender the person's 115256
license or certificate of registration and license plates. The 115257
person is deemed to have surrendered the license or certificate of 115258
registration and license plates, in compliance with the order, if 115259
the person does either of the following: 115260

(a) On or before the date specified in the order, ~~personally~~ 115261
delivers the license or certificate of registration and license 115262
plates, ~~or causes the delivery of the items,~~ to the registrar; 115263

(b) Mails the license or certificate of registration and 115264
license plates to the registrar in an envelope or container 115265
bearing a postmark showing a date no later than the date specified 115266
in the order. 115267

(5) Except as provided in division (L) of this section, the 115268
registrar shall not restore any operating privileges or 115269
registration rights suspended under this section, return any 115270
license, certificate of registration, or license plates impounded 115271
under this section, or reissue license plates under section 115272
4503.232 of the Revised Code, if the registrar destroyed the 115273
impounded license plates under that section, or reissue a license 115274
under section 4510.52 of the Revised Code, if the registrar 115275
destroyed the suspended license under that section, unless the 115276
rights are not subject to suspension or revocation under any other 115277
law and unless the person, in addition to complying with all other 115278
conditions required by law for reinstatement of the operating 115279
privileges or registration rights, complies with all of the 115280
following: 115281

(a) Pays to the registrar or an eligible deputy registrar a 115282
financial responsibility reinstatement fee of one hundred dollars 115283
for the first violation of division (A)(1) of this section, three 115284
hundred dollars for a second violation of that division, and six 115285
hundred dollars for a third or subsequent violation of that 115286
division; 115287

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose 115319
certificate of registration and license plates have been impounded 115320
or are under an order of impoundment, or whose license has been 115321
suspended or is under an order of suspension; the serial number of 115322
the person's license; the serial numbers of the person's 115323
certificate of registration and license plates; and the person's 115324
social security account number, if assigned, or, where the motor 115325
vehicle is used for hire or principally in connection with any 115326
established business, the person's federal taxpayer identification 115327
number. The information shall be recorded in such a manner that it 115328
becomes a part of the person's permanent record, and assists the 115329
registrar in monitoring compliance with the orders of suspension 115330
or impoundment. 115331

(d) Send written notification to every person to whom the 115332
order pertains, at the person's last known address as shown on the 115333
records of the bureau. The person, within ten days after the date 115334
of the mailing of the notification, shall surrender to the 115335
registrar, in a manner set forth in division (A)(4) of this 115336
section, any certificate of registration and registration plates 115337
under an order of impoundment, or any license under an order of 115338
suspension. 115339

(2) The registrar shall issue any order under division (B)(1) 115340
of this section without a hearing. Any person adversely affected 115341
by the order, within ten days after the issuance of the order, may 115342
request an administrative hearing before the registrar, who shall 115343
provide the person with an opportunity for a hearing in accordance 115344
with this paragraph. A request for a hearing does not operate as a 115345
suspension of the order. The scope of the hearing shall be limited 115346
to whether the person in fact demonstrated to the registrar proof 115347
of financial responsibility in accordance with this section. The 115348
registrar shall determine the date, time, and place of any 115349
hearing, provided that the hearing shall be held, and an order 115350

issued or findings made, within thirty days after the registrar 115351
receives a request for a hearing. If requested by the person in 115352
writing, the registrar may designate as the place of hearing the 115353
county seat of the county in which the person resides or a place 115354
within fifty miles of the person's residence. The person shall pay 115355
the cost of the hearing before the registrar, if the registrar's 115356
order of suspension or impoundment is upheld. 115357

(C) Any order of suspension or impoundment issued under this 115358
section or division (B) of section 4509.37 of the Revised Code may 115359
be terminated at any time if the registrar determines upon a 115360
showing of proof of financial responsibility that the operator or 115361
owner of the motor vehicle was in compliance with division (A)(1) 115362
of this section at the time of the traffic offense, motor vehicle 115363
inspection, or accident that resulted in the order against the 115364
person. A determination may be made without a hearing. This 115365
division does not apply unless the person shows good cause for the 115366
person's failure to present satisfactory proof of financial 115367
responsibility to the registrar prior to the issuance of the 115368
order. 115369

(D)(1)(a) For the purpose of enforcing this section, every 115370
peace officer is deemed an agent of the registrar. 115371

(b) Any peace officer who, in the performance of the peace 115372
officer's duties as authorized by law, becomes aware of a person 115373
whose license is under an order of suspension, or whose 115374
certificate of registration and license plates are under an order 115375
of impoundment, pursuant to this section, may confiscate the 115376
license, certificate of registration, and license plates, and 115377
return them to the registrar. 115378

(2) A peace officer shall request the owner or operator of a 115379
motor vehicle to produce proof of financial responsibility in a 115380
manner described in division (G) of this section at the time the 115381
peace officer acts to enforce the traffic laws of this state and 115382

during motor vehicle inspections conducted pursuant to section 115383
4513.02 of the Revised Code. 115384

(3) A peace officer shall indicate on every traffic ticket 115385
whether the person receiving the traffic ticket produced proof of 115386
the maintenance of financial responsibility in response to the 115387
officer's request under division (D)(2) of this section. The peace 115388
officer shall inform every person who receives a traffic ticket 115389
and who has failed to produce proof of the maintenance of 115390
financial responsibility that the person must submit proof to the 115391
traffic violations bureau with any payment of a fine and costs for 115392
the ticketed violation or, if the person is to appear in court for 115393
the violation, the person must submit proof to the court. 115394

(4)(a) If a person who has failed to produce proof of the 115395
maintenance of financial responsibility appears in court for a 115396
ticketed violation, the court may permit the defendant to present 115397
evidence of proof of financial responsibility to the court at such 115398
time and in such manner as the court determines to be necessary or 115399
appropriate. In a manner prescribed by the registrar, the clerk of 115400
courts shall provide the registrar with the identity of any person 115401
who fails to submit proof of the maintenance of financial 115402
responsibility pursuant to division (D)(3) of this section. 115403

(b) If a person who has failed to produce proof of the 115404
maintenance of financial responsibility also fails to submit that 115405
proof to the traffic violations bureau with payment of a fine and 115406
costs for the ticketed violation, the traffic violations bureau, 115407
in a manner prescribed by the registrar, shall notify the 115408
registrar of the identity of that person. 115409

(5)(a) Upon receiving notice from a clerk of courts or 115410
traffic violations bureau pursuant to division (D)(4) of this 115411
section, the registrar shall order the suspension of the license 115412
of the person required under division (A)(2)(a), (b), or (c) of 115413
this section and the impoundment of the person's certificate of 115414

registration and license plates required under division (A)(2)(d) 115415
of this section, effective thirty days after the date of the 115416
mailing of notification. The registrar also shall notify the 115417
person that the person must present the registrar with proof of 115418
financial responsibility in accordance with this section, 115419
surrender to the registrar the person's certificate of 115420
registration, license plates, and license, or submit a statement 115421
subject to section 2921.13 of the Revised Code that the person did 115422
not operate or permit the operation of the motor vehicle at the 115423
time of the offense. Notification shall be in writing and shall be 115424
sent to the person at the person's last known address as shown on 115425
the records of the bureau of motor vehicles. The person, within 115426
fifteen days after the date of the mailing of notification, shall 115427
present proof of financial responsibility, surrender the 115428
certificate of registration, license plates, and license to the 115429
registrar in a manner set forth in division (A)(4) of this 115430
section, or submit the statement required under this section 115431
together with other information the person considers appropriate. 115432

If the registrar does not receive proof or the person does 115433
not surrender the certificate of registration, license plates, and 115434
license, in accordance with this division, the registrar shall 115435
permit the order for the suspension of the license of the person 115436
and the impoundment of the person's certificate of registration 115437
and license plates to take effect. 115438

(b) In the case of a person who presents, within the 115439
fifteen-day period, proof of financial responsibility, the 115440
registrar shall terminate the order of suspension and the 115441
impoundment of the registration and license plates required under 115442
division (A)(2)(d) of this section and shall send written 115443
notification to the person, at the person's last known address as 115444
shown on the records of the bureau. 115445

(c) Any person adversely affected by the order of the 115446

registrar under division (D)(5)(a) or (b) of this section, within 115447
ten days after the issuance of the order, may request an 115448
administrative hearing before the registrar, who shall provide the 115449
person with an opportunity for a hearing in accordance with this 115450
paragraph. A request for a hearing does not operate as a 115451
suspension of the order. The scope of the hearing shall be limited 115452
to whether, at the time of the hearing, the person presents proof 115453
of financial responsibility covering the vehicle and whether the 115454
person is eligible for an exemption in accordance with this 115455
section or any rule adopted under it. The registrar shall 115456
determine the date, time, and place of any hearing; ~~provided, that~~ 115457
~~the hearing shall be held, and an order issued or findings made,~~ 115458
~~within thirty days after the registrar receives a request for a~~ 115459
~~hearing. The hearing may be held remotely by electronic means.~~ If 115460
requested by the person in writing, the registrar may designate as 115461
the place of hearing the county seat of the county in which the 115462
person resides or a place within fifty miles of the person's 115463
residence. Such person shall pay the cost of the hearing before 115464
the registrar, if the registrar's order of suspension or 115465
impoundment under division (D)(5)(a) or (b) of this section is 115466
upheld. 115467

(6) A peace officer may charge an owner or operator of a 115468
motor vehicle with a violation of section 4510.16 of the Revised 115469
Code when the owner or operator fails to show proof of the 115470
maintenance of financial responsibility pursuant to a peace 115471
officer's request under division (D)(2) of this section, if a 115472
check of the owner or operator's driving record indicates that the 115473
owner or operator, at the time of the operation of the motor 115474
vehicle, is required to file and maintain proof of financial 115475
responsibility under section 4509.45 of the Revised Code for a 115476
previous violation of this chapter. 115477

(7) Any forms used by law enforcement agencies in 115478

administering this section shall be prescribed, supplied, and paid 115479
for by the registrar. 115480

(8) No peace officer, law enforcement agency employing a 115481
peace officer, or political subdivision or governmental agency 115482
that employs a peace officer shall be liable in a civil action for 115483
damages or loss to persons arising out of the performance of any 115484
duty required or authorized by this section. 115485

(9) As used in this section, "peace officer" has the meaning 115486
set forth in section 2935.01 of the Revised Code. 115487

(E) All fees, except court costs, fees paid to a deputy 115488
registrar, and those portions of the financial responsibility 115489
reinstatement fees as otherwise specified in this division, 115490
collected under this section shall be paid into the state treasury 115491
to the credit of the public safety - highway purposes fund 115492
established in section 4501.06 of the Revised Code and used to 115493
cover costs incurred by the bureau in the administration of this 115494
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 115495
Code, and by any law enforcement agency employing any peace 115496
officer who returns any license, certificate of registration, and 115497
license plates to the registrar pursuant to division (C) of this 115498
section. 115499

Of each financial responsibility reinstatement fee the 115500
registrar collects pursuant to division (A)(5)(a) of this section 115501
or receives from a deputy registrar under division (A)(5)(d) of 115502
this section, the registrar shall deposit twenty-five dollars of 115503
each one-hundred-dollar reinstatement fee, fifty dollars of each 115504
three-hundred-dollar reinstatement fee, and one hundred dollars of 115505
each six-hundred-dollar reinstatement fee into the state treasury 115506
to the credit of the indigent defense support fund created by 115507
section 120.08 of the Revised Code. 115508

(F) Chapter 119. of the Revised Code applies to this section 115509

only to the extent that any provision in that chapter is not 115510
clearly inconsistent with this section. 115511

(G)(1)(a) The registrar, court, traffic violations bureau, or 115512
peace officer may require proof of financial responsibility to be 115513
demonstrated by use of a standard form prescribed by the 115514
registrar. If the use of a standard form is not required, a person 115515
may demonstrate proof of financial responsibility under this 115516
section by presenting to the traffic violations bureau, court, 115517
registrar, or peace officer any of the following documents or a 115518
copy of the documents: 115519

(i) A financial responsibility identification card as 115520
provided in section 4509.103 of the Revised Code; 115521

(ii) A certificate of proof of financial responsibility on a 115522
form provided and approved by the registrar for the filing of an 115523
accident report required to be filed under section 4509.06 of the 115524
Revised Code; 115525

(iii) A policy of liability insurance, a declaration page of 115526
a policy of liability insurance, or liability bond, if the policy 115527
or bond complies with section 4509.20 or sections 4509.49 to 115528
4509.61 of the Revised Code; 115529

(iv) A bond or certification of the issuance of a bond as 115530
provided in section 4509.59 of the Revised Code; 115531

(v) A certificate of deposit of money or securities as 115532
provided in section 4509.62 of the Revised Code; 115533

(vi) A certificate of self-insurance as provided in section 115534
4509.72 of the Revised Code. 115535

(b) A person also may present proof of financial 115536
responsibility under this section to the traffic violations 115537
bureau, court, registrar, or peace officer through use of an 115538
electronic wireless communications device as specified under 115539

section 4509.103 of the Revised Code. 115540

(2) If a person fails to demonstrate proof of financial 115541
responsibility in a manner described in division (G)(1) of this 115542
section, the person may demonstrate proof of financial 115543
responsibility under this section by any other method that the 115544
court or the bureau, by reason of circumstances in a particular 115545
case, may consider appropriate. 115546

(3) A motor carrier certificated by the interstate commerce 115547
commission or by the public utilities commission may demonstrate 115548
proof of financial responsibility by providing a statement 115549
designating the motor carrier's operating authority and averring 115550
that the insurance coverage required by the certificating 115551
authority is in full force and effect. 115552

(4)(a) A finding by the registrar or court that a person is 115553
covered by proof of financial responsibility in the form of an 115554
insurance policy or surety bond is not binding upon the named 115555
insurer or surety or any of its officers, employees, agents, or 115556
representatives and has no legal effect except for the purpose of 115557
administering this section. 115558

(b) The preparation and delivery of a financial 115559
responsibility identification card or any other document 115560
authorized to be used as proof of financial responsibility and the 115561
generation and delivery of proof of financial responsibility to an 115562
electronic wireless communications device that is displayed on the 115563
device as text or images does not do any of the following: 115564

(i) Create any liability or estoppel against an insurer or 115565
surety, or any of its officers, employees, agents, or 115566
representatives; 115567

(ii) Constitute an admission of the existence of, or of any 115568
liability or coverage under, any policy or bond; 115569

(iii) Waive any defenses or counterclaims available to an 115570

insurer, surety, agent, employee, or representative in an action 115571
commenced by an insured or third-party claimant upon a cause of 115572
action alleged to have arisen under an insurance policy or surety 115573
bond or by reason of the preparation and delivery of a document 115574
for use as proof of financial responsibility or the generation and 115575
delivery of proof of financial responsibility to an electronic 115576
wireless communications device. 115577

(c) Whenever it is determined by a final judgment in a 115578
judicial proceeding that an insurer or surety, which has been 115579
named on a document or displayed on an electronic wireless 115580
communications device accepted by a court or the registrar as 115581
proof of financial responsibility covering the operation of a 115582
motor vehicle at the time of an accident or offense, is not liable 115583
to pay a judgment for injuries or damages resulting from such 115584
operation, the registrar, notwithstanding any previous contrary 115585
finding, shall forthwith suspend the operating privileges and 115586
registration rights of the person against whom the judgment was 115587
rendered as provided in division (A)(2) of this section. 115588

(H) In order for any document or display of text or images on 115589
an electronic wireless communications device described in division 115590
(G)(1) of this section to be used for the demonstration of proof 115591
of financial responsibility under this section, the document or 115592
words or images shall state the name of the insured or obligor, 115593
the name of the insurer or surety company, and the effective and 115594
expiration dates of the financial responsibility, and designate by 115595
explicit description or by appropriate reference all motor 115596
vehicles covered which may include a reference to fleet insurance 115597
coverage. 115598

(I) For purposes of this section, "owner" does not include a 115599
licensed motor vehicle leasing dealer as defined in section 115600
4517.01 of the Revised Code, but does include a motor vehicle 115601
renting dealer as defined in section 4549.65 of the Revised Code. 115602

Nothing in this section or in section 4509.51 of the Revised Code 115603
shall be construed to prohibit a motor vehicle renting dealer from 115604
entering into a contractual agreement with a person whereby the 115605
person renting the motor vehicle agrees to be solely responsible 115606
for maintaining proof of financial responsibility, in accordance 115607
with this section, with respect to the operation, maintenance, or 115608
use of the motor vehicle during the period of the motor vehicle's 115609
rental. 115610

(J) The purpose of this section is to require the maintenance 115611
of proof of financial responsibility with respect to the operation 115612
of motor vehicles on the highways of this state, so as to minimize 115613
those situations in which persons are not compensated for injuries 115614
and damages sustained in motor vehicle accidents. The general 115615
assembly finds that this section contains reasonable civil 115616
penalties and procedures for achieving this purpose. 115617

(K) Nothing in this section shall be construed to be subject 115618
to section 4509.78 of the Revised Code. 115619

(L)(1) The registrar may terminate any suspension imposed 115620
under this section and not require the owner to comply with 115621
divisions (A)(5)(a), (b), and (c) of this section if the registrar 115622
with or without a hearing determines that the owner of the vehicle 115623
has established by clear and convincing evidence that all of the 115624
following apply: 115625

(a) The owner customarily maintains proof of financial 115626
responsibility. 115627

(b) Proof of financial responsibility was not in effect for 115628
the vehicle on the date in question for one of the following 115629
reasons: 115630

(i) The vehicle was inoperable. 115631

(ii) The vehicle is operated only seasonally, and the date in 115632
question was outside the season of operation. 115633

(iii) A person other than the vehicle owner or driver was at 115634
fault for the lapse of proof of financial responsibility through 115635
no fault of the owner or driver. 115636

(iv) The lapse of proof of financial responsibility was 115637
caused by excusable neglect under circumstances that are not 115638
likely to recur and do not suggest a purpose to evade the 115639
requirements of this chapter. 115640

(2) The registrar may grant an owner or driver relief for a 115641
reason specified in division (L)(1)(b)(iii) or (iv) of this 115642
section only if the owner or driver has not previously been 115643
granted relief under division (L)(1)(b)(iii) or (iv) of this 115644
section. 115645

(M) The registrar shall adopt rules in accordance with 115646
Chapter 119. of the Revised Code that are necessary to administer 115647
and enforce this section. The rules shall include procedures for 115648
the surrender of license plates upon failure to maintain proof of 115649
financial responsibility and provisions relating to reinstatement 115650
of registration rights, acceptable forms of proof of financial 115651
responsibility, the use of an electronic wireless communications 115652
device to present proof of financial responsibility, and 115653
verification of the existence of financial responsibility during 115654
the period of registration. 115655

(N)(1) When a person utilizes an electronic wireless 115656
communications device to present proof of financial 115657
responsibility, only the evidence of financial responsibility 115658
displayed on the device shall be viewed by the registrar, peace 115659
officer, employee or official of the traffic violations bureau, or 115660
the court. No other content of the device shall be viewed for 115661
purposes of obtaining proof of financial responsibility. 115662

(2) When a person provides an electronic wireless 115663
communications device to the registrar, a peace officer, an 115664

employee or official of a traffic violations bureau, or the court, 115665
the person assumes the risk of any resulting damage to the device 115666
unless the registrar, peace officer, employee, or official, or 115667
court personnel purposely, knowingly, or recklessly commits an 115668
action that results in damage to the device. 115669

Sec. 4510.03. (A) Every county court judge, mayor of a 115670
mayor's court, and clerk of a court of record shall keep a full 115671
record of every case in which a person is charged with any 115672
violation of any provision of sections 4511.01 to 4511.771 or 115673
4513.01 to 4513.36 of the Revised Code or of any other law or 115674
ordinance regulating the operation of vehicles, streetcars, and 115675
trackless trolleys on highways or streets. 115676

(B) If a person is convicted of or forfeits bail in relation 115677
to a violation of any section listed in division (A) of this 115678
section or a violation of any other law or ordinance regulating 115679
the operation of vehicles, streetcars, and trackless trolleys on 115680
highways or streets, the county court judge, mayor of a mayor's 115681
court, or clerk, within seven days after the conviction or bail 115682
forfeiture, shall prepare and immediately forward to the bureau of 115683
motor vehicles, in a secure electronic format, an abstract, 115684
certified by the preparer to be true and correct, of the court 115685
record covering the case in which the person was convicted or 115686
forfeited bail. Every court of record also shall forward to the 115687
bureau of motor vehicles, in a secure electronic format, an 115688
abstract of the court record as described in division (C) of this 115689
section upon the conviction of any person of aggravated vehicular 115690
homicide or vehicular homicide or of a felony in the commission of 115691
which a vehicle was used. 115692

(C) Each abstract required by this section shall be made upon 115693
a form approved and furnished by the bureau and shall include the 115694
name and address of the person charged, the number of the person's 115695

driver's or commercial driver's license, probationary driver's 115696
license, or temporary instruction permit, the registration number 115697
of the vehicle involved, the nature of the offense, the date of 115698
the offense, the date of hearing, the plea, the judgment, or 115699
whether bail was forfeited, and the amount of the fine or 115700
forfeiture. 115701

Sec. 4510.41. (A) As used in this section: 115702

(1) "Arrested person" means a person who is arrested for a 115703
violation of section 4510.14 or 4511.203 of the Revised Code, or a 115704
municipal ordinance that is substantially equivalent to either of 115705
those sections, and whose arrest results in a vehicle being seized 115706
under division (B) of this section. 115707

(2) "Vehicle owner" means either of the following: 115708

(a) The person in whose name is registered, at the time of 115709
the seizure, a vehicle that is seized under division (B) of this 115710
section; 115711

(b) A person to whom the certificate of title to a vehicle 115712
that is seized under division (B) of this section has been 115713
assigned and who has not obtained a certificate of title to the 115714
vehicle in that person's name, but who is deemed by the court as 115715
being the owner of the vehicle at the time the vehicle was seized 115716
under division (B) of this section. 115717

(3) "Interested party" includes the owner of a vehicle seized 115718
under this section, all lienholders, the arrested person, the 115719
owner of the place of storage at which a vehicle seized under this 115720
section is stored, and the person or entity that caused the 115721
vehicle to be removed. 115722

(B)(1) If a person is arrested for a violation of section 115723
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 115724
that is substantially equivalent to either of those sections, the 115725

arresting officer or another officer of the law enforcement agency 115726
that employs the arresting officer, in addition to any action that 115727
the arresting officer is required or authorized to take by any 115728
other provision of law, shall seize the vehicle that the person 115729
was operating at the time of, or that was involved in, the alleged 115730
offense if the vehicle is registered in the arrested person's name 115731
and its license plates. A law enforcement agency that employs a 115732
law enforcement officer who makes an arrest of a type that is 115733
described in this division and that involves a rented or leased 115734
vehicle that is being rented or leased for a period of thirty days 115735
or less shall notify, within twenty-four hours after the officer 115736
makes the arrest, the lessor or owner of the vehicle regarding the 115737
circumstances of the arrest and the location at which the vehicle 115738
may be picked up. At the time of the seizure of the vehicle, the 115739
law enforcement officer who made the arrest shall give the 115740
arrested person written notice that the vehicle and its license 115741
plates have been seized; that the vehicle either will be kept by 115742
the officer's law enforcement agency or will be immobilized at 115743
least until the person's initial appearance on the charge of the 115744
offense for which the arrest was made; that, at the initial 115745
appearance, the court in certain circumstances may order that the 115746
vehicle and license plates be released to the arrested person 115747
until the disposition of that charge; that, if the arrested person 115748
is convicted of that charge, the court generally must order the 115749
immobilization of the vehicle and the impoundment of its license 115750
plates or the forfeiture of the vehicle; and that the arrested 115751
person may be charged expenses or charges incurred under this 115752
section and section 4503.233 of the Revised Code for the removal 115753
and storage of the vehicle. 115754

(2) The arresting officer or a law enforcement officer of the 115755
agency that employs the arresting officer shall give written 115756
notice of the seizure under division (B)(1) of this section to the 115757
court that will conduct the initial appearance of the arrested 115758

person on the charges arising out of the arrest. Upon receipt of 115759
the notice, the court promptly shall determine whether the 115760
arrested person is the vehicle owner. If the court determines that 115761
the arrested person is not the vehicle owner, it promptly shall 115762
send by regular mail written notice of the seizure to the 115763
vehicle's registered owner. The written notice shall contain all 115764
of the information required by division (B)(1) of this section to 115765
be in a notice to be given to the arrested person and also shall 115766
specify the date, time, and place of the arrested person's initial 115767
appearance. The notice also shall inform the vehicle owner that if 115768
title to a motor vehicle that is subject to an order for criminal 115769
forfeiture under this section is assigned or transferred and 115770
division (B)(2) or (3) of section 4503.234 of the Revised Code 115771
applies, the court may fine the arrested person the value of the 115772
vehicle. The notice also shall state that if the vehicle is 115773
immobilized under division (A) of section 4503.233 of the Revised 115774
Code, seven days after the end of the period of immobilization a 115775
law enforcement agency will send the vehicle owner a notice, 115776
informing the owner that if the release of the vehicle is not 115777
obtained in accordance with division (D)(3) of section 4503.233 of 115778
the Revised Code, the vehicle shall be forfeited. The notice also 115779
shall inform the vehicle owner that the owner may be charged 115780
expenses or charges incurred under this section and section 115781
4503.233 of the Revised Code for the removal and storage of the 115782
vehicle. 115783

The written notice that is given to the arrested person also 115784
shall state that if the person is convicted of or pleads guilty to 115785
the offense and the court issues an immobilization and impoundment 115786
order relative to that vehicle, division (D)(4) of section 115787
4503.233 of the Revised Code prohibits the vehicle from being sold 115788
during the period of immobilization without the prior approval of 115789
the court. 115790

(3) At or before the initial appearance, the vehicle owner 115791
may file a motion requesting the court to order that the vehicle 115792
and its license plates be released to the vehicle owner. Except as 115793
provided in this division and subject to the payment of expenses 115794
or charges incurred in the removal and storage of the vehicle, the 115795
court, in its discretion, then may issue an order releasing the 115796
vehicle and its license plates to the vehicle owner. Such an order 115797
may be conditioned upon such terms as the court determines 115798
appropriate, including the posting of a bond in an amount 115799
determined by the court. If the arrested person is not the vehicle 115800
owner and if the vehicle owner is not present at the arrested 115801
person's initial appearance, and if the court believes that the 115802
vehicle owner was not provided with adequate notice of the initial 115803
appearance, the court, in its discretion, may allow the vehicle 115804
owner to file a motion within seven days of the initial 115805
appearance. If the court allows the vehicle owner to file such a 115806
motion after the initial appearance, the extension of time granted 115807
by the court does not extend the time within which the initial 115808
appearance is to be conducted. If the court issues an order for 115809
the release of the vehicle and its license plates, a copy of the 115810
order shall be made available to the vehicle owner. If the vehicle 115811
owner presents a copy of the order to the law enforcement agency 115812
that employs the law enforcement officer who arrested the arrested 115813
person, the law enforcement agency promptly shall release the 115814
vehicle and its license plates to the vehicle owner upon payment 115815
by the vehicle owner of any expenses or charges incurred in the 115816
removal or storage of the vehicle. 115817

(4) A vehicle seized under division (B)(1) of this section 115818
either shall be towed to a place specified by the law enforcement 115819
agency that employs the arresting officer to be safely kept by the 115820
agency at that place for the time and in the manner specified in 115821
this section or shall be otherwise immobilized for the time and in 115822
the manner specified in this section. ~~A law enforcement officer of~~ 115823

~~that agency shall remove the identification license plates of the~~ 115824
~~vehicle, and they shall be safely kept by the agency for the time~~ 115825
~~and in the manner specified in this section. The license plates~~ 115826
~~shall remain on the seized vehicle unless otherwise ordered by the~~ 115827
~~court.~~ No vehicle that is seized and either towed or immobilized 115828
pursuant to this division shall be considered contraband for 115829
purposes of Chapter 2981. of the Revised Code. The vehicle shall 115830
not be immobilized at any place other than a commercially operated 115831
private storage lot, a place owned by a law enforcement or other 115832
government agency, or a place to which one of the following 115833
applies: 115834

(a) The place is leased by or otherwise under the control of 115835
a law enforcement or other government agency. 115836

(b) The place is owned by the arrested person, the arrested 115837
person's spouse, or a parent or child of the arrested person. 115838

(c) The place is owned by a private person or entity, and, 115839
prior to the immobilization, the private entity or person that 115840
owns the place, or the authorized agent of that private entity or 115841
person, has given express written consent for the immobilization 115842
to be carried out at that place. 115843

(d) The place is a public street or highway on which the 115844
vehicle is parked in accordance with the law. 115845

(C)(1) A vehicle seized under division (B)(1) of this section 115846
shall be safely kept at the place to which it is towed or 115847
otherwise moved by the law enforcement agency that employs the 115848
arresting officer until the initial appearance of the arrested 115849
person relative to the charge in question. The license plates ~~of~~ 115850
~~shall remain on the seized vehicle that are removed pursuant to~~ 115851
~~division (B)(1) of this section shall be safely kept by the law~~ 115852
~~enforcement agency that employs the arresting officer until at~~ 115853
~~least the initial appearance of the arrested person relative to~~ 115854

~~the charge in question unless otherwise ordered by the court.~~ 115855

(2)(a) At the initial appearance or not less than seven days 115856
prior to the date of final disposition, the court shall notify the 115857
arrested person that, if title to a motor vehicle that is subject 115858
to an order for criminal forfeiture under this section is assigned 115859
or transferred and division (B)(2) or (3) of section 4503.234 of 115860
the Revised Code applies, the court may fine the arrested person 115861
the value of the vehicle. If, at the initial appearance, the 115862
arrested person pleads guilty to the violation of section 4510.14 115863
or 4511.203 of the Revised Code, or a municipal ordinance that is 115864
substantially equivalent to either of those sections or pleads no 115865
contest to and is convicted of the violation, the following 115866
sentencing provisions apply: 115867

(i) If the person violated section 4510.14 of the Revised 115868
Code or a municipal ordinance that is substantially equivalent to 115869
that section, the court shall impose sentence upon the person as 115870
provided by law or ordinance; the court shall order the 115871
immobilization of the vehicle the arrested person was operating at 115872
the time of, or that was involved in, the offense if registered in 115873
the arrested person's name and the impoundment of its license 115874
plates under sections 4503.233 and 4510.14 of the Revised Code or 115875
the criminal forfeiture to the state of the vehicle if registered 115876
in the arrested person's name under sections 4503.234 and 4510.14 115877
of the Revised Code, whichever is applicable; and the vehicle and 115878
its license plates shall not be returned or released to the 115879
arrested person. 115880

(ii) If the person violated section 4511.203 of the Revised 115881
Code or a municipal ordinance that is substantially equivalent to 115882
that section, the court shall impose sentence upon the person as 115883
provided by law or ordinance; the court may order the 115884
immobilization of the vehicle the arrested person was operating at 115885
the time of, or that was involved in, the offense if registered in 115886

the arrested person's name and the impoundment of its license 115887
plates under section 4503.233 and section 4511.203 of the Revised 115888
Code or the criminal forfeiture to the state of the vehicle if 115889
registered in the arrested person's name under section 4503.234 115890
and section 4511.203 of the Revised Code, whichever is applicable; 115891
and the vehicle and its license plates shall not be returned or 115892
released to the arrested person. 115893

(b) If, at any time, the charge that the arrested person 115894
violated section 4510.14 or 4511.203 of the Revised Code, or a 115895
municipal ordinance that is substantially equivalent to either of 115896
those sections is dismissed for any reason, the court shall order 115897
that the vehicle seized at the time of the arrest and its license 115898
plates immediately be released to the person. 115899

(D) If a vehicle and its license plates are seized under 115900
division (B)(1) of this section and are not returned or released 115901
to the arrested person pursuant to division (C) of this section, 115902
the vehicle and its license plates shall be retained until the 115903
final disposition of the charge in question. Upon the final 115904
disposition of that charge, the court shall do whichever of the 115905
following is applicable: 115906

(1) If the arrested person is convicted of or pleads guilty 115907
to the violation of section 4510.14 of the Revised Code or a 115908
municipal ordinance that is substantially equivalent to that 115909
section, the court shall impose sentence upon the person as 115910
provided by law or ordinance and shall order the immobilization of 115911
the vehicle the person was operating at the time of, or that was 115912
involved in, the offense if it is registered in the arrested 115913
person's name and the impoundment of its license plates under 115914
sections 4503.233 and 4510.14 of the Revised Code or the criminal 115915
forfeiture of the vehicle if it is registered in the arrested 115916
person's name under sections 4503.234 and 4510.14 of the Revised 115917
Code, whichever is applicable. 115918

(2) If the arrested person is convicted of or pleads guilty to the violation of section 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this

section, the time between the seizure of the vehicle and either 115951
its release to the arrested person pursuant to division (C) of 115952
this section or the issuance of an order of immobilization of the 115953
vehicle under section 4503.233 of the Revised Code shall be 115954
credited against the period of immobilization ordered by the 115955
court. 115956

(F)(1) Except as provided in division (D)(4) of this section, 115957
the arrested person may be charged expenses or charges incurred in 115958
the removal and storage of the immobilized vehicle. The court with 115959
jurisdiction over the case, after notice to all interested 115960
parties, including lienholders, and after an opportunity for them 115961
to be heard, if the court finds that the arrested person does not 115962
intend to seek release of the vehicle at the end of the period of 115963
immobilization under section 4503.233 of the Revised Code or that 115964
the arrested person is not or will not be able to pay the expenses 115965
and charges incurred in its removal and storage, may order that 115966
title to the vehicle be transferred, in order of priority, first 115967
into the name of the person or entity that removed it, next into 115968
the name of a lienholder, or lastly into the name of the owner of 115969
the place of storage. 115970

Any lienholder that receives title under a court order shall 115971
do so on the condition that it pay any expenses or charges 115972
incurred in the vehicle's removal and storage. If the person or 115973
entity that receives title to the vehicle is the person or entity 115974
that removed it, the person or entity shall receive title on the 115975
condition that it pay any lien on the vehicle. The court shall not 115976
order that title be transferred to any person or entity other than 115977
the owner of the place of storage if the person or entity refuses 115978
to receive the title. Any person or entity that receives title 115979
either may keep title to the vehicle or may dispose of the vehicle 115980
in any legal manner that it considers appropriate, including 115981
assignment of the certificate of title to the motor vehicle to a 115982

salvage dealer or a scrap metal processing facility. The person or 115983
entity shall not transfer the vehicle to the person who is the 115984
vehicle's immediate previous owner. 115985

If the person or entity that receives title assigns the motor 115986
vehicle to a salvage dealer or scrap metal processing facility, 115987
the person or entity shall send the assigned certificate of title 115988
to the motor vehicle to the clerk of the court of common pleas of 115989
the county in which the salvage dealer or scrap metal processing 115990
facility is located. The person or entity shall mark the face of 115991
the certificate of title with the words "FOR DESTRUCTION" and 115992
shall deliver a photocopy of the certificate of title to the 115993
salvage dealer or scrap metal processing facility for its records. 115994

(2) Whenever a court issues an order under division (F)(1) of 115995
this section, the court also shall order removal of the license 115996
plates from the vehicle and cause them to be sent to the registrar 115997
if they have not already been sent to the registrar. Thereafter, 115998
no further proceedings shall take place under this section or 115999
under section 4503.233 of the Revised Code. 116000

(3) Prior to initiating a proceeding under division (F)(1) of 116001
this section, and upon payment of the fee under division (B) of 116002
section 4505.14, any interested party may cause a search to be 116003
made of the public records of the bureau of motor vehicles or the 116004
clerk of the court of common pleas, to ascertain the identity of 116005
any lienholder of the vehicle. The initiating party shall furnish 116006
this information to the clerk of the court with jurisdiction over 116007
the case, and the clerk shall provide notice to the arrested 116008
person, any lienholder, and any other interested parties listed by 116009
the initiating party, at the last known address supplied by the 116010
initiating party, by certified mail, or, at the option of the 116011
initiating party, by personal service or ordinary mail. 116012

Sec. 4735.13. (A) Every real estate broker licensed under 116013

this chapter shall have and maintain a definite place of business 116014
in this state. A post office box address is not a definite place 116015
of business for purposes of this section. The license of a real 116016
estate broker shall be prominently displayed in the office or 116017
place of business of the broker, and no license shall authorize 116018
the licensee to do business except from the location specified in 116019
it. If the broker maintains more than one place of business within 116020
the state, the broker shall apply for and procure a duplicate 116021
license for each branch office maintained by the broker. Each 116022
branch office shall be in the charge of a licensed broker or 116023
salesperson. The branch office license shall be prominently 116024
displayed at the branch office location. 116025

(B) The license of each real estate salesperson shall be 116026
electronically mailed to and remain in the possession of the 116027
licensed broker with whom the salesperson is or is to be 116028
associated until the licensee places the license on inactive or 116029
resigned status or until the salesperson leaves the brokerage or 116030
is terminated. The broker shall keep a copy of each salesperson's 116031
license in a way that it can, and shall on request, be made 116032
immediately available for public inspection at the office or place 116033
of business of the broker. Except as provided in divisions (G) and 116034
(H) of this section, immediately upon the salesperson's leaving 116035
the association or termination of the association of a real estate 116036
salesperson with the broker, the broker shall ~~return the~~ 116037
~~salesperson's license to~~ notify the superintendent of real estate 116038
by electronic mail to the division of real estate's general 116039
electronic mail address. The broker shall keep a copy of the 116040
written notification for three years after it is sent. 116041

The failure of a broker to ~~return the license~~ notify the 116042
superintendent of real estate in writing of a real estate 116043
salesperson or broker who leaves or who is terminated, via 116044
~~certified~~ electronic mail ~~return receipt requested~~, within three 116045

business days of the receipt of a written request from the 116046
superintendent for ~~the return of the license~~ such notification, is 116047
prima-facie evidence of misconduct under division (A)(6) of 116048
section 4735.18 of the Revised Code. 116049

(C) A licensee shall notify the superintendent in writing 116050
within fifteen days of any of the following occurrences: 116051

(1) The licensee is convicted of a felony. 116052

(2) The licensee is convicted of a crime involving moral 116053
turpitude. 116054

(3) The licensee is found to have violated any federal, 116055
state, or municipal civil rights law pertaining to discrimination 116056
in housing. 116057

(4) The licensee is found to have engaged in a discriminatory 116058
practice pertaining to housing accommodations described in 116059
division (H) of section 4112.02 of the Revised Code. 116060

(5) The licensee is the subject of an order by the department 116061
of commerce, the department of insurance, or the department of 116062
agriculture revoking or permanently surrendering any professional 116063
license, certificate, or registration. 116064

(6) The licensee is the subject of an order by any government 116065
agency concerning real estate, financial matters, or the 116066
performance of fiduciary duties with respect to any license, 116067
certificate, or registration. 116068

If a licensee fails to notify the superintendent within the 116069
required time, the superintendent immediately may suspend the 116070
license of the licensee. 116071

Any court that convicts a licensee of a violation of any 116072
municipal civil rights law pertaining to housing discrimination 116073
also shall notify the Ohio civil rights commission within fifteen 116074
days of the conviction. 116075

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the

superintendent to all salespersons associated with the broker when 116109
applying to place the broker's license on deposit. 116110

(F) If a real estate broker desires to become a member or 116111
officer of a partnership, association, limited liability company, 116112
limited liability partnership, or corporation that is or intends 116113
to become a licensed real estate broker, the broker shall notify 116114
the superintendent of the broker's intentions. The notice of 116115
intention shall be on a form prescribed by the superintendent and 116116
shall be accompanied by a fee of thirty-four dollars. One dollar 116117
of the fee shall be credited to the real estate education and 116118
research fund. 116119

A licensed real estate broker who is a member or officer of a 116120
partnership, association, limited liability company, limited 116121
liability partnership, or corporation shall only act as a real 116122
estate broker for such partnership, association, limited liability 116123
company, limited liability partnership, or corporation. 116124

(G)(1) If a real estate broker or salesperson enters the 116125
armed forces, the broker or salesperson may place the broker's or 116126
salesperson's license on deposit with the Ohio real estate 116127
commission. The licensee shall not be required to renew the 116128
license until the renewal date that follows the date of discharge 116129
from the armed forces. Any license deposited with the commission 116130
shall be subject to this chapter. 116131

Any licensee whose license is on deposit under this division 116132
and who fails to meet the continuing education requirements of 116133
section 4735.141 of the Revised Code because the licensee is in 116134
the armed forces shall satisfy the commission that the licensee 116135
has complied with the continuing education requirements within 116136
twelve months of the licensee's first birthday after discharge or 116137
within the amount of time equal to the total number of months the 116138
licensee spent on active duty, whichever is greater. The licensee 116139
shall submit proper documentation of active duty service and the 116140

length of that active duty service to the superintendent. The 116141
extension shall not exceed the total number of months that the 116142
licensee served in active duty. The superintendent shall notify 116143
the licensee of the licensee's obligations under section 4735.141 116144
of the Revised Code at the time the licensee applies for 116145
reactivation of the licensee's license. 116146

(2) If a licensee is a spouse of a member of the armed forces 116147
and the spouse's service resulted in the licensee's absence from 116148
this state, both of the following apply: 116149

(a) The licensee shall not be required to renew the license 116150
until the renewal date that follows the date of the spouse's 116151
discharge from the armed forces. 116152

(b) If the licensee fails to meet the continuing education 116153
requirements of section 4735.141 of the Revised Code, the licensee 116154
shall satisfy the commission that the licensee has complied with 116155
the continuing education requirements within twelve months after 116156
the licensee's first birthday after the spouse's discharge or 116157
within the amount of time equal to the total number of months the 116158
licensee's spouse spent on active duty, whichever is greater. The 116159
licensee shall submit proper documentation of the spouse's active 116160
duty service and the length of that active duty service. This 116161
extension shall not exceed the total number of months that the 116162
licensee's spouse served in active duty. 116163

(3) In the case of a licensee as described in division (G)(2) 116164
of this section, who holds the license through a reciprocity 116165
agreement with another state, the spouse's service shall have 116166
resulted in the licensee's absence from the licensee's state of 116167
residence for the provisions of that division to apply. 116168

(4) As used in this division, "armed forces" means the armed 116169
forces of the United States or reserve component of the armed 116170
forces of the United States including the Ohio national guard or 116171

the national guard of any other state. 116172

(H) If a licensed real estate salesperson submits an 116173
application to the superintendent to leave the association of one 116174
broker to associate with a different broker, the broker possessing 116175
the licensee's license need not ~~return the salesperson's license~~ 116176
~~to~~ notify the superintendent pursuant to division (B) of this 116177
section. The superintendent may process the application regardless 116178
of whether the licensee's license is returned to the 116179
superintendent or the superintendent is notified pursuant to 116180
division (B) of this section. 116181

Sec. 4735.14. (A) Each license issued under this chapter, 116182
shall be valid without further recommendation or examination until 116183
it is placed in an inactive or resigned status, is revoked or 116184
suspended, or such license expires by operation of law. 116185

(B) Except for a licensee who has placed the licensee's 116186
license in resigned status pursuant to section 4735.142 of the 116187
Revised Code, each licensed broker, brokerage, or salesperson 116188
shall file, on or before the date the Ohio real estate commission 116189
has adopted by rule for that licensee in accordance with division 116190
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 116191
renewal on a form prescribed by the superintendent of real estate. 116192
The notice of renewal shall be ~~mailed~~ sent by the superintendent 116193
two months prior to the filing deadline to the ~~personal residence~~ 116194
electronic mail address of each broker or salesperson that is on 116195
file with the division. If the licensee is a partnership, 116196
association, limited liability company, limited liability 116197
partnership, or corporation, the notice of renewal shall be ~~mailed~~ 116198
sent by the superintendent two months prior to the filing deadline 116199
to the brokerage's business electronic mail address on file with 116200
the division. A licensee shall not renew the licensee's license 116201
any earlier than two months prior to the filing deadline. 116202

(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful

renewal available electronically to licensees as soon as 116235
practicable, but not later than thirty days after receipt by the 116236
division of a complete application and renewal fee. This notice 116237
shall serve as a notice of renewal for purposes of section 4745.02 116238
of the Revised Code. 116239

Sec. 5107.161. Before a county department of job and family 116240
services sanctions an assistance group under section 5107.16 of 116241
the Revised Code, the state department of job and family services 116242
shall provide the assistance group written notice of the sanction 116243
in accordance with rules adopted under section 5107.05 of the 116244
Revised Code. The written notice shall include a provision printed 116245
in bold type face that informs the assistance group that, not 116246
later than fifteen calendar days after the state department mailed 116247
the written notice to the assistance group, the assistance group 116248
may request, for the purpose of explaining why the assistance 116249
group believes it should not be sanctioned, a state hearing under 116250
division (B) of section 5101.35 of the Revised Code which, at the 116251
assistance group's request, may be preceded by a ~~face-to-face~~ 116252
county conference with the county department. The written notice 116253
shall include either the telephone number of an Ohio works first 116254
ombudsperson provided for under section 329.07 of the Revised Code 116255
or the toll-free telephone number of the state department of job 116256
and family services that the assistance group may call to obtain 116257
the telephone number of an Ohio works first ombudsperson. 116258

Sec. 5120.14. (A) If a person who was convicted of or pleaded 116259
guilty to an offense escapes from a correctional institution in 116260
this state under the control of the department of rehabilitation 116261
and correction or otherwise escapes from the custody of the 116262
department, the department immediately after the escape shall 116263
report the escape, by telephone and in writing, to all local law 116264
enforcement agencies with jurisdiction in the county in which the 116265

institution from which the escape was made or to which the person 116266
was sentenced is located, to all local law enforcement agencies 116267
with jurisdiction in the county in which the person was convicted 116268
or pleaded guilty to the offense for which the escaped person was 116269
sentenced, to the state highway patrol, to the prosecuting 116270
attorney of the county in which the institution from which the 116271
escape was made or to which the person was sentenced is located, 116272
to the prosecuting attorney of the county in which the person was 116273
convicted or pleaded guilty to the offense for which the escaped 116274
person was sentenced, to a newspaper of general circulation in the 116275
county in which the institution from which the escape was made or 116276
to which the person was sentenced is located, and to a newspaper 116277
of general circulation in each county in which the escaped person 116278
was indicted for an offense for which, at the time of the escape, 116279
the escaped person had been sentenced to that institution. The 116280
written notice may be by ~~either~~ facsimile transmission, electronic 116281
mail, or mail. A failure to comply with this requirement is a 116282
violation of section 2921.22 of the Revised Code. 116283

116284
(B) Upon the apprehension of the escaped person, the 116285
department shall give notice of the apprehension by telephone and 116286
in writing to the persons who were given notice of the escape 116287
under division (A) of this section. 116288

Sec. 5165.193. (A) The department of medicaid may, pursuant 116289
to rules authorized by this section, conduct an exception review 116290
of resident assessment data submitted by a nursing facility 116291
provider under section 5165.191 of the Revised Code. The 116292
department may conduct an exception review based on the findings 116293
of a medicaid certification survey conducted by the department of 116294
health, a risk analysis, or prior performance of the provider. 116295

Exception reviews shall be conducted ~~at the nursing facility~~ 116296

by appropriate health professionals under contract with or 116297
employed by the department. The professionals may review resident 116298
assessment forms and supporting documentation, conduct interviews, 116299
and observe residents to identify any patterns or trends of 116300
inaccurate resident assessments and resulting inaccurate case-mix 116301
scores. 116302

(B) If an exception review is conducted before the effective 116303
date of a nursing facility's rate for direct care costs that is 116304
based on the resident assessment data being reviewed and the 116305
review results in findings that exceed tolerance levels specified 116306
in the rules authorized by this section, the department, in 116307
accordance with those rules, may use the findings to redetermine 116308
individual resident case-mix scores, the nursing facility's 116309
case-mix score for the quarter, and the nursing facility's annual 116310
average case-mix score. The department may use the nursing 116311
facility's redetermined quarterly and annual average case-mix 116312
scores to determine the nursing facility's rate for direct care 116313
costs for the appropriate calendar quarter or quarters. 116314

(C) The department shall prepare a written summary of any 116315
exception review finding that is made after the effective date of 116316
a nursing facility's rate for direct care costs that is based on 116317
the resident assessment data that was reviewed. Where the provider 116318
is pursuing judicial or administrative remedies in good faith 116319
regarding the finding, the department shall not withhold from the 116320
provider's current payments any amounts the department claims to 116321
be due from the provider pursuant to section 5165.41 of the 116322
Revised Code. 116323

(D)(1) The medicaid director shall adopt rules under section 116324
5165.02 of the Revised Code as necessary to implement this 116325
section. The rules shall establish an exception review program 116326
that does all of the following: 116327

(a) Requires each exception review to comply with Title XVIII 116328

and Title XIX; 116329

(b) Requires a written summary for each exception review that 116330
states whether resident assessment forms have been completed 116331
accurately; 116332

(c) Prohibits each health professional who conducts an 116333
exception review from doing either of the following: 116334

(i) During the period of the professional's contract or 116335
employment with the department, having or being committed to 116336
acquire any direct or indirect financial interest in the 116337
ownership, financing, or operation of nursing facilities in this 116338
state; 116339

(ii) Reviewing any provider that has been a client of the 116340
professional. 116341

(2) For the purposes of division (D)(1)(c)(i) of this 116342
section, employment of a member of a health professional's family 116343
by a nursing facility that the professional does not review does 116344
not constitute a direct or indirect financial interest in the 116345
ownership, financing, or operation of the nursing facility. 116346

Sec. 5165.86. The department of medicaid, the department of 116347
health, and any contracting agency shall deliver a written notice, 116348
statement, or order to a nursing facility under sections 5165.60 116349
to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified 116350
mail ~~or~~, hand delivery, or other means reasonably calculated to 116351
provide prompt actual notice. If the notice, statement, or order 116352
is mailed, it shall be addressed to the administrator of the 116353
facility as indicated in the department's or agency's records. If 116354
it is hand delivered, it shall be delivered to a person at the 116355
facility who would appear to the average prudent person to have 116356
authority to accept it. 116357

Delivery of written notice by a nursing facility to the 116358

department of health, the department of medicaid, or a contracting 116359
agency under sections 5165.60 to 5165.89 of the Revised Code shall 116360
be by certified mail ~~or~~, hand delivery, or other means reasonably 116361
calculated to provide prompt actual notice to the appropriate 116362
department or the agency. 116363

Sec. 5166.303. A home care attendant shall do all of the 116364
following: 116365

(A) Maintain a clinical record for each consumer to whom the 116366
attendant provides home care attendant services in a manner that 116367
protects the consumer's privacy; 116368

(B) Participate in a face-to-face visit every ninety days 116369
with all of the following to monitor the health and welfare of 116370
each of the consumers to whom the attendant provides home care 116371
attendant services: 116372

(1) The consumer; 116373

(2) The consumer's authorized representative, if any; 116374

(3) A registered nurse who agrees to answer any questions 116375
that the attendant, consumer, or authorized representative has 116376
about consumer care needs, medications, and other issues. 116377

(C) Document the activities of each visit required by 116378
division (B) of this section in the consumer's clinical record 116379
with the assistance of the registered nurse. 116380

(D) The face-to-face visit requirement in division (B) of 116381
this section may be satisfied by telephone or electronically if 116382
permitted by rules adopted under section 5166.02 of the Revised 116383
Code. 116384

Sec. 5168.08. (A) Before or during each program year, the 116385
department of medicaid shall ~~mail~~ issue to each hospital ~~by~~ 116386
~~certified mail, return receipt requested,~~ the preliminary 116387

determination of the amount that the hospital is assessed under 116388
section 5168.06 of the Revised Code during the program year. The 116389
preliminary determination of a hospital's assessment shall be 116390
calculated for a cost-reporting period that is specified in rules 116391
adopted under section 5168.02 of the Revised Code. 116392

The department shall consult with hospitals each year when 116393
determining the date on which it will ~~mail~~ issue the preliminary 116394
determinations in order to minimize hospitals' cash flow 116395
difficulties. 116396

If no hospital submits a request for reconsideration under 116397
division (B) of this section, the preliminary determination 116398
constitutes the final reconciliation of each hospital's assessment 116399
under section 5168.06 of the Revised Code. The final 116400
reconciliation is subject to adjustments under division (D) of 116401
this section. 116402

(B) Not later than fourteen days after the preliminary 116403
determinations are ~~mailed~~ issued, any hospital may submit to the 116404
department a written request to reconsider the preliminary 116405
determinations. The request shall be accompanied by written 116406
materials setting forth the basis for the reconsideration. If one 116407
or more hospitals submit a request, the department shall hold a 116408
public hearing not later than thirty days after the preliminary 116409
determinations are ~~mailed~~ issued to reconsider the preliminary 116410
determinations. The department shall ~~mail~~ issue to each hospital a 116411
written notice of the date, time, and place of the hearing at 116412
least ten days prior to the hearing. On the basis of the evidence 116413
submitted to the department or presented at the public hearing, 116414
the department shall reconsider and may adjust the preliminary 116415
determinations. The result of the reconsideration is the final 116416
reconciliation of the hospital's assessment under section 5168.06 116417
of the Revised Code. The final reconciliation is subject to 116418
adjustments under division (D) of this section. 116419

(C) The department shall ~~mail~~ issue to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5168.11 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules pursuant to section 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States centers for medicare and medicaid services during that program year to the limits it prescribed under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates must comply with division (A) of section 5168.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5168.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5168.06 and 5168.07 of the Revised Code in accordance with rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.22. (A) Before or during each assessment program year, the department of medicaid shall ~~mail~~ issue to each hospital ~~by certified mail, return receipt requested,~~ the preliminary determination of the amount that the hospital is assessed under section 5168.21 of the Revised Code for the assessment program

year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is ~~mailed~~ issued to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination ~~mailed~~ issued to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is ~~mailed~~ issued to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall ~~mail~~ issue to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

Sec. 5168.23. Each hospital shall pay the amount it is assessed under section 5168.21 of the Revised Code in accordance with a payment schedule the department of medicaid shall establish for each assessment program year. The department shall consult with the Ohio hospital association before establishing the payment schedule for any assessment program year. The department shall include the payment schedule in each preliminary determination

notice the department ~~mail~~ issues to hospitals under division (A) 116483
of section 5168.22 of the Revised Code. 116484

Sec. 5525.01. Before entering into a contract, the director 116485
of transportation ~~shall~~ may advertise for bids for two consecutive 116486
weeks in one newspaper of general circulation published in the 116487
county in which the improvement or part thereof is located, but if 116488
there is no such newspaper then in one newspaper having general 116489
circulation in an adjacent county. In the alternative, the 116490
director may advertise for bids as provided in section 7.16 of the 116491
Revised Code. The director ~~may~~ shall advertise for bids in such 116492
other publications as the director considers advisable. Such 116493
notices shall state that plans and specifications for the 116494
improvement are on file in the office of the director and the 116495
district deputy director of the district in which the improvement 116496
or part thereof is located and the time within which bids therefor 116497
will be received. 116498

Each bidder shall be required to file with the bidder's bid a 116499
bid guaranty in the form of a certified check, a cashier's check, 116500
or an electronic funds transfer to the treasurer of state that is 116501
evidenced by a receipt or by a certification to the director of 116502
transportation in a form prescribed by the director that an 116503
electronic funds transfer has been made to the treasurer of state, 116504
for an amount equal to five per cent of the bidder's bid, but in 116505
no event more than fifty thousand dollars, or a bid bond for ten 116506
per cent of the bidder's bid, payable to the director, which 116507
check, transferred sum, or bond shall be forthwith returned to the 116508
bidder in case the contract is awarded to another bidder, or, in 116509
case of a successful bidder, when the bidder has entered into a 116510
contract and furnished the bonds required by section 5525.16 of 116511
the Revised Code. In the event the contract is awarded to a 116512
bidder, and the bidder fails or refuses to furnish the bonds as 116513

required by section 5525.16 of the Revised Code, the check, 116514
transferred sum, or bid bond filed with the bidder's bid shall be 116515
forfeited as liquidated damages. No bidder shall be required 116516
either to file a signed contract with the bidder's bid, to enter 116517
into a contract, or to furnish the contract performance bond and 116518
the payment bond required by that section until the bids have been 116519
opened and the bidder has been notified by the director that the 116520
bidder is awarded the contract. 116521

The director shall permit a bidder to withdraw the bidder's 116522
bid from consideration, without forfeiture of the check, 116523
transferred sum, or bid bond filed with the bid, providing a 116524
written request together with a sworn statement of the grounds for 116525
such withdrawal is delivered within forty-eight hours after the 116526
time established for the receipt of bids, and if the price bid was 116527
substantially lower than the other bids, providing the bid was 116528
submitted in good faith, and the reason for the price bid being 116529
substantially lower was a clerical mistake evident on the face of 116530
the bid, as opposed to a judgment mistake, and was actually due to 116531
an unintentional and substantial arithmetic error or an 116532
unintentional omission of a substantial quantity of work, labor, 116533
or material made directly in the compilation of the bid. In the 116534
event the director decides the conditions for withdrawal have not 116535
been met, the director may award the contract to such bidder. If 116536
such bidder does not then enter into a contract and furnish the 116537
contract bond as required by law, the director may declare 116538
forfeited the check, transferred sum, or bid bond as liquidated 116539
damages and award the contract to the next higher bidder or reject 116540
the remaining bids and readvertise the project for bids. Such 116541
bidder, within thirty days, may appeal the decision of the 116542
director to the court of common pleas of Franklin county and the 116543
court may affirm or reverse the decision of the director and may 116544
order the director to refund the amount of the forfeiture. At the 116545
hearing before the common pleas court evidence may be introduced 116546

for and against the decision of the director. The decision of the common pleas court may be appealed as in other cases.

There is hereby created the ODOT letting fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All certified checks and cashiers' checks received with bidders' bids, and all sums transferred to the treasurer of state by electronic funds transfer in connection with bidders' bids, under this section shall be credited to the fund. All such bid guaranties shall be held in the fund until a determination is made as to the final disposition of the money. If the department determines that any such bid guaranty is no longer required to be held, the amount of the bid guaranty shall be returned to the appropriate bidder. If the department determines that a bid guaranty under this section shall be forfeited, the amount of the bid guaranty shall be transferred or, in the case of money paid on a forfeited bond, deposited into the state treasury, to the credit of the highway operating fund. Any investment earnings of the ODOT letting fund shall be distributed as the treasurer of state considers appropriate.

The director shall require all bidders to furnish the director, upon such forms as the director may prescribe, detailed information with respect to all pending work of the bidder, whether with the department of transportation or otherwise, together with such other information as the director considers necessary.

In the event a bidder fails to submit anything required to be submitted with the bid and then fails or refuses to so submit such at the request of the director, the failure or refusal constitutes grounds for the director, in the director's discretion, to declare as forfeited the bid guaranty submitted with the bid.

The director may reject any or all bids. Except in regard to contracts for environmental remediation and specialty work for

which there are no classes of work set out in the rules adopted by 116579
the director, if the director awards the contract, the director 116580
shall award it to the lowest competent and responsible bidder as 116581
defined by rules adopted by the director under section 5525.05 of 116582
the Revised Code, who is qualified to bid under sections 5525.02 116583
to 5525.09 of the Revised Code. In regard to contracts for 116584
environmental remediation and specialty work for which there are 116585
no classes of work set out in the rules adopted by the director, 116586
the director shall competitively bid the projects in accordance 116587
with this chapter and shall award the contracts to the lowest and 116588
best bidder. 116589

The award for all projects competitively let by the director 116590
under this section shall be made within ten days after the date on 116591
which the bids are opened, and the successful bidder shall enter 116592
into a contract and furnish a contract performance bond and a 116593
payment bond, as provided for in section 5525.16 of the Revised 116594
Code, within ten days after the bidder is notified that the bidder 116595
has been awarded the contract. 116596

The director may insert in any contract awarded under this 116597
chapter a clause providing for value engineering change proposals, 116598
under which a contractor who has been awarded a contract may 116599
propose a change in the plans and specifications of the project 116600
that saves the department time or money on the project without 116601
impairing any of the essential functions and characteristics of 116602
the project such as service life, reliability, economy of 116603
operation, ease of maintenance, safety, and necessary standardized 116604
features. If the director adopts the value engineering proposal, 116605
the savings from the proposal shall be divided between the 116606
department and the contractor according to guidelines established 116607
by the director, provided that the contractor shall receive at 116608
least fifty per cent of the savings from the proposal. The 116609
adoption of a value engineering proposal does not invalidate the 116610

award of the contract or require the director to rebid the 116611
project. 116612

Sec. 5703.37. (A)(1) Except as provided in division (B) of 116613
this section, whenever service of a notice or order is required in 116614
the manner provided in this section, a copy of the notice or order 116615
shall be served upon the person affected thereby either by 116616
personal service, by certified mail, or by a delivery service 116617
authorized under section 5703.056 of the Revised Code that 116618
notifies the tax commissioner of the date of delivery. 116619

(2) In lieu of serving a copy of a notice or order through 116620
one of the means provided in division (A)(1) of this section, the 116621
commissioner may serve a notice or order upon the person affected 116622
thereby through alternative means as provided in this section, 116623
including, but not limited to, delivery by secure electronic mail 116624
as provided in division (F) of this section. Delivery by such 116625
means satisfies the requirements for delivery under this section. 116626

(B)(1)(a) If certified mail is returned because of an 116627
undeliverable address, the commissioner shall first utilize 116628
reasonable means to ascertain a new last known address, including 116629
the use of a change of address service offered by the United 116630
States postal service or an authorized delivery service under 116631
section 5703.056 of the Revised Code. If, after using reasonable 116632
means, the commissioner is unable to ascertain a new last known 116633
address, the assessment is final for purposes of section 131.02 of 116634
the Revised Code sixty days after the notice or order sent by 116635
certified mail is first returned to the commissioner, and the 116636
commissioner shall certify the notice or order, if applicable, to 116637
the attorney general for collection under section 131.02 of the 116638
Revised Code. 116639

(b) Notwithstanding certification to the attorney general 116640
under division (B)(1)(a) of this section, once the commissioner or 116641

attorney general, or the designee of either, makes an initial 116642
contact with the person to whom the notice or order is directed, 116643
the person may protest an assessment by filing a petition for 116644
reassessment within sixty days after the initial contact. The 116645
certification of an assessment under division (B)(1)(a) of this 116646
section is prima-facie evidence that delivery is complete and that 116647
the notice or order is served. 116648

(2) If mailing of a notice or order by certified mail is 116649
returned for some cause other than an undeliverable address or if 116650
a person does not access an electronic notice or order within the 116651
time provided in division (F) of this section, the commissioner 116652
shall resend the notice or order by ordinary mail. The notice or 116653
order shall show the date the commissioner sends the notice or 116654
order and include the following statement: 116655

"This notice or order is deemed to be served on the addressee 116656
under applicable law ten days from the date this notice or order 116657
was mailed by the commissioner as shown on the notice or order, 116658
and all periods within which an appeal may be filed apply from and 116659
after that date." 116660

Unless the mailing is returned because of an undeliverable 116661
address, the mailing of that information is prima-facie evidence 116662
that delivery of the notice or order was completed ten days after 116663
the commissioner sent the notice or order by ordinary mail and 116664
that the notice or order was served. 116665

If the ordinary mail is subsequently returned because of an 116666
undeliverable address, the commissioner shall proceed under 116667
division (B)(1)(a) of this section. A person may challenge the 116668
presumption of delivery and service under this division in 116669
accordance with division (C) of this section. 116670

(C)(1) A person disputing the presumption of delivery and 116671
service under division (B) of this section bears the burden of 116672

proving by a preponderance of the evidence that the address to 116673
which the notice or order was sent was not an address with which 116674
the person was associated at the time the commissioner originally 116675
mailed the notice or order by certified mail. For the purposes of 116676
this section, a person is associated with an address at the time 116677
the commissioner originally mailed the notice or order if, at that 116678
time, the person was residing, receiving legal documents, or 116679
conducting business at the address; or if, before that time, the 116680
person had conducted business at the address and, when the notice 116681
or order was mailed, the person's agent or the person's affiliate 116682
was conducting business at the address. For the purposes of this 116683
section, a person's affiliate is any other person that, at the 116684
time the notice or order was mailed, owned or controlled at least 116685
twenty per cent, as determined by voting rights, of the 116686
addressee's business. 116687

(2) If the person elects to protest an assessment certified 116688
to the attorney general for collection, the person must do so 116689
within sixty days after the attorney general's initial contact 116690
with the person. The attorney general may enter into a compromise 116691
with the person under sections 131.02 and 5703.06 of the Revised 116692
Code if the person does not file a petition for reassessment with 116693
the commissioner. 116694

(D) Nothing in this section prohibits the commissioner or the 116695
commissioner's designee from delivering a notice or order by 116696
personal service. 116697

(E) Collection actions taken pursuant to section 131.02 of 116698
the Revised Code upon any assessment being challenged under 116699
division (B)(1)(b) of this section shall be stayed upon the 116700
pendency of an appeal under this section. If a petition for 116701
reassessment is filed pursuant to this section on a claim that has 116702
been certified to the attorney general for collection, the claim 116703
shall be uncertified. 116704

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 116705
the person affected by the notice or order or that person's 116706
authorized representative through secure electronic means ~~only~~ 116707
~~with the person's consent~~ associated with the person's or 116708
representative's last known address. The commissioner must inform 116709
the recipient, electronically or by mail, that a notice or order 116710
is available for electronic review and provide instructions to 116711
access and print the notice or order. The types of electronic 116712
notification the commissioner may use include electronic mail, 116713
text message, or any other form of electronic communication. The 116714
recipient's electronic access of the notice or order satisfies the 116715
requirements for delivery under this section. If the recipient 116716
fails to access the notice or order electronically within ten 116717
business days, then the commissioner shall inform the recipient a 116718
second time, electronically or by mail, that a notice or order is 116719
available for electronic review and provide instructions to access 116720
and print the notice or order. If the recipient fails to access 116721
the notice or order electronically within ten business days of the 116722
second notification, the notice or order shall be served upon the 116723
person through the means provided in division (B)(2) of this 116724
section. 116725

(2) The tax commissioner shall establish a system to issue 116726
notification of assessments to taxpayers through secure electronic 116727
means. 116728

(G) As used in this section: 116729

(1) "Last known address" means the address the department has 116730
at the time the document is originally sent by certified mail, or 116731
any address the department can ascertain using reasonable means 116732
such as the use of a change of address service offered by the 116733
United States postal service or an authorized delivery service 116734
under section 5703.056 of the Revised Code. For documents sent by 116735
secure electronic means, "last known address" means an electronic 116736

mode of communication that is identified on a form prescribed by 116737
the commissioner for such purpose or that is associated with the 116738
person or the authorized representative of the person on the Ohio 116739
business gateway, as defined in section 718.01 of the Revised 116740
Code, as of the date the notification was sent. 116741

(2) "Undeliverable address" means an address to which the 116742
United States postal service or an authorized delivery service 116743
under section 5703.056 of the Revised Code is not able to deliver 116744
a notice or order, except when the reason for nondelivery is 116745
because the addressee fails to acknowledge or accept the notice or 116746
order. 116747

Sec. 5709.83. (A) Except as otherwise provided in division 116748
(B) or (C) of this section, prior to taking formal action to adopt 116749
or enter into any instrument granting a tax exemption under 116750
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 116751
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 116752
Revised Code or formally approving an agreement under section 116753
3735.671 of the Revised Code, or prior to forwarding an 116754
application for a tax exemption for residential property under 116755
section 3735.67 of the Revised Code to the county auditor, the 116756
legislative authority of the political subdivision or housing 116757
officer shall notify the board of education of each city, local, 116758
exempted village, or joint vocational school district in which the 116759
proposed tax-exempted property is located. The notice shall 116760
include a copy of the instrument or application. The notice shall 116761
be delivered not later than fourteen days prior to the day the 116762
legislative authority takes formal action to adopt or enter into 116763
the instrument, or not later than fourteen days prior to the day 116764
the housing officer forwards the application to the county 116765
auditor. If the board of education comments on the instrument or 116766
application to the legislative authority or housing officer, the 116767
legislative authority or housing officer shall consider the 116768

comments. If the board of education of the city, local, exempted 116769
village, or joint vocational school district so requests, the 116770
legislative authority or the housing officer shall meet ~~in person~~ 116771
with a representative designated by the board of education to 116772
discuss the terms of the instrument or application. 116773

(B) The notice otherwise required to be provided to boards of 116774
education under division (A) of this section is not required if 116775
the board has adopted a resolution waiving its right to receive 116776
such notices, and that resolution remains in effect. If a board of 116777
education adopts such a resolution, the board shall cause a copy 116778
of the resolution to be certified to the legislative authority. If 116779
the board of education rescinds such a resolution, it shall 116780
certify notice of the rescission to the legislative authority. A 116781
board of education may adopt such a resolution with respect to any 116782
one or more counties, townships, or municipal corporations 116783
situated in whole or in part within the school district. 116784

(C) If a legislative authority is required to provide notice 116785
to a city, local, or exempted village school district of its 116786
intent to adopt or enter into any instrument granting a tax 116787
exemption as required by section 3735.671, 5709.40, 5709.41, 116788
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 116789
Revised Code, the legislative authority, before adopting a 116790
resolution or ordinance or entering into an agreement under that 116791
section, shall notify the board of education of each joint 116792
vocational school district in which the property to be exempted is 116793
located using the same time requirements for the notice that 116794
applies to notices to city, local, and exempted village school 116795
districts. The content of the notice and procedures for responding 116796
to the notice are the same as required in division (A) of this 116797
section. 116798

Sec. 5736.041. The tax commissioner shall prepare and 116799

maintain a list of suppliers holding a license issued under 116800
section 5736.06 of the Revised Code that has not been revoked or 116801
canceled under section 5736.07 of the Revised Code. The list shall 116802
contain the names and addresses of all such suppliers and each 116803
supplier's account number for the tax imposed under section 116804
5736.02 of the Revised Code. ~~The list shall be open to public~~ 116805
~~inspection in the office of the commissioner.~~ The commissioner ~~may~~ 116806
shall post the list on the department of taxation's web site. 116807

Sec. 5751.40. (A) As used in this section and division 116808
(F)(2)(z) of section 5751.01 of the Revised Code: 116809

(1) "Qualifying distribution center receipts" means receipts 116810
of a supplier from qualified property that is delivered to a 116811
qualified distribution center, multiplied by a quantity that 116812
equals one minus the Ohio delivery percentage. If the qualified 116813
distribution center is a refining facility, "supplier" includes 116814
all dealers, brokers, processors, sellers, vendors, cosigners, and 116815
distributors of qualified property. 116816

(2) "Qualified property" means tangible personal property 116817
delivered to a qualified distribution center that is shipped to 116818
that qualified distribution center solely for further shipping by 116819
the qualified distribution center to another location in this 116820
state or elsewhere or, in the case of gold, silver, platinum, or 116821
palladium delivered to a refining facility solely for refining to 116822
a grade and fineness acceptable for delivery to a registered 116823
commodities exchange. "Further shipping" includes storing and 116824
repackaging property into smaller or larger bundles, so long as 116825
the property is not subject to further manufacturing or 116826
processing. "Refining" is limited to extracting impurities from 116827
gold, silver, platinum, or palladium through smelting or some 116828
other process at a refining facility. 116829

(3) "Qualified distribution center" means a warehouse, a 116830

facility similar to a warehouse, or a refining facility in this 116831
state that, for the qualifying year, is operated by a person that 116832
is not part of a combined taxpayer group and that has a qualifying 116833
certificate. All warehouses or facilities similar to warehouses 116834
that are operated by persons in the same taxpayer group and that 116835
are located within one mile of each other shall be treated as one 116836
qualified distribution center. All refining facilities that are 116837
operated by persons in the same taxpayer group and that are 116838
located in the same or adjacent counties may be treated as one 116839
qualified distribution center. 116840

(4) "Qualifying year" means the calendar year to which the 116841
qualifying certificate applies. 116842

(5) "Qualifying period" means the period of the first day of 116843
July of the second year preceding the qualifying year through the 116844
thirtieth day of June of the year preceding the qualifying year. 116845

(6) "Qualifying certificate" means the certificate issued by 116846
the tax commissioner after the operator of a distribution center 116847
files an annual application with the commissioner under division 116848
(B) of this section. 116849

(7) "Ohio delivery percentage" means the proportion of the 116850
total property delivered to a destination inside Ohio from the 116851
qualified distribution center during the qualifying period 116852
compared with total deliveries from such distribution center 116853
everywhere during the qualifying period. 116854

(8) "Refining facility" means one or more buildings located 116855
in a county in the Appalachian region of this state as defined by 116856
section 107.21 of the Revised Code and utilized for refining or 116857
smelting gold, silver, platinum, or palladium to a grade and 116858
fineness acceptable for delivery to a registered commodities 116859
exchange. 116860

(9) "Registered commodities exchange" means a board of trade, 116861

such as New York mercantile exchange, inc. or commodity exchange, 116862
inc., designated as a contract market by the commodity futures 116863
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 116864
et seq., as amended. 116865

(10) "Ineligible operator's supplier tax liability" means an 116866
amount equal to the tax liability of all suppliers of a 116867
distribution center had the distribution center not been issued a 116868
qualifying certificate for the qualifying year. Ineligible 116869
operator's supplier tax liability shall not include interest or 116870
penalties. 116871

(B) For purposes of division (B) of this section, "supplier" 116872
excludes any person that is part of the consolidated elected 116873
taxpayer group, if applicable, of the operator of the qualified 116874
distribution center. 116875

(1) An application for a qualifying certificate to be a 116876
qualified distribution center shall be filed, and an annual fee 116877
paid, for each qualified distribution center on or before the 116878
first day of September before the qualifying year or within 116879
forty-five days after the distribution center opens, whichever is 116880
later. The applicant must substantiate to the commissioner's 116881
satisfaction that, for the qualifying period, all persons 116882
operating the distribution center have more than fifty per cent of 116883
the cost of the qualified property shipped to a location such that 116884
it would be situated outside this state under the provisions of 116885
division (E) of section 5751.033 of the Revised Code. The 116886
applicant must also substantiate that the distribution center 116887
cumulatively had costs from its suppliers equal to or exceeding 116888
five hundred million dollars during the qualifying period. 116889

The commissioner may require an applicant to have an 116890
independent certified public accountant certify that the 116891
calculation of the minimum thresholds required for a qualified 116892
distribution center by the operator of a distribution center has 116893

been made in accordance with generally accepted accounting 116894
principles. The commissioner shall issue or deny the issuance of a 116895
certificate within sixty days after the receipt of the 116896
application. A denial is subject to appeal under section 5717.02 116897
of the Revised Code. If the operator files a timely appeal under 116898
section 5717.02 of the Revised Code, the operator shall be granted 116899
a qualifying certificate effective for the remainder of the 116900
qualifying year or until the appeal is finalized, whichever is 116901
earlier. If the operator does not prevail in the appeal, the 116902
operator shall pay the ineligible operator's supplier tax 116903
liability. 116904

(2) If the distribution center is new and was not open for 116905
the entire qualifying period, the operator of the distribution 116906
center may request that the commissioner grant a qualifying 116907
certificate. If the certificate is granted and it is later 116908
determined that more than fifty per cent of the qualified property 116909
during that year was not shipped to a location such that it would 116910
be situated outside of this state under the provisions of division 116911
(E) of section 5751.033 of the Revised Code or if it is later 116912
determined that the person that operates the distribution center 116913
had average monthly costs from its suppliers of less than forty 116914
million dollars during that year, then the operator of the 116915
distribution center shall pay the ineligible operator's supplier 116916
tax liability. 116917

(3) The commissioner may grant a qualifying certificate to a 116918
distribution center that does not qualify as a qualified 116919
distribution center for an entire qualifying period if the 116920
operator of the distribution center demonstrates that the business 116921
operations of the distribution center have changed or will change 116922
such that the distribution center will qualify as a qualified 116923
distribution center within thirty-six months after the date the 116924
operator first applies for a certificate. If, at the end of that 116925

thirty-six-month period, the business operations of the 116926
distribution center have not changed such that the distribution 116927
center qualifies as a qualified distribution center, the operator 116928
of the distribution center shall pay the ineligible operator's 116929
supplier tax liability for each year that the distribution center 116930
received a certificate but did not qualify as a qualified 116931
distribution center. For each year the distribution center 116932
receives a certificate under division (B)(3) of this section, the 116933
distribution center shall pay all applicable fees required under 116934
this section and shall submit an updated business plan showing the 116935
progress the distribution center made toward qualifying as a 116936
qualified distribution center during the preceding year. 116937

(4) An operator may appeal a determination under division 116938
(B)(2) or (3) of this section that the ineligible operator is 116939
liable for the operator's supplier tax liability as a result of 116940
not qualifying as a qualified distribution center, as provided in 116941
section 5717.02 of the Revised Code. 116942

(C)(1) When filing an application for a qualifying 116943
certificate under division (B)(1) of this section, the operator of 116944
a qualified distribution center also shall provide documentation, 116945
as the commissioner requires, for the commissioner to ascertain 116946
the Ohio delivery percentage. The commissioner, upon issuing the 116947
qualifying certificate, also shall certify the Ohio delivery 116948
percentage. The operator of the qualified distribution center may 116949
appeal the commissioner's certification of the Ohio delivery 116950
percentage in the same manner as an appeal is taken from the 116951
denial of a qualifying certificate under division (B)(1) of this 116952
section. 116953

(2) In the case where the distribution center is new and not 116954
open for the entire qualifying period, the operator shall make a 116955
good faith estimate of an Ohio delivery percentage for use by 116956
suppliers in their reports of taxable gross receipts for the 116957

remainder of the qualifying period. The operator of the facility 116958
shall disclose to the suppliers that such Ohio delivery percentage 116959
is an estimate and is subject to recalculation. By the due date of 116960
the next application for a qualifying certificate, the operator 116961
shall determine the actual Ohio delivery percentage for the 116962
estimated qualifying period and proceed as provided in division 116963
(C)(1) of this section with respect to the calculation and 116964
recalculation of the Ohio delivery percentage. The supplier is 116965
required to file, within sixty days after receiving notice from 116966
the operator of the qualified distribution center, amended reports 116967
for the impacted calendar quarter or quarters or calendar year, 116968
whichever the case may be. Any additional tax liability or tax 116969
overpayment shall be subject to interest but shall not be subject 116970
to the imposition of any penalty so long as the amended returns 116971
are timely filed. 116972

(3) The operator of a distribution center that receives a 116973
qualifying certificate under division (B)(3) of this section shall 116974
make a good faith estimate of the Ohio delivery percentage that 116975
the operator estimates will apply to the distribution center at 116976
the end of the thirty-six-month period after the operator first 116977
applied for a qualifying certificate under that division. The 116978
result of the estimate shall be multiplied by a factor of one and 116979
seventy-five one-hundredths. The product of that calculation shall 116980
be the Ohio delivery percentage used by suppliers in their reports 116981
of taxable gross receipts for each qualifying year that the 116982
distribution center receives a qualifying certificate under 116983
division (B)(3) of this section, except that, if the product is 116984
less than five per cent, the Ohio delivery percentage used shall 116985
be five per cent and that, if the product exceeds forty-nine per 116986
cent, the Ohio delivery percentage used shall be forty-nine per 116987
cent. 116988

(D) Qualifying certificates and Ohio delivery percentages 116989

issued by the commissioner shall be ~~open to public inspection and~~ 116990
~~shall be~~ timely published ~~by the commissioner~~ on the department of 116991
taxation's web site and shall be accessible on that web site for 116992
at least four years after the date of issuance. A supplier relying 116993
in good faith on a certificate issued under this section shall not 116994
be subject to tax on the qualifying distribution center receipts 116995
under this section and division (F)(2)(z) of section 5751.01 of 116996
the Revised Code. An operator receiving a qualifying certificate 116997
is liable for the ineligible operator's supplier tax liability for 116998
each year the operator received a certificate but did not qualify 116999
as a qualified distribution center. 117000

(E) The tax commissioner shall determine an ineligible 117001
operator's supplier tax liability based on information that the 117002
commissioner may request from the operator of the distribution 117003
center. An operator shall provide a list of all suppliers of the 117004
distribution center and the corresponding costs of qualified 117005
property for the qualifying year at issue within sixty days of a 117006
request by the commissioner under this division. 117007

(F) The annual fee for a qualifying certificate shall be one 117008
hundred thousand dollars for each qualified distribution center. 117009
If a qualifying certificate is not issued, the annual fee is 117010
subject to refund after the exhaustion of all appeals provided for 117011
in division (B)(1) of this section. The first one hundred thousand 117012
dollars of the annual application fees collected each calendar 117013
year shall be credited to the revenue enhancement fund. The 117014
remainder of the annual application fees collected shall be 117015
distributed in the same manner required under section 5751.20 of 117016
the Revised Code. 117017

(G) The tax commissioner may require that adequate security 117018
be posted by the operator of the distribution center on appeal 117019
when the commissioner disagrees that the applicant has met the 117020
minimum thresholds for a qualified distribution center as set 117021

forth in this section. 117022

Section 130.31. That existing sections 127.15, 173.03, 117023
753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 117024
1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 117025
1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 117026
3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 117027
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 117028
3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 117029
3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 117030
3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 117031
4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 117032
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 117033
5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 117034
5525.01, 5703.37, 5709.83, 5736.041, and 5751.40 of the Revised 117035
Code are hereby repealed. 117036

Section 130.32. That section 5123.195 of the Revised Code is 117037
hereby repealed. 117038

Section 130.33. The amendment by this act of sections 5168.22 117039
and 5168.23 of the Revised Code does not supersede the repeal of 117040
those sections on October 1, 2023, as prescribed by Section 610.20 117041
of H.B. 110 of the 134th General Assembly. 117042

The amendment by this act of section 5168.08 of the Revised 117043
Code does not supersede the repeal of that section on October 16, 117044
2023, as prescribed by Section 610.20 of H.B. 110 of the 134th 117045
General Assembly. 117046

Section 130.34. The General Assembly, applying the principle 117047
stated in division (B) of section 1.52 of the Revised Code that 117048
amendments are to be harmonized if reasonably capable of 117049
simultaneous operation, finds that the following sections, 117050

presented in this act as composites of the sections as amended by 117051
the acts indicated, are the resulting versions of the sections in 117052
effect prior to the effective date of the sections as presented in 117053
this act: 117054

Section 3302.04 of the Revised Code as amended by both H.B. 117055
82 and H.B. 110 of the 134th General Assembly. 117056

Section 4509.101 of the Revised Code as amended by both H.B. 117057
62 and H.B. 158 of the 133rd General Assembly. 117058

Section 130.40. That sections 2925.01, 3701.33, 3701.83, 117059
3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 117060
4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 117061
4736.14, 4736.15, 4743.05, 4776.20, and 5903.12 be amended and 117062
sections 4736.01 (3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 117063
4736.07 (3776.04), 4736.08 (3776.05), 4736.09 (3776.06), 4736.11 117064
(3776.07), 4736.12 (3776.08), 4736.13 (3776.09), 4736.14 117065
(3776.10), 4736.15 (3776.11), 4736.17 (3776.12), and 4736.18 117066
(3776.13) of the Revised Code be amended for the purpose of 117067
adopting new section numbers as indicated in parentheses to read 117068
as follows: 117069

Sec. 2925.01. As used in this chapter: 117070

(A) "Administer," "controlled substance," "controlled 117071
substance analog," "dispense," "distribute," "hypodermic," 117072
"manufacturer," "official written order," "person," "pharmacist," 117073
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 117074
"schedule IV," "schedule V," and "wholesaler" have the same 117075
meanings as in section 3719.01 of the Revised Code. 117076

(B) "Drug dependent person" and "drug of abuse" have the same 117077
meanings as in section 3719.011 of the Revised Code. 117078

(C) "Drug," "dangerous drug," "licensed health professional 117079

authorized to prescribe drugs," and "prescription" have the same 117080
meanings as in section 4729.01 of the Revised Code. 117081

(D) "Bulk amount" of a controlled substance means any of the 117082
following: 117083

(1) For any compound, mixture, preparation, or substance 117084
included in schedule I, schedule II, or schedule III, with the 117085
exception of any controlled substance analog, marihuana, cocaine, 117086
L.S.D., heroin, any fentanyl-related compound, and hashish and 117087
except as provided in division (D)(2), (5), or (6) of this 117088
section, whichever of the following is applicable: 117089

(a) An amount equal to or exceeding ten grams or twenty-five 117090
unit doses of a compound, mixture, preparation, or substance that 117091
is or contains any amount of a schedule I opiate or opium 117092
derivative; 117093

(b) An amount equal to or exceeding ten grams of a compound, 117094
mixture, preparation, or substance that is or contains any amount 117095
of raw or gum opium; 117096

(c) An amount equal to or exceeding thirty grams or ten unit 117097
doses of a compound, mixture, preparation, or substance that is or 117098
contains any amount of a schedule I hallucinogen other than 117099
tetrahydrocannabinol or lysergic acid amide, or a schedule I 117100
stimulant or depressant; 117101

(d) An amount equal to or exceeding twenty grams or five 117102
times the maximum daily dose in the usual dose range specified in 117103
a standard pharmaceutical reference manual of a compound, mixture, 117104
preparation, or substance that is or contains any amount of a 117105
schedule II opiate or opium derivative; 117106

(e) An amount equal to or exceeding five grams or ten unit 117107
doses of a compound, mixture, preparation, or substance that is or 117108
contains any amount of phencyclidine; 117109

(f) An amount equal to or exceeding one hundred twenty grams 117110
or thirty times the maximum daily dose in the usual dose range 117111
specified in a standard pharmaceutical reference manual of a 117112
compound, mixture, preparation, or substance that is or contains 117113
any amount of a schedule II stimulant that is in a final dosage 117114
form manufactured by a person authorized by the "Federal Food, 117115
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 117116
amended, and the federal drug abuse control laws, as defined in 117117
section 3719.01 of the Revised Code, that is or contains any 117118
amount of a schedule II depressant substance or a schedule II 117119
hallucinogenic substance; 117120

(g) An amount equal to or exceeding three grams of a 117121
compound, mixture, preparation, or substance that is or contains 117122
any amount of a schedule II stimulant, or any of its salts or 117123
isomers, that is not in a final dosage form manufactured by a 117124
person authorized by the Federal Food, Drug, and Cosmetic Act and 117125
the federal drug abuse control laws. 117126

(2) An amount equal to or exceeding one hundred twenty grams 117127
or thirty times the maximum daily dose in the usual dose range 117128
specified in a standard pharmaceutical reference manual of a 117129
compound, mixture, preparation, or substance that is or contains 117130
any amount of a schedule III or IV substance other than an 117131
anabolic steroid or a schedule III opiate or opium derivative; 117132

(3) An amount equal to or exceeding twenty grams or five 117133
times the maximum daily dose in the usual dose range specified in 117134
a standard pharmaceutical reference manual of a compound, mixture, 117135
preparation, or substance that is or contains any amount of a 117136
schedule III opiate or opium derivative; 117137

(4) An amount equal to or exceeding two hundred fifty 117138
milliliters or two hundred fifty grams of a compound, mixture, 117139
preparation, or substance that is or contains any amount of a 117140
schedule V substance; 117141

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially

equivalent to any section listed in division (G)(1) of this section; 117173
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(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element; 117175
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(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section. 117182
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(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States. 117185
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(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following: 117188
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(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following: 117190
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(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent; 117196
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(b) Any aerosol propellant; 117200

(c) Any fluorocarbon refrigerant; 117201

(d) Any anesthetic gas. 117202

(2) Gamma Butyrolactone;	117203
(3) 1,4 Butanediol.	117204
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	117205 117206 117207 117208 117209 117210
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	117211 117212 117213 117214
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	117215 117216 117217 117218 117219 117220
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	117221 117222 117223
(N) "Juvenile" means a person under eighteen years of age.	117224
(O) "Counterfeit controlled substance" means any of the following:	117225 117226
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	117227 117228 117229 117230
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or	117231 117232

distributed by a person other than the person that manufactured, 117233
processed, packed, or distributed it; 117234

(3) Any substance that is represented to be a controlled 117235
substance but is not a controlled substance or is a different 117236
controlled substance; 117237

(4) Any substance other than a controlled substance that a 117238
reasonable person would believe to be a controlled substance 117239
because of its similarity in shape, size, and color, or its 117240
markings, labeling, packaging, distribution, or the price for 117241
which it is sold or offered for sale. 117242

(P) An offense is "committed in the vicinity of a school" if 117243
the offender commits the offense on school premises, in a school 117244
building, or within one thousand feet of the boundaries of any 117245
school premises, regardless of whether the offender knows the 117246
offense is being committed on school premises, in a school 117247
building, or within one thousand feet of the boundaries of any 117248
school premises. 117249

(Q) "School" means any school operated by a board of 117250
education, any community school established under Chapter 3314. of 117251
the Revised Code, or any nonpublic school for which the state 117252
board of education prescribes minimum standards under section 117253
3301.07 of the Revised Code, whether or not any instruction, 117254
extracurricular activities, or training provided by the school is 117255
being conducted at the time a criminal offense is committed. 117256

(R) "School premises" means either of the following: 117257

(1) The parcel of real property on which any school is 117258
situated, whether or not any instruction, extracurricular 117259
activities, or training provided by the school is being conducted 117260
on the premises at the time a criminal offense is committed; 117261

(2) Any other parcel of real property that is owned or leased 117262
by a board of education of a school, the governing authority of a 117263

community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

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

(W) "Professionally licensed person" means any of the

following:	117295
(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	117296 117297 117298 117299
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	117300 117301 117302
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	117303 117304 117305
(4) A person licensed under Chapter 4707. of the Revised Code;	117306 117307
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	117308 117309 117310
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	117311 117312 117313
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	117314 117315 117316 117317 117318 117319 117320 117321 117322 117323
(8) A person who has been issued a license to practice	117324

dentistry, a general anesthesia permit, a conscious sedation 117325
permit, a limited resident's license, a limited teaching license, 117326
a dental hygienist's license, or a dental hygienist's teacher's 117327
certificate under Chapter 4715. of the Revised Code; 117328

(9) A person who has been issued an embalmer's license, a 117329
funeral director's license, a funeral home license, or a crematory 117330
license, or who has been registered for an embalmer's or funeral 117331
director's apprenticeship under Chapter 4717. of the Revised Code; 117332

(10) A person who has been licensed as a registered nurse or 117333
practical nurse, or who has been issued a certificate for the 117334
practice of nurse-midwifery under Chapter 4723. of the Revised 117335
Code; 117336

(11) A person who has been licensed to practice optometry or 117337
to engage in optical dispensing under Chapter 4725. of the Revised 117338
Code; 117339

(12) A person licensed to act as a pawnbroker under Chapter 117340
4727. of the Revised Code; 117341

(13) A person licensed to act as a precious metals dealer 117342
under Chapter 4728. of the Revised Code; 117343

(14) A person licensed under Chapter 4729. of the Revised 117344
Code as a pharmacist or pharmacy intern or registered under that 117345
chapter as a registered pharmacy technician, certified pharmacy 117346
technician, or pharmacy technician trainee; 117347

(15) A person licensed under Chapter 4729. of the Revised 117348
Code as a manufacturer of dangerous drugs, outsourcing facility, 117349
third-party logistics provider, repackager of dangerous drugs, 117350
wholesale distributor of dangerous drugs, or terminal distributor 117351
of dangerous drugs; 117352

(16) A person who is authorized to practice as a physician 117353
assistant under Chapter 4730. of the Revised Code; 117354

- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; 117355
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- (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; 117360
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- (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; 117362
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- (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; 117364
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- (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 117366
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- (22) A person registered as a registered environmental health specialist under Chapter ~~4736~~ 3776. of the Revised Code; 117368
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- (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; 117370
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- (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; 117372
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- (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code; 117374
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- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code; 117376
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- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code; 117380
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- (28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or 117383
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security guard employee under Chapter 4749. of the Revised Code;	117385
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	117386 117387
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	117388 117389 117390
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	117391 117392
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	117393 117394 117395 117396 117397
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	117398 117399
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	117400 117401 117402
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	117403 117404
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	117405 117406
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	117407 117408 117409
(X) "Cocaine" means any of the following:	117410
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	117411 117412
(2) Coca leaves or a salt, compound, derivative, or	117413

preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

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

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

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

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

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

views the commission of the offense. 117444

(CC) "Presumption for a prison term" or "presumption that a 117445
prison term shall be imposed" means a presumption, as described in 117446
division (D) of section 2929.13 of the Revised Code, that a prison 117447
term is a necessary sanction for a felony in order to comply with 117448
the purposes and principles of sentencing under section 2929.11 of 117449
the Revised Code. 117450

(DD) "Major drug offender" has the same meaning as in section 117451
2929.01 of the Revised Code. 117452

(EE) "Minor drug possession offense" means either of the 117453
following: 117454

(1) A violation of section 2925.11 of the Revised Code as it 117455
existed prior to July 1, 1996; 117456

(2) A violation of section 2925.11 of the Revised Code as it 117457
exists on and after July 1, 1996, that is a misdemeanor or a 117458
felony of the fifth degree. 117459

(FF) "Mandatory prison term" has the same meaning as in 117460
section 2929.01 of the Revised Code. 117461

(GG) "Adulterate" means to cause a drug to be adulterated as 117462
described in section 3715.63 of the Revised Code. 117463

(HH) "Public premises" means any hotel, restaurant, tavern, 117464
store, arena, hall, or other place of public accommodation, 117465
business, amusement, or resort. 117466

(II) "Methamphetamine" means methamphetamine, any salt, 117467
isomer, or salt of an isomer of methamphetamine, or any compound, 117468
mixture, preparation, or substance containing methamphetamine or 117469
any salt, isomer, or salt of an isomer of methamphetamine. 117470

(JJ) "Deception" has the same meaning as in section 2913.01 117471
of the Revised Code. 117472

(KK) "Fentanyl-related compound" means any of the following: 117473

(1) Fentanyl;	117474
(2) Alpha-methylfentanyl	117475
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide;	117476
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	117477
(3) Alpha-methylthiofentanyl	117478
(N-[1-methyl-2-(2-thienyl)ethyl-4-	117479
piperidinyl]-N-phenylpropanamide);	117480
(4) Beta-hydroxyfentanyl	117481
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	117482
(5) Beta-hydroxy-3-methylfentanyl (other name:	117483
N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	117484
phenylpropanamide);	117485
(6) 3-methylfentanyl	117486
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	117487
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-	117488
piperidinyl]-N-phenylpropanamide);	117489
(8) Para-fluorofentanyl	117490
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	117491
(9) Thiofentanyl	117492
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	117493
(10) Alfentanil;	117494
(11) Carfentanil;	117495
(12) Remifentanil;	117496
(13) Sufentanil;	117497
(14) Acetyl-alpha-methylfentanyl	117498
(N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);	117499
and	117500
(15) Any compound that meets all of the following fentanyl	117501
pharmacophore requirements to bind at the mu receptor, as	117502

identified by a report from an established forensic laboratory, 117503
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 117504
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 117505
para-fluorobutyrylfentanyl, acrylfentanyl, and 117506
ortho-fluorofentanyl: 117507

(a) A chemical scaffold consisting of both of the following: 117508

(i) A five, six, or seven member ring structure containing a 117509
nitrogen, whether or not further substituted; 117510

(ii) An attached nitrogen to the ring, whether or not that 117511
nitrogen is enclosed in a ring structure, including an attached 117512
aromatic ring or other lipophilic group to that nitrogen. 117513

(b) A polar functional group attached to the chemical 117514
scaffold, including but not limited to a hydroxyl, ketone, amide, 117515
or ester; 117516

(c) An alkyl or aryl substitution off the ring nitrogen of 117517
the chemical scaffold; and 117518

(d) The compound has not been approved for medical use by the 117519
United States food and drug administration. 117520

(LL) "First degree felony mandatory prison term" means one of 117521
the definite prison terms prescribed in division (A)(1)(b) of 117522
section 2929.14 of the Revised Code for a felony of the first 117523
degree, except that if the violation for which sentence is being 117524
imposed is committed on or after March 22, 2019, it means one of 117525
the minimum prison terms prescribed in division (A)(1)(a) of that 117526
section for a felony of the first degree. 117527

(MM) "Second degree felony mandatory prison term" means one 117528
of the definite prison terms prescribed in division (A)(2)(b) of 117529
section 2929.14 of the Revised Code for a felony of the second 117530
degree, except that if the violation for which sentence is being 117531
imposed is committed on or after March 22, 2019, it means one of 117532

the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

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

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

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

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

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

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within thirty days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

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

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

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

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

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

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

(1) The following members appointed by the director of health from among individuals who are not employed by the state and are

recommended by statewide trade or professional organizations that 117594
represent interests in public health: 117595

(a) One individual authorized under Chapter 4731. of the 117596
Revised Code to practice medicine and surgery or osteopathic 117597
medicine and surgery; 117598

(b) One individual authorized under Chapter 4723. of the 117599
Revised Code to practice nursing as a registered nurse; 117600

(c) Three members of the public, two of whom are 117601
representatives of entities licensed by the department of health 117602
or boards of health. 117603

(2) One representative of the association of Ohio health 117604
commissioners, appointed by the association; 117605

(3) One representative of the Ohio public health association, 117606
appointed by the association; 117607

(4) One representative of the Ohio environmental health 117608
association, appointed by the association, who is registered as an 117609
environmental health specialist under Chapter ~~4736~~ 3776. of the 117610
Revised Code; 117611

(5) One representative of the Ohio association of boards of 117612
health, appointed by the association; 117613

(6) One representative of the Ohio society for public health 117614
education, appointed by the society; 117615

(7) One representative of the Ohio hospital association, 117616
appointed by the association. 117617

The director of health or the director's designee shall serve 117618
as an ex officio, nonvoting member of the board. 117619

(B) Not later than thirty days after September 10, 2012, 117620
initial appointments shall be made to the board. Of the initial 117621
appointments, the members specified in divisions (A)(5), (6), and 117622
(7) and division (A)(1)(c) of this section representing entities 117623

licensed by the department of health or boards of health shall 117624
serve terms ending June 30, 2014, and the members specified in 117625
divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and 117626
division (A)(1)(c) of this section not representing entities 117627
licensed by the department or boards of health shall serve terms 117628
ending June 30, 2015. Thereafter, terms of office for all members 117629
shall be three years, with each term ending on the same day of the 117630
same month as the term it succeeds. Each member shall hold office 117631
from the date of appointment until the end of the term for which 117632
the member was appointed. Members may be reappointed, except that 117633
no member who has served two consecutive terms may be reappointed 117634
until three years have elapsed since the member's last term ended. 117635

Each member shall hold office from the date of appointment 117636
until the end of the term for which the member was appointed. 117637
Vacancies shall be filled in the same manner as original 117638
appointments. 117639

Any member appointed to fill a vacancy occurring prior to the 117640
expiration of the term for which the member's predecessor was 117641
appointed shall hold office for the remainder of that term. A 117642
member shall continue in office subsequent to the expiration date 117643
of the member's term until the member's successor takes office or 117644
until a period of ninety days has elapsed, whichever occurs first. 117645

(C) The board shall annually select from among its members a 117646
chairperson and vice-chairperson. The director shall designate an 117647
officer or employee of the department to act as the board's 117648
secretary. The secretary shall be a nonvoting board member. 117649

The board may adopt by laws governing its operation. The 117650
chairperson may appoint subcommittees as the chairperson considers 117651
necessary. 117652

(D) The board shall meet at the call of the chairperson, but 117653
not less than four times per year. A majority of the members of 117654

the board constitutes a quorum. Special meetings may be called by 117655
the chairperson and shall be called by the chairperson at the 117656
request of the director. In a request for a special meeting, the 117657
director shall specify the purpose of the meeting and the date and 117658
place the meeting is to be held. No other business shall be 117659
considered at a special meeting except by a unanimous vote of 117660
members present at the meeting. 117661

In conducting any meeting, the board and its subcommittees 117662
may use an interactive video teleconferencing system. If 117663
provisions are made that allow public attendance at a designated 117664
location with respect to a meeting using such a system, the board 117665
members who attend the meeting by video teleconference shall be 117666
counted for purposes of determining whether a quorum is present 117667
and shall be permitted to vote. 117668

Members shall be expected to attend a majority of meetings of 117669
the board. Unexcused absence from three consecutive meetings shall 117670
be considered notice of a member's intent to resign from the 117671
board. 117672

(E)(1) The department shall provide meeting space and staff 117673
and other administrative support for the board to carry out its 117674
duties. 117675

(2) To facilitate the board's review of proposed rules under 117676
division (A)(1) of section 3701.34 of the Revised Code, the 117677
department shall establish and maintain an electronic web-based 117678
database of board meeting agendas, board meeting minutes, proposed 117679
rules, public comments, and other documents relevant to the work 117680
of the board. 117681

(F) Notice of meetings shall be provided to members through 117682
the board's mailing list, the department's web site, or any other 117683
means available to the board. 117684

The minutes of previous meetings, the next meeting's agenda, 117685

and information on any matters to be presented to the board at any 117686
regular or special meeting shall be provided to the board in an 117687
electronic format. 117688

(G) Members shall attend annual ethics training provided by 117689
the Ohio ethics commission. 117690

(H) Members shall serve without compensation, but may be 117691
reimbursed for actual and necessary expenses incurred in the 117692
performance of their official duties. 117693

(I) Sections 101.82 to 101.87 of the Revised Code do not 117694
apply to the Ohio public health advisory board. 117695

Sec. 3701.83. There is hereby created in the state treasury 117696
the general operations fund. Moneys in the fund shall be used for 117697
the purposes specified in sections 3701.04, 3701.344, 3702.20, 117698
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 117699
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 117700
~~4736.06~~, 3776.08, and 4769.09 of the Revised Code. 117701

Sec. 3717.27. (A) All inspections of retail food 117702
establishments conducted by a licensor under this chapter shall be 117703
conducted according to the procedures and schedule of frequency 117704
specified in rules adopted under section 3717.33 of the Revised 117705
Code. An inspection may be performed only by an individual 117706
registered as an environmental health specialist or environmental 117707
health specialist in training under Chapter ~~4736~~ 3776. of the 117708
Revised Code. Each inspection shall be recorded on a form 117709
prescribed and furnished by the director of agriculture or a form 117710
approved by the director that has been prescribed by a board of 117711
health acting as licensor. With the assistance of the director, a 117712
board acting as licensor, to the extent practicable, shall 117713
computerize the inspection process and standardize the manner in 117714
which its inspections are conducted. 117715

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

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

(C) An inspection may include the following:

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

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

Sec. 3717.47. (A) All inspections of food service operations conducted by a licensor under this chapter shall be conducted according to the procedures and schedule of frequency specified in rules adopted under section 3717.51 of the Revised Code. An inspection may be performed only by an individual registered as an environmental health specialist or environmental health specialist in training under Chapter ~~4736~~ 3776. of the Revised Code. Each inspection shall be recorded on a form prescribed and furnished by

the director of health or a form approved by the director that has 117747
been prescribed by a board of health acting as licensor. With the 117748
assistance of the director, a board acting as licensor, to the 117749
extent practicable, shall computerize the inspection process and 117750
shall standardize the manner in which its inspections are 117751
conducted. 117752

(B) A person or government entity holding a food service 117753
operation license shall permit the licensor to inspect the food 117754
service operation for purposes of determining compliance with this 117755
chapter and the rules adopted under it or investigating a 117756
complaint regarding foodborne disease. On request of the licensor, 117757
the license holder shall permit the licensor to examine the 117758
records of the food service operation to obtain information about 117759
the purchase, receipt, or use of food, supplies, and equipment. 117760

A licensor may inspect any mobile food service operation or 117761
catering food service operation being operated within the 117762
licensor's district. If an inspection of a mobile or catering food 117763
service operation is conducted by a licensor other than the 117764
licensor that issued the license for the operation, a report of 117765
the inspection shall be sent to the issuing licensor. The issuing 117766
licensor may use the inspection report to suspend or revoke the 117767
license under section 3717.49 of the Revised Code. 117768

(C) An inspection may include an investigation to determine 117769
the identity and source of a particular food. 117770

Sec. 3718.011. (A) For purposes of this chapter, a sewage 117771
treatment system is causing a public health nuisance if any of the 117772
following situations occurs and, after notice by a board of health 117773
to the applicable property owner, timely repairs are not made to 117774
that system to eliminate the situation: 117775

(1) The sewage treatment system is not operating properly due 117776

to a missing component, incorrect settings, or a mechanical or electrical failure. 117777
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(2) There is a blockage in a known sewage treatment system component or pipe that causes a backup of sewage or effluent affecting the treatment process or inhibiting proper plumbing drainage. 117779
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(3) An inspection conducted by, or under the supervision of, the environmental protection agency or an environmental health specialist registered under Chapter ~~4736~~ 3776. of the Revised Code documents that there is ponding of liquid or bleeding of liquid onto the surface of the ground or into surface water and the liquid has a distinct sewage odor, a black or gray coloration, or the presence of organic matter and any of the following: 117783
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(a) The presence of sewage effluent identified through a dye test; 117790
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(b) The presence of fecal coliform at a level that is equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected; 117792
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(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected. 117798
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(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit. 117802
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(B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of 117806
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health to verify that the sewage treatment system is causing a 117808
public health nuisance. The property owner is responsible for the 117809
costs of the test. 117810

Sec. 3718.03. (A) There is hereby created the sewage 117811
treatment system technical advisory committee consisting of the 117812
director of health or the director's designee and thirteen members 117813
who are knowledgeable about sewage treatment systems and 117814
technologies. The director or the director's designee shall serve 117815
as committee secretary and may vote on actions taken by the 117816
committee. Of the thirteen members, five shall be appointed by the 117817
governor, four shall be appointed by the president of the senate, 117818
and four shall be appointed by the speaker of the house of 117819
representatives. 117820

(1) Of the members appointed by the governor, one shall 117821
represent academia and shall be active in teaching or research in 117822
the area of on-site wastewater treatment, one shall be a 117823
representative of the public who is not employed by the state or 117824
any of its political subdivisions and who does not have a 117825
pecuniary interest in sewage treatment systems, one shall be a 117826
registered professional engineer employed by the environmental 117827
protection agency, one shall be selected from among soil 117828
scientists in the division of soil and water conservation in the 117829
department of agriculture, and one shall be a representative of a 117830
statewide organization representing townships. 117831

(2) Of the members appointed by the president of the senate, 117832
one shall be a health commissioner who is a member of and 117833
recommended by the association of Ohio health commissioners, one 117834
shall represent the interests of manufacturers of sewage treatment 117835
systems, one shall represent installers and service providers, and 117836
one shall be a person with demonstrated experience in the design 117837
of sewage treatment systems. 117838

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

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

Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. The applicable appointing authority may remove a member from the committee for failure to attend two consecutive meetings without showing good cause for the absences.

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

(D) Serving as a member of the sewage treatment system 117871
technical advisory committee does not constitute holding a public 117872
office or position of employment under the laws of this state and 117873
does not constitute grounds for removal of public officers or 117874
employees from their offices or positions of employment. Members 117875
of the committee shall serve without compensation for attending 117876
committee meetings. 117877

(E) A member of the committee shall not have a conflict of 117878
interest with the position. For the purposes of this division, 117879
"conflict of interest" means the taking of any action that 117880
violates any provision of Chapter 102. or 2921. of the Revised 117881
Code. 117882

(F) The sewage treatment system technical advisory committee 117883
shall do all of the following: 117884

(1) Develop with the department of health standards, 117885
guidelines, and protocols for approving or disapproving a sewage 117886
treatment system or components of a system under section 3718.04 117887
of the Revised Code. Any guideline requiring the submission of 117888
scientific information or testing data shall specify, in writing, 117889
the protocol and format to be used in submitting the information 117890
or data. 117891

(2) Develop with the department an application form to be 117892
submitted to the director by an applicant for approval or 117893
disapproval of a sewage treatment system or components of a system 117894
and specify the information that must be included with an 117895
application form; 117896

(3) Make recommendations to the director regarding the 117897
approval or disapproval of an application sent to the director 117898
under section 3718.04 of the Revised Code requesting approval of a 117899
sewage treatment system or components of a system; 117900

(4) Pursue and recruit in an active manner the research, 117901

development, introduction, and timely approval of innovative and 117902
cost-effective sewage treatment systems and components of a system 117903
for use in this state, which shall include conducting pilot 117904
projects to assess the effectiveness of a system or components of 117905
a system. 117906

(G) The chairperson of the committee shall prepare and submit 117907
an annual report concerning the activities of the committee to the 117908
general assembly not later than ninety days after the end of the 117909
calendar year. The report shall discuss the number of applications 117910
submitted under section 3718.04 of the Revised Code for the 117911
approval of a new sewage treatment system or a component of a 117912
system, the number of such systems and components that were 117913
approved, any information that the committee considers beneficial 117914
to the general assembly, and any other information that the 117915
chairperson determines is beneficial to the general assembly. If 117916
other members of the committee determine that certain information 117917
should be included in the report, they shall submit the 117918
information to the chairperson not later than thirty days after 117919
the end of the calendar year. 117920

(H) The department shall provide meeting space for the 117921
committee. The committee shall be assisted in its duties by the 117922
staff of the department. 117923

(I) Sections 101.82 to 101.87 of the Revised Code do not 117924
apply to the sewage treatment system technical advisory committee. 117925

Sec. 3742.03. The director of health shall adopt rules in 117926
accordance with Chapter 119. of the Revised Code for the 117927
administration and enforcement of sections 3742.01 to 3742.19 and 117928
3742.99 of the Revised Code. The rules shall specify all of the 117929
following: 117930

(A) Procedures to be followed by a lead abatement contractor, 117931
lead abatement project designer, lead abatement worker, lead 117932

inspector, or lead risk assessor licensed under section 3742.05 of 117933
the Revised Code for undertaking lead abatement activities and 117934
procedures to be followed by a clearance technician, lead 117935
inspector, or lead risk assessor in performing a clearance 117936
examination; 117937

(B)(1) Requirements for training and licensure, in addition 117938
to those established under section 3742.08 of the Revised Code, to 117939
include levels of training and periodic refresher training for 117940
each class of worker, and to be used for licensure under section 117941
3742.05 of the Revised Code. Except in the case of clearance 117942
technicians, these requirements shall include at least twenty-four 117943
classroom hours of training based on the Occupational Safety and 117944
Health Act training program for lead set forth in 29 C.F.R. 117945
1926.62. For clearance technicians, the training requirements to 117946
obtain an initial license shall not exceed six hours and the 117947
requirements for refresher training shall not exceed two hours 117948
every four years. In establishing the training and licensure 117949
requirements, the director shall consider the core of information 117950
that is needed by all licensed persons, and establish the training 117951
requirements so that persons who would seek licenses in more than 117952
one area would not have to take duplicative course work. 117953

(2) Persons certified by the American board of industrial 117954
hygiene as a certified industrial hygienist or as an industrial 117955
hygienist-in-training, and persons registered as a ~~sanitarian~~ 117956
environmental health specialist or ~~sanitarian-in-training~~ 117957
environmental health specialist in training under Chapter ~~4736~~ 117958
3776. of the Revised Code, shall be exempt from any training 117959
requirements for initial licensure established under this chapter, 117960
but shall be required to take any examinations for licensure 117961
required under section 3742.05 of the Revised Code. 117962

(C) Fees for licenses issued under section 3742.05 of the 117963
Revised Code and for their renewal; 117964

(D) Procedures to be followed by lead inspectors, lead abatement contractors, environmental lead analytical laboratories, lead risk assessors, lead abatement project designers, and lead abatement workers to prevent public exposure to lead hazards and ensure worker protection during lead abatement projects; 117965
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(E)(1) Record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers for lead abatement projects and record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, and clearance technicians for clearance examinations; 117970
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(2) Record-keeping and reporting requirements regarding lead poisoning for physicians; 117978
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(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form. 117980
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(F) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials; 117985
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(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code; 117987
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(H) Requirements under which a manufacturer of encapsulants must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the 117989
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American society for testing and materials. 117996

Sec. ~~4736.01~~ 3776.01. As used in this chapter: 117997

(A) "Environmental health science" means the aspect of public 117998
health science that includes, but is not limited to, the following 117999
bodies of knowledge: air quality, food quality and protection, 118000
hazardous and toxic substances, consumer product safety, housing, 118001
institutional health and safety, community noise control, 118002
radiation protection, recreational facilities, solid and liquid 118003
waste management, vector control, drinking water quality, milk 118004
sanitation, and rabies control. 118005

(B) "Environmental health specialist" means a person who 118006
performs for compensation educational, investigational, technical, 118007
or administrative duties requiring specialized knowledge and 118008
skills in the field of environmental health science. 118009

(C) "Registered environmental health specialist" means a 118010
person who is registered as an environmental health specialist in 118011
accordance with this chapter. 118012

(D) "Environmental health specialist in training" means a 118013
person who is registered as an environmental health specialist in 118014
training in accordance with this chapter. 118015

(E) "Practice of environmental health" means consultation, 118016
instruction, investigation, inspection, or evaluation by an 118017
employee of a city health district, a general health district, the 118018
environmental protection agency, the department of health, or the 118019
department of agriculture requiring specialized knowledge, 118020
training, and experience in the field of environmental health 118021
science, with the primary purpose of improving or conducting 118022
administration or enforcement under any of the following: 118023

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 118024
3730., or 3733. of the Revised Code; 118025

(2) Chapter 3734. of the Revised Code as it pertains to solid 118026
and hazardous waste; 118027

(3) Section 955.26, 955.261, 3701.344, 3707.01, ~~or~~ 3707.03, 118028
~~sections 3707.38 to 3707.99~~ 3707.26, or ~~section 3715.21~~ 3715.021 118029
of the Revised Code; 118030

(4) Rules adopted under ~~former section 3701.34~~ Chapter 3749. 118031
of the Revised Code pertaining to ~~rabies control or~~ swimming 118032
pools; 118033

~~(5) Rules adopted under section 3701.935 of the Revised Code 118034
for school health and safety network inspections and rules adopted 118035
under section 3707.26 of the Revised Code for sanitary 118036
inspections. 118037~~

"Practice of environmental health" does not include sampling, 118038
testing, controlling of vectors, reporting of observations, or 118039
other duties that do not require application of specialized 118040
knowledge and skills in environmental health science performed 118041
under the supervision of a registered environmental health 118042
specialist. 118043

The director of health may further define environmental 118044
health science in relation to specific functions in the practice 118045
of environmental health through rules adopted by the director 118046
under Chapter 119. of the Revised Code. 118047

Sec. ~~4736.02~~ 3776.02. There is hereby created the 118048
environmental health specialist advisory board consisting of seven 118049
members appointed by the director of health ~~with the advice and~~ 118050
~~consent of the senate~~ for terms established in accordance with 118051
rules adopted by the director under section ~~4736.03~~ 3776.03 of the 118052
Revised Code. The advisory board shall advise the director 118053
regarding the registration of environmental health specialists in 118054
training and environmental health specialists, continuing 118055

education requirements for environmental health specialists, the 118056
~~manner in which the passage of an examination required~~ 118057
administration of examinations prescribed by section ~~4736.09~~ 118058
3776.06 of the Revised Code ~~is verified~~, the education and 118059
employment criteria required under section ~~4736.08~~ 3776.05 of the 118060
Revised Code, and any other matters as may be of assistance to the 118061
director in the regulation of environmental health specialists and 118062
environmental health specialists in training. 118063

Each member appointed by the director shall be a registered 118064
environmental health specialist who meets the education and 118065
~~experience~~ employment requirements of section ~~4736.08~~ 3776.05 of 118066
the Revised Code for registration as an environmental health 118067
specialist. At least one and not more than two of the members 118068
shall be employees of a general health district; at least one and 118069
not more than two shall be employees of a city health district; 118070
and at least one and not more than two shall be employed in 118071
private industry. Not more than one member may be employed by a 118072
university and not more than one member may be employed by an 118073
agency or department of the state. 118074

Within ninety days of September 29, 2017, the director shall 118075
make initial appointments to the advisory board. 118076

Sec. ~~4736.03~~ 3776.03. (A) The director of health shall adopt 118077
and may amend or rescind rules in accordance with Chapter 119. of 118078
the Revised Code governing ~~the~~ all of the following: 118079

(1) The manner in which the passage of an examination 118080
required by section ~~4736.09~~ 3776.06 of the Revised Code is 118081
verified, ~~prescribing the~~; 118082

(2) The form for application, ~~establishing~~; 118083

(3) The establishment of criteria for determining what 118084
courses may be included toward fulfillment of the science course 118085

requirements of section ~~4736.08~~ 3776.05 of the Revised Code, 118086
~~determining;~~ 118087

(4) The determination of the continuing education program 118088
requirements of section ~~4736.11~~ 3776.07 of the Revised Code, ~~and~~ 118089
~~for the;~~ 118090

(5) The administration and enforcement of this chapter. 118091

(B) The director shall may adopt, in accordance with Chapter 118092
119. of the Revised Code, rules ~~establishing of a general~~ 118093
application throughout the state for the practice of environmental 118094
health that are necessary to administer and enforce this chapter, 118095
including rules governing all of the following: 118096

(1) The registration, advancement, and reinstatement of 118097
applicants to practice as an environmental health specialist or 118098
environmental health specialist in training; 118099

(2) The administration of the examinations prescribed by 118100
section 3776.06 of the Revised Code; 118101

(3) Educational requirements necessary for qualification for 118102
registration as an environmental health specialist or an 118103
environmental health specialist in training under division of (B) 118104
section 3776.05 of the Revised Code, including criteria for 118105
determining what courses may be included toward fulfillment of the 118106
science course requirements of that section; 118107

(4) Continuing education requirements for environmental 118108
health specialists and environmental health specialists in 118109
training, including the process for applying for continuing 118110
education credits; 118111

(5) The terms of office for members of the environmental 118112
health specialist advisory board created in section ~~4736.02~~ 118113
3776.02 of the Revised Code; 118114

(6) Any fees, as specified in section 3776.08 of the Revised 118115

<u>Code, necessary to provide funding for the administration and</u>	118116
<u>enforcement of this chapter and rules adopted under it;</u>	118117
<u>(7) Any other rule necessary for the administration and</u>	118118
<u>enforcement of this chapter.</u>	118119
Sec. 4736.07 <u>3776.04</u>. The director of health shall keep a	118120
record of all applications for registration, which shall include	118121
<u>including:</u>	118122
(A) The name and address of each applicant;	118123
(B) The name and address of the employer or business	118124
connection of each applicant;	118125
(C) The date of the application;	118126
(D) The educational and experience <u>employment</u> qualifications	118127
of each applicant;	118128
(E) The date on which the director reviewed and acted upon	118129
each application;	118130
(F) The action taken by the director on each application;	118131
(G) A serial number of each certificate of registration	118132
issued by the director.	118133
The director shall prepare annually a list of the names and	118134
addresses of every person registered by it and a list of every	118135
person whose registration has been suspended or revoked within the	118136
previous year.	118137
Sec. 4736.08 <u>3776.05</u>. (A) A person seeking to register as an	118138
environmental health specialist <u>or environmental health specialist</u>	118139
<u>in training</u> shall submit an application to the director of health	118140
on a form prescribed by the director. Along with the application,	118141
the person shall submit the application fee prescribed in section	118142
4736.12 of the Revised Code <u>rules adopted under this chapter.</u> The	118143

(B) The director shall register an applicant as an environmental health specialist if the applicant complies with the examination requirements specified under section ~~4736.09~~ 3776.06 of the Revised Code and meets ~~the any of the following~~ education and ~~experience employment~~ requirements of ~~division (A), (B), or (C) of this section:~~ 118144
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~~(A)(1)~~ Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least two years of full-time employment as an environmental health specialist; 118150
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~~(B)(2)~~ Graduated from an accredited college or university with at least a baccalaureate degree, completed a major in environmental health science which included an internship program approved by the director; and completed at least one year of full-time employment as an environmental health specialist; 118155
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~~(C)(3)~~ Graduated from an accredited college or university with a degree higher than a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least one year of full-time employment as an environmental health specialist. 118160
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(C)(1) The director shall register an applicant as an environmental health specialist in training if the applicant meets the educational qualifications of division (B)(1), (2), or (3) of this section, but does not meet the employment requirement of any such division. 118165
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(2) An environmental health specialist in training shall apply for registration as an environmental health specialist within four years after registration as an environmental health specialist in training. The director may extend the registration of any environmental health specialist in training who furnishes, 118170
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in writing, sufficient cause for not applying for registration as 118175
an environmental health specialist within the four-year period. 118176
However, the director shall not extend the registration more than 118177
an additional two years beyond the four-year period. 118178

~~Sec. 4736.09~~ 3776.06. ~~Prior to applying for an initial~~ 118179
~~environmental health specialist registration, a person shall take~~ 118180
~~the credentialed national environmental health association~~ 118181
~~examination administered by the department of health.~~(A) The 118182
director of health shall conduct an examination of each applicant 118183
who applies for an initial registration as an environmental health 118184
specialist under section 3776.05 of the Revised Code. The director 118185
shall ensure that all of the following apply to the examination: 118186

(1) It is given in a format prescribed by the director; 118187

(2) It includes applicable subjects in the field of 118188
environmental health science and other subjects as the director 118189
may prescribe; 118190

(3) It is objective and practical. 118191

(B) For purposes of the examination, the director may utilize 118192
materials prepared by entities that are recognized for their 118193
expertise in the area of environmental health and examination 118194
preparation. 118195

(C) The director of health shall not register the person if 118196
the person fails to meet the minimum grade requirement for the 118197
examination specified by the national environmental health 118198
association director. ~~An applicant for registration who meets~~ 118199
fails to meet the minimum grade requirement shall verify the grade 118200
with the director on a form and in a manner prescribed by the 118201
director in the applicant's first examination may retake the 118202
examination. The applicant shall retake the examination at a time 118203
and place specified by the director upon resubmission of an 118204

application and payment of the fee prescribed in rules adopted 118205
under section 3776.03 of the Revised Code. 118206

Sec. ~~4736.11~~ 3776.07. (A) The director of health shall issue 118207
a certificate of registration to practice to any applicant whom it 118208
registers as an environmental health specialist or an 118209
environmental health specialist in training. ~~Such~~ The director 118210
shall include the following information on the certificate ~~shall~~ 118211
~~bear~~ of registration: 118212

(1) The name of the person; 118213

(2) The date of issue; 118214

(3) ~~A serial number, designated by the director;~~ 118215

~~(4)~~ The signature of the director; 118216

~~(5)~~(4) The designation "registered environmental health 118217
specialist" or "environmental health specialist in training." 118218

(B) ~~Certificates~~ The director shall issue certificates of 118219
registration to practice, which expire biennially on the date 118220
fixed by the director and become invalid on that date unless 118221
renewed pursuant to this section. ~~All~~ The director may renew a 118222
registration sixty days prior to the date of expiration, provided 118223
the applicant for renewal has done both of the following: 118224

(1) Paid the renewal fee in accordance with rules adopted 118225
under section 3776.03 of the Revised Code; 118226

(2) Submitted proof of compliance with the continuing 118227
education requirements described in this section. 118228

(C) All registered environmental health specialists and 118229
environmental health specialists in training are required 118230
biennially to complete a continuing education program in subjects 118231
relating to practices of the profession as an environmental health 118232
specialist. The purpose of the program is that the utilization and 118233

application of new techniques, scientific advancements, and 118234
research findings will assure comprehensive service to the public. 118235

~~(C)(D)~~ The director shall prescribe by rule a continuing 118236
education program for registered environmental health specialists 118237
and environmental health specialists in training to meet this 118238
requirement. Under the program, an environmental health specialist 118239
and environmental health specialists in training shall complete 118240
twenty-four hours of continuing education during the biennial 118241
period. ~~At least once annually the director shall provide to each~~ 118242
~~registered environmental health specialist a list of courses~~ 118243
~~approved by the director as satisfying the program prescribed by~~ 118244
~~rule. Upon the request of a registered environmental health~~ 118245
~~specialist, the director shall supply a list of applicable courses~~ 118246
~~that the director has approved.~~ 118247

~~(D)(E)~~ A certificate may be renewed for a period of two years 118248
at any time prior to the date of expiration upon payment of the 118249
renewal fee prescribed by section ~~4736.12~~ 3776.08 of the Revised 118250
Code and upon showing proof of having complied with the continuing 118251
education requirements of this section. The director may waive the 118252
continuing education requirement in cases of certified illness or 118253
disability which prevents the attendance at any qualified 118254
educational seminars during the twenty-four months immediately 118255
preceding the biennial certificate of registration renewal date. 118256
Certificates that expire may be reinstated under rules adopted by 118257
the director. 118258

~~(E)(F)~~ An environmental health specialist shall not be 118259
required to pass an examination for purposes of renewal. 118260

Sec. ~~4736.12~~ 3776.08. (A) The director of health shall charge 118261
~~the following fees~~ a fee for the examination required under 118262
section 3776.06 of the Revised Code that is not in excess of the 118263
actual cost to the department of health of conducting the 118264

examination. 118265

(B) The director may adopt rules under section 3776.03 of the 118266
Revised Code establishing fees for applications for all of the 118267
following: 118268

(1) ~~To apply as~~ Registration as an environmental health 118269
specialist in training, ~~fifty dollars;~~ 118270

(2) ~~For~~ Registration as an environmental health specialist in 118271
training ~~to apply for registration as an environmental health~~ 118272
~~specialist, fifty dollars.;~~ 118273

(3) ~~For persons~~ Registration for an individual other than 118274
environmental health ~~specialists~~ specialist in training to apply 118275
for registration as an environmental health ~~specialists,~~ one 118276
~~hundred dollars. specialist;~~ 118277

(4) ~~The renewal fee for a registered environmental health~~ 118278
~~specialist is seventy five dollars.~~ 118279

~~(5) The renewal fee for of a registration for a registered~~ 118280
~~environmental health specialist or an environmental health~~ 118281
~~specialist in training is thirty five dollars.~~ 118282

~~(6) For late application for renewal, an additional~~ 118283
~~seventy five dollars.~~ 118284

~~The director, with the approval of the controlling board, may~~ 118285
~~establish fees in excess of the amounts provided in this section,~~ 118286
~~provided that such fees do not exceed the amounts permitted by~~ 118287
~~this section by more than fifty per cent.~~ 118288

~~(B) The director shall charge a fee for the examination~~ 118289
~~required by section 4736.08 of the Revised Code, provided that the~~ 118290
~~fee is not in excess of the actual cost to the department of~~ 118291
~~health of conducting the examinations.~~ 118292

~~(C) The director may adopt rules establishing fees for all of~~ 118293

~~the following:~~ 118294

~~(1) Application for the;~~ 118295

(5) The late renewal of a registration for an environmental health specialist or environmental health specialist in training; 118296
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(6) The registration of a training agency approved under rules adopted by the director pursuant to section ~~4736.11~~ 3776.07 of the Revised Code and for the annual registration renewal of an approved training agency; 118298
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~~(2) Application for the~~(7) The review of continuing education hours submitted for the director's approval by approved training agencies or by registered environmental health specialists or environmental health specialists in training; 118302
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~~(3) Additional copies of pocket identification cards and wall certificates.~~ 118306
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(C) Any fees collected under this section and in accordance with rules adopted under section 3776.03 of the Revised Code shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the money collected from such fees for the administration and enforcement of this chapter and rules adopted under it. 118308
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Sec. ~~4736.13~~ 3776.09. The director of health may deny, refuse to renew, revoke, or suspend a certificate of registration to practice in accordance with Chapter 119. of the Revised Code for unprofessional conduct, the practice of fraud or deceit in obtaining a certificate of registration, dereliction of duty, incompetence in the practice of environmental health science, or for other good and sufficient cause. 118314
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Sec. ~~4736.14~~ 3776.10. The director of health ~~may, upon application and proof of valid registration,~~ shall issue a 118321
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certificate of registration in accordance with Chapter 4796. of 118323
the Revised Code to any a person who if either of the following 118324
applies: 118325

(A) The person is or has been registered as an environmental 118326
health specialist or environmental health specialist in training 118327
by any other state, if the requirements of that state at the time 118328
of such registration are determined by the director to be at least 118329
equivalent to the requirements of this chapter. 118330

(B) The person has satisfactory work experience, a government 118331
certification, or a private certification as described in that 118332
chapter as an environmental health specialist or environmental 118333
health specialist in training, as applicable, in a state that does 118334
not issue that certificate of registration. 118335

Sec. ~~4736.15~~ 3776.11. (A) No person shall engage in, or offer 118336
to engage in, the practice of environmental health without being 118337
registered in accordance with sections ~~4736.01 to 4736.15~~ of the 118338
Revised Code this chapter. ~~An environmental health specialist in~~ 118339
training may engage in the practice of environmental health for a 118340
period not to exceed five years, provided the environmental health 118341
specialist in training is supervised by a registered environmental 118342
health specialist. No 118343

(B) No person except a registered environmental health 118344
specialist shall use the title "registered environmental health 118345
specialist" or the abbreviation "R.E.H.S." after the person's 118346
name, or represent self as a registered environmental health 118347
specialist. ~~Whoever~~ 118348

(C)(1) No person except a registered environmental health 118349
specialist in training shall use the title "registered 118350
environmental health specialist in training" or the abbreviation 118351
"E.H.S.I.T." after the person's name, or represent self as a 118352

registered environmental health specialist in training. 118353

(2) No environmental health specialist in training shall 118354
engage in the active practice of environmental health for a period 118355
exceeding six years from the date that the environmental health 118356
specialist in training's registration was initially issued. During 118357
the period that a person is engaged as an environmental health 118358
specialist in training, the person shall undertake the duties of 118359
an environmental health specialist in training solely under the 118360
supervision of a registered environmental health specialist in 118361
good standing. Such supervision is a condition for the advancement 118362
of an environmental health specialist in training to an 118363
environmental health specialist. 118364

(D) Whoever violates this section is guilty of a misdemeanor 118365
of the fourth degree. 118366

Sec. ~~4736.17~~ 3776.12. On receipt of a notice pursuant to 118367
section 3123.43 of the Revised Code, the director of health shall 118368
comply with sections 3123.41 to 3123.50 of the Revised Code and 118369
any applicable rules adopted under section 3123.63 of the Revised 118370
Code with respect to a certificate issued pursuant to this 118371
chapter. 118372

Sec. ~~4736.18~~ 3776.13. The director of health shall comply 118373
with section 4776.20 of the Revised Code. 118374

Sec. 4743.05. (A) Except as otherwise provided in sections 118375
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 118376
Revised Code, all money collected under Chapters 3773., 4701., 118377
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 118378
4733., 4734., ~~4736.~~, 4741., 4744., 4747., 4753., 4755., 4757., 118379
4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be 118380
paid into the state treasury to the credit of the occupational 118381
licensing and regulatory fund, which is hereby created for use in 118382

administering such chapters. 118383

(B) At the end of each quarter, the director of budget and 118384
management shall transfer from the occupational licensing and 118385
regulatory fund to the nurse education assistance fund created in 118386
section 3333.28 of the Revised Code the amount certified to the 118387
director under division (B) of section 4723.08 of the Revised 118388
Code. 118389

(C) At the end of each quarter, the director shall transfer 118390
from the occupational licensing and regulatory fund to the 118391
certified public accountant education assistance fund created in 118392
section 4701.26 of the Revised Code the amount certified to the 118393
director under division (H)(2) of section 4701.10 of the Revised 118394
Code. 118395

(D) On August 30, 2021, and every two years thereafter, the 118396
director shall transfer from the occupational licensing and 118397
regulatory fund to the veterinary student debt assistance fund 118398
created in section 4741.56 of the Revised Code the amount 118399
certified to the director under section 4741.57 of the Revised 118400
Code. 118401

Sec. 4776.20. (A) As used in this section: 118402

(1) "Licensing agency" means, in addition to each board 118403
identified in division (C) of section 4776.01 of the Revised Code, 118404
the board or other government entity authorized to issue a license 118405
under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 118406
4723., 4727., 4728., 4733., 4735., ~~4736.~~, 4737., 4738., 4740., 118407
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 118408
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 118409
"Licensing agency" includes an administrative officer that has 118410
authority to issue a license. 118411

(2) "Licensee" means, in addition to a licensee as described 118412

in division (B) of section 4776.01 of the Revised Code, the person 118413
to whom a license is issued by the board or other government 118414
entity authorized to issue a license under Chapters ~~3776.~~, 4703., 118415
4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 118416
4735., ~~4736.~~, 4737., 4738., 4740., 4742., 4747., 4749., 4751., 118417
4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 118418
4773., and 4781. of the Revised Code. 118419

(3) "Prosecutor" has the same meaning as in section 2935.01 118420
of the Revised Code. 118421

(B) On a licensee's conviction of, plea of guilty to, 118422
judicial finding of guilt of, or judicial finding of guilt 118423
resulting from a plea of no contest to the offense of trafficking 118424
in persons in violation of section 2905.32 of the Revised Code, 118425
the prosecutor in the case shall promptly notify the licensing 118426
agency of the conviction, plea, or finding and provide the 118427
licensee's name and residential address. On receipt of this 118428
notification, the licensing agency shall immediately suspend the 118429
licensee's license. 118430

(C) If there is a conviction of, plea of guilty to, judicial 118431
finding of guilt of, or judicial finding of guilt resulting from a 118432
plea of no contest to the offense of trafficking in persons in 118433
violation of section 2905.32 of the Revised Code and all or part 118434
of the violation occurred on the premises of a facility that is 118435
licensed by a licensing agency, the prosecutor in the case shall 118436
promptly notify the licensing agency of the conviction, plea, or 118437
finding and provide the facility's name and address and the 118438
offender's name and residential address. On receipt of this 118439
notification, the licensing agency shall immediately suspend the 118440
facility's license. 118441

(D) Notwithstanding any provision of the Revised Code to the 118442
contrary, the suspension of a license under division (B) or (C) of 118443
this section shall be implemented by a licensing agency without a 118444

prior hearing. After the suspension, the licensing agency shall 118445
give written notice to the subject of the suspension of the right 118446
to request a hearing under Chapter 119. of the Revised Code. After 118447
a hearing is held, the licensing agency shall either revoke or 118448
permanently revoke the license of the subject of the suspension, 118449
unless it determines that the license holder has not been 118450
convicted of, pleaded guilty to, been found guilty of, or been 118451
found guilty based on a plea of no contest to the offense of 118452
trafficking in persons in violation of section 2905.32 of the 118453
Revised Code. 118454

Sec. 5903.12. (A) As used in this section: 118455

"Continuing education" means continuing education required of 118456
a licensee by law and includes, but is not limited to, the 118457
continuing education required of licensees under sections 118458
3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 118459
4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 118460
4734.25, 4735.141, ~~4736.11~~, 4741.16, 4741.19, 4751.24, 4751.25, 118461
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 118462
Code. 118463

"Reporting period" means the period of time during which a 118464
licensee must complete the number of hours of continuing education 118465
required of the licensee by law. 118466

(B) A licensee may submit an application to a licensing 118467
agency, stating that the licensee requires an extension of the 118468
current reporting period because the licensee has served on active 118469
duty during the current or a prior reporting period. The licensee 118470
shall submit proper documentation certifying the active duty 118471
service and the length of that active duty service. Upon receiving 118472
the application and proper documentation, the licensing agency 118473
shall extend the current reporting period by an amount of time 118474
equal to the total number of months that the licensee spent on 118475

active duty during the current reporting period. For purposes of 118476
this division, any portion of a month served on active duty shall 118477
be considered one full month. 118478

Section 130.41. That existing sections 2925.01, 3701.33, 118479
3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 118480
4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 118481
4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.05, 4776.20, and 118482
5903.12 of the Revised Code are hereby repealed. 118483

Section 130.42. That sections 4736.05, 4736.06, and 4736.10 118484
of the Revised Code are hereby repealed. 118485

Section 130.43. That the version of section 3701.83 of the 118486
Revised Code that is scheduled to take effect on September 30, 118487
2024, be amended to read as follows: 118488

Sec. 3701.83. There is hereby created in the state treasury 118489
the general operations fund. Moneys in the fund shall be used for 118490
the purposes specified in sections 3701.04, 3701.344, 3702.20, 118491
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 118492
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 118493
~~4736.06~~, 3776.08, and 4769.09 of the Revised Code. 118494

Section 130.44. That the existing version of section 3701.83 118495
of the Revised Code that is scheduled to take effect on September 118496
30, 2024, is hereby repealed. 118497

Section 130.45. That the version of section 4736.14 of the 118498
Revised Code that is scheduled to take effect on December 29, 118499
2023, be amended and section 4736.14 (3776.10) of the Revised Code 118500
that is scheduled to take effect on December 29, 2023, be amended 118501
for the purpose of adopting a new section number as indicated in 118502

parentheses to read as follows: 118503

Sec. ~~4736.14~~ 3776.10. The director of health shall issue a 118504
certificate of registration in accordance with Chapter 4796. of 118505
the Revised Code to a person if either of the following applies: 118506

(A) The person is or has been registered as an environmental 118507
health specialist or environmental health specialist in training 118508
by any other state. 118509

(B) The person has satisfactory work experience, a government 118510
certification, or a private certification as described in that 118511
chapter as an environmental health specialist or environmental 118512
health specialist in training, as applicable, in a state that does 118513
not issue that certificate of registration. 118514

Section 130.46. That the existing version of section 4736.14 118515
of the Revised Code that is scheduled to take effect on December 118516
29, 2023, is hereby repealed. 118517

Section 130.47. That the version of section 4736.10 of the 118518
Revised Code that is scheduled to take effect on December 29, 118519
2023, is hereby repealed. The outright repeal by this act of 118520
section 4736.10 of the Revised Code supersedes the amendment of 118521
that section scheduled to take effect on December 29, 2023, as 118522
prescribed by Section 1 of S.B. 131 of the 134th General Assembly. 118523

Section 130.48. Sections 130.45, 130.46, and 130.47 of this 118524
act take effect on December 29, 2023. 118525

Sections 130.43 and 130.44 of this act take effect on 118526
September 30, 2024. 118527

Section 130.49. Section 4736.08 of the Revised Code is 118528
presented in this act as a composite of the section as amended by 118529

both H.B. 442 and H.B. 263 of the 133rd General Assembly. The 118530
General Assembly, applying the principle stated in division (B) of 118531
section 1.52 of the Revised Code that amendments are to be 118532
harmonized if reasonably capable of simultaneous operation, finds 118533
that the composite is the resulting version of the section in 118534
effect prior to the effective date of the section as presented in 118535
this act. 118536

Section 130.50. That the version of section 3701.351 of the 118537
Revised Code that is scheduled to take effect September 30, 2024, 118538
be amended to read as follows: 118539

Sec. 3701.351. (A) The governing body of every hospital shall 118540
set standards and procedures to be applied by the hospital and its 118541
medical staff in considering and acting upon applications for 118542
staff membership or professional privileges. These standards and 118543
procedures shall be available for public inspection. 118544

(B) The governing body of any hospital, in considering and 118545
acting upon applications for staff membership or professional 118546
privileges within the scope of the applicants' respective 118547
licensure, shall not discriminate against a qualified person 118548
solely on the basis of whether that person is licensed to practice 118549
medicine, osteopathic medicine, or podiatry, is licensed to 118550
practice dentistry or psychology, or is licensed to practice 118551
nursing as an advanced practice registered nurse. Staff membership 118552
or professional privileges shall be considered and acted on in 118553
accordance with standards and procedures established under 118554
division (A) of this section. This section does not permit a 118555
psychologist to admit a patient to a hospital in violation of 118556
section 3727.06 of the Revised Code. 118557

(C) The governing body of any hospital that provides 118558
maternity services, in considering and acting upon applications 118559

for clinical privileges, shall not discriminate against a 118560
qualified person solely on the basis that the person is authorized 118561
to practice nurse-midwifery. An application from a certified 118562
nurse-midwife who is not employed by the hospital shall contain 118563
the name of a physician member of the hospital's medical staff who 118564
holds clinical privileges in obstetrics at that hospital and who 118565
has agreed to be the collaborating physician for the applicant in 118566
accordance with section 4723.43 of the Revised Code. 118567

(D) Any person may apply to the court of common pleas for 118568
temporary or permanent injunctions restraining a violation of 118569
division (A), (B), or (C) of this section. This action is an 118570
additional remedy not dependent on the adequacy of the remedy at 118571
law. 118572

(E)(1) If a hospital does not provide or permit the provision 118573
of any diagnostic or treatment service for mental or emotional 118574
disorders or any other service that may be legally performed by a 118575
psychologist licensed under Chapter 4732. of the Revised Code, 118576
this section does not require the hospital to provide or permit 118577
the provision of any such service and the hospital shall be exempt 118578
from requirements of this section pertaining to psychologists. 118579

(2) This section does not impair the right of a hospital to 118580
enter into an employment, personal service, or any other kind of 118581
contract with a licensed psychologist, upon any such terms as the 118582
parties may mutually agree, for the provision of any service that 118583
may be legally performed by a licensed psychologist. 118584

Section 130.51. That the existing version of section 3701.351 118585
of the Revised Code that is scheduled to take effect September 30, 118586
2024, is hereby repealed. 118587

Section 130.52. Sections 130.50 and 130.51 of this act take 118588
effect September 30, 2024. 118589

Section 130.53. That the versions of sections 3727.70 and 4723.431 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

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Section 130.54. That Sections 130.11 and 130.12 of H.B. 110 of the 134th General Assembly be amended to read as follows:

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Sec. 130.11. That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, ~~3727.70~~, 3781.112, 3901.40, 3929.67, ~~4723.431~~, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed.

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Sec. 130.12. That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, ~~3727.06~~, 3727.07, 3727.99, and 5703.95 of the Revised Code are hereby repealed.

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Section 130.55. That existing Sections 130.11 and 130.12 of H.B. 110 of the 134th General Assembly are hereby repealed.

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Section 130.56. Sections 130.54 and 130.55 of this act remove the limitations imposed on the continued existence of sections 3727.06, 3727.70, and 4723.431 of the Revised Code.

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Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

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Dedicated Purpose Fund Group

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4J80 889601 CPA Education \$ 525,000 \$ 525,000
Assistance

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4K90 889609 Operating Expenses \$ 1,343,885 \$ 1,301,216

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TOTAL DPF Dedicated Purpose Fund				118615
Group	\$	1,868,885	\$ 1,826,216	118616
TOTAL ALL BUDGET FUND GROUPS	\$	1,868,885	\$ 1,826,216	118617
 Section 205.10. ADJ ADJUTANT GENERAL				118619
General Revenue Fund				118620
GRF 745401 Ohio Military Reserve	\$	70,700	\$ 77,720	118621
GRF 745404 Air National Guard	\$	2,140,818	\$ 2,223,917	118622
GRF 745407 National Guard	\$	174,000	\$ 174,000	118623
Benefits				
GRF 745409 Central	\$	3,299,205	\$ 3,414,095	118624
Administration				
GRF 745499 Army National Guard	\$	4,865,716	\$ 4,972,894	118625
GRF 745503 Ohio Cyber Reserve	\$	1,099,436	\$ 1,151,423	118626
GRF 745504 Ohio Cyber Range	\$	2,650,000	\$ 2,650,000	118627
GRF 745505 State Active Duty	\$	50,000	\$ 50,000	118628
TOTAL GRF General Revenue Fund	\$	14,349,875	\$ 14,714,049	118629
Dedicated Purpose Fund Group				118630
5340 745612 Property Operations	\$	900,000	\$ 900,000	118631
Management				
5360 745605 Marksmanship	\$	115,000	\$ 115,000	118632
Activities				
5360 745620 Camp Perry and	\$	913,114	\$ 936,114	118633
Buckeye Inn				
Operations				
5370 745604 Ohio National Guard	\$	190,000	\$ 190,000	118634
Facilities				
Maintenance				
5LY0 745626 Military Medal of	\$	5,000	\$ 5,000	118635
Distinction				
5U80 745613 Community Match	\$	350,000	\$ 350,000	118636
Armories				

TOTAL DPF Dedicated Purpose Fund Group	\$	2,473,114	\$	2,496,114	118637
Federal Fund Group					118638
3420 745616 Army National Guard Service Agreement	\$	26,964,581	\$	26,964,581	118639
3E80 745628 Air National Guard Operations and Maintenance	\$	16,137,808	\$	16,903,235	118640
3R80 745603 Counter Drug Operations	\$	15,382	\$	15,382	118641
TOTAL FED Federal Fund Group	\$	43,117,771	\$	43,883,198	118642
TOTAL ALL BUDGET FUND GROUPS	\$	59,940,760	\$	61,093,361	118643

Section 205.20. NATIONAL GUARD BENEFITS 118645

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 118646
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 118650
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For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy. 118659
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OHIO CYBER RESERVE 118664

The foregoing appropriation item 745503, Ohio Cyber Reserve, 118665
shall be used for purposes of providing support for the 118666
administration of the Ohio Cyber Reserve, a civilian cyber reserve 118667
force that is part of the Ohio organized militia, capable of being 118668
expanded and trained to educate and protect all levels of state 118669
government, critical infrastructure, and the citizens of this 118670
state from cyberattacks and incidences under sections 5922.01, 118671
5922.02, and 5922.08 of the Revised Code. 118672

OHIO CYBER RANGE 118673

The foregoing appropriation item 745504, Ohio Cyber Range, 118674
shall be used by the Adjutant General's Department to establish 118675
and maintain the cyber range for purposes of providing cyber 118676
training and education to K-12 students, higher education 118677
students, members of the Ohio National Guard, federal employees, 118678
and state and local government employees, and provide for 118679
emergency preparedness exercises and trainings. 118680

The Adjutant General's Department, in conjunction and 118681
collaboration with the Department of Administrative Services, the 118682
Department of Public Safety, the Department of Higher Education, 118683
and the Department of Education shall establish and maintain a 118684
cyber range. The Adjutant General's Department may work with 118685
federal agencies to assist in accomplishing this objective. The 118686
state agencies identified in this paragraph may procure any 118687
necessary goods and services including, but not limited to, 118688
contracted services, hardware, networking services, maintenance 118689
costs, and the training and management costs of a cyber range. 118690
These state agencies shall determine the amount of funds each 118691
agency will contribute from available funds and appropriations 118692
enacted herein in order to establish and maintain a cyber range. 118693

STATE ACTIVE DUTY 118694

The foregoing appropriation item 745505, State Active Duty, 118695
 shall be used for the purpose of paying expenses related to state 118696
 active duty of members of the Ohio organized militia, in 118697
 accordance with a proclamation or order of the Governor. Expenses 118698
 include, but are not limited to, cost of equipment, supplies, and 118699
 services, as determined by the Adjutant General. 118700

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 118701

General Revenue Fund 118702

GRF 100412 Unemployment Insurance \$ 1,560,000 \$ 1,560,000 118703

System Lease Rental
 Payments

GRF 100413 EDCS Lease Rental \$ 13,300,000 \$ 13,300,000 118704

Payments

GRF 100414 MARCS Lease Rental \$ 6,500,000 \$ 6,500,000 118705

Payments

GRF 100415 OAKS Lease Rental \$ 2,450,000 \$ 2,450,000 118706

Payments

GRF 100416 STARS Lease Rental \$ 3,500,000 \$ 3,500,000 118707

Payments

GRF 100447 Administrative \$ 71,000,000 \$ 65,500,000 118708

Buildings Lease Rental
 Bond Payments

GRF 100456 State IT Services \$ 1,206,975 \$ 1,189,699 118709

GRF 100459 Ohio Business Gateway \$ 14,022,132 \$ 14,723,118 118710

GRF 100469 Aronoff Center \$ 222,121 \$ 222,121 118711

Building Maintenance

GRF 100474 Next Generation 911 \$ 28,180,270 \$ 17,765,277 118712

GRF 100501 MARCS \$ 28,326,279 \$ 30,221,686 118713

GRF 130321 State Agency Support \$ 29,651,373 \$ 32,003,837 118714

Services

TOTAL GRF General Revenue Fund \$ 199,919,150 \$ 188,935,738 118715

Dedicated Purpose Fund Group				118716
4K90	100673	Ohio Professionals Licensing System	\$ 6,008,646 \$	6,045,167 118717
5L70	100610	Professional Development	\$ 8,250,000 \$	1,650,000 118718
5MV0	100662	Theater Equipment Maintenance	\$ 50,000 \$	21,700 118719
5NM0	100663	911 Program	\$ 634,660 \$	653,492 118720
5V60	100619	Employee Educational Development	\$ 1,600,000 \$	1,600,000 118721
TOTAL DPF Dedicated Purpose Fund Group				\$ 16,543,306 \$ 9,970,359 118722
Internal Service Activity Fund Group				118723
1120	100616	DAS Administration	\$ 14,146,827 \$	14,275,267 118724
1170	100644	General Services Division - Operating	\$ 23,842,795 \$	24,025,069 118725
1220	100637	Fleet Management	\$ 28,792,538 \$	30,768,908 118726
1250	100622	Human Resources Division - Operating	\$ 22,496,517 \$	22,874,397 118727
1250	100657	Benefits Communication	\$ 656,891 \$	689,571 118728
1280	100620	Office of Collective Bargaining	\$ 4,480,378 \$	4,480,378 118729
1300	100606	Risk Management Reserve	\$ 22,669,370 \$	23,424,433 118730
1320	100631	DAS Building Management	\$ 50,851,619 \$	52,446,892 118731
1330	100607	IT Services Delivery	\$ 186,208,726 \$	194,251,395 118732
2100	100612	State Printing	\$ 30,383,950 \$	30,048,288 118733
2290	100630	IT Governance	\$ 38,610,855 \$	42,176,321 118734
2290	100640	Consolidated IT Purchases	\$ 29,641,650 \$	30,265,838 118735
4270	100602	Investment Recovery	\$ 1,761,010 \$	1,824,362 118736

4N60 100617	Major IT Purchases	\$	3,380,000	\$	4,000,000	118737
5C20 100605	MARCS Administration	\$	3,000,000	\$	3,000,000	118738
5EB0 100635	OAKS Support Organization	\$	79,736,888	\$	88,301,070	118739
5EB0 100656	OAKS Updates and Developments	\$	5,397,061	\$	5,367,485	118740
5KZ0 100659	Building Improvement	\$	1,585,500	\$	1,567,400	118741
5LJ0 100661	IT Development	\$	18,127,406	\$	12,839,922	118742
5PC0 100665	Enterprise Applications	\$	14,562,038	\$	13,913,351	118743
5WU0 100672	Ohio Benefits	\$	161,734,809	\$	165,962,055	118744
TOTAL ISA	Internal Service Activity					118745
Fund Group		\$	742,066,828	\$	766,502,402	118746
Fiduciary Fund Group						118747
5UH0 100670	Enterprise Transactions	\$	1,365,000	\$	1,365,000	118748
TOTAL FID	Fiduciary Fund Group	\$	1,365,000	\$	1,365,000	118749
TOTAL ALL BUDGET FUND GROUPS		\$	959,894,284	\$	966,773,499	118750

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL 118752
PAYMENTS 118753

The foregoing appropriation item 100412, Unemployment 118754
Insurance System Lease Rental Payments, shall be used to make 118755
payments during the period from July 1, 2023, through June 30, 118756
2025, pursuant to leases and agreements entered into under Chapter 118757
125. of the Revised Code, as supplemented by Section 701.40 of 118758
H.B. 529 of the 132nd General Assembly, with respect to financing 118759
the costs associated with the acquisition, development, 118760
implementation, and integration of the Unemployment Insurance 118761
System. 118762

EDCS LEASE RENTAL PAYMENTS 118763

The foregoing appropriation item 100413, EDCS Lease Rental 118764

Payments, shall be used to make payments during the period from 118765
July 1, 2023, through June 30, 2025, pursuant to leases and 118766
agreements entered into under Chapter 125. of the Revised Code, as 118767
supplemented by Section 701.10 of H.B. 529 of the 132nd General 118768
Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd 118769
General Assembly, and other prior acts of the General Assembly, 118770
with respect to financing the costs associated with the 118771
acquisition, development, implementation, and integration of the 118772
Enterprise Data Center Solutions (EDCS) information technology 118773
initiative. 118774

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 118775

The foregoing appropriation item 100414, MARCS Lease Rental 118776
Payments, shall be used to make payments during the period from 118777
July 1, 2023, through June 30, 2025, pursuant to leases and 118778
agreements entered into under Chapter 125. of the Revised Code, as 118779
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 118780
General Assembly and other prior acts of the General Assembly, 118781
with respect to financing the costs associated with the 118782
acquisition, development, implementation, and integration of the 118783
Multi-Agency Radio Communications System (MARCS) upgrade. 118784

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 118785

The foregoing appropriation item 100415, OAKS Lease Rental 118786
Payments, shall be used to make payments during the period from 118787
July 1, 2023, through June 30, 2025, pursuant to leases and 118788
agreements entered into under Chapter 125. of the Revised Code, as 118789
supplemented by Section 701.10 of H.B. 529 of the 132nd General 118790
Assembly and other prior acts of the General Assembly, with 118791
respect to financing the costs associated with the acquisition, 118792
development, implementation, and integration of the Ohio 118793
Administrative Knowledge System (OAKS). 118794

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 118795

PAYMENTS 118796

The foregoing appropriation item 100416, STARS Lease Rental 118797
Payments, shall be used to make payments during the period from 118798
July 1, 2023, through June 30, 2025, pursuant to leases and 118799
agreements entered into under Chapter 125. of the Revised Code, as 118800
supplemented by Section 701.30 of H.B. 529 of the 132nd General 118801
Assembly and other prior acts of the General Assembly, with 118802
respect to financing the costs associated with the acquisition, 118803
development, implementation, and integration of the State Taxation 118804
Accounting and Revenue System (STARS). 118805

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 118806

The foregoing appropriation item 100447, Administrative 118807
Buildings Lease Rental Bond Payments, shall be used to meet all 118808
payments during the period from July 1, 2023, through June 30, 118809
2025, by the Department of Administrative Services pursuant to 118810
leases and agreements under Chapters 152. and 154. of the Revised 118811
Code. These appropriations are the source of funds pledged for 118812
bond service charges on related obligations issued under Chapters 118813
152. and 154. of the Revised Code. 118814

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 118815
FUND 118816

The foregoing appropriation item 130321, State Agency Support 118817
Services, may be used to provide funding for the cost of property 118818
appraisals or building studies that the Department of 118819
Administrative Services may be required to obtain for property 118820
that is being sold by the state or property under consideration to 118821
be renovated or purchased by the state. 118822

Notwithstanding section 125.28 of the Revised Code, the 118823
foregoing appropriation item 130321, State Agency Support 118824
Services, also may be used to pay the operating expenses of state 118825
facilities maintained by the Department of Administrative Services 118826

that are not billed to building tenants, other costs associated 118827
with the Voinovich Center in Youngstown, Ohio, or costs of 118828
repairing vehicles donated pursuant to section 125.13 of the 118829
Revised Code. These expenses may include, but are not limited to, 118830
the costs for vacant space and space undergoing renovation, and 118831
the rent expenses of tenants that are relocated because of 118832
building renovations. These payments may be processed by the 118833
Department of Administrative Services through intrastate transfer 118834
vouchers and placed into the Building Management Fund (Fund 1320). 118835

At least once per year, the portion of appropriation item 118836
130321, State Agency Support Services, that is not used for the 118837
regular expenses of the appropriation item may be processed by the 118838
Department of Administrative Services through intrastate transfer 118839
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 118840

On July 1, 2024, or as soon as possible thereafter, the 118841
Director of Administrative Services may certify to the Director of 118842
Budget and Management an amount up to the unexpended, unencumbered 118843
balance of the foregoing appropriation item 130321, State Agency 118844
Support Services, at the end of fiscal year 2024 to be 118845
reappropriated to fiscal year 2025. The amount certified is hereby 118846
reappropriated to the same appropriation item for fiscal year 118847
2025. 118848

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 118849

Of the foregoing appropriation item 100610, Professional 118850
Development, up to \$1,650,000 in each fiscal year shall be used to 118851
make payments from the Professional Development Fund (Fund 5L70) 118852
under section 124.182 of the Revised Code. If it is determined by 118853
the Director of Budget and Management that additional amounts are 118854
necessary, the amounts are hereby appropriated. 118855

Of the foregoing appropriation item 100610, Professional 118856
Development, up to \$6,600,000 during the FY 2024-FY 2025 biennium 118857

may be used by the Director of Administrative Services for the 118858
creation, staffing, and administration of the Ohio Digital 118859
Academy. The Ohio Digital Academy shall exist to generate 118860
high-tech workforce capacity and serve the state of Ohio in 118861
advanced technology and cybersecurity needs. The goals of the Ohio 118862
Digital Academy shall be to educate, train, and subsequently 118863
employ analysts in completing boot camps, certifications, or 118864
degree programs in cybersecurity, coding, software engineering, 118865
user experience designers, and related fields. 118866

In consultation with CyberOhio, the Department of 118867
Administrative Services shall have full authority to select 118868
qualified candidates for the Ohio Digital Academy. Candidates 118869
shall be subject to all applicable background checks and if 118870
selected, shall be required to commit to three years of service 118871
with the state of Ohio. Ohio Digital Academy candidates may be 118872
placed in an unclassified, administrative staff position pursuant 118873
to division (A)(30) of section 124.11 of the Revised Code for 118874
which the Director of Administrative Services is hereby given 118875
specific authority to set compensation, or with other public or 118876
private employers identified by the Department with which a 118877
partnership agreement has been established. Notwithstanding any 118878
provision of law to the contrary, the Department may use the 118879
foregoing appropriation to reimburse selected students' tuition 118880
expenses for coursework, certification achieved, or other 118881
necessary expenses, prior to acceptance in the program, which is 118882
directly attributable to the targeted skills of the program if 118883
completed within one year prior to the effective date of this 118884
section. Upon hiring, candidates shall also be eligible for 118885
reimbursement of costs for continuing education or certification 118886
at the discretion of the Director to support the development of 118887
specialized skills in the areas of information technology and 118888
cybersecurity. Each candidate shall be responsible for any tax 118889
implications associated with the tuition. The Department reserves 118890

the right to recover all or a portion of funds provided to an Ohio Digital Academy participant who fails to complete the agreed upon three years of service commitment to the state.

On July 1, 2023, or as soon as possible thereafter, the Department of Administrative Services may select and enter into a subgrant agreement with a regionally accredited Ohio institution of higher education with demonstrated significant coursework and programming in cybersecurity to serve as a Digital Analyst Training Academy (D.A.T.A.) Center. The Center shall be responsible for paying for costs associated with the work of the Ohio Digital Academy as designated by the Department of Administrative Services. On behalf of the Center, the selected institution shall do all the following:

(A) Provide necessary educational coursework or training for the selected students' successful completion of a certificate or degree program as prescribed by the Department of Administrative Services at no cost to the selected students;

(B) Administer weekly professional development programs for students in an academic setting;

(C) Prepare analysts for summer mandatory recruit training as prescribed by the Department of Administrative Services;

(D) Coordinate and manage summer scenarios;

(E) Submit a quarterly report to the Department of Administrative Services that contains detailed information on the amount of grant funds expended for the aforementioned purposes;

(F) Submit an annual report to the Department of Administrative Services of all achievements, including a status report of all expenditures, number of students enrolled by program area, number of students graduated or certifications achieved by program area, program expansion opportunities, and projected costs to continue operating the Center.

Additional Centers may be added over the biennium subject to 118922
the approval of the Director of Administrative Services. 118923

On July 1, 2024, or as soon as possible thereafter, the 118924
Director of Administrative Services may certify to the Director of 118925
Budget and Management, the unencumbered, unexpended portion 118926
remaining in appropriation item 100610, Professional Development 118927
Fund, at the end of fiscal year 2024. The certified amount is 118928
hereby reappropriated for the same purposes in fiscal year 2025. 118929

911 PROGRAM 118930

The foregoing appropriation item 100663, 911 Program, shall 118931
be used by the Department of Administrative Services to pay the 118932
administrative, marketing, and educational costs of the Statewide 118933
Emergency Services Internet Protocol Network program. 118934

EMPLOYEE EDUCATIONAL DEVELOPMENT 118935

The foregoing appropriation item 100619, Employee Educational 118936
Development, shall be used to make payments from the Employee 118937
Educational Development Fund (Fund 5V60) under section 124.86 of 118938
the Revised Code. The fund shall be used to pay the costs of 118939
administering educational programs under existing collective 118940
bargaining agreements with District 1199, the Health Care and 118941
Social Service Union, Service Employees International Union; State 118942
Council of Professional Educators; Ohio Education Association and 118943
National Education Association; the Fraternal Order of Police 118944
State of Ohio, Unit 2 Association; and the Ohio State Troopers 118945
Association, Units 1 and 15. 118946

If it is determined by the Director of Budget and Management 118947
that additional amounts are necessary, the amounts are hereby 118948
appropriated. 118949

Section 207.40. GENERAL SERVICE CHARGES 118950

The Department of Administrative Services, with the approval 118951

of the Director of Budget and Management, shall establish charges 118952
for recovering the costs of administering the programs funded by 118953
the General Services Fund (Fund 1170) and the State Printing Fund 118954
(Fund 2100). 118955

COLLECTIVE BARGAINING ARBITRATION EXPENSES 118956

The Department of Administrative Services may seek 118957
reimbursement from state agencies for the actual costs and 118958
expenses the Department incurs in the collective bargaining 118959
arbitration process. The reimbursements shall be processed through 118960
intrastate transfer vouchers and credited to the Collective 118961
Bargaining Fund (Fund 1280). 118962

CONSOLIDATED IT PURCHASES 118963

The foregoing appropriation item 100640, Consolidated IT 118964
Purchases, shall be used by the Department of Administrative 118965
Services acting as the purchasing agent for one or more government 118966
entities under the authority of division (G) of section 125.18 of 118967
the Revised Code to make information technology purchases at a 118968
lower aggregate cost than each individual government entity could 118969
have obtained independently for that information technology 118970
purchase. 118971

INVESTMENT RECOVERY FUND 118972

Notwithstanding division (B) of section 125.14 of the Revised 118973
Code, cash balances in the Investment Recovery Fund (Fund 4270) 118974
may be used to support the operating expenses of the Federal 118975
Surplus Operating Program created in sections 125.84 to 125.90 of 118976
the Revised Code. 118977

MAJOR IT PURCHASES CHARGES 118978

Upon the request of the Director of Administrative Services, 118979
the Director of Budget and Management may transfer up to the 118980
amount collected for statewide indirect costs attributable to debt 118981

service paid for the enterprise data center solutions project from 118982
the General Revenue Fund to the Major Information Technology 118983
Purchases Fund (Fund 4N60). 118984

PROFESSIONS LICENSING SYSTEM 118985

The foregoing appropriation item, 100673, Ohio Professionals 118986
Licensing System, shall be used to purchase the equipment, 118987
products, and services necessary to update and maintain an 118988
automated licensing system for the professional licensing boards. 118989

The Department of Administrative Services shall establish 118990
charges for recovering the costs of ongoing maintenance of the 118991
system that are not otherwise recovered under section 125.18 of 118992
the Revised Code. The charges shall be proportionate to each 118993
benefiting state agency, board, or commission's use of the system. 118994
For agencies, boards, or commissions whose operations are not 118995
funded by appropriations from the Occupational Licensing and 118996
Regulatory Fund (Fund 4K90), the Director of Administrative 118997
Services shall certify to the Director of Budget and Management 118998
these entities' proportionate charges for use of the state's 118999
enterprise electronic licensing system. The Director of Budget and 119000
Management shall transfer cash equaling the certified amounts from 119001
these entities' respective operating funds into the Occupational 119002
Licensing and Regulatory Fund (Fund 4K90). 119003

Section 207.45. BUILDING IMPROVEMENT FUND 119004

The foregoing appropriation item 100659, Building 119005
Improvement, shall be used to make payments from the Building 119006
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 119007
required in facilities maintained by the Department of 119008
Administrative Services. The Department of Administrative Services 119009
shall conduct or contract for regular assessments of these 119010
buildings and may maintain a cash balance in Fund 5KZ0 equal to 119011
the cost of the repairs and improvements that are recommended to 119012

occur within the next five years, with the following exception 119013
described below. 119014

Upon request of the Director of Administrative Services, the 119015
Director of Budget and Management may permit a cash transfer from 119016
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 119017
of operating and maintaining facilities managed by the Department 119018
of Administrative Services that are not charged to tenants during 119019
the same fiscal year. 119020

Should the cash balance in Fund 1320 be determined to be 119021
sufficient, the Director of Administrative Services may request 119022
that the Director of Budget and Management transfer cash from Fund 119023
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 119024
made under this section plus applicable interest. 119025

INFORMATION TECHNOLOGY DEVELOPMENT 119026

The foregoing appropriation item 100661, IT Development, 119027
shall be used by the Department of Administrative Services to pay 119028
the costs of modernizing the state's information technology 119029
management and investment practices away from a limited, 119030
agency-specific focus in favor of a statewide methodology 119031
supporting development of enterprise solutions. This appropriation 119032
item may be used to pay the costs of enterprise information 119033
technology initiatives affecting state agencies or their 119034
customers. 119035

Notwithstanding any provision of law to the contrary, the 119036
Department of Administrative Services, with the approval of the 119037
Director of Budget and Management, may charge state agencies an 119038
information technology development assessment based on state 119039
agencies' information technology expenditures or other methodology 119040
and may assess fees or charges to entities that are not state 119041
agencies to offset the cost of specific technology events or 119042
services. The revenue from these assessments, fees, or charges 119043

shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds, and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts,

and agreements in order to facilitate the improvements determined 119075
in accordance with this section. 119076

Section 209.10. AGE DEPARTMENT OF AGING 119077

General Revenue Fund 119078

GRF 490321 Operating Expenses \$ 2,139,464 \$ 2,199,885 119079

GRF 490410 Long-Term Care \$ 3,123,056 \$ 3,123,169 119080

Ombudsman

GRF 490411 Senior Community \$ 12,832,194 \$ 12,832,323 119081

Services

GRF 490414 Alzheimer's and Other \$ 4,300,000 \$ 4,300,000 119082

Dementia Respite

GRF 490506 National Senior \$ 222,792 \$ 222,792 119083

Service Corps

GRF 656423 Long-Term Care Budget \$ 5,668,859 \$ 4,762,174 119084

- State

TOTAL GRF General Revenue Fund \$ 28,286,365 \$ 27,440,343 119085

Dedicated Purpose Fund Group 119086

4800 490606 Senior Community \$ 380,761 \$ 380,761 119087

Outreach and
Education

4C40 490609 Regional Long-Term \$ 1,000,000 \$ 1,000,000 119088

Care Ombudsman
Program

5BA0 490620 Ombudsman Support \$ 1,532,919 \$ 1,532,919 119089

5CV3 490678 Healthy Aging Grants \$ 40,000,000 \$ 0 119090

to Local Partners

5HC8 656698 AGE Home and \$ 6,000,000 \$ 0 119091

Community Based
Services

5K90 490613 Long-Term Care \$ 675,459 \$ 675,459 119092

Consumers Guide

5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	789,046	\$	789,446	119093
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000	119094
5TI0	656624	Provider Certification	\$	120,000	\$	120,000	119095
5W10	490616	Resident Services Coordinator Program	\$	262,500	\$	262,500	119096
TOTAL DPF Dedicated Purpose							119097
Fund Group			\$	50,960,685	\$	4,961,085	119098
Federal Fund Group							119099
3220	490618	Federal Aging Grants	\$	11,000,000	\$	11,000,000	119100
3C40	656623	Long Term Care Budget - Federal	\$	5,670,000	\$	5,000,000	119101
3M40	490612	Federal Independence Services	\$	75,143,802	\$	60,000,000	119102
TOTAL FED Federal Fund Group			\$	91,813,802	\$	76,000,000	119103
TOTAL ALL BUDGET FUND GROUPS			\$	171,060,852	\$	108,401,428	119104

Section 209.20. LONG-TERM CARE 119106

Pursuant to an interagency agreement, the Department of 119107
 Medicaid may designate the Department of Aging to perform 119108
 assessments under section 5165.04 of the Revised Code. The 119109
 Department of Aging shall provide long-term care consultations 119110
 under section 173.42 of the Revised Code to assist individuals in 119111
 planning for their long-term health care needs. 119112

The Department of Aging shall administer the Medicaid 119113
 waiver-funded PASSPORT Home Care Program, the Assisted Living 119114
 Program, and PACE as delegated by the Department of Medicaid in an 119115
 interagency agreement. 119116

PERFORMANCE-BASED REIMBURSEMENT 119117

In order to improve health outcomes among populations served 119118
by PASSPORT administrative agencies, the Department of Aging, 119119
through rules adopted in accordance with Chapter 119. of the 119120
Revised Code, may design and utilize a payment method for PASSPORT 119121
administrative agency operations that includes a 119122
pay-for-performance incentive component that is earned by a 119123
PASSPORT administrative agency when defined consumer and policy 119124
outcomes are achieved. Prior to filing with the Joint Committee on 119125
Agency Rule Review, as provided in section 119.03 of the Revised 119126
Code, a proposed rule related to a payment method that includes a 119127
pay-for-performance incentive component, the Department shall 119128
submit a report to the Joint Medicaid Oversight Committee 119129
outlining the payment method. 119130

Section 209.30. MYCARE OHIO 119131

The authority of the Office of the State Long-Term Care 119132
Ombudsman as described in sections 173.14 to 173.28 of the Revised 119133
Code extends to MyCare Ohio during the period of the federal 119134
financial alignment demonstration program. 119135

SENIOR COMMUNITY SERVICES 119136

The foregoing appropriation item 490411, Senior Community 119137
Services, may be used for programs, services, and activities 119138
designated by the Department of Aging, including, but not limited 119139
to, home-delivered meals, congregate dining, transportation, 119140
personal care, respite, adult day services, home maintenance and 119141
chores, minor home modification, care coordination, evidence-based 119142
disease prevention and health promotion, and decision support 119143
systems. Funds may also be used to provide grants to community 119144
organizations to support and expand older adult programming. 119145
Services priority shall be given to low-income, high-need persons, 119146
and/or persons with a cognitive impairment who are sixty years of 119147
age or over. 119148

NATIONAL SENIOR SERVICE CORPS 119149

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 119163

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

HEALTHY AGING GRANTS TO LOCAL PARTNERS 119169

The foregoing appropriation item 490678, Healthy Aging Grants to Local Partners, shall be used to provide one-time grants to local partners to foster improved quality of life for seniors so they can remain in their homes and connected to their communities, delay entry into Medicaid, preserve their personal assets, and promote a healthy, independent, active lifestyle.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 119176

General Revenue Fund 119177

GRF 700401 Animal Health Programs \$ 7,622,600 \$ 7,622,300 119178

GRF 700403	Dairy Division	\$	1,441,900	\$	1,513,000	119179
GRF 700404	Ohio Proud	\$	304,900	\$	280,227	119180
GRF 700406	Consumer Protection Lab	\$	1,621,000	\$	1,705,000	119181
GRF 700407	Food Safety	\$	1,568,427	\$	1,657,500	119182
GRF 700409	Farmland Preservation	\$	4,024,700	\$	4,050,500	119183
GRF 700410	Plant Industry	\$	484,400	\$	508,300	119184
GRF 700412	Weights and Measures	\$	757,000	\$	791,400	119185
GRF 700415	Poultry Inspection	\$	909,500	\$	954,400	119186
GRF 700418	Livestock Regulation Program	\$	1,437,800	\$	1,508,500	119187
GRF 700424	Livestock Testing and Inspections	\$	128,200	\$	134,500	119188
GRF 700426	Dangerous and Restricted Animals	\$	680,000	\$	713,500	119189
GRF 700427	High Volume Breeder Kennel Control	\$	1,449,000	\$	1,524,800	119190
GRF 700428	Soil and Water Division	\$	6,054,000	\$	6,297,000	119191
GRF 700499	Meat Inspection Program - State Share	\$	7,436,000	\$	7,839,000	119192
GRF 700501	County Agricultural Societies	\$	379,673	\$	379,673	119193
GRF 700509	Soil and Water District Support	\$	14,410,000	\$	14,410,000	119194
GRF 700511	Ride Inspection	\$	716,600	\$	749,200	119195
GRF 700674	Hemp Production	\$	379,800	\$	391,500	119196
TOTAL GRF	General Revenue Fund	\$	51,805,500	\$	53,030,300	119197
Dedicated Purpose Fund Group						119198
4900 700651	License Plates - Sustainable Agriculture	\$	18,300	\$	18,300	119199
4940 700612	Agricultural	\$	200,000	\$	200,000	119200

		Commodity Marketing Program					
4960	700626	Ohio Grape Industries	\$	1,550,000	\$	1,550,000	119201
4970	700627	Grain Warehouse	\$	500,000	\$	500,000	119202
		Program					
4C90	700605	Commercial Feed and Seed	\$	2,369,000	\$	2,396,000	119203
4D20	700609	Auction Education	\$	52,400	\$	54,900	119204
4E40	700606	Utility Radiological Safety	\$	109,800	\$	112,900	119205
4P70	700610	Food Safety Inspection	\$	1,200,000	\$	1,259,000	119206
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	119207
4R20	700637	Dairy Industry Inspection	\$	1,950,000	\$	1,970,000	119208
4T60	700611	Poultry and Meat Inspection	\$	104,900	\$	109,900	119209
5780	700620	Ride Inspection	\$	1,355,000	\$	1,417,000	119210
5B80	700629	Auctioneers	\$	367,600	\$	367,600	119211
5BV0	700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000	119212
5BV0	700661	Soil and Water Districts	\$	9,500,000	\$	9,500,000	119213
5FC0	700648	Plant Pest Program	\$	1,300,000	\$	1,328,000	119214
5H20	700608	Metrology Lab and Scale Certification	\$	1,391,000	\$	1,460,000	119215
5L80	700604	Livestock Management Program	\$	245,000	\$	245,000	119216
5MA0	700657	Dangerous and Restricted Animals	\$	10,000	\$	10,000	119217
5MR0	700658	High Volume Breeders and Kennels	\$	486,700	\$	510,000	119218
5MS0	700659	Captive Deer	\$	18,000	\$	18,000	119219

5PL0	700662	Pet Store License	\$	31,400	\$	32,900	119220
5QW0	700653	Watershed Assistance	\$	565,000	\$	565,000	119221
5WJ0	700671	Hemp Program	\$	400,000	\$	411,400	119222
6520	700634	Animal, Consumer, and ATL Labs	\$	6,833,500	\$	7,144,700	119223
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	5,735,000	\$	6,188,000	119224
6H20	700670	H2Ohio	\$	69,018,000	\$	69,114,000	119225
TOTAL DPF Dedicated Purpose							119226
Fund Group			\$	105,616,100	\$	106,788,100	119227
Internal Service Activity Fund Group							119228
5DA0	700644	Laboratory Administration Support	\$	1,479,000	\$	1,551,000	119229
5GH0	700655	Administrative Support	\$	6,748,000	\$	7,194,000	119230
TOTAL ISA Internal Service Activity							119231
Fund Group			\$	8,227,000	\$	8,745,000	119232
Capital Projects Fund Group							119233
7057	700632	Clean Ohio Agricultural Easement Operating	\$	512,000	\$	512,000	119234
TOTAL CPF Capital Projects Fund Group			\$	512,000	\$	512,000	119235
Federal Fund Group							119236
3260	700618	Meat Inspection Program - Federal Share	\$	5,541,500	\$	5,814,000	119237
3360	700617	Ohio Farm Loan - Revolving	\$	225,000	\$	225,000	119238
3820	700601	Federal Cooperative	\$	11,269,000	\$	11,399,000	119239

	Contracts				
3AB0	700641	Agricultural Easement	\$ 200,000	\$ 200,000	119240
3J40	700607	Federal	\$ 1,936,000	\$ 2,031,000	119241
	Administrative Programs				
3R20	700614	Federal Plant	\$ 7,652,000	\$ 8,029,000	119242
	Industry				
TOTAL FED	Federal Fund Group		\$ 26,823,500	\$ 27,698,000	119243
TOTAL ALL BUDGET FUND GROUPS			\$ 192,984,100	\$ 196,773,400	119244

Section 211.20. FARMLAND PRESERVATION 119246

Of the foregoing appropriation item 700409, Farmland Preservation, \$3,500,000 in each fiscal year shall be used to purchase agricultural easements under division (A) of section 5301.691 of the Revised Code and provide matching grants under section 901.22 of the Revised Code to municipal corporations, counties, townships, and soil and water conservation districts established under Chapter 940. of the Revised Code, and charitable organizations described in division (B) of section 5301.69 of the Revised Code for the purchase of agricultural easements. Any purchases of agricultural easements using this funding are subject to approval from the Controlling Board.

COUNTY AGRICULTURAL SOCIETIES 119258

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS 119263

Of the foregoing appropriation item 700509, Soil and Water District Support, \$7,000,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin and other priority regions as defined by

the Director of Agriculture, for staffing costs and to assist in 119268
soil testing and nutrient management plan development, including 119269
manure transformation and manure conversion technologies, enhanced 119270
filter strips, water management, and H2Ohio Program support. 119271

SOIL AND WATER DISTRICTS 119272

In addition to state payments to soil and water conservation 119273
districts authorized by section 940.15 of the Revised Code, the 119274
Department of Agriculture may use appropriation item 700661, Soil 119275
and Water Districts, to pay any soil and water conservation 119276
district an annual amount not to exceed \$40,000 upon receipt of a 119277
request and justification from the district and approval by the 119278
Ohio Soil and Water Conservation Commission. The county auditor 119279
shall credit the payments to the special fund established under 119280
section 940.12 of the Revised Code for use by the local soil and 119281
water conservation district. The amounts received by each district 119282
shall be expended for the purposes of the district. 119283

H2OHIO FUND 119284

The Department of Agriculture shall establish programs to 119285
assist in reducing total phosphorus, dissolved reactive 119286
phosphorus, sediment, and other nutrients in the Western Lake Erie 119287
Basin and other critical regions in the state as defined by the 119288
Director of Agriculture. 119289

The foregoing appropriation item 700670, H2Ohio, shall be 119290
used to support the programs described above, which may include, 119291
but not be limited to, the following: (1) equipment for subsurface 119292
placement of nutrients into the soil; (2) equipment for nutrient 119293
placement based on geographic information system data; (3) soil 119294
testing; (4) implementation of variable rate technology; (5) 119295
equipment implementing manure transformation and manure conversion 119296
technologies; (6) tributary monitoring; (7) best management 119297
practices recognized to reduce nutrients; (8) a revolving loan 119298

program; and (9) matching funds for the Conservation Reserve 119299
 Enhancement Program in the Western Lake Erie Basin and Scioto 119300
 River Basin. 119301

Of the foregoing appropriation item 700670, H2Ohio, not less 119302
 than \$10,700,000 in each fiscal year shall be used for programs to 119303
 assist in reducing total phosphorus, dissolved reactive 119304
 phosphorus, sediment, and other nutrients in the Western Lake Erie 119305
 Basin. 119306

On July 1, 2024, or as soon as possible thereafter, the 119307
 Director of Agriculture may certify to the Director of Budget and 119308
 Management an amount up to the unexpended, unencumbered balance of 119309
 the foregoing appropriation item, 700670, H2Ohio, at the end of 119310
 fiscal year 2024 to be reappropriated in fiscal year 2025. The 119311
 amount certified is hereby reappropriated to the same 119312
 appropriation item for fiscal year 2025. 119313

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 119314

The foregoing appropriation item 700632, Clean Ohio 119315
 Agricultural Easement Operating, shall be used by the Department 119316
 of Agriculture in administering Clean Ohio Agricultural Easement 119317
 Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 119318
 5301.67 to 5301.70 of the Revised Code. 119319

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 119320

General Revenue Fund 119321

GRF	898500	Small Business Relief	\$	1,000,000	\$	1,000,000	119322
		Acceleration					

TOTAL	General Revenue Fund	\$	1,000,000	\$	1,000,000	119323
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Dedicated Purpose Fund Group 119324

4Z90	898602	Small Business	\$	216,000	\$	219,000	119325
		Ombudsman					

5700	898601	Operating Expenses	\$	1,700,000	\$	1,800,000	119326
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5A00 898603	Small Business Assistance	\$	100,000	\$	100,000	119327
TOTAL DPF Dedicated Purpose Fund Group		\$	2,016,000	\$	2,119,000	119328
TOTAL ALL BUDGET FUND GROUPS		\$	3,016,000	\$	3,119,000	119329

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT

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AUTHORITY TRUST ACCOUNT

119332

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706. of the Revised Code. The reimbursement shall occur in accordance with an administrative cost recovery plan approved by the Air Quality Development Authority Board.

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Section 213.30. AIR QUALITY ASSISTANCE PROGRAM GRANTS FOR SMALL BUSINESSES FACING FINANCIAL HARDSHIPS

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Notwithstanding the provisions of paragraph (A)(4) of Rule 3706-2-01 of the Administrative Code, for small business owners or operators of dry cleaning facilities or other eligible facilities residing in the state's priority investment areas that have experienced negative economic impacts, including financial hardship such as declines in revenues or impacts of periods of business closure, and that are otherwise eligible to participate in the air quality assistance program administered by the ombudsperson for the small business stationary source technical and environmental compliance assistance program, the Air Quality Development Authority may make grants to such owners or operators of up to fifty per cent or a maximum of fifty thousand dollars,

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whichever is less, of the total cost of a Clean Air Act compliance strategy that includes the financing of an air quality facility. 119357
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Section 215.10. ARC ARCHITECTS BOARDS 119359

Dedicated Purpose Fund Group 119360
4K90 891609 Operating \$ 667,469 \$ 667,469 119361
TOTAL DPF Dedicated Purpose Fund 119362
Group \$ 667,469 \$ 667,469 119363
TOTAL ALL BUDGET FUND GROUPS \$ 667,469 \$ 667,469 119364

Section 217.10. ART OHIO ARTS COUNCIL 119366

General Revenue Fund 119367
GRF 370321 Operating Expenses \$ 2,314,595 \$ 2,375,658 119368
GRF 370502 State Program \$ 18,038,300 \$ 18,038,300 119369
Subsidies
TOTAL GRF General Revenue Fund \$ 20,352,895 \$ 20,413,958 119370
Dedicated Purpose Fund Group 119371
4600 370602 Arts Council Program \$ 330,000 \$ 330,000 119372
Support
4B70 370603 Percent for Art \$ 165,000 \$ 165,000 119373
Acquisitions
TOTAL DPF Dedicated Purpose Fund \$ 495,000 \$ 495,000 119374
Group
Federal Fund Group 119375
3140 370601 Federal Support \$ 1,350,000 \$ 1,500,000 119376
TOTAL FED Federal Fund Group \$ 1,350,000 \$ 1,500,000 119377
TOTAL ALL BUDGET FUND GROUPS \$ 22,197,895 \$ 22,408,958 119378

FEDERAL SUPPORT 119379

Notwithstanding any provision of law to the contrary, the 119380
foregoing appropriation item 370601, Federal Support, shall be 119381
used by the Ohio Arts Council for subsidies only, and not for its 119382

administrative costs, unless the Council is required to use a 119383
 portion of the funds for administrative costs under conditions of 119384
 the federal grant. 119385

Section 219.10. ATH ATHLETIC COMMISSION 119386

Dedicated Purpose Fund Group 119387

4K90 175609 Operating Expenses \$ 354,000 \$ 345,000 119388

TOTAL DPF Dedicated Purpose Fund \$ 354,000 \$ 345,000 119389

Group

TOTAL ALL BUDGET FUND GROUPS \$ 354,000 \$ 345,000 119390

Section 221.10. AGO ATTORNEY GENERAL 119392

General Revenue Fund 119393

GRF 055321 Operating Expenses \$ 81,786,207 \$ 85,282,820 119394

GRF 055405 Law-Related Education \$ 68,950 \$ 68,950 119395

GRF 055406 BCIRS Lease Rental \$ 2,500,000 \$ 2,500,000 119396

Payments

GRF 055411 County Sheriffs' Pay \$ 1,072,720 \$ 1,090,547 119397

Supplement

GRF 055415 County Prosecutors' \$ 1,398,970 \$ 1,437,766 119398

Pay Supplement

GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000 119399

Team Grants

GRF 055432 Drug Testing \$ 964,100 \$ 964,100 119400

Equipment

GRF 055434 Internet Crimes \$ 500,000 \$ 500,000 119401

Against Children Task

Force

GRF 055440 Rapid DNA Pilot \$ 465,173 \$ 397,933 119402

Project

GRF 055441 Victims of Crime \$ 9,000,000 \$ 7,000,000 119403

GRF 055444 Career Criminal - \$ 375,000 \$ 375,000 119404

		Violent Offender Initiative					
GRF	055445	Ohio Attorney General's Center for Justice Research	\$	524,000	\$	468,000	119405
GRF	055446	Cyber Crime Division Expansion	\$	750,000	\$	750,000	119406
GRF	055447	Ohio Law Enforcement Gateway - (OHLLEG)	\$	500,000	\$	750,000	119407
GRF	055448	Pharmacogenomics Study	\$	500,000	\$	0	119408
GRF	055449	Scientific Committee on Opioid Prevention & Education	\$	225,000	\$	225,000	119409
GRF	055450	Cyber Security/Technology Upgrades	\$	5,553,349	\$	992,800	119410
GRF	055501	Rape Crisis Centers	\$	15,000,000	\$	15,000,000	119411
GRF	055502	School Safety Training Grants	\$	12,000,000	\$	12,000,000	119412
GRF	055504	Domestic Violence Programs	\$	10,000,000	\$	10,000,000	119413
GRF	055505	Pike County Capital Case	\$	500,000	\$	0	119414
GRF	055509	Law Enforcement Training	\$	40,000,000	\$	40,000,000	119415
TOTAL GRF		General Revenue Fund	\$	185,183,469	\$	181,302,916	119416
		Dedicated Purpose Fund Group					119417
1060	055612	Attorney General Operating	\$	67,000,000	\$	67,000,000	119418
4020	055616	Victims of Crime	\$	15,000,000	\$	13,000,000	119419
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	119420

4180	055615	Charitable Foundations	\$	8,498,138	\$	8,498,138	119421
4190	055623	Claims Section	\$	44,818,400	\$	44,818,400	119422
4210	055617	Police Officers' Training Academy Fee	\$	1,500,000	\$	1,500,000	119423
4L60	055606	DARE Programs	\$	2,300,000	\$	2,300,000	119424
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	119425
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	119426
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	119427
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	119428
5LR0	055655	Peace Officer Training - Casino	\$	4,764,760	\$	4,764,760	119429
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	119430
5VL0	055435	Stop Bullying License Plate	\$	3,000	\$	2,500	119431
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	119432
6590	055641	Solid and Hazardous Waste Background Investigations	\$	337,960	\$	337,960	119433
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,000,000	\$	2,000,000	119434
TOTAL DPF Dedicated Purpose Fund Group							119435
			\$	157,742,334	\$	155,741,834	119436
Internal Service Activity Fund Group							119437
1950	055660	Workers' Compensation	\$	9,115,000	\$	9,115,000	119438

	Section				
TOTAL ISA	Internal Service Activity	\$	9,115,000	\$	9,115,000 119439
Fund Group					
Holding Account	Fund Group				119440
R004 055631	General Holding	\$	1,000,000	\$	1,000,000 119441
	Account				
R005 055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000 119442
R018 055630	Consumer Frauds	\$	1,000,000	\$	1,000,000 119443
R042 055601	Organized Crime	\$	750,000	\$	750,000 119444
	Commission				
	Distributions				
R054 055650	Collection Payment	\$	4,500,000	\$	4,500,000 119445
	Redistribution				
TOTAL HLD	Holding Account				119446
Fund Group		\$	8,250,000	\$	8,250,000 119447
Federal Fund Group					119448
3060 055620	Medicaid Fraud	\$	14,069,270	\$	14,069,270 119449
	Control				
3830 055634	Crime Victims	\$	50,000,000	\$	50,000,000 119450
	Assistance				
3E50 055638	Attorney General	\$	8,020,999	\$	8,020,999 119451
	Pass-Through Funds				
3FV0 055656	Crime Victim	\$	1,200,000	\$	3,800,000 119452
	Compensation				
3R60 055613	Attorney General	\$	3,652,129	\$	3,652,129 119453
	Federal Funds				
TOTAL FED	Federal Fund Group	\$	76,942,398	\$	79,542,398 119454
TOTAL ALL BUDGET FUND GROUPS		\$	437,233,201	\$	433,952,148 119455
	Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC				119457
	SCIENCE				119458
	Of the foregoing appropriation item 055321, Operating				119459

Expenses, \$650,000 in each fiscal year shall be used for the Ohio 119460
Center for the Future of Forensic Science at Bowling Green State 119461
University. The purpose of the Center shall be to foster forensic 119462
science research techniques (BCI Eminent Scholar) and to create 119463
professional training opportunities to students (BCI Scholars) in 119464
the forensic science fields. 119465

NARCOTICS TASK FORCES 119466

Of the foregoing appropriation item 055321, Operating 119467
Expenses, up to \$500,000 in each fiscal year shall be used to 119468
support narcotics task forces funded by the Attorney General. 119469

DOMESTIC VIOLENCE PROGRAM 119470

Of the foregoing appropriation item 055321, Operating 119471
Expenses, \$100,000 in each fiscal year may be used by the Attorney 119472
General for the purpose of providing funding to domestic violence 119473
programs as defined in section 109.46 of the Revised Code. 119474

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 119475
RENTAL PAYMENTS 119476

The foregoing appropriation item 055406, BCIRS Lease Rental 119477
Payments, shall be used for payments during the period from July 119478
1, 2023, through June 30, 2025, pursuant to leases and agreements 119479
entered into pursuant to Section 701.40 of S.B. 310 of the 131st 119480
General Assembly and other prior acts of the General Assembly, 119481
with respect to financing the costs associated with the 119482
acquisition, development, implementation, and integration of the 119483
BCIRS. 119484

COUNTY SHERIFFS' PAY SUPPLEMENT 119485

The foregoing appropriation item 055411, County Sheriffs' Pay 119486
Supplement, shall be used for the purpose of supplementing the 119487
annual compensation of county sheriffs as required by section 119488
325.06 of the Revised Code. 119489

At the request of the Attorney General, the Director of 119490
Budget and Management may transfer appropriation from 119491
appropriation item 055321, Operating Expenses, to appropriation 119492
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 119493
transferred shall be used to supplement the annual compensation of 119494
county sheriffs as required by section 325.06 of the Revised Code. 119495

COUNTY PROSECUTORS' PAY SUPPLEMENT 119496

The foregoing appropriation item 055415, County Prosecutors' 119497
Pay Supplement, shall be used for the purpose of supplementing the 119498
annual compensation of certain county prosecutors as required by 119499
section 325.111 of the Revised Code. 119500

At the request of the Attorney General, the Director of 119501
Budget and Management may transfer appropriation from 119502
appropriation item 055321, Operating Expenses, to appropriation 119503
item 055415, County Prosecutors' Pay Supplement. Any appropriation 119504
so transferred shall be used to supplement the annual compensation 119505
of county prosecutors as required by section 325.111 of the 119506
Revised Code. 119507

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 119508

The Attorney General shall maintain the Drug Abuse Response 119509
Team Grant Program for the purpose of replicating or expanding 119510
successful law enforcement programs that address the opioid 119511
epidemic similar to the Drug Abuse Response Team established by 119512
the Lucas County Sheriff's Department, and the Quick Response 119513
Teams established in Colerain Township's Department of Public 119514
Safety in Hamilton County and Summit County. Any grants awarded by 119515
this grant program may include requirements for private or 119516
nonprofit matching support. 119517

The foregoing appropriation item 055431, Drug Abuse Response 119518
Team Grants, shall be used by the Attorney General to fund grants 119519
to law enforcement or other government agencies; the primary 119520

purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

DRUG TESTING EQUIPMENT

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase drug testing equipment for the Bureau of Criminal Identification and Investigation.

Internet Crimes Against Children TASK FORCE

The foregoing appropriation item 055434, Internet Crimes Against Children Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code.

RAPID DNA PILOT PROJECT

The foregoing appropriation item 055440, Rapid DNA Pilot Project, shall be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies.

VICTIMS OF CRIME

The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior

to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act.

SCHOOL SAFETY TRAINING GRANTS

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training.

(B) The use of the grants includes, but is not limited to, all of the following:

(1) The support of school resource officer certification training;

(2) Any type of active shooter and school safety training or equipment;

(3) All grade level type educational resources;

(4) Training to identify and assist students with mental health issues;

(5) School supplies or equipment related to school safety or for implementing the school's safety plan;

(6) Any other training related to school safety.

(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions

(B)(1), (2), (3), (5), and (6) of this section. Any grant awarded 119581
directly to a local law enforcement agency shall not be used to 119582
fund a similar request made by a school located within the 119583
jurisdiction of the local law enforcement agency. 119584

(D) As used in this section, "public school" means any school 119585
operated by a school district board of education, any community 119586
school established under Chapter 3314. of the Revised Code, and 119587
any STEM school established under Chapter 3326. of the Revised 119588
Code. 119589

DOMESTIC VIOLENCE PROGRAMS 119590

The foregoing appropriation item 055504, Domestic Violence 119591
Programs, shall be used by the Attorney General for the purpose of 119592
funding domestic violence programs as defined in section 109.46 of 119593
the Revised Code. 119594

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 119595

Of the foregoing appropriation item 055504, Domestic Violence 119596
Programs, \$300,000 in each fiscal year shall be distributed to the 119597
Battered Women's Shelter of Summit and Medina counties for 119598
expenses related to the creation and implementation of a pilot 119599
program called "Finding my Childhood Again." 119600

BATTERED WOMEN'S SHELTER 119601

Of the foregoing appropriation item 055504, Domestic Violence 119602
Programs, \$50,000 in each fiscal year shall be distributed to the 119603
Battered Women's Shelter of Summit and Medina counties for the 119604
cost of operating the commercial kitchen located at its Market 119605
Street Facility, and \$50,000 in each fiscal year shall be 119606
distributed to the Battered Women's Shelter of Portage County. 119607

TRANSPORTATION GRANTS 119608

Of the foregoing appropriation item 055504, Domestic Violence 119609
Programs, \$25,000 in fiscal year 2024 shall be provided as grants 119610

to Ohio domestic violence shelters to buy transportation vouchers, 119611
ridesharing credits, or gas cards for eligible clients. The 119612
Attorney General shall adopt any rules necessary for the 119613
administration of the grant program. 119614

PIKE COUNTY CAPITAL CASE 119615

An amount equal to the unexpended, unencumbered balance of 119616
appropriation item 055505, Pike County Capital Case, at the end of 119617
fiscal year 2023 is hereby reappropriated to the same 119618
appropriation item for the same purpose in fiscal year 2024. 119619

LAW ENFORCEMENT TRAINING 119620

The foregoing appropriation item 055509, Law Enforcement 119621
Training, shall be used by the Attorney General for state funding 119622
of the training of peace officers and troopers that is required 119623
under section 109.803 of the Revised Code. 119624

Of the foregoing appropriation item 055509, Law Enforcement 119625
Training, the Attorney General may use up to \$100,000 for 119626
administrative expenses associated with the program. 119627

On July 1, 2024, or as soon as possible thereafter, the 119628
Attorney General shall certify to the Director of Budget and 119629
Management an amount up to the unexpended, unencumbered balance of 119630
the foregoing appropriation item 055509, Law Enforcement Training, 119631
at the end of fiscal year 2024 to be reappropriated for the same 119632
purpose in fiscal year 2025. Upon Controlling Board approval, the 119633
amount certified is hereby reappropriated to the same 119634
appropriation item for fiscal year 2025. 119635

ATTORNEY GENERAL OPERATING 119636

In fiscal year 2024, if the Attorney General determines that 119637
additional funds are needed to pay expenses related to 119638
representation in a concluded opioid litigation, the Attorney 119639
General shall certify to the Director of Budget and Management the 119640

amount needed, not to exceed \$14,400,000, and shall include 119641
supporting documentation showing the amount required. If the 119642
Director determines that the amounts are required, the Director 119643
may transfer cash, up to the amount certified, from the General 119644
Revenue Fund to Attorney General Reimbursement Fund (Fund 1060), 119645
for the purpose of paying the expenses approved. Such amounts 119646
transferred are hereby appropriated to appropriation item 055612, 119647
Attorney General Operating, for fiscal year 2024. 119648

WORKERS' COMPENSATION SECTION 119649

The Workers' Compensation Fund (Fund 1950) is entitled to 119650
receive quarterly payments from the Bureau of Workers' 119651
Compensation and the Ohio Industrial Commission to fund legal 119652
services provided to the Bureau of Workers' Compensation and the 119653
Ohio Industrial Commission during the fiscal year. 119654

In addition, the Bureau of Workers' Compensation shall 119655
transfer payments for the support of the Workers' Compensation 119656
Fraud Unit. 119657

All amounts shall be mutually agreed upon by the Attorney 119658
General, the Bureau of Workers' Compensation, and the Ohio 119659
Industrial Commission. 119660

GENERAL HOLDING ACCOUNT 119661

The foregoing appropriation item 055631, General Holding 119662
Account, shall be used to distribute moneys under the terms of 119663
relevant court orders or other settlements received in a variety 119664
of cases involving the Office of the Attorney General. If it is 119665
determined that additional amounts are necessary for this purpose, 119666
the amounts are hereby appropriated. 119667

ANTITRUST SETTLEMENTS 119668

The foregoing appropriation item 055632, Antitrust 119669
Settlements, shall be used to distribute moneys under the terms of 119670

relevant court orders or other out-of-court settlements in 119671
antitrust cases or antitrust matters involving the Office of the 119672
Attorney General. If it is determined that additional amounts are 119673
necessary for this purpose, the amounts are hereby appropriated. 119674

CONSUMER FRAUDS 119675

The foregoing appropriation item 055630, Consumer Frauds, 119676
shall be used for distribution of moneys from court-ordered 119677
judgments against sellers in actions brought by the Office of the 119678
Attorney General under sections 1334.08 and 4549.48 and division 119679
(B) of section 1345.07 of the Revised Code. These moneys shall be 119680
used to provide restitution to consumers victimized by the fraud 119681
that generated the court-ordered judgments. If it is determined 119682
that additional amounts are necessary for this purpose, the 119683
amounts are hereby appropriated. 119684

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 119685

The foregoing appropriation item 055601, Organized Crime 119686
Commission Distributions, shall be used by the Organized Crime 119687
Investigations Commission, as provided by section 177.011 of the 119688
Revised Code, to reimburse political subdivisions for the expenses 119689
the political subdivisions incur when their law enforcement 119690
officers participate in an organized crime task force. If it is 119691
determined that additional amounts are necessary for this purpose, 119692
the amounts are hereby appropriated. 119693

COLLECTION PAYMENT REDISTRIBUTION 119694

The foregoing appropriation item 055650, Collection Payment 119695
Redistribution, shall be used for the purpose of allocating the 119696
revenue where debtors mistakenly paid the client agencies instead 119697
of the Attorney General's Collections Enforcement Section. If it 119698
is determined that additional amounts are necessary for this 119699
purpose, the amounts are hereby appropriated. 119700

Section 223.10. AUD AUDITOR OF STATE				119701
General Revenue Fund				119702
GRF	070401	Audit Management and Services	\$ 13,444,578 \$ 13,748,552	119703
GRF	070402	Performance Audits	\$ 2,311,670 \$ 2,620,907	119704
GRF	070403	Fiscal Distress Technical Assistance	\$ 500,000 \$ 500,000	119705
GRF	070404	Fraud/Corruption Audits and Investigations	\$ 2,877,140 \$ 3,004,055	119706
GRF	070412	Local Government Audit Support	\$ 16,010,000 \$ 16,550,000	119707
TOTAL GRF General Revenue Fund			\$ 35,143,388 \$ 36,423,514	119708
Dedicated Purpose Fund Group				119709
1090	070601	Public Audit Expense - Intrastate	\$ 12,170,518 \$ 12,539,160	119710
4220	070602	Public Audit Expense - Local Government	\$ 33,346,525 \$ 33,464,635	119711
5840	070603	Training Program	\$ 200,000 \$ 200,000	119712
5JZ0	070606	Auditor's Innovation Fund	\$ 300,000 \$ 300,000	119713
5VP0	070611	Local Government Audit Support Fund	\$ 16,010,000 \$ 16,550,000	119714
6750	070605	Uniform Accounting Network	\$ 6,288,024 \$ 10,734,834	119715
TOTAL DPF Dedicated Purpose Fund Group			\$ 68,315,067 \$ 73,788,629	119716 119717
TOTAL ALL BUDGET FUND GROUPS			\$ 103,458,455 \$ 110,212,143	119718
Section 223.20. AUDIT MANAGEMENT AND SERVICES				119720
The foregoing appropriation item 070401, Audit Management and				119721

Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

FISCAL DISTRESS TECHNICAL ASSISTANCE

The foregoing appropriation item 070403, Fiscal Distress Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118. and 3316. of the Revised Code to provide services to local governments or schools in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government 119753
Audit Support Fund, shall be used pursuant to section 117.131 of 119754
the Revised Code to offset costs of audits that would otherwise be 119755
charged to local public offices in the absence of the fund. 119756

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 119757

General Revenue Fund 119758

GRF 042321 Operating Expenses \$ 4,502,924 \$ 4,592,399 119759

TOTAL GRF General Revenue Fund \$ 4,502,924 \$ 4,592,399 119760

Internal Service Activity Fund Group 119761

1050 042603 Financial Management \$ 26,219,399 \$ 26,219,399 119762

TOTAL ISA Internal Service Activity 119763

Fund Group \$ 26,219,399 \$ 26,219,399 119764

Fiduciary Fund Group 119765

5EH0 042604 Forgery Recovery \$ 30,000 \$ 30,000 119766

TOTAL FID Fiduciary Fund Group \$ 30,000 \$ 30,000 119767

TOTAL ALL BUDGET FUND GROUPS \$ 30,752,323 \$ 30,841,798 119768

Section 229.20. AUDIT COSTS 119770

All centralized audit costs associated with either Single 119771
Audit Schedules or financial statements prepared in conformance 119772
with generally accepted accounting principles for the state shall 119773
be paid from the foregoing appropriation item 042603, Financial 119774
Management. 119775

Costs associated with the audit of the Auditor of State shall 119776
be paid from the foregoing appropriation item 042321, Operating 119777
Expenses. 119778

SHARED SERVICES CENTER 119779

The foregoing appropriation items 042321, Operating Expenses, 119780
and 042603, Financial Management, shall be used by the Director of 119781
Budget and Management to support the Shared Services program 119782

pursuant to division (D) of section 126.21 of the Revised Code. 119783

The Director of Budget and Management shall include the 119784
recovery of costs to operate the Shared Services program in the 119785
accounting and budgeting services payroll rate and through direct 119786
charges using intrastate transfer vouchers billed to agencies for 119787
services rendered using a methodology determined by the Director 119788
of Budget and Management. Such cost recovery revenues shall be 119789
deposited to the credit of the Accounting and Budgeting Fund (Fund 119790
1050). 119791

INTERNAL AUDIT 119792

The Director of Budget and Management shall include the 119793
recovery of costs to operate the Internal Audit Program pursuant 119794
to section 126.45 of the Revised Code in the accounting and 119795
budgeting services payroll rate using a methodology determined by 119796
the Director of Budget and Management. Such cost recovery revenues 119797
shall be deposited to the credit of Fund 1050. 119798

FORGERY RECOVERY 119799

The foregoing appropriation item 042604, Forgery Recovery, 119800
shall be used to reissue warrants that have been certified as 119801
forgeries by the rightful recipient as determined by the Bureau of 119802
Criminal Identification and Investigation and the Treasurer of 119803
State. Upon receipt of funds to cover the reissuance of the 119804
warrant, the Director of Budget and Management shall reissue a 119805
state warrant of the same amount. Any additional amounts needed to 119806
reissue warrants backed by the receipt of funds are hereby 119807
appropriated. 119808

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 119809

General Revenue Fund 119810

GRF 874321 Operating Expenses \$ 6,750,596 \$ 6,750,596 119811

TOTAL GRF General Revenue Fund \$ 6,750,596 \$ 6,750,596 119812

Dedicated Purpose Fund Group					119813
2080 874601	Underground Parking	\$	4,245,906	\$	4,245,906
	Garage Operations				119814
4G50 874603	Capitol Square	\$	6,000	\$	6,000
	Education Center and				119815
	Arts				
TOTAL DPF Dedicated Purpose					119816
Fund Group		\$	4,251,906	\$	4,251,906
Internal Service Activity Fund Group					119818
4S70 874602	Statehouse Gift	\$	800,000	\$	800,000
	Shop/Events				119819
TOTAL ISA Internal Service Activity					119820
Fund Group		\$	800,000	\$	800,000
TOTAL ALL BUDGET FUND GROUPS		\$	11,802,502	\$	11,802,502

OPERATING EXPENSES 119823

On July 1, 2023, or as soon as possible thereafter, the 119824
 Executive Director of the Capitol Square Review and Advisory Board 119825
 may certify to the Director of Budget and Management the amount of 119826
 the unexpended, unencumbered balance of the appropriation items 119827
 874100, Personal Services, and 874320, Maintenance and Equipment, 119828
 at the end of fiscal year 2023 to be reappropriated to 119829
 appropriation item 874321, Operating Expenses, for fiscal year 119830
 2024. The amount certified is hereby reappropriated to 119831
 appropriation item 874321, Operating Expenses, for fiscal year 119832
 2024. 119833

On July 1, 2024, or as soon as possible thereafter, the 119834
 Executive Director of the Capitol Square Review and Advisory Board 119835
 may certify to the Director of Budget and Management an amount up 119836
 to the unexpended, unencumbered balance of the foregoing 119837
 appropriation item 874321, Operating Expenses, at the end of 119838
 fiscal year 2024 to be reappropriated for fiscal year 2025. The 119839
 amount certified is hereby reappropriated to the same 119840

appropriation item 874321, Operating Expenses, for fiscal year				119841
2025.				119842
UNDERGROUND PARKING GARAGE FUND				119843
Notwithstanding division (G) of section 105.41 of the Revised				119844
Code and any other provision to the contrary, moneys in the				119845
Underground Parking Garage Fund (Fund 2080) may be used for				119846
personnel and operating costs related to the operations of the				119847
Statehouse and the Statehouse Underground Parking Garage.				119848
HOUSE AND SENATE PARKING REIMBURSEMENT				119849
On July 1 of each fiscal year, or as soon as possible				119850
thereafter, the Director of Budget and Management shall transfer				119851
\$500,000 cash from the General Revenue Fund to the Underground				119852
Parking Garage Fund (Fund 2080). The amounts transferred under				119853
this section shall be used to reimburse the Capitol Square Review				119854
and Advisory Board for legislative parking costs.				119855
Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND				119856
SCHOOLS				119857
Dedicated Purpose Fund Group				119858
4K90 233601 Operating Expenses	\$	551,000	\$ 567,000	119859
TOTAL DPF Dedicated Purpose Fund	\$	551,000	\$ 567,000	119860
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	551,000	\$ 567,000	119861
Section 235.10. CAC CASINO CONTROL COMMISSION				119863
Dedicated Purpose Fund Group				119864
5HS0 955321 Operating Expenses	\$	16,352,000	\$ 16,753,000	119865
5NU0 955601 Casino Commission	\$	250,000	\$ 250,000	119866
Enforcement				
5YR0 955602 Problem Sports Gaming	\$	500,000	\$ 500,000	119867
TOTAL DPF Dedicated Purpose Fund	\$	17,102,000	\$ 17,503,000	119868

Group

TOTAL ALL BUDGET FUND GROUPS \$ 17,102,000 \$ 17,503,000 119869

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 119872

Dedicated Purpose Fund Group 119873

4K90 930609 Operating Expenses \$ 925,837 \$ 998,837 119874

TOTAL DPF Dedicated Purpose Fund \$ 925,837 \$ 998,837 119875

Group

TOTAL ALL BUDGET FUND GROUPS \$ 925,837 \$ 998,837 119876

Section 239.10. CHR STATE CHIROPRACTIC BOARD 119878

Dedicated Purpose Fund Group 119879

4K90 878609 Operating Expenses \$ 592,868 \$ 593,868 119880

TOTAL DPF Dedicated Purpose Fund \$ 592,868 \$ 593,868 119881

Group

TOTAL ALL BUDGET FUND GROUPS \$ 592,868 \$ 593,868 119882

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 119884

General Revenue Fund 119885

GRF 876321 Operating Expenses \$ 6,963,000 \$ 7,172,000 119886

TOTAL GRF General Revenue Fund \$ 6,963,000 \$ 7,172,000 119887

Federal Fund Group 119888

3340 876601 Federal Programs \$ 3,786,800 \$ 4,232,800 119889

TOTAL FED Federal Special Revenue 119890

Fund Group \$ 3,786,800 \$ 4,232,800 119891

TOTAL ALL BUDGET FUND GROUPS \$ 10,749,800 \$ 11,404,800 119892

Section 243.10. COM DEPARTMENT OF COMMERCE 119894

Dedicated Purpose Fund Group 119895

4B20 800631 Real Estate Appraisal \$ 35,000 \$ 35,000 119896

Recovery

4H90	800608	Cemeteries	\$	453,275	\$	453,275	119897
4X20	800619	Financial Institutions	\$	2,196,327	\$	2,217,605	119898
5430	800602	Unclaimed	\$	13,930,644	\$	14,039,257	119899
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	119900
5440	800612	Banks	\$	10,557,393	\$	12,557,393	119901
5460	800610	Fire Marshal	\$	30,868,718	\$	29,102,147	119902
5460	800639	Fire Department Grants	\$	7,500,000	\$	7,500,000	119903
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	119904
5490	800614	Real Estate	\$	7,643,614	\$	6,672,175	119905
5500	800617	Securities	\$	10,955,287	\$	8,918,450	119906
5520	800604	Credit Union	\$	4,057,117	\$	5,213,603	119907
5530	800607	Consumer Finance	\$	6,139,757	\$	6,139,757	119908
5560	800615	Industrial Compliance	\$	31,832,113	\$	31,832,113	119909
5F10	800635	Small Government Fire	\$	600,000	\$	600,000	119910
Departments							
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	119911
Education							
5GK0	800609	Securities Investor	\$	2,182,150	\$	2,182,150	119912
Education/Enforcement							
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	119913
5LC0	800644	Liquor JobsOhio	\$	396,154	\$	396,154	119914
Extraordinary Allowance							
5LN0	800645	Liquor Operating	\$	20,583,022	\$	20,583,022	119915
Services							
5LP0	800646	Liquor Regulatory	\$	18,823,822	\$	15,823,822	119916
Operating Expenses							
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	119917
Officers' Dependent Fund							
5SY0	800650	Medical Marijuana	\$	7,990,837	\$	9,050,379	119918
Control Program							
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000	119919

Inspector Recovery				
5X60	800623	Video Service	\$ 452,720	\$ 452,720 119920
5XK0	800657	Ohio Investor Recovery	\$ 2,500,000	\$ 2,500,000 119921
6530	800629	UST Registration/Permit	\$ 2,539,151	\$ 2,539,151 119922
Fee				
TOTAL DPF Dedicated Purpose				119923
Fund Group			\$ 252,524,425	\$ 249,095,497 119924
Internal Service Activity Fund Group				119925
1630	800620	Division of	\$ 9,572,488	\$ 9,572,488 119926
Administration				
1630	800637	Information Technology	\$ 13,090,791	\$ 13,431,945 119927
TOTAL ISA Internal Service Activity				119928
Fund Group			\$ 22,663,279	\$ 23,004,433 119929
Federal Fund Group				119930
3480	800622	Underground Storage	\$ 831,359	\$ 831,359 119931
Tanks				
3480	800624	Leaking Underground	\$ 2,055,439	\$ 2,055,439 119932
Storage Tanks				
TOTAL FED Federal Fund Group				\$ 2,886,798 \$ 2,886,798 119933
TOTAL ALL BUDGET FUND GROUPS				\$ 278,074,502 \$ 274,986,728 119934

Section 243.20. UNCLAIMED FUNDS PAYMENTS 119936

The foregoing appropriation item 800625, Unclaimed 119937
 Funds-Claims, shall be used to pay claims under section 169.08 of 119938
 the Revised Code. If it is determined by the Director of Commerce 119939
 that additional appropriation amounts are necessary to make such 119940
 payments, the Director of Commerce may request that the Director 119941
 of Budget and Management approve such increases. Any approved 119942
 increases are hereby appropriated. 119943

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 119944

The foregoing appropriation item 800631, Real Estate 119945
 Appraisal Recovery, shall be used to pay settlements, judgments, 119946

and court orders under section 4763.16 of the Revised Code. If it 119947
is determined by the Director of Commerce that additional 119948
appropriation amounts are necessary to make such payments, the 119949
Director of Commerce may request that the Director of Budget and 119950
Management approve such increases. Any approved increases are 119951
hereby appropriated. 119952

The foregoing appropriation item 800611, Real Estate 119953
Recovery, shall be used to pay settlements, judgments, and court 119954
orders under section 4735.12 of the Revised Code. If it is 119955
determined by the Director of Commerce that additional 119956
appropriation amounts are necessary to make such payments, the 119957
Director of Commerce may request that the Director of Budget and 119958
Management approve such increases. Any approved increases are 119959
hereby appropriated. 119960

The foregoing appropriation item 800653, Real Estate Home 119961
Inspector Recovery, shall be used to pay settlements, judgments, 119962
and court orders under section 4764.21 of the Revised Code. If it 119963
is determined by the Director of Commerce that additional 119964
appropriation amounts are necessary to make such payments, the 119965
Director of Commerce may request that the Director of Budget and 119966
Management approve such increases. Any approved increases are 119967
hereby appropriated. 119968

REAL ESTATE SALESPERSON LICENSE GRANTS 119969

Notwithstanding section 4735.06 of the Revised Code, or any 119970
other law to the contrary, the Superintendent of the Division of 119971
Real Estate and Professional Licensing may provide grants, not 119972
exceeding \$2,000, to applicants for salesperson licenses to defray 119973
the costs of satisfying the educational requirements of division 119974
(F) of section 4735.09 of the Revised Code. No more than \$25,000 119975
shall be granted from the Division of Real Estate Operating Fund 119976
(Fund 5490) in any one fiscal year. 119977

FIRE DEPARTMENT GRANTS 119978

(A) The foregoing appropriation item 800639, Fire Department 119979
Grants, shall be used to make annual grants to the following 119980
eligible recipients: volunteer fire departments, fire departments 119981
that serve one or more small municipalities or small townships, 119982
joint fire districts comprised of fire departments that primarily 119983
serve small municipalities or small townships, local units of 119984
government responsible for such fire departments, and local units 119985
of government responsible for the provision of fire protection 119986
services for small municipalities or small townships. For the 119987
purposes of these grants, a private fire company, as that phrase 119988
is defined in section 9.60 of the Revised Code, that is providing 119989
fire protection services under a contract to a political 119990
subdivision of the state, is an additional eligible recipient for 119991
a training grant. 119992

Eligible recipients that consist of small municipalities or 119993
small townships that all intend to contract with the same fire 119994
department or private fire company for fire protection services 119995
may jointly apply and be considered for a grant. If a joint 119996
applicant is awarded a grant, the State Fire Marshal shall, if 119997
feasible, proportionately award the grant and any equipment 119998
purchased with grant funds to each of the joint applicants based 119999
upon each applicant's contribution to and demonstrated need for 120000
fire protection services. For the purpose of this grant program, 120001
an eligible recipient or any firefighting entity that is 120002
contracted to serve an eligible recipient may only file, be listed 120003
as joint applicant, or be designated as a service provider on one 120004
grant application per fiscal year. 120005

If the grant awarded to joint applicants is an equipment 120006
grant and the equipment to be purchased cannot be readily 120007
distributed or possessed by multiple recipients, each of the joint 120008
applicants shall be awarded by the State Fire Marshal an ownership 120009

interest in the equipment so purchased in proportion to each 120010
applicant's contribution to and demonstrated need for fire 120011
protection services. The joint applicants shall then mutually 120012
agree on how the equipment is to be maintained, operated, stored, 120013
or disposed of. If, for any reason, the joint applicants cannot 120014
agree as to how jointly owned equipment is to be maintained, 120015
operated, stored, or disposed of or any of the joint applicants no 120016
longer maintain a contract with the same fire protection service 120017
provider as the other applicants, then the joint applicants shall, 120018
with the assistance of the State Fire Marshal, mutually agree as 120019
to how the jointly owned equipment is to be maintained, operated, 120020
stored, disposed of, or owned. If the joint applicants cannot 120021
agree how the grant equipment is to be maintained, operated, 120022
stored, disposed of, or owned, the State Fire Marshal may, in its 120023
discretion, require all of the equipment acquired by the joint 120024
applicants with grant funds to be returned to the State Fire 120025
Marshal. The State Fire Marshal may then award the returned 120026
equipment to any eligible recipients. For this paragraph only, an 120027
"equipment grant" also includes a MARCS Grant. 120028

(B) Except as otherwise provided in this section, the grants 120029
shall be used by recipients to purchase firefighting or rescue 120030
equipment or gear or similar items, to provide full or partial 120031
reimbursement for the documented costs of firefighter training, 120032
or, at the discretion of the State Fire Marshal, to cover fire 120033
department costs for providing fire protection services in that 120034
grant recipient's jurisdiction. 120035

(1) Of the foregoing appropriation item 800639, Fire 120036
Department Grants, up to \$1,300,000 per fiscal year may be used to 120037
pay for the State Fire Marshal's costs of providing firefighter I 120038
certification classes or other firefighter classes approved by the 120039
State Fire Marshal at no cost to selected students attending the 120040
Ohio Fire Academy or other class providers approved by the State 120041

Fire Marshal. The State Fire Marshal may establish the 120042
qualifications and selection processes for students to attend such 120043
classes by written policy, and such students shall be considered 120044
eligible recipients of fire department grants for the purposes of 120045
this portion of the grant program. 120046

(2) Of the foregoing appropriation item 800639, Fire 120047
Department Grants, up to \$4,000,000 in each fiscal year may be 120048
used for MARCS Grants. MARCS Grants may be used for the payment of 120049
user access fees by the eligible recipient to cover costs for 120050
accessing MARCS. 120051

For purposes of this section, a MARCS Grant is a grant for 120052
systems, equipment, or services that are a part of, integrated 120053
into, or otherwise interoperable with the Multi-Agency Radio 120054
Communication System (MARCS) operated by the state. 120055

MARCS Grant awards may be up to \$50,000 in each fiscal year 120056
per eligible recipient. Each eligible recipient may apply, as a 120057
separate entity or as a part of a joint application, for only one 120058
MARCS Grant per fiscal year. The State Fire Marshal may give a 120059
preference to MARCS Grants that will enhance the overall 120060
interoperability and effectiveness of emergency communication 120061
networks in the geographic region that includes and that is 120062
adjacent to the applicant. 120063

Eligible recipients that are or were awarded fire department 120064
grants that are not MARCS Grants may also apply for and receive 120065
MARCS Grants in accordance with criteria for the awarding of grant 120066
funds established by the State Fire Marshal. 120067

(3) Grant awards for firefighting or rescue equipment or gear 120068
or for fire department costs of providing fire protection services 120069
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 120070
fiscal year if an eligible entity serves a jurisdiction in which 120071
the Governor declared a natural disaster during the preceding or 120072

current fiscal year in which the grant was awarded. In addition to 120073
any grant funds awarded for rescue equipment or gear, or for fire 120074
department costs associated with the provision of fire protection 120075
services, an eligible entity may receive a grant for up to \$15,000 120076
per fiscal year for full or partial reimbursement of the 120077
documented costs of firefighter training. For each fiscal year, 120078
the State Fire Marshal shall determine the total amounts to be 120079
allocated for each eligible purpose. 120080

(C) The grants shall be administered by the State Fire 120081
Marshal in accordance with rules the State Fire Marshal adopts as 120082
part of the state fire code adopted pursuant to section 3737.82 of 120083
the Revised Code that are necessary for the administration and 120084
operation of the grant program. The rules may further define the 120085
entities eligible to receive grants and establish criteria for the 120086
awarding and expenditure of grant funds, including methods the 120087
State Fire Marshal may use to verify the proper use of grant funds 120088
or to obtain reimbursement for or the return of equipment for 120089
improperly used grant funds. To the extent consistent with this 120090
section and until the rules are updated, the existing rules in the 120091
state fire code adopted pursuant to section 3737.82 of the Revised 120092
Code for fire department grants under this section apply to MARCS 120093
Grants. Any amounts in appropriation item 800639, Fire Department 120094
Grants, in excess of the amount allocated for these grants may be 120095
used for the administration of the grant program. 120096

DIVISION OF MARIJUANA CONTROL 120097

The foregoing appropriation item 800650, Medical Marijuana 120098
Control Program, shall be used by the Department of Commerce to 120099
support the operation of the Division of Marijuana Control, 120100
including expenditures related to the transfer of the medical 120101
marijuana control program into the Department. If additional 120102
amounts are available in the Medical Marijuana Control Fund (Fund 120103
5SY0), and additional amounts are necessary to transfer the 120104

program, the Director of Commerce may certify to the Director of 120105
the Office of Budget and Management the amount of additional 120106
appropriation necessary for this purpose. Upon approval by the 120107
Director of the Office of Budget and Management, that amount is 120108
hereby appropriated. 120109

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 120110
OPERATING FUND 120111

If the Real Estate Recovery Fund (Fund 5480) cash balance 120112
exceeds \$250,000 during the biennium ending June 30, 2025, the 120113
Director of Budget and Management, upon the written request of the 120114
Director of Commerce and subject to the approval of the 120115
Controlling Board, may transfer cash from Fund 5480 to the 120116
Division of Real Estate Operating Fund (Fund 5490), such that the 120117
amount available in Fund 5480 is not less than \$250,000. 120118

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 120119
balance exceeds \$200,000 during the biennium ending June 30, 2025, 120120
the Director of Budget and Management, upon the written request of 120121
the Director of Commerce and subject to the approval of the 120122
Controlling Board, may transfer cash from Fund 4B20 to the 120123
Division of Real Estate Operating Fund (Fund 5490), such that the 120124
amount available in Fund 4B20 is not less than \$200,000. 120125

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 120126
REVOLVING LOAN FUND 120127

Upon the written request of the Director of Commerce, and 120128
subject to the approval of the Controlling Board, the Director of 120129
Budget and Management may transfer up to \$600,000 in cash from the 120130
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 120131
Department Services Revolving Loan Fund (Fund 5F10) during the 120132
biennium ending June 30, 2025. 120133

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 120134

EDUCATION AND ENFORCEMENT EXPENSE FUND 120135

Upon the written request of the Director of Commerce, the 120136
Director of Budget and Management may transfer up to \$5,000,000 in 120137
cash from the Division of Securities Fund (Fund 5500) to the 120138
Division of Securities Investor Education and Enforcement Expense 120139
Fund (Fund 5GK0) in fiscal year 2024. Upon the written request of 120140
the Director of Commerce, the Director of Budget and Management 120141
may transfer up to five per cent of the fees and charges received 120142
in Fund 5500 to Fund 5GK0 in fiscal year 2025. 120143

Of the foregoing appropriation item 800609, Securities 120144
Investor Education/Enforcement, up to \$1,000,000 in each fiscal 120145
year may be used by the Department of Commerce to provide grants 120146
for the purpose of securities investor education. 120147

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 120148

Upon the written request of the Director of Commerce, and 120149
subject to the approval of the Controlling Board, the Director of 120150
Budget and Management may transfer up to \$2,500,000 in each fiscal 120151
year from the Division of Securities Fund (Fund 5500) to the Ohio 120152
Investor Recovery Fund (Fund 5XK0) during the biennium ending June 120153
30, 2025. 120154

Of the foregoing appropriation item 800657, Ohio Investor 120155
Recovery, up to \$2,500,000 in each fiscal year shall be used by 120156
the Department of Commerce pursuant to section 1707.47 of the 120157
Revised Code to provide restitution assistance to victims who: (1) 120158
are identified in a final administrative order issued by the 120159
Division of Securities or a final court order in a civil or 120160
criminal proceeding initiated by the Division as a purchaser 120161
damaged by a sale or contract for sale made in violation of 120162
Chapter 1707. of the Revised Code; and (2) have not received the 120163
full amount of any restitution ordered in a final order before the 120164
application for restitution assistance is due. 120165

Section 245.10.	OCC OFFICE OF CONSUMERS' COUNSEL				120166
	Dedicated Purpose Fund Group				120167
	5F50 053601 Operating Expenses	\$	6,313,267	\$	6,313,267 120168
	TOTAL DPF Dedicated Purpose Fund	\$	6,313,267	\$	6,313,267 120169
	Group				
	TOTAL ALL BUDGET FUND GROUPS	\$	6,313,267	\$	6,313,267 120170

Section 247.10.	CEB CONTROLLING BOARD				120172
	Internal Service Activity Fund Group				120173
	5KM0 911614 Controlling Board	\$	7,500,000	\$	7,500,000 120174
	Emergency				
	Purposes/Contingencies				
	TOTAL ISA Internal Service Activity	\$	7,500,000	\$	7,500,000 120175
	Fund Group				
	TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000 120176

Section 247.20.	FEDERAL SHARE				120178
	In transferring appropriations to or from appropriation items				120179
	that have federal shares identified in this act, the Controlling				120180
	Board shall add or subtract corresponding amounts of federal				120181
	matching funds at the percentages indicated by the state and				120182
	federal division of the appropriations in this act. Such changes				120183
	are hereby appropriated.				120184

Section 249.10.	COS COSMETOLOGY AND BARBER BOARD				120185
	Dedicated Purpose Fund Group				120186
	4K90 879609 Operating Expenses	\$	5,418,707	\$	5,486,509 120187
	TOTAL DPF Dedicated Purpose Fund	\$	5,418,707	\$	5,486,509 120188
	Group				
	TOTAL ALL BUDGET FUND GROUPS	\$	5,418,707	\$	5,486,509 120189

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				120191
AND FAMILY THERAPIST BOARD				120192
Dedicated Purpose Fund Group				120193
4K90 899609	Operating Expenses	\$ 1,967,897	\$ 2,039,897	120194
TOTAL DPF Dedicated Purpose Fund				120195
Group				
TOTAL ALL BUDGET FUND GROUPS				120196
 Section 253.10. CLA COURT OF CLAIMS				120198
General Revenue Fund				120199
GRF 015321	Operating Expenses	\$ 2,984,440	\$ 3,109,688	120200
GRF 015403	Public Records	\$ 1,040,414	\$ 1,081,136	120201
Adjudication				
TOTAL GRF General Revenue Fund				120202
Dedicated Purpose Fund Group				120203
5K20 015603	CLA Victims of Crime	\$ 572,502	\$ 595,107	120204
5TE0 015604	Public Records	\$ 6,000	\$ 2,000	120205
TOTAL DPF Dedicated Purpose Fund				120206
Group				
TOTAL ALL BUDGET FUND GROUPS				120207
 Section 255.10. DEN STATE DENTAL BOARD				120209
Dedicated Purpose Fund Group				120210
4K90 880609	Operating Expenses	\$ 1,979,497	\$ 1,991,497	120211
TOTAL DPF Dedicated Purpose Fund				120212
Group				
TOTAL ALL BUDGET FUND GROUPS				120213
 Section 257.10. BDP BOARD OF DEPOSIT				120215
Dedicated Purpose Fund Group				120216
4M20 974601	Board of Deposit	\$ 1,688,400	\$ 1,688,400	120217

TOTAL DPF Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	120218
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,688,400	\$	1,688,400	120219

Section 257.20. BOARD OF DEPOSIT EXPENSE FUND 120221

Upon receiving certification of expenses from the Treasurer 120222
of State, the Director of Budget and Management shall transfer 120223
cash from the Investment Earnings Redistribution Fund (Fund 6080) 120224
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 120225
shall be used pursuant to section 135.02 of the Revised Code to 120226
pay for any and all necessary expenses of the Board of Deposit or 120227
for banking charges and fees required for the operation of the 120228
State of Ohio Regular Account. 120229

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 120230

General Revenue Fund					120231
GRF 195402 Coal Research and	\$	183,725	\$	183,725	120232
Development Program					
GRF 195405 Minority Business	\$	9,150,000	\$	9,150,000	120233
Development					
GRF 195415 Business Development	\$	5,700,000	\$	5,700,000	120234
Services					
GRF 195420 Housing Technical	\$	1,500,000	\$	1,500,000	120235
Assistance					
GRF 195426 Redevelopment	\$	1,065,000	\$	1,065,000	120236
Assistance					
GRF 195453 Technology Programs	\$	835,546	\$	835,546	120237
and Grants					
GRF 195454 Small Business and	\$	8,410,000	\$	8,410,000	120238
Export Assistance					
GRF 195455 Appalachia Assistance	\$	6,513,998	\$	6,513,998	120239
GRF 195456 Local Roads	\$	15,000,000	\$	10,000,000	120240

GRF	195497	CDBG Operating Match	\$	1,400,000	\$	1,400,000	120241
GRF	195499	BSD Federal Programs Match	\$	13,274,097	\$	13,274,097	120242
GRF	195503	Local Development Projects	\$	6,300,000	\$	6,300,000	120243
GRF	195553	Industry Sector Partnerships	\$	7,500,000	\$	7,500,000	120244
GRF	195556	TechCred Program	\$	25,200,000	\$	25,200,000	120245
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	5,732,500	\$	4,042,500	120246
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	47,800,000	\$	36,500,000	120247
TOTAL GRF		General Revenue Fund	\$	155,564,866	\$	137,574,866	120248
		Dedicated Purpose Fund Group					120249
4500	195624	Minority Business Bonding Program Administration	\$	100,000	\$	100,000	120250
4510	195649	Business Assistance Programs	\$	3,000,000	\$	3,000,000	120251
4F20	195639	State Special Projects	\$	150,000	\$	150,000	120252
4F20	195655	Workforce Development Programs	\$	1,175,000	\$	1,175,000	120253
4F20	195699	Utility Community Assistance	\$	750,000	\$	750,000	120254
4W10	195646	Minority Business Enterprise Loan	\$	5,000,000	\$	5,000,000	120255
5CV5	1956B4	ARPA Capital Projects	\$	267,000,000	\$	0	120256
5JR0	195635	Tax Incentives	\$	1,000,000	\$	1,000,000	120257

		Operating				
5KP0	195645	Historic	\$	1,300,000	\$	1,300,000 120258
		Rehabilitation				
		Operating				
5M40	195659	Low Income Energy	\$	325,000,000	\$	325,000,000 120259
		Assistance (USF)				
5M50	195660	Advanced Energy Loan	\$	8,925,000	\$	8,925,000 120260
		Programs				
5MH0	195644	SiteOhio	\$	5,000	\$	5,000 120261
		Administration				
5MJ0	195683	State Marketing Office	\$	10,000,000	\$	10,000,000 120262
5UL0	195627	Brownfields Revolving	\$	1,695,000	\$	1,695,000 120263
		Loan Program				
5UY0	195496	Sports Events Grants	\$	3,942,810	\$	0 120264
5W60	195691	International Trade	\$	50,000	\$	50,000 120265
		Cooperative Projects				
5XH0	195632	Women Owned Business	\$	5,000,000	\$	5,000,000 120266
		Loans				
5XH0	195694	Micro-Loan	\$	2,500,000	\$	2,500,000 120267
5XM0	195576	All Ohio Future Fund	\$	40,000,000	\$	0 120268
5ZK0	1956F8	Innovation Hubs	\$	150,000,000	\$	0 120269
6170	195654	Volume Cap	\$	40,000	\$	40,000 120270
		Administration				
6460	195638	Low- and Moderate-	\$	65,000,000	\$	65,000,000 120271
		Income Housing				
		Programs				
TOTAL	DPF	Dedicated Purpose Fund	\$	891,632,810	\$	430,690,000 120272
		Group				
		Internal Service Activity Fund Group				120273
1350	195684	Development	\$	16,922,815	\$	17,112,847 120274
		Operations				
6850	195636	Development Services	\$	125,000	\$	125,000 120275
		Reimbursable				

Expenditures

TOTAL ISA Internal Service Activity	\$	17,047,815	\$	17,237,847	120276
Fund Group					
Facilities Establishment Fund Group					120277
4Z60 195647 Rural Industrial Park	\$	15,000,000	\$	15,000,000	120278
Loan					
5S90 195628 Capital Access Loan	\$	2,500,000	\$	2,500,000	120279
Program					
7009 195664 Innovation Ohio	\$	5,000,000	\$	5,000,000	120280
7010 195665 Research and	\$	5,000,000	\$	5,000,000	120281
Development					
7037 195615 Facilities	\$	15,000,000	\$	15,000,000	120282
Establishment					
TOTAL FCE Facilities Establishment	\$	42,500,000	\$	42,500,000	120283
Fund Group					
Bond Research and Development Fund Group					120284
7011 195686 Third Frontier Tax	\$	1,000,000	\$	1,000,000	120285
Exempt - Operating					
7011 195687 Third Frontier	\$	2,000,000	\$	2,000,000	120286
Research and					
Development Projects					
7014 195620 Third Frontier	\$	1,710,000	\$	1,710,000	120287
Taxable - Operating					
7014 195692 Research and	\$	20,000,000	\$	20,000,000	120288
Development Taxable					
Bond Projects					
TOTAL BRD Bond Research and	\$	24,710,000	\$	24,710,000	120289
Development Fund Group					
Federal Fund Group					120290
3080 195580 Energy Efficiency and	\$	3,130,030	\$	0	120291
Conservation Block					
Grant Program					

3080	195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$	3,202,320	\$	0	120292
3080	195602	Appalachian Regional Commission	\$	5,750,000	\$	5,750,000	120293
3080	195603	Housing Assistance Programs	\$	12,575,000	\$	12,575,000	120294
3080	195609	Small Business Administration Grants	\$	5,550,000	\$	5,550,000	120295
3080	195618	Energy Grants	\$	20,000,000	\$	0	120296
3080	195670	Home Weatherization Program	\$	102,000,000	\$	102,000,000	120297
3080	195672	Manufacturing Extension Partnership	\$	6,600,000	\$	6,600,000	120298
3080	195675	Procurement Technical Assistance	\$	1,300,000	\$	1,300,000	120299
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	120300
3350	195610	Energy Programs	\$	350,000	\$	350,000	120301
3AE0	195643	Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	120302
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	8,000,000	\$	8,000,000	120303
3IC0	1956D9	Growth Capital Fund	\$	53,431,176	\$	0	120304
3IC0	1956E1	Early-Stage Focus Fund	\$	26,156,936	\$	0	120305
3IC0	1956E2	Certified Development Financial Institution Loan Participation	\$	32,571,614	\$	0	120306
3IC0	1956E3	Collateral Enhancement Program	\$	17,747,554	\$	0	120307

3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$	105,000,000	\$	0	120308
3IF0	1956E5	Broadband Digital Equity Acts Program	\$	1,000,000	\$	30,000,000	120309
3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$	124,875,180	\$	0	120310
3IM0	195583	High-Efficiency Electric Home Rebate Program	\$	124,150,970	\$	0	120311
3K80	195613	Community Development Block Grant	\$	62,975,000	\$	62,975,000	120312
3K90	195611	Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000	120313
3K90	195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000	120314
3L00	195612	Community Services Block Grant	\$	29,000,000	\$	29,000,000	120315
3V10	195601	HOME Program	\$	62,975,000	\$	62,975,000	120316
TOTAL FED	Federal Fund Group		\$	1,016,340,780	\$	535,075,000	120317
TOTAL ALL BUDGET FUND GROUPS			\$	2,147,796,271	\$	1,187,787,713	120318

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 120320

The foregoing appropriation item 195402, Coal Research and 120321
Development Program, shall be used for the operating expenses of 120322
the Community Services Division in support of the Ohio Coal 120323
Development Office. 120324

MINORITY BUSINESS DEVELOPMENT 120325

The foregoing appropriation item 195405, Minority Business 120326
Development, shall be used to support the activities of the 120327

Minority Business Development Division, including providing grants 120328
to local nonprofit organizations to support economic development 120329
activities that promote minority business development, in 120330
conjunction with local organizations funded through appropriation 120331
item 195454, Small Business and Export Assistance. 120332

BUSINESS DEVELOPMENT SERVICES 120333

The foregoing appropriation item 195415, Business Development 120334
Services, shall be used for the operating expenses of the Office 120335
of Strategic Business Investments and the regional economic 120336
development offices. 120337

Of the foregoing appropriation item 195415, Business 120338
Development Services, \$1,800,000 in each fiscal year shall be 120339
allocated to Development Projects, Inc., for economic development 120340
programs and the creation of new jobs to leverage and support 120341
mission gains at Department of Defense and related facilities in 120342
Ohio by working with future base realignment and closure 120343
activities and ongoing Department of Defense efficiency and 120344
partnership initiatives, assisting efforts to secure Department of 120345
Defense support contracts for Ohio companies, assessing and 120346
supporting regional job and workforce development needs generated 120347
by the Department of Defense and the Ohio aerospace industry, 120348
promoting technology transfer to Ohio businesses, and for 120349
expanding job training and economic development programs in human 120350
performance and cyber security-related initiatives. 120351

HOUSING TECHNICAL ASSISTANCE 120352

The foregoing appropriation item 195420, Housing Technical 120353
Assistance, shall be used to offer housing technical assistance 120354
grants to local governments seeking to modernize regulations and 120355
processes tied to local housing efforts. Grants awarded under the 120356
foregoing appropriation item may be used for, but not limited to, 120357
updating housing-related zoning regulations, efforts to streamline 120358

government review or housing proposals, updating building permit 120359
software, and other innovative efforts intended to expedite review 120360
of housing proposals. 120361

REDEVELOPMENT ASSISTANCE 120362

The foregoing appropriation item 195426, Redevelopment 120363
Assistance, shall be used to fund the costs of administering the 120364
energy, redevelopment, and other revitalization programs that may 120365
be implemented, and may be used to match federal grant funding. 120366

TECHNOLOGY PROGRAMS AND GRANTS 120367

The foregoing appropriation item 195453, Technology Programs 120368
and Grants, shall be used for operating expenses incurred in 120369
administering the Ohio Third Frontier Programs and other 120370
technology focused programs that may be implemented. 120371

SMALL BUSINESS AND EXPORT ASSISTANCE 120372

The foregoing appropriation item 195454, Small Business and 120373
Export Assistance, may be used to provide a range of business 120374
assistance, including grants to local organizations to support 120375
economic development activities that promote small business 120376
development, entrepreneurship, and exports of Ohio's goods and 120377
services, in conjunction with local organizations funded through 120378
appropriation item 195405, Minority Business Development. The 120379
foregoing appropriation item shall also be used as matching funds 120380
for grants from the United States Small Business Administration 120381
and other federal agencies, pursuant to Pub. L. No. 96-302 as 120382
amended by Pub. L. No. 98-395, and regulations and policy 120383
guidelines for the programs pursuant thereto. 120384

APPALACHIA ASSISTANCE 120385

The foregoing GRF appropriation item 195455, Appalachia 120386
Assistance, may be used for the administrative costs of planning 120387
and liaison activities for the Governor's Office of Appalachia, to 120388

provide financial assistance to projects in Ohio's Appalachian 120389
counties, to support four local development districts, and to pay 120390
dues for the Appalachian Regional Commission. These funds may be 120391
used to match federal funds from the Appalachian Regional 120392
Commission. Programs funded through the appropriation item shall 120393
be identified and recommended by the local development districts 120394
and approved by the Governor's Office of Appalachia. The 120395
Department of Development shall conduct compliance and regulatory 120396
review of the programs recommended by the local development 120397
districts. Moneys allocated under the appropriation item may be 120398
used to fund projects including, but not limited to, those 120399
designated by the local development districts as community 120400
investment and rapid response projects. 120401

Of the foregoing appropriation item 195455, Appalachia 120402
Assistance, in each fiscal year, \$170,000 shall be allocated to 120403
the Ohio Valley Regional Development Commission, \$170,000 shall be 120404
allocated to the Ohio Mid-Eastern Government Association, \$170,000 120405
shall be allocated to the Buckeye Hills-Hocking Valley Regional 120406
Development District, and \$170,000 shall be allocated to the 120407
Eastgate Regional Council of Governments. Local development 120408
districts receiving funding under this section shall use the funds 120409
for the implementation and administration of programs and duties 120410
under section 107.21 of the Revised Code. 120411

CDBG OPERATING MATCH 120412

The foregoing appropriation item 195497, CDBG Operating 120413
Match, shall be used as matching funds for grants from the United 120414
States Department of Housing and Urban Development pursuant to the 120415
Housing and Community Development Act of 1974 and regulations and 120416
policy guidelines for the programs pursuant thereto. 120417

BSD FEDERAL PROGRAMS MATCH 120418

The foregoing appropriation item 195499, BSD Federal Programs 120419

Match, shall be used as matching funds for grants from the U.S. 120420
Department of Commerce, National Institute of Standards and 120421
Technology Manufacturing Extension Partnership Program and 120422
Department of Defense APEX Accelerator Program, and other federal 120423
agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 120424
98-395, and regulations and policy guidelines for the programs 120425
pursuant thereto. The appropriation item shall also be used for 120426
operating expenses of the Business Services Division. 120427

LOCAL DEVELOPMENT PROJECTS 120428

Of the foregoing appropriation item 195503, Local Development 120429
Projects, \$5,000,000 in each fiscal year shall be allocated to the 120430
Foundation for Appalachian Ohio. 120431

Of the foregoing appropriation item 195503, Local Development 120432
Projects, \$1,000,000 in each fiscal year shall be allocated to the 120433
Mayor's Partnership for Progress. 120434

Of the foregoing appropriation item 195503, Local Development 120435
Projects, \$300,000 in each fiscal year shall be used to support 120436
the Camp James A. Garfield Joint Military Training Center and the 120437
Youngstown Air Reserve Station. 120438

SECTOR PARTNERSHIP NETWORKS 120439

The foregoing appropriation item 195553, Industry Sector 120440
Partnerships, shall be used for the grant program described in 120441
section 122.179 of the Revised Code. 120442

TECHCRED PROGRAM 120443

The foregoing appropriation item 195556, TechCred Program, 120444
shall be used for the programs described under sections 122.178 120445
and 122.1710 of the Revised Code. 120446

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 120447
OBLIGATION BOND DEBT SERVICE 120448

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

Section 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2025, of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from

the Minority Business Bonding Program, such expenditures shall be 120480
made from appropriation item 195658, Minority Business Bonding 120481
Contingency in the Minority Business Bonding Fund, and such 120482
amounts are hereby appropriated. 120483

BUSINESS ASSISTANCE PROGRAMS 120484

The foregoing appropriation item 195649, Business Assistance 120485
Programs, shall be used for administrative expenses associated 120486
with the operation of loan incentives. 120487

STATE SPECIAL PROJECTS 120488

The State Special Projects Fund (Fund 4F20), may be used for 120489
the deposit of private-sector funds from utility companies and for 120490
the deposit of other miscellaneous state funds. State moneys so 120491
deposited may also be used to match federal funding and to support 120492
programs of the Community Service Division and Business Services 120493
Division. 120494

MINORITY BUSINESS ENTERPRISE LOAN 120495

The foregoing appropriation item 195646, Minority Business 120496
Enterprise Loan, shall be used for awards under the Minority 120497
Business Enterprise Loan Program and to cover operating expenses 120498
of the Minority Business Development Division. All repayments from 120499
the Minority Development Financing Advisory Board Loan Program 120500
shall be deposited in the state treasury to the credit of the 120501
Minority Business Enterprise Loan Fund (Fund 4W10). 120502

BROADBAND DEVELOPMENT GRANTS 120503

On July 1, 2023, or as soon as possible thereafter, the 120504
Director of Development shall certify to the Director of Budget 120505
and Management the unexpended, unencumbered balance of the 120506
appropriation item 195550, Broadband Development Grants, at the 120507
end of fiscal year 2023 to be reappropriated in fiscal year 2024. 120508
The amount certified is hereby reappropriated to the same 120509

appropriation item for the same purpose in fiscal year 2024. 120510

On July 1, 2024, or as soon as possible thereafter, the 120511
Director of Development shall certify to the Director of Budget 120512
and Management the unexpended, unencumbered balance of the 120513
appropriation item 195550, Broadband Development Grants, at the 120514
end of fiscal year 2024 to be reappropriated in fiscal year 2025. 120515
The amount certified is hereby reappropriated to the same 120516
appropriation item for the same purpose in fiscal year 2025. 120517

ADVANCED ENERGY LOAN PROGRAMS 120518

The foregoing appropriation item 195660, Advanced Energy Loan 120519
Programs, shall be used to provide financial assistance to 120520
customers for eligible advanced energy projects for residential, 120521
commercial, and industrial business, local government, educational 120522
institution, nonprofit, and agriculture customers. The 120523
appropriation item may be used to match federal grant funding and 120524
to pay for the program's administrative costs as provided in 120525
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 120526
by the Director of Development. 120527

SPORTS EVENTS GRANTS 120528

The foregoing appropriation item 195496, Sports Events 120529
Grants, shall be used for grants as described in sections 122.12 120530
and 122.121 of the Revised Code. 120531

On July 1, 2024, or as soon as possible thereafter, the 120532
Director of Development shall certify to the Director of Budget 120533
and Management the amount of the unexpended, unencumbered balance 120534
of appropriation item 195496, Sports Events Grants, at the end of 120535
fiscal year 2024 to be reappropriated in fiscal year 2025. The 120536
amount certified is hereby reappropriated to the same 120537
appropriation item for the same purpose in fiscal year 2025. 120538

WOMEN OWNED BUSINESS LOAN 120539

The foregoing appropriation item 195632, Women Owned Business Loan, shall be used to operate the Women Owned Business Program. 120540
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MINORITY BUSINESS MICRO-LOAN 120543

The foregoing appropriation item 195694, Micro-Loan, shall be used to operate the Minority Business Micro-Loan Program. 120544
120545

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND TO THE MBD FINANCIAL ASSISTANCE FUND 120546
120547

Upon the completion of the original Collateral Enhancement Program, the Director of Development shall certify to the Director of Budget and Management the remaining cash balance in the State Small Business Credit Initiative Fund (Fund 3FJ0). The Director of Budget and Management may transfer the certified amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0). 120548
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ALL OHIO FUTURE FUND 120554

The foregoing appropriation item 195576, All Ohio Future Fund, shall be used for the purposes enumerated in section 126.62 of the Revised Code. In each fiscal year, pursuant to division (B) of section 126.62 of the Revised Code, the Director of Budget and Management shall credit or transfer not less than \$50,000,000 of any deferred payments received to the All Ohio Future Fund (Fund 5XM0). 120555
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BROWNFIELD REMEDIATION 120562

The appropriation item 1956A2, Brownfield Remediation, shall be used to award grants under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code. An amount up to two and one-half per cent of the appropriation item 1956A2, Brownfield Remediation, may be used to pay the administrative costs of the program. 120563
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On July 1, 2023, or as soon as possible thereafter, the 120569

Director of Development shall certify the unexpended, unencumbered 120570
balance of appropriation item 1956A2, Brownfield Remediation, at 120571
the end of fiscal year 2023 to be reappropriated in fiscal year 120572
2024. The amount certified is hereby reappropriated to the same 120573
appropriation item for the same purpose in fiscal year 2024. 120574

On July 1, 2024, or as soon as possible thereafter, the 120575
Director of Development shall certify to the Director of Budget 120576
and Management the unexpended, unencumbered balance of 120577
appropriation item 1956A2, Brownfield Remediation, at the end of 120578
fiscal year 2024 to be reappropriated in fiscal year 2025. The 120579
amount certified is hereby reappropriated to the same 120580
appropriation item for the same purpose in fiscal year 2025. 120581

DEMOLITION AND SITE REVITALIZATION 120582

The appropriation item 1956A3, Demolition and Site 120583
Revitalization, shall be used to award grants under the Building 120584
Demolition and Site Revitalization Program as described in section 120585
122.6512 of the Revised Code. An amount up to two and one-half per 120586
cent of the appropriation item 1956A3, Demolition and Site 120587
Revitalization, may be used to pay the administrative costs of the 120588
program. 120589

On July 1, 2023, or as soon as possible thereafter, the 120590
Director of Development shall certify to the Director of Budget 120591
and Management the unexpended, unencumbered balance of 120592
appropriation item 1956A3, Demolition and Site Revitalization, at 120593
the end of fiscal year 2023 to be reappropriated in fiscal year 120594
2024. The amount certified is hereby reappropriated to the same 120595
appropriation item for the same purpose in fiscal year 2024. 120596

On July 1, 2024, or as soon as possible thereafter, the 120597
Director of Development shall certify to the Director of Budget 120598
and Management the unexpended, unencumbered balance of 120599
appropriation item 1956A3, Demolition and Site Revitalization, at 120600

the end of fiscal year 2024 to be reappropriated in fiscal year 120601
2025. The amount certified is hereby reappropriated to the same 120602
appropriation item for the same purpose in fiscal year 2025. 120603

INNOVATION HUBS 120604

The foregoing appropriation item 1956F8, Innovation Hubs, 120605
shall be allocated to eligible innovation hubs as defined by the 120606
Department of Development. Innovation hubs located within an 120607
existing innovation district, as defined by the Department of 120608
Development, are ineligible to receive funding under the foregoing 120609
appropriation item. 120610

Funding awarded to innovation hubs under the foregoing 120611
appropriation item may be used for, but not limited to, capital 120612
expenses to establish an innovation hub near a research-oriented 120613
anchor institution, recruiting or providing research and 120614
development opportunities within an innovation hub, or creating 120615
new or preserving existing jobs and employment opportunities, any 120616
of which would improve the economic welfare to the innovation 120617
hub's region. 120618

On July 1, 2024, or as soon as possible thereafter, the 120619
Director of Development shall certify to the Director of Budget 120620
and Management the unexpended, unencumbered balance of 120621
appropriation item 1956F8, Innovation Hubs, at the end of fiscal 120622
year 2024 to be reappropriated in fiscal year 2025. The amount 120623
certified is hereby reappropriated to the same appropriation item 120624
for the same purpose in fiscal year 2025. 120625

VOLUME CAP ADMINISTRATION 120626

The foregoing appropriation item 195654, Volume Cap 120627
Administration, shall be used for expenses related to the 120628
administration of the Volume Cap Program. Revenues received by the 120629
Volume Cap Administration Fund (Fund 6170) shall consist of 120630
application fees, forfeited deposits, and interest earned from the 120631

custodial account held by the Treasurer of State. 120632

Section 259.40. DEVELOPMENT OPERATIONS 120633

The Director of Development may assess offices of the 120634
department for the cost of central service operations. An 120635
assessment shall contain the characteristics of administrative 120636
ease and uniform application. A division's payments shall be 120637
credited to the Supportive Services Fund (Fund 1350) using an 120638
intrastate transfer voucher. 120639

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 120640

The foregoing appropriation item 195636, Development Services 120641
Reimbursable Expenditures, shall be used for reimbursable costs 120642
incurred by the department. Revenues to the General Reimbursement 120643
Fund (Fund 6850) shall consist of moneys charged for 120644
administrative costs that are not central service costs and 120645
repayments of loans, including the interest thereon, made from the 120646
Water and Sewer Fund (Fund 4440). 120647

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 120648

The foregoing appropriation item 195628, Capital Access Loan 120649
Program, shall be used for operating, program, and administrative 120650
expenses of the program. Capital Access Loan Program funds shall 120651
be used in accordance with section 122.603 of the Revised Code to 120652
assist participating financial institutions in making program 120653
loans to eligible businesses that face barriers in accessing 120654
working capital and obtaining fixed-asset financing. 120655

The Director of Budget and Management may transfer an amount 120656
not to exceed \$2,000,000 cash in each fiscal year between the 120657
Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital 120658
Access Loan Fund (Fund 5S90), subject to Controlling Board 120659
approval. 120660

INNOVATION OHIO	120661
The foregoing appropriation item 195664, Innovation Ohio,	120662
shall be used to provide for Innovation Ohio purposes, including	120663
loan guarantees and loans under Chapter 166. and particularly	120664
sections 166.12 to 166.16 of the Revised Code.	120665
TRANSFERS FROM THE INNOVATION OHIO LOAN FUND	120666
Notwithstanding Chapter 166. of the Revised Code, the	120667
Director of Budget and Management may transfer an amount to exceed	120668
\$5,000,000 cash in each fiscal year from the Innovation Ohio Loan	120669
Fund (Fund 7009) to the Minority Business Enterprise Loan Fund	120670
(Fund 4W10), subject to Controlling Board approval.	120671
Notwithstanding Chapter 166. of the Revised Code, on July 1,	120672
2023, or as soon as possible thereafter, the Director of Budget	120673
and Management may transfer \$30,000,000 cash from Fund 7009 to the	120674
Rural Industrial Park Loan Fund (Fund 4Z60).	120675
RESEARCH AND DEVELOPMENT	120676
The foregoing appropriation item 195665, Research and	120677
Development, shall be used to provide for research and development	120678
purposes, including loans, under Chapter 166. and particularly	120679
sections 166.17 to 166.21 of the Revised Code.	120680
FACILITIES ESTABLISHMENT	120681
The foregoing appropriation item 195615, Facilities	120682
Establishment, shall be used for the purposes of the Facilities	120683
Establishment Fund (Fund 7037) under Chapter 166. of the Revised	120684
Code.	120685
In the biennium ending June 30, 2025, notwithstanding section	120686
127.14 and division (B) of section 131.35 of the Revised Code, the	120687
Controlling Board may authorize expenditures, in excess of the	120688
amount appropriated, but not to exceed the limitation set in	120689
division (E) of section 131.35 of the Revised Code, using the	120690

Facilities Establishment Fund (Fund 7037) for purposes consistent 120691
with Chapter 166. of the Revised Code. The amounts authorized by 120692
the Controlling Board are hereby appropriated. 120693

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 120694

Notwithstanding Chapter 166. of the Revised Code, an amount 120695
not to exceed \$3,500,000 in cash in each fiscal year may be 120696
transferred from the Facilities Establishment Fund (Fund 7037) to 120697
the Business Assistance Fund (Fund 4510), subject to Controlling 120698
Board approval. 120699

Notwithstanding Chapter 166. of the Revised Code, the 120700
Director of Budget and Management may transfer an amount not to 120701
exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to 120702
the Capital Access Loan Fund (Fund 5S90), subject to Controlling 120703
Board approval. 120704

Section 259.60. THIRD FRONTIER OPERATING COSTS 120705

The foregoing appropriation items 195686, Third Frontier Tax 120706
Exempt - Operating, and 195620, Third Frontier Taxable - 120707
Operating, shall be used for operating expenses incurred in 120708
administering projects pursuant to sections 184.10 to 184.20 of 120709
the Revised Code. Operating expenses paid from appropriation item 120710
195686 shall be limited to the administration of projects funded 120711
from the Third Frontier Research & Development Fund (Fund 7011), 120712
and operating expenses paid from appropriation item 195620 shall 120713
be limited to the administration of projects funded from the Third 120714
Frontier Research & Development Taxable Bond Project Fund (Fund 120715
7014). 120716

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 120717
PROJECTS 120718

The foregoing appropriation items 195687, Third Frontier 120719
Research and Development Projects, and 195692, Research and 120720

Development Taxable Bond Projects, shall be used to fund selected 120721
projects which may include internship programs. Eligible costs are 120722
those costs of research and development projects to which the 120723
proceeds of Fund 7011 and Fund 7014 are to be applied. 120724

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 120725

The Director of Budget and Management may approve written 120726
requests from the Director of Development for the transfer of 120727
appropriations between appropriation items 195687, Third Frontier 120728
Research and Development Projects, and 195692, Research and 120729
Development Taxable Bond Projects, based upon awards recommended 120730
by the Third Frontier Commission. 120731

In fiscal year 2024, the Director of Development may request 120732
that the Director of Budget and Management reappropriate any 120733
unexpended, unencumbered balances of the prior fiscal year's 120734
appropriation to the foregoing appropriation items 195687, Third 120735
Frontier Research and Development Projects, and 195692, Research 120736
and Development Taxable Bond Projects, for fiscal year 2024. The 120737
Director of Budget and Management may request additional 120738
information necessary for evaluating these requests, and the 120739
Director of Development shall provide the requested information to 120740
the Director of Budget and Management. Based on the information 120741
provided by the Director of Development, the Director of Budget 120742
and Management shall determine the amounts to be reappropriated, 120743
and those amounts are hereby reappropriated for fiscal year 2024. 120744

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 120745
PROGRAM (BEAD) 120746

The foregoing appropriation item 1956E4, Broadband Equity, 120747
Access, and Deployment Program (BEAD), shall be used to build 120748
infrastructure that supports the adoption of high-speed internet. 120749

On July 1, 2023, or as soon as possible thereafter, the 120750

Director of Development shall certify to the Director of Budget 120751
and Management the unexpended, unencumbered balance of 120752
appropriation item 1956E4, Broadband Equity, Access, and 120753
Deployment Program (BEAD), at the end of fiscal year 2023 to be 120754
reappropriated in fiscal year 2024. The amount certified is hereby 120755
reappropriated to the same appropriation item for the same purpose 120756
in fiscal year 2024. 120757

On July 1, 2024, or as soon as possible thereafter, the 120758
Director of Development shall certify to the Director of Budget 120759
and Management the unexpended, unencumbered balance of 120760
appropriation item 1956E4, Broadband Equity, Access, and 120761
Deployment Program (BEAD), at the end of fiscal year 2024 to be 120762
reappropriated in fiscal year 2025. The amount certified is hereby 120763
reappropriated to the same appropriation item for the same purpose 120764
in fiscal year 2025. 120765

HEAP WEATHERIZATION 120766

Up to twenty-five per cent of the federal funds deposited to 120767
the credit of the Home Energy Assistance Block Grant Fund (Fund 120768
3K90) may be expended from appropriation item 195614, HEAP 120769
Weatherization, to provide home weatherization services in the 120770
state as determined by the Director of Development. 120771

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 120772

General Revenue Fund 120773

GRF 320411 Special Olympics \$ 100,000 \$ 100,000 120774

GRF 320412 Protective Services \$ 3,700,000 \$ 4,265,000 120775

GRF 320415 Developmental \$ 25,875,000 \$ 22,625,000 120776

Disabilities

Facilities Lease

Rental Bond Payments

GRF 322422 Multi System Youth \$ 7,000,000 \$ 7,000,000 120777

GRF	322423	Technology First	\$	6,000,000	\$	6,000,000	120778
GRF	322508	Employment First Initiative	\$	2,700,000	\$	2,700,000	120779
GRF	322509	Community Supports and Rental Assistance	\$	700,000	\$	700,000	120780
GRF	653321	Medicaid Program Support-State	\$	7,842,478	\$	7,842,478	120781
GRF	653407	Medicaid Services	\$	779,089,011	\$	859,257,529	120782
TOTAL GRF		General Revenue Fund	\$	833,006,489	\$	910,490,007	120783
		Dedicated Purpose Fund Group					120784
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	120785
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	120786
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	120787
5EV0	653627	Medicaid Program Support	\$	2,540,000	\$	2,540,000	120788
5GE0	320606	Central Office Operating Expenses	\$	20,526,874	\$	20,526,874	120789
5GE0	653606	ICF/IID and Waiver Match	\$	60,100,000	\$	60,100,000	120790
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	120791
5HC8	653698	DDD Home and Community Based Services	\$	114,711,600	\$	63,627,125	120792
5S20	653622	Medicaid Administration and Oversight	\$	31,000,000	\$	32,000,000	120793
5Z10	653624	County Board Waiver Match	\$	490,000,000	\$	508,000,000	120794
TOTAL DPF		Dedicated Purpose Fund Group	\$	728,028,474	\$	695,943,999	120795

Internal Service Activity Fund Group					120796
1520 653609 DC and Residential	\$	31,000,000	\$	31,000,000	120797
Facilities Operating					
Services					
TOTAL ISA Internal Service Activity	\$	31,000,000	\$	31,000,000	120798
Fund Group					
Federal Fund Group					120799
3250 322612 Community Social	\$	17,971,092	\$	14,671,092	120800
Service Programs					
3A40 653654 Medicaid Services	\$	2,544,616,177	\$	2,730,420,579	120801
3A40 653655 Medicaid Support	\$	80,000,000	\$	80,000,000	120802
3A50 320613 Developmental	\$	3,254,000	\$	3,254,000	120803
Disabilities Council					
3HC8 653699 DDD Home and	\$	112,413,400	\$	110,997,875	120804
Community Based					
Services - Federal					
TOTAL FED Federal Fund Group	\$	2,758,254,669	\$	2,939,343,546	120805
TOTAL ALL BUDGET FUND GROUPS	\$	4,350,289,632	\$	4,576,777,552	120806

Section 261.20. SPECIAL OLYMPICS 120808

The foregoing appropriation item 320411, Special Olympics, 120809
shall be distributed by the Ohio Department of Developmental 120810
Disabilities to the Special Olympics of Ohio in support of the 120811
Ohio Special Olympics Summer Games. 120812

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 120813

LEASE-RENTAL BOND PAYMENTS 120814

The foregoing appropriation item 320415, Developmental 120815
Disabilities Facilities Lease Rental Bond Payments, shall be used 120816
to meet all payments during the period from July 1, 2023, through 120817
June 30, 2025, by the Department of Developmental Disabilities 120818
pursuant to leases and agreements made under section 154.20 of the 120819

Revised Code. These appropriations are the source of funds pledged 120820
for bond service charges on related obligations issued under 120821
Chapter 154. of the Revised Code. 120822

Section 261.40. MULTI-SYSTEM YOUTH 120823

Of the foregoing appropriation item 322422, Multi-System 120824
Youth, a portion may be used to provide a subsidy to eligible 120825
county boards of developmental disabilities for the provision of 120826
respite services and other services and supports for youth with 120827
complex or multi-system needs to enable them to remain in their 120828
homes with their families or in their communities. The Director of 120829
Developmental Disabilities shall establish the total amount 120830
available for the subsidy, a formula for distributing the subsidy 120831
to eligible county boards, and the eligibility requirements county 120832
boards must satisfy to receive the subsidy. Of the foregoing 120833
appropriation item, 322422, Multi-System Youth, the Director of 120834
Developmental Disabilities shall transfer up to \$1,000,000 in each 120835
fiscal year to the Ohio Department of Mental Health and Addiction 120836
Services to assist in the support of the Child and Adolescent 120837
Behavioral Health Center of Excellence at Case Western Reserve 120838
University. 120839

Section 261.45. TECHNOLOGY FIRST INITIATIVE 120840

Of the foregoing appropriation item 322423, Technology First 120841
Initiative, a portion may be used to increase access and 120842
utilization of innovative technology for people with developmental 120843
disabilities in accordance with the Technology First Policy 120844
established in section 5123.025 of the Revised Code. 120845

Section 261.50. EMPLOYMENT FIRST INITIATIVE 120846

The foregoing appropriation item 322508, Employment First 120847
Initiative, shall be used to increase employment opportunities for 120848

individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to people with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and people with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

Section 261.70. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in *Sermak v. Manuel*, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in *Martin v. Strickland*, Case No. 89-CV-00362, United States District Court for the Southern

District of Ohio, Eastern Division;	120910
(4) ICF/IID services; and	120911
(5) Other programs as identified by the Director of	120912
Developmental Disabilities.	120913
Section 261.80. CENTRAL OFFICE OPERATING EXPENSES	120914
Of the foregoing appropriation item 320606, Central Office	120915
Operating Expenses, \$100,000 in each fiscal year shall be provided	120916
to the Ohio Center for Autism and Low Incidence to establish a	120917
lifespan autism hub to support families and professionals.	120918
Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES	120919
As used in this section, "home and community-based services"	120920
has the same meaning as in section 5123.01 of the Revised Code.	120921
The Director of Developmental Disabilities shall establish a	120922
methodology to be used in fiscal year 2024 and fiscal year 2025 to	120923
estimate the quarterly amount each county board of developmental	120924
disabilities is to pay of the nonfederal share of home and	120925
community-based services that section 5126.0510 of the Revised	120926
Code requires county boards to pay. Each quarter, the Director	120927
shall submit to a county board written notice of the amount the	120928
county board is to pay for that quarter. The notice shall specify	120929
when the payment is due.	120930
Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT	120931
If a county board of developmental disabilities does not	120932
fully pay any amount owed to the Department of Developmental	120933
Disabilities by the due date established by the Department, the	120934
Director of Developmental Disabilities may withhold the amount the	120935
county board did not pay from any amounts due to the county board.	120936
The Director may use any appropriation item or fund used by the	120937

Department to transfer cash to any other fund used by the 120938
Department in an amount equal to the amount owed the Department 120939
that the county board did not pay. Transfers under this section 120940
shall be made using an intrastate transfer voucher. 120941

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 120942

(A) In fiscal year 2024 and fiscal year 2025, the Director of 120943
Developmental Disabilities may authorize the continuation or 120944
implementation of one or more innovative pilot projects that, in 120945
the judgment of the Director, are likely to assist in promoting 120946
the objectives of Chapter 5123. or 5126. of the Revised Code. 120947
Subject to division (B) of this section and notwithstanding any 120948
provision of Chapters 5123. and 5126. of the Revised Code and any 120949
rule adopted under either chapter, a pilot project authorized by 120950
the Director may be continued or implemented in a manner 120951
inconsistent with one or more provisions of either chapter or one 120952
or more rules adopted under either chapter. Before authorizing a 120953
pilot program, the Director shall consult with entities interested 120954
in the issue of developmental disabilities, including the Ohio 120955
Provider Resource Association, Ohio Association of County Boards 120956
of Developmental Disabilities, Ohio Health Care Association/Ohio 120957
Centers for Intellectual Disabilities, the Values and Faith 120958
Alliance, and ARC of Ohio. 120959

(B) The Director may not authorize a pilot project to be 120960
implemented in a manner that would cause the state to be out of 120961
compliance with any requirements for a program funded in whole or 120962
in part with federal funds. 120963

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES 120964

(A) As used in this section, "ICF/IID," "ICF/IID services," 120965
and "Medicaid-certified capacity" have the same meanings as in 120966
section 5124.01 of the Revised Code. 120967

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services.

(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.

(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.

(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county

boards from appropriation item 653407, Medicaid Services. 120998

Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 120999
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 121000

(A) As used in this section: 121001

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 121002
that converted some or all of its beds to providing home and 121003
community-based services under the IO Waiver pursuant to section 121004
5124.60 of the Revised Code. 121005

(2) "Developmental center" and "ICF/IID" have the same 121006
meanings as in section 5124.01 of the Revised Code. 121007

(3) "IO Waiver" means the Medicaid waiver component, as 121008
defined in section 5166.01 of the Revised Code, known as 121009
Individual Options. 121010

(4) "Medicaid provider" has the same meaning as in section 121011
5164.01 of the Revised Code. 121012

(5) "Public hospital" has the same meaning as in section 121013
5122.01 of the Revised Code. 121014

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 121015
whom all of the following apply: 121016

(a) The enrollee resided in a developmental center, converted 121017
facility, or public hospital immediately before enrolling in the 121018
IO Wavier. 121019

(b) The enrollee did not receive before July 1, 2011, routine 121020
homemaker/personal care services from the Medicaid provider that 121021
is to be paid the Medicaid rate authorized by this section for 121022
providing such services to the enrollee during the period 121023
specified in division (C) of this section. 121024

(c) The Director of Developmental Disabilities has determined 121025
that the enrollee's special circumstances (including the 121026

enrollee's diagnosis, service needs, or length of stay at the 121027
developmental center, converted facility, or public hospital) 121028
warrants paying the Medicaid rate authorized by this section. 121029

(B) The total Medicaid payment rate for each fifteen minutes 121030
of routine homemaker/personal care services that a Medicaid 121031
provider provides to a qualifying IO enrollee during the period 121032
specified in division (C) of this section shall be fifty-two cents 121033
higher than the Medicaid payment rate in effect on the day the 121034
services are provided for each fifteen minutes of routine 121035
homemaker/personal care services that a Medicaid provider provides 121036
to an IO enrollee who is not a qualifying IO enrollee. 121037

(C) Division (B) of this section applies to the first twelve 121038
months, consecutive or otherwise, that a Medicaid provider, during 121039
the period beginning July 1, 2023, and ending July 1, 2025, 121040
provides routine homemaker/personal care services to a qualifying 121041
IO enrollee. 121042

(D) Of the foregoing appropriation items 653407, Medicaid 121043
Services, and 653654, Medicaid Services, portions shall be used to 121044
pay the Medicaid payment rate determined in accordance with this 121045
section for routine homemaker/personal care services provided to 121046
qualifying IO enrollees. 121047

Section 261.150. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 121048
OF MEDICAID SERVICES 121049

As a result of the COVID-19 pandemic and extraordinary 121050
inflationary pressures within the economy, Ohio Medicaid direct 121051
care providers have been adversely impacted. The Department of 121052
Developmental Disabilities, in collaboration with the Department 121053
of Medicaid and the Department of Aging, have included funding in 121054
the budget to be used for provider rate increases. Provider rate 121055
increases shall be used to ensure workforce stability and greater 121056
access to care for Medicaid recipients through increased wages and 121057

needed workforce supports. 121058

Section 261.160. (A) In fiscal years 2024 and 2025, a portion 121059
of funds from appropriation item 653624, County Board Waiver 121060
Match, and appropriation item 653654, Medicaid Services, may be 121061
used to implement the Direct Support Professional Quarterly 121062
Retention Payments Program. The program shall commence July 1, 121063
2023, and shall conclude June 30, 2025. The Director of 121064
Developmental Disabilities shall administer the program by doing 121065
all of the following: 121066

(1) Establishing criteria for eligible home and 121067
community-based waiver providers to participate in the program; 121068

(2) Implementing an opt-in system by which providers can 121069
elect to participate in the program; 121070

(3) Developing provider requirements as prerequisites for 121071
program payments; 121072

(4) Establishing quarterly provider payments based on 121073
percentage of the provider's reimbursed claims during the 121074
preceding quarter; 121075

(5) Collecting program data. 121076

(B) The Director of Developmental Disabilities shall adopt 121077
rules in accordance with Chapter 119. of the Revised Code to 121078
implement the program. The Director shall consult with county 121079
boards of developmental disabilities, the Ohio Association of 121080
County Boards of Developmental Disabilities, and provider 121081
organizations to review the effectiveness of the program and make 121082
recommendations on continuing the program. 121083

Section 265.10. EDU DEPARTMENT OF EDUCATION 121084

General Revenue Fund 121085

GRF 200321 Operating Expenses \$ 16,022,695 \$ 16,411,898 121086

GRF 200420	Information Technology Development and Support	\$ 4,109,238	\$ 4,228,254	121087
GRF 200422	School Management Assistance	\$ 2,897,039	\$ 2,598,152	121088
GRF 200424	Policy Analysis	\$ 603,972	\$ 613,625	121089
GRF 200426	Ohio Educational Computer Network	\$ 23,480,788	\$ 20,273,329	121090
GRF 200427	Academic Standards	\$ 4,460,770	\$ 4,598,628	121091
GRF 200437	Student Assessment	\$ 49,144,127	\$ 52,051,429	121092
GRF 200439	Accountability/Report Cards	\$ 6,730,839	\$ 7,266,747	121093
GRF 200446	Education Management Information System	\$ 9,268,675	\$ 9,437,049	121094
GRF 200448	Educator Preparation	\$ 13,348,329	\$ 13,359,620	121095
GRF 200455	Community Schools and Choice Programs	\$ 4,163,267	\$ 4,232,072	121096
GRF 200465	Education Technology Resources	\$ 5,045,383	\$ 5,083,563	121097
GRF 200478	Industry-Recognized Credentials High School Students	\$ 26,000,000	\$ 26,000,000	121098
GRF 200488	School Based Health Centers	\$ 7,500,000	\$ 7,500,000	121099
GRF 200489	School Resource Officers	\$ 194,051,685	\$ 194,051,685	121100
GRF 200502	Pupil Transportation	\$ 740,088,593	\$ 794,646,050	121101
GRF 200505	School Lunch Match	\$ 8,963,500	\$ 8,963,500	121102
GRF 200506	Learning Acceleration	\$ 0	\$ 15,000,000	121103
GRF 200507	Career-Technical Education Equipment	\$ 50,000,000	\$ 50,000,000	121104
GRF 200511	Auxiliary Services	\$ 162,927,159	\$ 166,853,704	121105
GRF 200532	Nonpublic	\$ 73,606,531	\$ 75,380,448	121106

		Administrative Cost				
		Reimbursement				
GRF 200540	Special Education	\$ 178,850,000	\$ 179,850,000	121107		
	Enhancements					
GRF 200545	Career-Technical	\$ 26,250,892	\$ 30,325,892	121108		
	Education Enhancements					
GRF 200550	Foundation Funding -	\$ 7,250,550,401	\$ 7,414,797,685	121109		
	All Students					
GRF 200566	Literacy Improvement	\$ 115,823,591	\$ 58,323,591	121110		
GRF 200572	Adult Education	\$ 9,796,802	\$ 9,822,473	121111		
	Programs					
GRF 200574	Half-Mill Maintenance	\$ 13,658,554	\$ 10,358,052	121112		
	Equalization					
GRF 657401	Medicaid in Schools	\$ 324,529	\$ 326,459	121113		
TOTAL GRF	General Revenue Fund	\$ 8,997,667,359	\$ 9,182,353,905	121114		
	Dedicated Purpose Fund Group			121115		
4520 200638	Charges and	\$ 1,500,000	\$ 1,500,000	121116		
	Reimbursements					
4L20 200681	Teacher Certification	\$ 14,386,000	\$ 14,700,000	121117		
	and Licensure					
5980 200659	Auxiliary Services	\$ 650,000	\$ 650,000	121118		
	Reimbursement					
5H30 200687	School District	\$ 2,000,000	\$ 2,000,000	121119		
	Solvency Assistance					
5KX0 200691	Ohio School	\$ 1,250,000	\$ 1,250,000	121120		
	Sponsorship Program					
5MM0 200677	Child Nutrition	\$ 550,000	\$ 550,000	121121		
	Refunds					
5U20 200685	National Education	\$ 180,000	\$ 185,000	121122		
	Statistics					
5VS0 200604	Foundation Funding -	\$ 600,000,000	\$ 600,000,000	121123		
	All Students					
5Y00 200490	Interscholastic	\$ 15,000,000	\$ 15,000,000	121124		

		Athletics and Extracurricular Activities					
5Y00	200491	Public and Nonpublic Education Support	\$	15,000,000	\$	15,000,000	121125
6200	200615	Educational Improvement Grants	\$	600,000	\$	600,000	121126
TOTAL DPF		Dedicated Purpose Fund Group	\$	651,116,000	\$	651,435,000	121127
		Internal Service Activity Fund Group					121128
1380	200606	Information Technology Development and Support	\$	12,940,577	\$	13,911,120	121129
4R70	200695	Indirect Operational Support	\$	8,501,941	\$	8,927,038	121130
4V70	200633	Interagency Program Support	\$	5,000,000	\$	5,000,000	121131
TOTAL ISA		Internal Service Activity Fund Group	\$	26,442,518	\$	27,838,158	121132
		State Lottery Fund Group					121133
7017	200611	Education Studies	\$	800,000	\$	800,000	121134
7017	200612	Foundation Funding - All Students	\$	1,263,645,000	\$	1,273,145,000	121135
7017	200631	Quality Community Schools Support	\$	125,000,000	\$	125,000,000	121136
7017	200684	Community School Facilities	\$	87,055,000	\$	88,555,000	121137
TOTAL SLF		State Lottery Fund Group	\$	1,476,500,000	\$	1,487,500,000	121138
		Federal Fund Group					121139
3670	200607	School Food Services	\$	12,989,661	\$	13,379,350	121140
3700	200624	Education of	\$	1,750,000	\$	1,750,000	121141

		Exceptional Children					
3AF0	657601	Schools Medicaid	\$	250,000	\$	250,000	121142
		Administrative Claims					
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000	121143
3EJ0	200622	Homeless Children	\$	3,600,000	\$	3,600,000	121144
		Education					
3GE0	200674	Summer Food Service	\$	30,000,000	\$	30,000,000	121145
		Program					
3GG0	200676	Fresh Fruit and	\$	5,145,074	\$	5,145,074	121146
		Vegetable Program					
3HF0	200649	Federal Education	\$	6,831,327	\$	6,831,327	121147
		Grants					
3HI0	200634	Student Support and	\$	45,000,000	\$	48,000,000	121148
		Academic Enrichment					
3HL0	200678	Comprehensive	\$	14,630,000	\$	14,630,000	121149
		Literacy State					
		Development Program					
3HS0	200640	Federal Coronavirus	\$	1,800,000,000	\$	0	121150
		School Relief					
3L60	200617	Federal School Lunch	\$	443,762,110	\$	457,074,973	121151
3L70	200618	Federal School	\$	168,250,583	\$	173,298,101	121152
		Breakfast					
3L80	200619	Child/Adult Food	\$	114,461,866	\$	115,606,485	121153
		Programs					
3L90	200621	Career-Technical	\$	52,500,000	\$	54,500,000	121154
		Education Basic Grant					
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	121155
3M20	200680	Individuals with	\$	510,000,000	\$	520,000,000	121156
		Disabilities					
		Education Act					
3T40	200613	Public Charter	\$	2,300,000	\$	0	121157
		Schools					
3Y20	200688	21st Century	\$	45,000,000	\$	47,000,000	121158

		Community Learning Centers				
3Y60	200635	Improving Teacher Quality	\$	77,000,000	\$	77,000,000 121159
3Y70	200689	English Language Acquisition	\$	11,500,000	\$	12,000,000 121160
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000 121161
3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000 121162
3Z30	200645	Consolidated Federal Grant Administration	\$	15,900,000	\$	15,900,000 121163
TOTAL FED	Federal Fund Group		\$	3,978,670,621	\$	2,213,765,310 121164
TOTAL ALL BUDGET FUND GROUPS			\$	15,130,396,498	\$	13,562,892,373 121165

Section 265.20. OPERATING EXPENSES 121167

A portion of the foregoing appropriation item 200321, 121168
 Operating Expenses, shall be used by the Department of Education 121169
 to provide matching funds related to career-technical education 121170
 under 20 U.S.C. 2321. 121171

Section 265.40. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT 121172
 SUPPORT 121173

The foregoing appropriation item 200420, Information 121174
 Technology Development and Support, shall be used to support the 121175
 development and implementation of information technology solutions 121176
 designed to improve the performance and services of the Department 121177
 of Education. Funds may be used for personnel, maintenance, and 121178
 equipment costs related to the development and implementation of 121179
 these technical system projects. Implementation of these systems 121180
 shall allow the Department to provide greater levels of assistance 121181
 to school districts and to provide more timely information to the 121182
 public, including school districts, administrators, and 121183
 legislators. Funds may also be used to support data-driven 121184

decision-making and differentiated instruction, as well as to 121185
communicate academic content standards and curriculum models to 121186
schools through web-based applications. 121187

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 121188

The foregoing appropriation item 200422, School Management 121189
Assistance, shall be used by the Department of Education to 121190
provide fiscal technical assistance and inservice education for 121191
school district management personnel and to administer, monitor, 121192
and implement the fiscal caution, fiscal watch, and fiscal 121193
emergency provisions under Chapter 3316. of the Revised Code. 121194

Section 265.60. POLICY ANALYSIS 121195

The foregoing appropriation item 200424, Policy Analysis, 121196
shall be used by the Department of Education to support a system 121197
of administrative and statistical education information to be used 121198
for policy analysis. Staff supported by this appropriation shall 121199
administer the development of reports, analyses, and briefings 121200
regarding current trends in education practice, efficient and 121201
effective use of resources, and evaluation of programs to improve 121202
education results. A portion of these funds shall be used to 121203
maintain a longitudinal database to support the assessment of the 121204
impact of policies and programs on Ohio's education and workforce 121205
development systems. The research efforts supported by this 121206
appropriation item shall be used to supply information and 121207
analysis of data to and in consultation with the General Assembly 121208
and other state policymakers, including the Office of Budget and 121209
Management and the Legislative Service Commission. 121210

A portion of the foregoing appropriation item, 200424, Policy 121211
Analysis, may be used by the Department to support the development 121212
and implementation of an evidence-based clearinghouse to support 121213
school improvement strategies as part of the Every Student 121214

Succeeds Act. 121215

The Department may use funding from this appropriation item 121216
to purchase or contract for the development of software systems or 121217
contract for policy studies that will assist in the provision and 121218
analysis of policy-related information. Funding from this 121219
appropriation item also may be used to monitor and enhance quality 121220
assurance for research-based policy analysis and program 121221
evaluation to enhance the effective use of education information 121222
to inform education policymakers. 121223

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 121224

The foregoing appropriation item 200426, Ohio Educational 121225
Computer Network, shall be used by the Department of Education to 121226
maintain a system of information technology throughout Ohio and to 121227
provide technical assistance for such a system. 121228

Of the foregoing appropriation item 200426, Ohio Educational 121229
Computer Network, up to \$9,686,658 in fiscal year 2024 and up to 121230
\$11,926,658 in fiscal year 2025 shall be used by the Department to 121231
support connection of all public school buildings and 121232
participating chartered nonpublic schools to the state's education 121233
network, to each other, and to the Internet. In each fiscal year, 121234
the Department shall use these funds to assist information 121235
technology centers or school districts with the operational costs 121236
associated with this connectivity. The Department shall develop a 121237
formula and guidelines for the distribution of these funds to 121238
information technology centers or individual school districts. As 121239
used in this section, "public school building" means a school 121240
building of any city, local, exempted village, or joint vocational 121241
school district, any community school established under Chapter 121242
3314. of the Revised Code, any college preparatory boarding school 121243
established under Chapter 3328. of the Revised Code, any STEM 121244
school established under Chapter 3326. of the Revised Code, any 121245

educational service center building used for instructional 121246
purposes, the Ohio School for the Deaf and the Ohio State School 121247
for the Blind, high schools chartered by the Ohio Department of 121248
Youth Services, or high schools operated by Ohio Department of 121249
Rehabilitation and Corrections' Ohio Central School System. 121250

Of the foregoing appropriation item 200426, Ohio Educational 121251
Computer Network, up to \$7,416,695 in fiscal year 2024 and up to 121252
\$7,769,236 in fiscal year 2025 shall be used, through a formula 121253
and guidelines devised by the Department, to support the 121254
activities of designated information technology centers, as 121255
defined by State Board of Education rules, to provide school 121256
districts and chartered nonpublic schools with computer-based 121257
student and teacher instructional and administrative information 121258
services, including approved computerized financial accounting, to 121259
ensure the effective operation of local automated administrative 121260
and instructional systems, and to monitor and support the quality 121261
of data submitted to the Department. 121262

Of the foregoing appropriation item 200426, Ohio Educational 121263
Computer Network, up to \$5,800,000 in fiscal year 2024 shall be 121264
used for middle mile connections for the information technology 121265
centers established under section 3301.075 of the Revised Code and 121266
select large urban districts to connect to the state broadband 121267
backbone managed by the Ohio Technology Consortium and for other 121268
connectivity upgrades necessary for K-12 school buildings with 121269
severely restricted broadband connections. "Select large urban 121270
districts" are those districts that connect to the state broadband 121271
backbone directly rather than through an information technology 121272
center. Upon request of the Superintendent of Public Instruction 121273
and approval by the Director of Budget and Management, an amount 121274
equal to the unexpended, unencumbered balance of the amount 121275
allocated in this paragraph at the end of fiscal year 2024 is 121276
hereby reappropriated to the Department for the same purpose in 121277

fiscal year 2025. 121278

The remainder of appropriation item 200426, Ohio Educational 121279
Computer Network, shall be used to support the work of the 121280
development, maintenance, and operation of a network of uniform 121281
and compatible computer-based information systems as well as the 121282
teacher student linkage/roster verification process and systems to 121283
support electronic sharing of student records and transcripts 121284
between entities. This technical assistance shall include, but not 121285
be restricted to, development and maintenance of adequate computer 121286
software systems to support network activities. In order to 121287
improve the efficiency of network activities, the Department and 121288
information technology centers may jointly purchase equipment, 121289
materials, and services from funds provided under this 121290
appropriation for use by the network and, when considered 121291
practical by the Department, may utilize the services of 121292
appropriate state purchasing agencies. 121293

Section 265.80. ACADEMIC STANDARDS 121294

The foregoing appropriation item 200427, Academic Standards, 121295
shall be used by the Department of Education to develop and 121296
communicate to school districts academic content standards and 121297
curriculum models and to develop professional development programs 121298
and other tools on the new content standards and model curricula. 121299

Section 265.90. STUDENT ASSESSMENT 121300

Of the foregoing appropriation item 200437, Student 121301
Assessment, up to \$1,200,000 in fiscal year 2025 shall be used to 121302
develop, field test, print, distribute, score, report results, and 121303
support other associated costs for the tests required under 121304
section 3323.251 of the Revised Code. 121305

The remainder of appropriation item 200437, Student 121306
Assessment, shall be used to develop, field test, print, 121307

distribute, score, report results, and support other associated 121308
costs for the tests required under sections 3301.0710, 3301.0711, 121309
and 3301.0712 of the Revised Code and for similar purposes as 121310
required by section 3301.27 of the Revised Code. The funds may 121311
also be used to update and develop diagnostic assessments 121312
administered under sections 3301.079, 3301.0715, and 3313.608 of 121313
the Revised Code and to support readiness assessments for students 121314
in grades three and higher that assist districts and schools with 121315
identifying and benchmarking student progress. 121316

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 121317
ASSESSMENT 121318

In fiscal year 2024 and fiscal year 2025, if the 121319
Superintendent of Public Instruction determines that additional 121320
funds are needed to fully fund the requirements of sections 121321
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 121322
and this act for assessments of student performance, the 121323
Superintendent may recommend to the Director of Budget and 121324
Management the reallocation of unexpended and unencumbered General 121325
Revenue Fund appropriations within the Department of Education to 121326
appropriation item 200437, Student Assessment. If the Director 121327
determines that such a reallocation is required, the Director may 121328
transfer unexpended and unencumbered appropriations within the 121329
Department of Education as necessary to appropriation item 200437, 121330
Student Assessment. 121331

Section 265.100. ACCOUNTABILITY/REPORT CARDS 121332

Of the foregoing appropriation item 200439, 121333
Accountability/Report Cards, a portion in each fiscal year shall 121334
be used to train district and regional specialists and district 121335
educators in the use of the value-added progress dimension and in 121336
the use of data as it relates to improving student achievement. 121337
This training may include teacher and administrator professional 121338

development in the use of data to improve instruction and student 121339
learning, and teacher and administrator training in understanding 121340
teacher value-added reports and how they can be used as a 121341
component in measuring teacher and administrator effectiveness. A 121342
portion of this funding shall be provided to educational service 121343
centers to support training and professional development under 121344
this section consistent with section 3312.01 of the Revised Code. 121345

The remainder of appropriation item 200439, 121346
Accountability/Report Cards, shall be used by the Department of 121347
Education to incorporate a statewide value-added progress 121348
dimension into performance ratings for school districts and for 121349
the development of an accountability system that includes the 121350
preparation and distribution of school report cards, funding and 121351
expenditure accountability reports under sections 3302.03 and 121352
3302.031 of the Revised Code, the development and maintenance of 121353
teacher value-added reports, the teacher student linkage/roster 121354
verification process, and the performance management section of 121355
the Department's web site required by section 3302.26 of the 121356
Revised Code. 121357

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 121358

The foregoing appropriation item 200446, Education Management 121359
Information System, shall be used by the Department of Education 121360
to improve the Education Management Information System (EMIS). 121361

Of the foregoing appropriation item 200446, Education 121362
Management Information System, up to \$405,000 in each fiscal year 121363
shall be used to support grants to information technology centers 121364
to provide professional development opportunities to district and 121365
school personnel related to the EMIS, with a focus placed on data 121366
submission and data quality. 121367

Of the foregoing appropriation item 200446, Education 121368
Management Information System, up to \$950,000 in each fiscal year 121369

shall be distributed to designated information technology centers 121370
for costs relating to processing, storing, and transferring data 121371
for the effective operation of the EMIS. These costs may include, 121372
but are not limited to, personnel, hardware, software development, 121373
communications connectivity, professional development, and support 121374
services. 121375

The remainder of appropriation item 200446, Education 121376
Management Information System, shall be used to develop and 121377
support the data definitions and standards outlined in the EMIS 121378
guidelines adopted under section 3301.0714 of the Revised Code, to 121379
implement recommendations of the EMIS Advisory Council and the 121380
Superintendent of Public Instruction, to enhance data quality 121381
assurance practices, and to support responsibilities related to 121382
the school report cards prescribed by section 3302.03 of the 121383
Revised Code and value-added progress dimension calculations. 121384

Section 265.120. EDUCATOR PREPARATION 121385

(A) Of the foregoing appropriation item 200448, Educator 121386
Preparation, up to \$7,500,000 in each fiscal year shall be used by 121387
the Department of Education, in consultation with the Department 121388
of Higher Education, to provide awards to support graduate 121389
coursework for high school teachers to receive credentialing to 121390
teach College Credit Plus courses in a high school setting. 121391

The Department of Education, in consultation with the 121392
Department of Higher Education, shall develop an application 121393
process and criteria for awards. Priority shall be given to 121394
education consortia that include high schools identified as 121395
economically disadvantaged in which there are no or limited 121396
numbers of teachers currently credentialed to teach College Credit 121397
Plus courses, as determined by the Department of Education, and a 121398
public or private college or university in Ohio. Awards made by 121399
the Department of Education may support graduate coursework for 121400

high school teachers at a public or private college or university 121401
in Ohio leading to credentialing to teach college courses. 121402

Upon the request of the Superintendent of Public Instruction 121403
and the approval of the Director of Budget and Management, an 121404
amount equal to the unexpended, unencumbered balance of the amount 121405
allocated in this division at the end of fiscal year 2024 is 121406
hereby reappropriated for the same purpose in fiscal year 2025. 121407

(B)(1) Of the foregoing appropriation item 200448, Educator 121408
Preparation, up to \$3,225,000 in each fiscal year shall be used, 121409
in consultation with the Department of Veterans Services, to 121410
support the Ohio Military Veteran Educators Program, which shall 121411
do all of the following: 121412

(a) Administer a grant program for institutions of higher 121413
education to provide financial incentives and assistance for 121414
eligible military individuals, as defined in section 3319.285 of 121415
the Revised Code, to enroll in and complete an educator 121416
preparation program approved under section 3333.048 of the Revised 121417
Code; 121418

(b) Subsidize the costs for eligible military individuals 121419
associated with completing college coursework or professional 121420
development in pedagogy for the purpose of obtaining an 121421
alternative military educator license pursuant to section 3319.285 121422
of the Revised Code; 121423

(c) Provide funds to public schools to support activities to 121424
recruit eligible military individuals to work in public schools 121425
and support bonuses to public schools that hire eligible military 121426
individuals; 121427

(d) Reimburse public schools that pay financial bonuses to 121428
eligible military individuals who complete at least one year of 121429
employment with the school; 121430

(e) In consultation with the Department of Veterans Services, 121431

establish and support the Governor's Ohio Military Veteran Educators Fellowship Pilot Program to recruit and train eligible military individuals to become licensed to teach in low-performing public schools. 121432
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(2) An amount equal to the unexpended, unencumbered balance of the amount allocated in division (B)(1) of this section at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025. 121436
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(C) Of the foregoing appropriation item 200448, Educator Preparation, up to \$350,372 in fiscal year 2024 and up to \$358,663 in fiscal year 2025 may be used by the Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act. 121440
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(D) Of the foregoing appropriation item 200448, Educator Preparation, up to \$72,957 in fiscal year 2024 and up to \$75,957 in fiscal year 2025 may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the Revised Code. 121445
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(E) Of the foregoing appropriation item 200448, Educator Preparation, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members, to train and develop first-year and second-year teachers in the Teach for America program in Ohio, and to support the ongoing development and impact of Teach for America alumni working in Ohio. 121451
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(F) Of the foregoing appropriation item 200448, Educator Preparation, \$200,000 in each fiscal year shall be used to support selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties. 121458
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(G) Notwithstanding any provision of law to the contrary, 121462

awards under this section may be used by recipients for 121463
award-related expenses incurred for the following periods of time 121464
according to guidelines established by the Department of 121465
Education: 121466

(1) For awards under division (A) of this section, a period 121467
not to exceed four years from the date of the award; 121468

(2) For awards under divisions (B), (E), and (F) of this 121469
section, a period not to exceed two years from the date of the 121470
award. 121471

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 121472

The foregoing appropriation item 200455, Community Schools 121473
and Choice Programs, may be used by the Department of Education 121474
for the oversight and support of community schools established 121475
under Chapter 3314. of the Revised Code, community school 121476
sponsors, and nonpublic schools; and the administration of school 121477
choice programs. The funds may be used to support the sponsor 121478
evaluation system in accordance with section 3314.016 of the 121479
Revised Code. 121480

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 121481

Of the foregoing appropriation item 200465, Education 121482
Technology Resources, up to \$2,500,000 in each fiscal year shall 121483
be used for the Union Catalog and InfoOhio Network and to support 121484
the provision of electronic resources with priority given to 121485
resources that support the teaching of state academic content 121486
standards in all public schools and resources in support of Ohio's 121487
Plan to Raise Literacy Achievement. The Department of Education 121488
shall consider coordinating the allocation of these moneys with 121489
the efforts of Libraries Connect Ohio, whose members include 121490
OhioLINK, the Ohio Public Information Network, and the State 121491
Library of Ohio. 121492

Of the foregoing appropriation item 200465, Education 121493
Technology Resources, up to \$1,778,879 in each fiscal year shall 121494
be used by the Department to provide grants to educational 121495
television stations working with partner education technology 121496
centers to provide Ohio public schools with instructional 121497
resources and services, with priority given to resources and 121498
services aligned with state academic content standards. Such 121499
resources and services shall be based upon the advice and approval 121500
of the Department, with an emphasis in both literacy and 121501
mathematics, based on a formula developed in consultation with 121502
Ohio's educational television stations and educational technology 121503
centers. 121504

The remainder of the foregoing appropriation item 200465, 121505
Education Technology Resources, may be used to support training, 121506
technical support, guidance, and assistance with compliance 121507
reporting to school districts and public libraries applying for 121508
federal E-Rate funds; for oversight and guidance of school 121509
district technology plans; for support to district technology 121510
personnel; and for support of the development, maintenance, and 121511
operation of a network of uniform and compatible computer-based 121512
information and instructional systems. 121513

**Section 265.150. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 121514
STUDENTS 121515**

Of the foregoing appropriation item 200478, 121516
Industry-Recognized Credentials High School Students, up to 121517
\$5,500,000 in each fiscal year may be used by the Department of 121518
Education to support payments to city, local, and exempted village 121519
school districts, community schools, STEM schools, and joint 121520
vocational school districts whose students earn an 121521
industry-recognized credential or receive a journeyman 121522
certification recognized by the United States Department of Labor 121523

in the school year preceding the fiscal year in which the funds 121524
are appropriated. The educating entity shall be required to inform 121525
students enrolled in career-technical education courses that lead 121526
to an industry-recognized credential about the opportunity to earn 121527
these credentials. The Department of Education shall work with the 121528
Department of Higher Education and the Governor's Office of 121529
Workforce Transformation to develop a schedule for reimbursement 121530
based on the testing fees for credentials included on the 121531
Department of Education's list of industry-recognized credentials. 121532
The educating entity shall pay for the cost of the credential and 121533
may claim and receive reimbursement for these testing fees. The 121534
educating entity may claim reimbursement for testing fees incurred 121535
on behalf of a student that earns a credential up to six months 121536
after the student has graduated from high school. If the amount 121537
appropriated is not sufficient, the Department shall prorate the 121538
amounts so that the aggregate amount appropriated is not exceeded. 121539

Of the foregoing appropriation item 200478, 121540
Industry-Recognized Credentials High School Students, up to 121541
\$10,000,000 in each fiscal year may be used by the Department of 121542
Education and the Governor's Office of Workforce Transformation to 121543
establish and operate the Work-based Learning Incentive Program. 121544
The program shall promote sustained interactions with industry or 121545
community professionals in workplace settings that foster 121546
in-depth, firsthand engagement with the tasks required in a given 121547
career field, in alignment with education programs. The Department 121548
shall pay each city, local, and exempted village school district, 121549
community school, STEM school, and joint vocational school 121550
district an amount equal to \$1,000 for each student participating 121551
in at least 250 hours of work-based learning, in accordance with 121552
guidelines and requirements established by the Department. If the 121553
amount appropriated is not sufficient, the Department shall 121554
prorate the amounts so that the aggregate amount appropriated is 121555
not exceeded. 121556

The remainder of the foregoing appropriation item 200478, 121557
Industry-Recognized Credentials High School Students, may be used 121558
by the Department of Education and the Governor's Office of 121559
Workforce Transformation to establish and operate the Innovative 121560
Workforce Incentive Program. In establishing the program, the 121561
Office of Workforce Transformation shall maintain a list of 121562
credentials that qualify for the program. The Department of 121563
Education shall pay each city, local, and exempted village school 121564
district, community school, STEM school, and joint vocational 121565
school district an amount equal to \$1,250 for each qualifying 121566
credential a student attending the district or school earned in 121567
the school year preceding the fiscal year in which the funds are 121568
appropriated. If the amount appropriated is not sufficient, the 121569
Department shall prorate the amounts so that the aggregate amount 121570
appropriated is not exceeded. 121571

Section 265.160. SCHOOL-BASED HEALTH CENTERS 121572

The foregoing appropriation item 200488, School Based Health 121573
Centers, shall be used by the Department of Education, in 121574
consultation with the Department of Health, to support 121575
school-based health centers in high-need counties, as determined 121576
by the departments. 121577

Section 265.170. SCHOOL RESOURCE OFFICERS 121578

(A) The foregoing appropriation item 200489, School Resource 121579
Officers, shall be distributed by the Department of Education, in 121580
consultation with the School Safety Center within the Department 121581
of Public Safety, to city, local, exempted village, and joint 121582
vocational school districts, community schools that are not 121583
internet- or computer-based community schools, STEM schools, and 121584
chartered nonpublic schools to support the cost of school resource 121585
officers. 121586

(B) The Department of Education shall do all of the following with respect to the funds provided under this section: 121587
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(1) Calculate an allocation for school resource officers on a per-school building basis; 121589
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(2) Make an application available for districts and schools to apply to receive the funds and establish a deadline for a district or school to submit an application in order to receive funding; 121591
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(3)(a) Disburse the funds to districts and schools upon approval of the application; 121595
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(b) If funding remains available after the application deadline established pursuant to division (B)(2) of this section, distribute the remaining funds to districts and schools with approved awards in a manner determined by the Department. 121597
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(C) A district or school shall spend the funds it receives under this section only to support the cost of a school resource officer. 121601
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Section 265.190. PUPIL TRANSPORTATION 121604

Of the foregoing appropriation item 200502, Pupil Transportation, up to \$1,088,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. A portion of these funds may also be used to pay for costs associated with the enrollment of bus drivers in the retained applicant fingerprint database. 121605
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Of the foregoing appropriation item 200502, Pupil Transportation, up to \$121,423,293 in fiscal year 2024 and up to \$133,038,039 in fiscal year 2025 may be used by the Department for special education transportation reimbursements to school districts, educational service centers, and county boards of 121612
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developmental disabilities for transportation operating costs as 121617
provided in divisions (C) and (F) of section 3317.024 of the 121618
Revised Code. 121619

The remainder of the foregoing appropriation item 200502, 121620
Pupil Transportation, shall be used to distribute the amounts 121621
calculated for transportation aid under divisions (E), (F), (G), 121622
(H), and (I) of section 3317.0212, and division (A)(2) of section 121623
3317.019 of the Revised Code. 121624

PAYMENTS IN LIEU OF TRANSPORTATION 121625

For purposes of division (D) of section 3327.02 of the 121626
Revised Code, if a parent, guardian, or other person in charge of 121627
a pupil accepts an offer from a school district of payment in lieu 121628
of providing transportation for the pupil, the school district 121629
shall pay that parent, guardian, or other person an amount not 121630
less than fifty per cent and not more than the amount determined 121631
by the Department under division (C) of section 3317.0212 of the 121632
Revised Code for the most recent school year for which data is 121633
available. Payment may be prorated if the time period involved is 121634
only a part of the school year. 121635

Section 265.200. SCHOOL LUNCH MATCH 121636

The foregoing appropriation item 200505, School Lunch Match, 121637
shall be used to provide matching funds to obtain federal funds 121638
for the school lunch program. 121639

Any remaining appropriation after providing matching funds 121640
for the school lunch program may be used to partially reimburse 121641
school buildings within school districts that are required to have 121642
a school breakfast program under section 3313.813 of the Revised 121643
Code, at a rate decided by the Department. 121644

Section 265.210. LEARNING ACCELERATION 121645

The foregoing appropriation item 200506, Learning Acceleration, shall be used by the Department of Education to support the tutoring program established under section 3301.28 of the Revised Code, student access to high-quality tutoring programs on the list compiled under section 3301.136 of the Revised Code, and the provision of tutoring services to public and chartered nonpublic schools by institutions of higher education.

A portion of the foregoing appropriation item 200506, Learning Acceleration, may be used to support common training, curricular tools, tutoring platforms, and program evaluation. The Department may collect data from public and chartered nonpublic schools, tutoring providers, institutions of higher education, and educational service centers for purposes of program evaluation.

Section 265.220. CAREER-TECHNICAL EDUCATION EQUIPMENT

The foregoing appropriation item 200507, Career-Technical Education Equipment, shall be used by the Department of Education, in consultation with the Governor's Office of Workforce Transformation and the Ohio Facilities Construction Commission, to establish a program to assist city, local, exempted village, and joint vocational school districts, community schools, and STEM schools in establishing or expanding career-technical education programs, with priority for career-technical education programs that support careers on Ohio's Top Jobs List, and establishing or expanding credentialing programs that qualify for the Innovative Workforce Incentive Program.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 200507, Career-Technical Education Equipment, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Notwithstanding any provision of law to the contrary, the Department of Education may extend the period of availability of

awards made under this section up to two fiscal years according to 121677
guidelines established by the Department of Education. 121678

Section 265.230. AUXILIARY SERVICES 121679

Of the foregoing appropriation item 200511, Auxiliary 121680
Services, up to \$2,600,000 in each fiscal year may be used for 121681
payment of the College Credit Plus Program for nonpublic secondary 121682
school participants. The Department of Education shall distribute 121683
these funds according to rule 3333-1-65.8 of the Administrative 121684
Code, adopted by the Department of Higher Education pursuant to 121685
division (A) of section 3365.071 of the Revised Code. 121686

The remainder of the foregoing appropriation item 200511, 121687
Auxiliary Services, shall be used by the Department for the 121688
purpose of implementing sections 3317.06 and 3317.062 of the 121689
Revised Code. 121690

Section 265.240. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 121691

The foregoing appropriation item 200532, Nonpublic 121692
Administrative Cost Reimbursement, shall be used by the Department 121693
of Education for the purpose of implementing section 3317.063 of 121694
the Revised Code. Payments made by the Department for this purpose 121695
shall not exceed four hundred seventy-five dollars per student for 121696
each school year. 121697

Section 265.250. SPECIAL EDUCATION ENHANCEMENTS 121698

Of the foregoing appropriation item 200540, Special Education 121699
Enhancements, up to \$32,000,000 in each fiscal year shall be used 121700
to fund special education and related services at county boards of 121701
developmental disabilities for eligible students under section 121702
3317.20 of the Revised Code and at institutions for eligible 121703
students under section 3317.201 of the Revised Code. If necessary, 121704
the Department of Education shall proportionately reduce the 121705

amount calculated for each county board of developmental 121706
disabilities and institution so as not to exceed the amount 121707
appropriated in each fiscal year. 121708

Of the foregoing appropriation item 200540, Special Education 121709
Enhancements, up to \$1,350,000 in each fiscal year shall be used 121710
for parent mentoring programs. 121711

Of the foregoing appropriation item 200540, Special Education 121712
Enhancements, up to \$3,000,000 in each fiscal year may be used for 121713
school psychology interns. 121714

Of the foregoing appropriation item 200540, Special Education 121715
Enhancements, the Department shall transfer \$5,500,000 in fiscal 121716
year 2024 and \$6,500,000 in fiscal year 2025 to the Opportunities 121717
for Ohioans with Disabilities Agency. The transfer shall be made 121718
via an intrastate transfer voucher. The transferred funds shall be 121719
used by the Opportunities for Ohioans with Disabilities Agency as 121720
state matching funds to draw down available federal funding for 121721
vocational rehabilitation services. Total project funding shall be 121722
used to hire dedicated vocational rehabilitation counselors who 121723
shall work directly with school districts to provide transition 121724
services for students with disabilities. Services shall include 121725
vocational rehabilitation services such as person-centered career 121726
planning, summer work experiences, job placement, and retention 121727
services for mutually eligible students with disabilities. 121728

The Superintendent of Public Instruction and the Executive 121729
Director of the Opportunities for Ohioans with Disabilities Agency 121730
shall enter into an interagency agreement that shall specify the 121731
responsibilities of each agency under the program. Under the 121732
interagency agreement, the Opportunities for Ohioans with 121733
Disabilities Agency shall retain responsibility for all 121734
nondelegable functions, including eligibility and order of 121735
selection determination, individualized plan for employment (IPE) 121736
approval, IPE amendments, case closure, and release of vendor 121737

payments. 121738

Of the foregoing appropriation item 200540, Special Education 121739
Enhancements, up to \$2,000,000 in each fiscal year shall be used 121740
by the Department of Education to build capacity to deliver a 121741
regional system of training, support, coordination, and direct 121742
service for secondary transition services for students with 121743
disabilities beginning at fourteen years of age. These special 121744
education enhancements shall support all students with 121745
disabilities, regardless of partner agency eligibility 121746
requirements, to provide stand-alone direct secondary transition 121747
services by school districts. Secondary transition services shall 121748
include, but not be limited to, job exploration counseling, 121749
work-based learning experiences, counseling on opportunities for 121750
enrollment in comprehensive transition or post-secondary 121751
educational programs at institutions of higher education, 121752
workplace readiness training to develop occupational skills, 121753
social skills and independent living skills, and instruction in 121754
self-advocacy. Regional training shall support the expansion of 121755
transition to work endorsement opportunities for middle school and 121756
secondary level special education intervention specialists in 121757
order to develop the necessary skills and competencies to meet the 121758
secondary transition needs of students with disabilities beginning 121759
at fourteen years of age. 121760

The remainder of appropriation item 200540, Special Education 121761
Enhancements, shall be distributed by the Department of Education 121762
to school districts and institutions, as defined in section 121763
3323.091 of the Revised Code, for preschool special education 121764
funding under section 3317.0213 of the Revised Code. 121765

The Department may reimburse school districts and 121766
institutions for services provided by instructional assistants, 121767
related services, as defined in rule 3301-51-11 of the 121768
Administrative Code, physical therapy services provided by a 121769

licensed physical therapist or physical therapist assistant under 121770
the supervision of a licensed physical therapist, as required 121771
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 121772
Administrative Code, and occupational therapy services provided by 121773
a licensed occupational therapist or occupational therapy 121774
assistant under the supervision of a licensed occupational 121775
therapist, as required under Chapter 4755. of the Revised Code and 121776
Chapter 4755-7 of the Administrative Code. Nothing in this section 121777
authorizes occupational therapy assistants or physical therapist 121778
assistants to generate or manage their own caseloads. 121779

The Department shall require school districts, educational 121780
service centers, county boards of developmental disabilities, and 121781
institutions serving preschool children with disabilities to 121782
adhere to Ohio's early learning program standards, participate in 121783
the Step Up to Quality Program established pursuant to section 121784
5104.29 of the Revised Code, and document child progress using 121785
research-based indicators prescribed by the Department and report 121786
results annually. The reporting dates and method shall be 121787
determined by the Department. All programs shall be rated through 121788
the Step Up to Quality Program. 121789

Section 265.260. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 121790

Of the foregoing appropriation item 200545, Career-Technical 121791
Education Enhancements, up to \$12,250,000 in fiscal year 2024 and 121792
up to \$16,325,000 in fiscal year 2025 shall be used to pay career 121793
awareness and exploration funds pursuant to division (E) of 121794
section 3317.014 of the Revised Code. If the amount appropriated 121795
is not sufficient, the Department shall prorate the amounts so 121796
that the aggregate amount appropriated is not exceeded. 121797

Of the foregoing appropriation item 200545, Career-Technical 121798
Education Enhancements, up to \$2,750,000 in fiscal year 2024 and 121799
up to \$3,250,000 in fiscal year 2025 shall be used by the 121800

Department of Education to provide payments of up to \$50,000 in 121801
each fiscal year to each business advisory council established 121802
under section 3313.82 of the Revised Code designated as "high 121803
quality" by receiving a rating of three or four stars under the 121804
Department's business advisory council recognition initiative. 121805
Payments provided under this set-aside shall be used to support 121806
activities required under section 3313.82 of the Revised Code, 121807
increase career awareness and exploration activities for students, 121808
and expand access to work-based learning opportunities. 121809

Of the foregoing appropriation item 200545, Career-Technical 121810
Education Enhancements, up to \$2,563,568 in each fiscal year shall 121811
be used to fund secondary career-technical education at 121812
institutions, the Ohio School for the Deaf, and the Ohio State 121813
School for the Blind using a grant-based methodology, 121814
notwithstanding section 3317.05 of the Revised Code. 121815

Of the foregoing appropriation item 200545, Career-Technical 121816
Education Enhancements, up to \$2,686,474 in each fiscal year shall 121817
be used by the Department of Education to fund competitive grants 121818
to tech prep regional centers that expand the number of students 121819
with access to career-technical education. These grant funds shall 121820
be used to directly support career services provided to students 121821
enrolled in community schools, STEM schools, school districts, 121822
including joint vocational school districts, and affiliated higher 121823
education institutions. This support may include the purchase of 121824
equipment. 121825

Of the foregoing appropriation item 200545, Career-Technical 121826
Education Enhancements, up to \$3,000,850 in each fiscal year shall 121827
be used by the Department to support existing Making Schools Work 121828
sites, develop and support new sites, fund technical assistance, 121829
and support regional centers and middle school programs. The 121830
purpose of Making Schools Work is to combine challenging academic 121831
courses and modern career-technical studies to raise the academic 121832

achievement of students. Making Schools Work provides intensive 121833
technical assistance, focused staff development, targeted 121834
assessment services, and ongoing communications and networking 121835
opportunities. 121836

Of the foregoing appropriation item 200545, Career-Technical 121837
Education Enhancements, up to \$1,200,000 in each fiscal year shall 121838
be used by the Department to enable students in agricultural 121839
programs to enroll in a fifth quarter of instruction based on the 121840
agricultural education model of delivering work-based learning 121841
through supervised agricultural experience. The Department shall 121842
determine eligibility criteria and the reporting process for the 121843
Agriculture 5th Quarter Project and shall fund as many programs as 121844
possible given the set-aside. The eligibility criteria developed 121845
by the Department shall allow these funds to support supervised 121846
agricultural experience that occurs anytime outside of the regular 121847
school day. 121848

Of the foregoing appropriation item 200545, Career-Technical 121849
Education Enhancements, up to \$1,550,000 in fiscal year 2024 and 121850
up to \$1,050,000 in fiscal year 2025 may be used to support career 121851
planning and reporting through the OhioMeansJobs web site. 121852

Of the foregoing appropriation item 200545, Career-Technical 121853
Education Enhancements, \$250,000 in each fiscal year shall be used 121854
to prepare students for careers in culinary arts and restaurant 121855
management under the Ohio ProStart school restaurant program. 121856

Section 265.270. FOUNDATION FUNDING - ALL STUDENTS 121857

Of the portion of the formula aid distributed to city, local, 121858
and exempted village school districts, joint vocational school 121859
districts, community schools, and STEM schools under this section, 121860
an amount in each fiscal year, as calculated by the Department of 121861
Education, shall be used for the purposes of division (B) of 121862
section 3317.0215 of the Revised Code. 121863

Of the foregoing appropriation item 200550, Foundation 121864
Funding - All Students, up to \$5,357,606 in each fiscal year shall 121865
be used to fund gifted education at educational service centers. 121866
The Department shall distribute the funding through the unit-based 121867
funding methodology in place under division (L) of section 121868
3317.024, division (E) of section 3317.05, and divisions (A), (B), 121869
and (C) of section 3317.053 of the Revised Code as they existed 121870
prior to fiscal year 2010. 121871

Of the foregoing appropriation item 200550, Foundation 121872
Funding - All Students, up to \$45,650,000 in fiscal year 2024 and 121873
up to \$47,600,000 in fiscal year 2025 shall be reserved to fund 121874
the state reimbursement of educational service centers under 121875
section 3317.11 of the Revised Code. 121876

Of the foregoing appropriation item 200550, Foundation 121877
Funding - All Students, up to \$3,500,000 in each fiscal year shall 121878
be distributed to educational service centers for school 121879
improvement initiatives and for the provision of technical 121880
assistance to schools and districts consistent with requirements 121881
of section 3312.01 of the Revised Code. The Department may 121882
distribute these funds through a competitive grant process. 121883

Of the foregoing appropriation item 200550, Foundation 121884
Funding - All Students, up to \$7,000,000 in each fiscal year shall 121885
be reserved for payments under the section of this act entitled 121886
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 121887
sufficient, the Superintendent of Public Instruction may 121888
reallocate excess funds for other purposes supported by this 121889
appropriation item in order to fully pay the amounts required by 121890
that section, provided that the aggregate amount appropriated in 121891
appropriation item 200550, Foundation Funding - All Students, is 121892
not exceeded. 121893

Of the foregoing appropriation item 200550, Foundation 121894
Funding - All Students, up to \$4,000,000 in each fiscal year shall 121895

be used to support the administration of state scholarship programs. 121896
121897

Of the foregoing appropriation item 200550, Foundation 121898
Funding - All Students, up to \$1,000,000 in each fiscal year shall 121899
be distributed to the Cleveland Municipal School District to 121900
provide tutorial assistance as provided in division (B) of section 121901
3313.979 of the Revised Code. The Cleveland Municipal School 121902
District shall report the use of these funds in the district's 121903
three-year continuous improvement plan as described in section 121904
3302.04 of the Revised Code in a manner approved by the 121905
Department. 121906

Of the foregoing appropriation item 200550, Foundation 121907
Funding - All Students, up to \$3,000,000 in each fiscal year may 121908
be used for payment of the College Credit Plus Program for 121909
students instructed at home pursuant to section 3321.04 of the 121910
Revised Code. 121911

Of the foregoing appropriation item 200550, Foundation 121912
Funding - All Students, an amount shall be available in each 121913
fiscal year to be paid to joint vocational school districts in 121914
accordance with sections 3317.16 and 3317.162 of the Revised Code 121915
and the section of this act entitled "FORMULA TRANSITION 121916
SUPPLEMENT." 121917

Of the foregoing appropriation item 200550, Foundation 121918
Funding - All Students, up to \$700,000 in each fiscal year shall 121919
be used by the Department for a program to pay for educational 121920
services for youth who have been assigned by a juvenile court or 121921
other authorized agency to any of the facilities described in 121922
division (A) of the section of this act entitled "PRIVATE 121923
TREATMENT FACILITY PROJECT." 121924

Of the foregoing appropriation item 200550, Foundation 121925
Funding - All Students, a portion may be used to pay 121926

college-preparatory boarding schools the per pupil boarding amount 121927
pursuant to section 3328.34 of the Revised Code. 121928

Of the foregoing appropriation item 200550, Foundation 121929
Funding - All Students, up to \$1,760,000 in each fiscal year may 121930
be used by the Department for duties and activities related to the 121931
establishment of academic distress commissions under section 121932
3302.10 of the Revised Code, to provide support and assistance to 121933
academic distress commissions to further their duties under 121934
Chapter 3302. of the Revised Code, and to provide technical 121935
assistance and tools to support districts subject to academic 121936
distress commissions. 121937

Of the foregoing appropriation item 200550, Foundation 121938
Funding - All Students, up to \$1,500,000 in each fiscal year shall 121939
be distributed to the Ohio STEM Learning Network to support the 121940
expansion of free STEM programming aligned to Ohio's STEM 121941
priorities, to create regional STEM supports targeting underserved 121942
student populations, and to support the Ohio STEM Committee's STEM 121943
school designation process. 121944

Of the foregoing appropriation item 200550, Foundation 121945
Funding - All Students, up to \$2,500,000 in each fiscal year shall 121946
be used to make supplemental payments under the section of this 121947
act entitled "E-SCHOOL FUNDING PILOT." If the amount appropriated 121948
is insufficient, the Department shall prorate the payments so that 121949
the aggregate amount appropriated in this section is not exceeded. 121950

The remainder of the foregoing appropriation item 200550, 121951
Foundation Funding - All Students, shall be used to distribute the 121952
amounts calculated for formula aid under division (A)(1) of 121953
section 3317.019, section 3317.022 of the Revised Code, and the 121954
section of this act entitled "FORMULA TRANSITION SUPPLEMENT." 121955

Appropriation items 200502, Pupil Transportation, and 200550, 121956
Foundation Funding - All Students, other than specific set-asides, 121957

are collectively used in each fiscal year to pay state formula aid 121958
obligations for school districts, community schools, STEM schools, 121959
college preparatory boarding schools, joint vocational school 121960
districts, and state scholarship programs under this act. The 121961
first priority of these appropriation items, with the exception of 121962
specific set-asides, is to fund state formula aid obligations. It 121963
may be necessary to reallocate funds among these appropriation 121964
items or use excess funds from other General Revenue Fund 121965
appropriation items in the Department of Education's budget, 121966
including appropriation item 200903, Property Tax Reimbursement - 121967
Education, in each fiscal year in order to meet state formula aid 121968
obligations. If it is determined that it is necessary to transfer 121969
funds among these appropriation items or to transfer funds from 121970
other General Revenue Fund appropriations in the Department's 121971
budget to meet state formula aid obligations, the Superintendent 121972
of Public Instruction shall seek approval from the Director of 121973
Budget and Management to transfer funds as needed. 121974

The Superintendent of Public Instruction shall make payments, 121975
transfers, and deductions, as authorized by Title XXXIII of the 121976
Revised Code in amounts substantially equal to those made in the 121977
prior year, or otherwise, at the discretion of the Superintendent, 121978
until at least the effective date of the amendments and enactments 121979
made to Title XXXIII of the Revised Code by this act. Any funds 121980
paid to districts or schools under this section shall be credited 121981
toward the annual funds calculated for the district or school 121982
after the changes made to Title XXXIII of the Revised Code in this 121983
act are effective. Upon the effective date of changes made to 121984
Title XXXIII of the Revised Code in this act, funds shall be 121985
calculated as an annual amount. 121986

Section 265.275. EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM 121987

Notwithstanding section 3310.032 of the Revised Code or any 121988

provision of law to the contrary, beginning July 1, 2023, the 121989
foregoing appropriation item 200550, Foundation Funding - All 121990
Students, may be used to administer the expansion of the 121991
Educational Choice Scholarship Pilot Program to students from 121992
families with an income level at or below four hundred per cent of 121993
the federal poverty level for purposes of determining eligibility 121994
under division (A)(1) of section 3310.032 of the Revised Code. 121995

Section 265.280. PHASE-IN PERCENTAGES 121996

For purposes of division (X)(1) of section 3317.02 of the 121997
Revised Code, the General Assembly has determined that the general 121998
phase-in percentage for fiscal year 2024 shall be 50 per cent and 121999
the general phase-in percentage for fiscal year 2025 shall be 122000
66.67 per cent. 122001

For purposes of division (X)(2) of section 3317.02 of the 122002
Revised Code, the General Assembly has determined that the 122003
phase-in percentage for disadvantaged pupil impact aid for fiscal 122004
year 2024 shall be 50 per cent and the phase-in percentage for 122005
disadvantaged pupil impact aid for fiscal year 2025 shall be 66.67 122006
per cent. 122007

Section 265.290. FORMULA TRANSITION SUPPLEMENT 122008

(A)(1) For fiscal years 2024 and 2025, the Department of 122009
Education shall pay a formula transition supplement to each city, 122010
local, and exempted village school district according to the 122011
following formula: 122012

(The district's funding base for fiscal year 2021) - (the 122013
district's payments for the fiscal year for which the supplement 122014
is calculated under sections 3317.019, 3317.022, and 3317.0212 of 122015
the Revised Code) 122016

If the computation made under division (A)(1) of this section 122017
for a fiscal year results in a negative number, the district's 122018

formula transition supplement for that fiscal year shall be zero. 122019

(2) For purposes of division (A)(1) of this section, a city, 122020
local, or exempted village school district's "funding base for 122021
fiscal year 2021" means the amount calculated as follows: 122022

(a) Compute the sum of the following: 122023

(i) The amount calculated for the district for fiscal year 122024
2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 122025
133rd General Assembly after any adjustments required under 122026
Section 265.227 of H.B. 166 of the 133rd General Assembly and 122027
before any funding reductions authorized by Executive Order 122028
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 122029
issued on January 22, 2021; 122030

(ii) The amount calculated for the district for fiscal year 122031
2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 122032
133rd General Assembly before any funding reductions authorized by 122033
Executive Order 2020-19D, issued on May 7, 2020, and Executive 122034
Order 2021-01D, issued on January 22, 2021; 122035

(iii) The amount calculated for the district for fiscal year 122036
2021 under division (B) of Section 265.220 of H.B. 166 of the 122037
133rd General Assembly; 122038

(iv) The district's payments for fiscal year 2021 under 122039
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 122040
Revised Code as those divisions existed for payments for fiscal 122041
year 2021; 122042

(v) The district's payments for fiscal year 2021 under 122043
section 3317.0219 of the Revised Code as that section existed for 122044
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 122045
the 133rd General Assembly. 122046

(b) Subtract from the amount calculated in division (A)(2)(a) 122047
of this section the sum of the following: 122048

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B)(1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D)(1) and (2) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under section 3317.163 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(C)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each community school established under Chapter 3314. of the Revised

Code according to the following formula: 122112

[(The school's funding base for fiscal year 2021 / the number of 122113
students enrolled in the school for fiscal year 2021) - (the 122114
school's payments for the fiscal year for which the supplement is 122115
calculated under sections 3317.022 and 3317.0212 of the Revised 122116
Code / the number of students enrolled in the school for the 122117
fiscal year for which the supplement is calculated)] X the number 122118
of students enrolled in the school for the fiscal year for which 122119
the supplement is calculated. 122120

If the computation made under division (C)(1) of this section 122121
for a fiscal year results in a negative number, the school's 122122
formula transition supplement for that fiscal year shall be zero. 122123

(2) For purposes of division (C)(1) of this section, a 122124
community school's "funding base for fiscal year 2021" means the 122125
sum of the following: 122126

(a) The amount calculated for the school for fiscal year 2021 122127
under division (C)(1) of section 3314.08 of the Revised Code as 122128
that section existed for payments for fiscal year 2021, before any 122129
funding reductions authorized by Executive Order 2020-19D, issued 122130
on May 7, 2020, and Executive Order 2021-01D, issued on January 122131
22, 2021; 122132

(b) The amount calculated for the school for fiscal year 2021 122133
under section 3314.085 of the Revised Code as that section existed 122134
for payments for fiscal year 2021; 122135

(c) The amount calculated for the school for fiscal year 2021 122136
under division (D)(1) of section 3314.091 of the Revised Code as 122137
that division existed for payments for fiscal year 2021; 122138

(d) The amount calculated for the school for fiscal year 2021 122139
under section 3314.088 of the Revised Code as that section existed 122140
for payments for fiscal year 2021 and under Section 20 of S.B. 310 122141
of the 133rd General Assembly. 122142

(D)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

[(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021) - (the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310

of the 133rd General Assembly.	122174
Section 265.310. POWER PLANT VALUATION ADJUSTMENT	122175
(A)(1) On or before May 15, 2024, the Tax Commissioner shall	122176
determine all of the following for each city, local, exempted	122177
village, and joint vocational school district that has at least	122178
one power plant located within its territory:	122179
(a) Whether the taxable value of all utility tangible	122180
personal property subject to taxation by the district in tax year	122181
2023 was less than the taxable value of such property during tax	122182
year 2017;	122183
(b) Whether the taxable value of all utility tangible	122184
personal property subject to taxation by the district in tax year	122185
2023 was less than the taxable value of such property during tax	122186
year 2022.	122187
(2) If the decrease determined under division (A)(1)(a) or	122188
(b) of this section exceeds ten per cent and the overall change in	122189
utility tangible personal property subject to taxation is	122190
negative, the Tax Commissioner shall certify all of the following	122191
to the Department of Education and the Office of Budget and	122192
Management:	122193
(a) The district's total taxable value for tax year 2023;	122194
(b) The change in taxes charged and payable on the district's	122195
total taxable value for tax year 2017 and tax year 2023;	122196
(c) The taxable value of the utility tangible personal	122197
property decrease, which shall be considered a change in	122198
valuation;	122199
(d) The change in taxes charged and payable on such change in	122200
taxable value calculated in the same manner as in division (A)(3)	122201
of section 3317.021 of the Revised Code.	122202

(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (A)(2)(b) of this section.

(b) The absolute value of the amount certified under division (A)(2)(b) of this section X 0.50.

(B)(1) On or before May 15, 2025, the Tax Commissioner shall determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2023.

(2) If the decrease determined under division (B)(1)(a) or 122233
(b) of this section exceeds ten per cent and the overall change in 122234
utility tangible personal property subject to taxation is 122235
negative, the Tax Commissioner shall certify all of the following 122236
to the Department of Education and the Office of Budget and 122237
Management: 122238

(a) The district's total taxable value for tax year 2024; 122239

(b) The change in taxes charged and payable on the district's 122240
total taxable value for tax year 2017 and tax year 2024; 122241

(c) The taxable value of the utility tangible personal 122242
property decrease, which shall be considered a change in 122243
valuation; 122244

(d) The change in taxes charged and payable on such change in 122245
taxable value calculated in the same manner as in division (A)(3) 122246
of section 3317.021 of the Revised Code. 122247

(3) Upon receipt of a certification under division (B)(2) of 122248
this section, the Department of Education shall replace the 122249
three-year average valuations that were used in computing the 122250
district's state education aid for fiscal year 2019 with the 122251
taxable value certified under division (B)(2)(a) of this section 122252
and shall recompute the district's state education aid for fiscal 122253
year 2019 without applying any funding limitations enacted by the 122254
General Assembly to the computation. The Department shall pay to 122255
the district an amount equal to the greater of the following: 122256

(a) The lesser of the following: 122257

(i) The positive difference between the district's state 122258
education aid for fiscal year 2019 prior to the recomputation 122259
under division (B)(3) of this section and the district's 122260
recomputed state education aid for fiscal year 2019; 122261

(ii) The absolute value of the amount certified under 122262

division (B)(2)(b) of this section.	122263
(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50.	122264 122265
(C) The Department of Education shall make payments under division (A)(3) of this section between June 1, 2024, and June 30, 2024, and the Department shall make payments under division (B)(3) of this section between June 1, 2025, and June 30, 2025. The Department shall not calculate or make payments under section 3317.028 of the Revised Code for fiscal years 2024 and 2025.	122266 122267 122268 122269 122270 122271
Section 265.320. E-SCHOOL FUNDING PILOT	122272
(A) As used in this section:	122273
(1) "Eligible internet- or computer-based community school" means an internet- or computer-based community school that participated in the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly in fiscal year 2023.	122274 122275 122276 122277
(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."	122278 122279 122280 122281
(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	122282 122283
(B) The Department of Education shall continue the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools for fiscal years 2024 and 2025.	122284 122285 122286 122287 122288
(C) For fiscal years 2024 and 2025, the Department of Education shall require each eligible internet- or computer-based community school that chooses to participate in the pilot program to report all information that is necessary to make payments under	122289 122290 122291 122292

division (D) of this section. 122293

(D) For fiscal years 2024 and 2025, the Department shall 122294
calculate an additional payment for each eligible internet- or 122295
computer-based community school that chooses to participate in the 122296
pilot program, as follows: 122297

(1) Compute the lesser of the following for each student 122298
enrolled in grades eight through twelve: 122299

(a) The formula amount X the maximum full-time equivalency 122300
for the portion of the school year for which the student is 122301
enrolled in the school; 122302

(b) The sum of the following: 122303

(i) A one-time payment of \$1,750. In the case of a student 122304
enrolled in the school for the first time for the 2023-2024 or 122305
2024-2025 school year, payment shall be made under division 122306
(D)(1)(b)(i) of this section at least thirty days after the 122307
student is considered to be enrolled in the school in accordance 122308
with division (H)(2) of section 3314.08 of the Revised Code, 122309
provided the student has been continuously enrolled in the school 122310
during that time, as determined by the Department. In the case of 122311
a student that was enrolled in the school for the 2023-2024 or 122312
2024-2025 school year, payment shall be made under division 122313
(D)(1)(b)(i) of this section at least thirty days after the 122314
student has started to participate in learning opportunities for 122315
the 2023-2024 or 2024-2025 school year, provided the student has 122316
been continuously enrolled in the school during that time, as 122317
determined by the Department. 122318

(ii) The formula amount X (1/920) X the lesser of the number 122319
of hours the student participates in learning opportunities in 122320
that fiscal year or 920; 122321

(iii) The lesser of (\$500 X either the number of courses 122322
completed by the student in that fiscal year, in the case of a 122323

student enrolled in grade eight, or the number of credits earned 122324
by the student in that fiscal year, in the case of a student 122325
enrolled in grades nine through twelve) or \$2,500. 122326

(2) Compute the sum of the amounts calculated under division 122327
(D)(1) of this section for all students enrolled in grades eight 122328
through twelve. 122329

(3) Compute the school's payment in accordance with the 122330
following formula: 122331

The amount determined under division (D)(2) of this section - (the 122332
number of full-time equivalent students enrolled in grades eight 122333
through twelve in the school X the formula amount) 122334

If the amount computed under division (D)(3) is a negative 122335
number, the school shall not receive a payment under this section. 122336

(E) The Department may complete a review of the enrollment of 122337
each eligible internet- or computer-based community school that 122338
chooses to participate in the pilot program in accordance with 122339
division (K) of section 3314.08 of the Revised Code. If the 122340
Department determines a school has been overpaid based on a review 122341
completed under division (E) of this section, the Department shall 122342
require a repayment of the overpaid funds and may require the 122343
school to establish a plan to improve the reporting of enrollment. 122344

Section 265.330. LITERACY IMPROVEMENT 122345

(A)(1) Of the foregoing appropriation item 200566, Literacy 122346
Improvement, up to \$43,000,000 in each fiscal year shall be used 122347
by the Department of Education to reimburse school districts, 122348
community schools established under Chapter 3314. of the Revised 122349
Code, and STEM schools established under Chapter 3326. of the 122350
Revised Code for stipends paid under division (A)(3) of this 122351
section to teachers to complete professional development in the 122352
science of reading and evidence-based strategies for effective 122353

literacy instruction. The Department shall provide professional development courses for this purpose.

(2) Districts and schools shall require all teachers and administrators to complete a course provided by the Department under division (A)(1) of this section not later than June 30, 2025, except that any teacher or administrator who has previously completed similar training, as determined by the Department, shall not be required to complete the course. Teachers shall complete the course at a time that minimizes disruptions to normal instructional hours. Districts and schools shall require teachers and administrators to complete the professional development course as follows:

(a) First, all of the following:

(i) All teachers of grades kindergarten through five;

(ii) All English language arts teachers of grades six through twelve;

(iii) All intervention specialists, English learner teachers, reading specialists, and instructional coaches who serve any of grades pre-kindergarten through twelve.

(b) Second, all teachers who teach a subject area other than English language arts in grades six through twelve.

(c) Third, all administrators.

(3)(a) Districts and schools shall pay a stipend to each teacher who completes a professional development course under division (A)(2) of this section. The stipend shall be \$1,200 for each teacher described in division (A)(2)(a) of this section and \$400 for each teacher described in division (A)(2)(b) of this section.

(b) Each district or school may apply to the Department, in a manner prescribed by the Department, for reimbursement of the cost

of the stipends. The Department shall not reimburse any stipend 122384
paid to an administrator to complete a professional development 122385
course provided by the Department under division (A)(2) of this 122386
section. 122387

(4)(a) The Department of Education shall work with the 122388
Department of Higher Education, institutions of higher education 122389
that offer educator preparation programs, and local professional 122390
development committees established under section 3319.22 of the 122391
Revised Code to help teachers and administrators who complete a 122392
professional development course under division (A)(2) of this 122393
section to earn college credit or to apply the coursework toward 122394
their licensure renewal requirements. 122395

(b) The Department of Education shall collaborate with the 122396
Department of Higher Education and institutions of higher 122397
education that offer educator preparation programs to align the 122398
coursework of the programs with the science of reading and 122399
evidence-based strategies for effective literacy instruction. 122400

(5) An amount equal to the unexpended, unencumbered balance 122401
of the amount allocated in division (A)(1) of this section at the 122402
end of fiscal year 2024 is hereby reappropriated to the Department 122403
of Education for the same purpose in fiscal year 2025. 122404

(B)(1) Of the foregoing appropriation item 200566, Literacy 122405
Improvement, up to \$64,000,000 in fiscal year 2024 shall be used 122406
by the Department of Education to subsidize the cost for school 122407
districts, community schools, and STEM schools to purchase 122408
high-quality core curriculum and instructional materials in 122409
English language arts and evidence-based reading intervention 122410
programs from the lists established under section 3313.6028 of the 122411
Revised Code. An amount equal to the unexpended, unencumbered 122412
balance of the amount allocated in this division, at the end of 122413
fiscal year 2024 is hereby reappropriated to the Department for 122414
the same purpose in fiscal year 2025. 122415

(2) The Department shall conduct a survey to collect 122416
information on the core curriculum and instructional materials in 122417
English language arts in grades pre-kindergarten through five and 122418
the reading intervention programs in grades pre-kindergarten 122419
through twelve that are being used by public schools. Each school 122420
district, community school, and STEM school shall participate in 122421
the survey and shall provide the information requested by the 122422
Department. 122423

(C) Of the foregoing appropriation item 200566, Literacy 122424
Improvement, up to \$6,000,000 in fiscal year 2024 and up to 122425
\$12,000,000 in fiscal year 2025 shall be used for coaches to 122426
provide literacy supports to school districts, community schools, 122427
and STEM schools with the lowest rates of proficiency in literacy 122428
based on their performance on the English language arts 122429
assessments prescribed under section 3301.0710 of the Revised 122430
Code. The coaches shall have training in the science of reading 122431
and evidence-based strategies for effective literacy instruction 122432
and intervention and shall implement Ohio's Coaching Model, as 122433
described in Ohio's Plan to Raise Literacy Achievement. The 122434
coaches shall be under the direction of the Department but shall 122435
not be employed by the Department. 122436

(D) The remainder of the foregoing appropriation item 200566, 122437
Literacy Improvement, shall be used by the Department of Education 122438
to support early literacy activities to align state, local, and 122439
federal efforts in order to bolster all students' reading success. 122440
Funds shall be distributed to educational service centers to 122441
establish and support regional literacy professional development 122442
teams consistent with section 3312.01 of the Revised Code. A 122443
portion of the funds may be used by the Department for program 122444
administration, monitoring, technical assistance, support, 122445
research, and evaluation. 122446

Section 265.340. ADULT EDUCATION PROGRAMS 122447

Of the foregoing appropriation item 200572, Adult Education 122448
Programs, up to \$6,900,000 in each fiscal year shall be used to 122449
make payments under sections 3314.38, 3317.23, 3317.24, and 122450
3345.86 of the Revised Code. 122451

A portion of the foregoing appropriation item 200572, Adult 122452
Education Programs, shall be used in each fiscal year to make 122453
payments to institutions participating in the Adult Diploma Pilot 122454
Program under section 3313.902 of the Revised Code and to pay 122455
career-technical planning districts for the amounts reimbursed to 122456
students, as prescribed in this section. If funds are insufficient 122457
to make payments for the Adult Diploma Pilot Program, upon the 122458
request of the Superintendent of Public Instruction, the Director 122459
of Budget and Management may transfer appropriation from 122460
appropriation item 200550, Foundation Funding - All Students, to 122461
appropriation item 200572, Adult Education Programs, subject to an 122462
available balance in appropriation item 200550 and Controlling 122463
Board approval. Any appropriation so transferred shall be used to 122464
make payments to institutions participating in the Adult Diploma 122465
Pilot Program pursuant to section 3313.902 of the Revised Code. 122466

Each career-technical planning district shall reimburse 122467
individuals taking a nationally recognized high school equivalency 122468
examination approved by the Department of Education for the first 122469
time for application fees, examination fees, or both, in excess of 122470
\$40, up to a maximum reimbursement per individual of \$80. Each 122471
career-technical planning district shall designate a site or sites 122472
where individuals may register and take an approved examination. 122473
For each individual who registers for an approved examination, the 122474
career-technical planning district shall make available and offer 122475
career counseling services, including information on adult 122476
education programs that are available. A portion of the 122477

appropriation item may be used to reimburse the Department of 122478
Youth Services and the Department of Rehabilitation and Correction 122479
for individuals in these facilities who have taken an approved 122480
examination for the first time. The amounts reimbursed shall not 122481
exceed the per-individual amounts reimbursed to other individuals 122482
under this section for an approved examination. 122483

Notwithstanding any provision of law to the contrary, the 122484
unexpended balance of appropriations for payments under sections 122485
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 122486
Code at the end of each fiscal year may be encumbered by the 122487
Department of Education and remain available for payment for a 122488
period not to exceed two years from the end of each fiscal year in 122489
which the funds were originally appropriated, in accordance with 122490
guidelines established by the Superintendent of Public 122491
Instruction. 122492

A portion of the foregoing appropriation item 200572, Adult 122493
Education Programs, may be used for program administration, 122494
technical assistance, support, research, and evaluation of adult 122495
education programs, including high school equivalency examinations 122496
approved by the Department of Education. 122497

Section 265.350. HALF-MILL MAINTENANCE EQUALIZATION 122498

The foregoing appropriation item 200574, Half-Mill 122499
Maintenance Equalization, shall be used to make payments pursuant 122500
to section 3318.18 of the Revised Code. 122501

Section 265.360. MEDICAID IN SCHOOLS PROGRAM 122502

The foregoing appropriation item, 657401, Medicaid in Schools 122503
Program, shall be used by the Department of Education to support 122504
the Medicaid in Schools Program. 122505

Section 265.370. TEACHER CERTIFICATION AND LICENSURE 122506

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education to administer and support teacher certification and licensure activities.

Section 265.380. SCHOOL DISTRICT SOLVENCY ASSISTANCE

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2024 and 2025. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director shall notify the members of the Controlling Board of any such transfers.

(C) If the cash balance of the School District Solvency

Assistance Fund (Fund 5H30) is insufficient to pay solvency 122538
assistance in fiscal years 2024 and 2025, at the request of the 122539
Superintendent of Public Instruction, and with the approval of the 122540
Controlling Board, the Director of Budget and Management may 122541
transfer cash from the Lottery Profits Education Reserve Fund 122542
(Fund 7018) to Fund 5H30 to provide assistance and grants to 122543
school districts to enable them to remain solvent and to pay 122544
unforeseeable expenses of a temporary nature that they are unable 122545
to pay from existing resources under section 3316.20 of the 122546
Revised Code. Such transfers are hereby appropriated to 122547
appropriation item 200670, School District Solvency Assistance - 122548
Lottery. Any required reimbursements from school districts for 122549
solvency assistance granted from appropriation item 200670, School 122550
District Solvency Assistance - Lottery, shall be made to Fund 122551
7018. 122552

Section 265.390. FOUNDATION FUNDING - ALL STUDENTS 122553

(A) The foregoing appropriation item 200604, Foundation 122554
Funding - All Students, shall be used in conjunction with 122555
appropriation items 200550, Foundation Funding - All Students, and 122556
200612, Foundation Funding - All Students, to distribute the 122557
amounts calculated for disadvantaged pupil impact aid under 122558
sections 3317.022 and 3317.16 of the Revised Code and the portions 122559
of the state share of the base cost calculated under those 122560
sections that are attributable to the staffing cost for the 122561
student wellness and success component of the base cost, as 122562
determined by the Department of Education. 122563

(B) A district or school shall spend any remaining student 122564
wellness and success funds it received for fiscal year 2020 or 122565
fiscal year 2021 under section 3317.26 of the Revised Code, as 122566
that section existed prior to September 30, 2021, in accordance 122567
with that section. The Department may require districts and 122568

schools to report how all of those funds are spent. 122569

Section 265.400. SCHOOL BUS PURCHASE 122570

Notwithstanding any provision of law to the contrary, school 122571
bus purchase funds awarded in fiscal year 2022 or fiscal year 2023 122572
may be used through fiscal year 2024. The Department may also 122573
extend the period of availability due to supply chain disruptions 122574
and delays. 122575

Section 265.405. INTERSCHOLASTIC ATHLETICS AND 122576
EXTRACURRICULAR ACTIVITIES 122577

The foregoing appropriation item 200490, Interscholastic 122578
Athletics and Extracurricular Activities, shall be distributed by 122579
the Department of Education on a per-pupil basis to reduce or 122580
eliminate pay-to-play fees for interscholastic athletics and 122581
extracurricular activities, as determined by the Department. 122582

Section 265.410. LOTTERY PROFITS EDUCATION FUND 122583

The foregoing appropriation item 200612, Foundation Funding - 122584
All Students, shall be used in conjunction with appropriation item 122585
200550, Foundation Funding - All Students, to distribute the 122586
amounts calculated for formula aid under section 3317.022 of the 122587
Revised Code. 122588

The Department of Education, with the approval of the 122589
Director of Budget and Management, shall determine the monthly 122590
distribution schedules of appropriation item 200550, Foundation 122591
Funding - All Students, and appropriation item 200612, Foundation 122592
Funding - All Students. If adjustments to the monthly distribution 122593
schedule are necessary, the Department shall make such adjustments 122594
with the approval of the Director. 122595

Section 265.420. EDUCATION STUDIES 122596

Of the foregoing appropriation item 200611, Education 122597
Studies, a portion of the funds shall be used by the Department of 122598
Education, in consultation with the Department of Mental Health 122599
and Addiction Services, to conduct an evaluation of the impact of 122600
student wellness and success funds on student measures such as 122601
school climate, attendance, discipline, and academic achievement, 122602
as determined by the department. 122603

Of the foregoing appropriation item 200611, Education 122604
Studies, a portion of the funds shall be used by the Department of 122605
Education to conduct a study of access to all-day kindergarten 122606
across the state, including barriers to offering all-day 122607
kindergarten and age cut-off dates. In conducting the study, the 122608
Department shall engage with superintendents and school treasurers 122609
from districts charging tuition for all-day kindergarten or not 122610
offering all-day kindergarten. The department shall submit 122611
recommendations to the Governor on the feasibility of requiring 122612
the availability of all-day kindergarten. 122613

Section 265.430. QUALITY COMMUNITY SCHOOLS SUPPORT 122614

(A) The foregoing appropriation item 200631, Quality 122615
Community Schools Support, shall be used for the Quality Community 122616
School Support Program. Under the program, the Department of 122617
Education shall pay each community school established under 122618
Chapter 3314. of the Revised Code and designated as a Community 122619
School of Quality under this section an amount up to \$3,000 in 122620
each fiscal year for each pupil identified as economically 122621
disadvantaged and up to \$2,250 in each fiscal year for each pupil 122622
that is not identified as economically disadvantaged. The payment 122623
for the current fiscal year shall be calculated using the final 122624
adjusted full-time equivalent number of students enrolled in a 122625
community school for the prior fiscal year, except that if a 122626
school is in its first year of operation the payment for the 122627

current fiscal year shall be calculated using the adjusted 122628
full-time equivalent number of students enrolled in the school for 122629
the current fiscal year as of the date the payment is made, as 122630
reported by the school under section 3314.08 of the Revised Code. 122631
The Department shall make the payment to each Community School of 122632
Quality not later than January 31 of each fiscal year. If the 122633
amount appropriated is not sufficient to pay the amounts 122634
calculated pursuant to this section, the Superintendent of Public 122635
Instruction may request the Director of Budget and Management to 122636
authorize expenditures in excess of the amounts appropriated. Upon 122637
approval by the Director of Budget and Management, the additional 122638
amounts are hereby appropriated to appropriation item 200631, 122639
Quality Community Schools Support. 122640

(B) To be designated as a Community School of Quality, a 122641
community school shall satisfy at least one of the following 122642
conditions: 122643

(1) The community school meets all of the following criteria: 122644

(a) The school's sponsor was rated "exemplary" or "effective" 122645
on the sponsor's most recent evaluation conducted under section 122646
3314.016 of the Revised Code. 122647

(b) The school received a higher performance index score than 122648
the school district in which the school is located on the two most 122649
recent report cards issued for the school under section 3302.03 of 122650
the Revised Code. 122651

(c) The school received a performance rating of four stars or 122652
higher for the value-added progress dimension on the most recent 122653
report card issued for the school under section 3302.03 of the 122654
Revised Code or is a school described under division (A)(4) of 122655
section 3314.35 of the Revised Code and did not receive a rating 122656
for the value-added progress dimension on the most recent report 122657
card. 122658

(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department. 122659
122660
122661

(2) The community school meets all of the following criteria: 122662

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 122663
122664
122665

(b) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years. 122666
122667
122668

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section. 122669
122670
122671

(d) If the school has an operator, the operator received two or more points on its most recent performance report published under section 3314.031 of the Revised Code. 122672
122673
122674

(3) The community school meets all of the following criteria: 122675

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 122676
122677
122678

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria: 122679
122680
122681

(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the Charter School Growth Fund; 122682
122683
122684
122685

(ii) Meets all of the following criteria: 122686

(I) One of the operator's schools in another state performed better than the school district in which the school is located, as 122687
122688

determined by the Department. 122689

(II) At least fifty per cent of the total number of students 122690
enrolled in all of the operator's schools are economically 122691
disadvantaged, as determined by the Department. 122692

(III) The operator is in good standing in all states where it 122693
operates schools, as determined by the Department. 122694

(IV) The Department has determined that the operator does not 122695
have any financial viability issues that would prevent it from 122696
effectively operating a community school in Ohio. 122697

(c) The school is in its first year of operation. 122698

(C) A school designated as a Community School of Quality 122699
under division (B) of this section shall maintain that designation 122700
for the two fiscal years following the fiscal year in which the 122701
school was initially designated as a Community School of Quality. 122702

(D) A school designated a Community School of Quality may 122703
renew its designation each year that it satisfies the criteria 122704
under division (B)(1) of this section. The school shall maintain 122705
that designation for the two fiscal years following each fiscal 122706
year in which the criteria under division (B)(1) of this section 122707
are satisfied. This division applies to schools designated as a 122708
Community School of Quality based on the report cards issued in 122709
accordance with sections 3302.03 and 3314.012 of the Revised Code 122710
for the 2017-2018 and 2018-2019 school years. 122711

Section 265.440. COMMUNITY SCHOOL FACILITIES 122712

The foregoing appropriation item 200684, Community School 122713
Facilities, shall be used to pay each community school established 122714
under Chapter 3314. of the Revised Code and each STEM school 122715
established under Chapter 3326. of the Revised Code an amount 122716
equal to \$25 in each fiscal year for each full-time equivalent 122717
pupil in an internet- or computer-based community school and 122718

\$1,000 in each fiscal year for each full-time equivalent pupil in 122719
all other community or STEM schools for assistance with the cost 122720
associated with facilities. If the amount appropriated is not 122721
sufficient, the Department shall prorate the amounts so that the 122722
aggregate amount appropriated is not exceeded. 122723

Section 265.450. LOTTERY PROFITS EDUCATION RESERVE FUND 122724

(A) There is hereby created the Lottery Profits Education 122725
Reserve Fund (Fund 7018) in the State Treasury. Investment 122726
earnings of the Lottery Profits Education Reserve Fund shall be 122727
credited to the fund. 122728

(B) Notwithstanding any other provision of law to the 122729
contrary, the Director of Budget and Management may transfer cash 122730
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 122731
in fiscal year 2024 and fiscal year 2025. 122732

(C) On July 15, 2023, or as soon as possible thereafter, the 122733
Director of the Ohio Lottery Commission shall certify to the 122734
Director of Budget and Management the amount by which lottery 122735
profit transfers received by Fund 7017 exceeded \$1,263,000,000 in 122736
fiscal year 2023. 122737

(D) On July 15, 2024, or as soon as possible thereafter, the 122738
Director of the Ohio Lottery Commission shall certify to the 122739
Director of Budget and Management the amount by which lottery 122740
profit transfers received by Fund 7017 exceeded \$1,424,000,000 in 122741
fiscal year 2024. 122742

(E) Notwithstanding any provision of law to the contrary, in 122743
fiscal year 2024 and fiscal year 2025, the Director of Budget and 122744
Management may transfer cash in excess of the amounts necessary to 122745
support appropriations in Fund 7017 from that fund to Fund 7018. 122746

Section 265.460. FEDERAL COVID RELIEF REAPPROPRIATIONS 122747

(A) On July 1, 2023, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management amounts equal to the unexpended, unencumbered balances of appropriation items under the following funds at the end of fiscal year 2023 to be reappropriated to fiscal year 2024:

- (1) The ARP - Homeless Children and Youth Fund (Fund 3HZ0);
- (2) The ARP - Students with Disabilities Fund (Fund 3IA0).

The Director of Budget and Management may approve up to the amounts certified. The approved amounts are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2024.

(B) On July 1, 2024, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management amounts equal to the unexpended, unencumbered balances of appropriation items under the following funds at the end of fiscal year 2024 to be reappropriated to fiscal year 2025:

- (1) The Governor's Emergency Education Relief Fund (Fund 3HQ0);
- (2) The Federal Coronavirus School Relief Fund (Fund 3HS0);
- (3) The ARP - Homeless Children and Youth Fund (Fund 3HZ0).

The Director of Budget and Management may approve up to the amounts certified. The approved amounts are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2025.

Section 265.470. NEGATIVE FUND BALANCE DUE TO DELAY IN ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS REIMBURSEMENTS

Notwithstanding any provision of law to the contrary, a school district, community school, or STEM school may have a deficit in the special revenue fund established to receive funds from the Elementary and Secondary School Emergency Relief Fund under the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub. L. No. 116-136, the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, and the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, in fiscal year 2023, fiscal year 2024, or fiscal year 2025 when that deficit resulted from a temporary delay in the Department of Education's ability to process claims for reimbursement.

Section 265.480. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Educational Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate.

Section 265.490. EARMARK ACCOUNTABILITY

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department to an earmarked entity for a fiscal year until its report for the

prior fiscal year has been submitted. 122807

Section 265.500. COMMUNITY SCHOOL OPERATING FROM HOME 122808

A community school established under Chapter 3314. of the 122809
Revised Code that was open for operation as a community school as 122810
of May 1, 2005, may operate from or in any home, as defined in 122811
section 3313.64 of the Revised Code, located in the state, 122812
regardless of when the community school's operations from or in a 122813
particular home began. 122814

Section 265.510. USE OF VOLUNTEERS 122815

The Department of Education may utilize the services of 122816
volunteers to accomplish any of the purposes of the Department. 122817
The Superintendent of Public Instruction shall approve for what 122818
purposes volunteers may be used and for these purposes may 122819
recruit, train, and oversee the services of volunteers. The 122820
Superintendent may reimburse volunteers for necessary and 122821
appropriate expenses in accordance with state guidelines and may 122822
designate volunteers as state employees for the purpose of motor 122823
vehicle accident liability insurance under section 9.83 of the 122824
Revised Code, for immunity under section 9.86 of the Revised Code, 122825
and for indemnification from liability incurred in the performance 122826
of their duties under section 9.87 of the Revised Code. 122827

Section 265.520. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 122828

In collaboration with the County Family and Children First 122829
Council, a city, local, or exempted village school district, 122830
community school, STEM school, joint vocational school district, 122831
educational service center, or county board of developmental 122832
disabilities that receives allocations from the Department of 122833
Education from appropriation item 200550, Foundation Funding - All 122834
Students, or appropriation item 200540, Special Education 122835

Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

Section 265.530. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2024 or fiscal year 2025 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2024 and fiscal year 2025 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school

district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2024 and fiscal year 2025 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2024 and 2025, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of

the reimbursement shall be the amount appropriated for this 122928
purpose divided by the full-time equivalent number of children for 122929
whom reimbursement is to be made. 122930

(E) Funds provided to a school district, educational service 122931
center, or residential treatment facility under this section shall 122932
be used to supplement, not supplant, funds from other public 122933
sources for which the school district, service center, or 122934
residential treatment facility is entitled or eligible. 122935

(F) The Department of Education shall track the utilization 122936
of funds provided to school districts, educational service 122937
centers, and residential treatment facilities under this section 122938
and monitor the effect of the funding on the educational programs 122939
they provide in participating residential treatment facilities. 122940
The Department shall monitor the programs for educational 122941
accountability. 122942

Section 265.540. (A) Notwithstanding anything in the Revised 122943
Code to the contrary, the Superintendent of Public Instruction 122944
shall not establish any new academic distress commissions for the 122945
2023-2024 and 2024-2025 school years. 122946

(B) This section does not affect an academic distress 122947
commission established prior to the effective date of this 122948
section. 122949

Section 267.10. ELC OHIO ELECTIONS COMMISSION 122950

General Revenue Fund 122951

GRF 051321 Operating Expenses \$ 415,500 \$ 432,000 122952

TOTAL GRF General Revenue Fund \$ 415,500 \$ 432,000 122953

Dedicated Purpose Fund Group 122954

4P20 051601 Operating Support \$ 210,000 \$ 210,000 122955

TOTAL DPF Dedicated Purpose Fund \$ 210,000 \$ 210,000 122956

Group

TOTAL ALL BUDGET FUND GROUPS \$ 625,500 \$ 642,000 122957

Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 122959

DIRECTORS 122960

General Revenue Fund 122961

GRF 881500 Indigent Burial and \$ 1,000,000 \$ 1,000,000 122962

Cremation Support

TOTAL GRF General Revenue Fund \$ 1,000,000 \$ 1,000,000 122963

Dedicated Purpose Fund Group 122964

4K90 881609 Operating Expenses \$ 1,272,500 \$ 1,274,764 122965

TOTAL DPF Dedicated Purpose Fund \$ 1,272,500 \$ 1,274,764 122966

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,272,500 \$ 2,274,764 122967

Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 122969

Fiduciary Fund Group 122970

1240 995673 Payroll Deductions \$ 900,725,600 \$ 927,747,368 122971

8060 995666 Accrued Leave Fund \$ 125,489,317 \$ 129,253,996 122972

8070 995667 Disability Fund \$ 26,672,965 \$ 27,471,726 122973

8080 995668 State Employee Health \$ 1,008,347,532 \$ 1,008,157,697 122974

Benefit Fund

8090 995669 Dependent Care \$ 4,483,500 \$ 4,483,500 122975

Spending Account

8100 995670 Life Insurance \$ 2,123,113 \$ 2,123,113 122976

Investment Fund

8110 995671 Parental Leave \$ 12,362,119 \$ 14,147,759 122977

Benefit Fund

8130 995672 Health Care Spending \$ 14,904,666 \$ 14,904,666 122978

Account

TOTAL FID Fiduciary Fund Group \$ 2,095,108,812 \$ 2,128,289,825 122979

TOTAL ALL BUDGET FUND GROUPS \$ 2,095,108,812 \$ 2,128,289,825 122980

Section 271.20. PAYROLL DEDUCTION FUND 122982

The foregoing appropriation item 995673, Payroll Deductions, 122983
shall be used to make payments from the Payroll Deduction Fund 122984
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 122985
is determined by the Director of Budget and Management that 122986
additional amounts are necessary, the amounts are hereby 122987
appropriated. 122988

ACCRUED LEAVE LIABILITY FUND 122989

The foregoing appropriation item 995666, Accrued Leave Fund, 122990
shall be used to make payments from the Accrued Leave Liability 122991
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 122992
If it is determined by the Director of Budget and Management that 122993
additional amounts are necessary, the amounts are hereby 122994
appropriated. 122995

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 122996

The foregoing appropriation item 995667, Disability Fund, 122997
shall be used to make payments from the State Employee Disability 122998
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 122999
Revised Code. If it is determined by the Director of Budget and 123000
Management that additional amounts are necessary, the amounts are 123001
hereby appropriated. 123002

STATE EMPLOYEE HEALTH BENEFIT FUND 123003

The foregoing appropriation item 995668, State Employee 123004
Health Benefit Fund, shall be used to make payments from the State 123005
Employee Health Benefit Fund (Fund 8080) pursuant to section 123006
124.87 of the Revised Code. If it is determined by the Director of 123007
Budget and Management that additional amounts are necessary, the 123008
amounts are hereby appropriated. 123009

DEPENDENT CARE SPENDING FUND 123010

The foregoing appropriation item 995669, Dependent Care 123011

Spending Account, shall be used to make payments from the 123012
Dependent Care Spending Fund (Fund 8090) to employees eligible for 123013
dependent care expenses pursuant to section 124.822 of the Revised 123014
Code. If it is determined by the Director of Budget and Management 123015
that additional amounts are necessary, the amounts are hereby 123016
appropriated. 123017

LIFE INSURANCE INVESTMENT FUND 123018

The foregoing appropriation item 995670, Life Insurance 123019
Investment Fund, shall be used to make payments from the Life 123020
Insurance Investment Fund (Fund 8100) for the costs and expenses 123021
of the state's life insurance benefit program pursuant to section 123022
125.212 of the Revised Code. If it is determined by the Director 123023
of Budget and Management that additional amounts are necessary, 123024
the amounts are hereby appropriated. 123025

PARENTAL LEAVE BENEFIT FUND 123026

The foregoing appropriation item 995671, Parental Leave 123027
Benefit Fund, shall be used to make payments from the Parental 123028
Leave Benefit Fund (Fund 8110) to employees eligible for parental 123029
leave benefits pursuant to sections 124.136 and 124.137 of the 123030
Revised Code. If it is determined by the Director of Budget and 123031
Management that additional amounts are necessary, the amounts are 123032
hereby appropriated. 123033

Notwithstanding any provision of section 124.136 of the 123034
Revised Code to the contrary, beginning July 1, 2023, the Director 123035
of Administrative Services may use the foregoing appropriation 123036
item 995671, Parental leave Benefit Fund, to pay parental leave to 123037
employees eligible for parental leave under that section for up to 123038
12 weeks, inclusive of the two week waiting period. 123039

HEALTH CARE SPENDING ACCOUNT FUND 123040

The foregoing appropriation item 995672, Health Care Spending 123041
Account, shall be used to make payments from the Health Care 123042

Spending Account Fund (Fund 8130) for payments pursuant to state 123043
 employees' participation in a flexible spending account for 123044
 nonreimbursed health care expenses and section 124.821 of the 123045
 Revised Code. If it is determined by the Director of Budget and 123046
 Management that additional amounts are necessary, the amounts are 123047
 hereby appropriated. 123048

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 123049

General Revenue Fund 123050
 GRF 125321 Operating Expenses \$ 4,421,423 \$ 4,466,029 123051
 TOTAL GRF General Revenue Fund \$ 4,421,423 \$ 4,466,029 123052
 Dedicated Purpose Fund Group 123053
 5720 125603 Training and \$ 334,128 \$ 162,149 123054
 Publications
 TOTAL DPF Dedicated Purpose Fund \$ 334,128 \$ 162,149 123055
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 4,755,551 \$ 4,628,178 123056

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 123058

Dedicated Purpose Fund Group 123059
 4K90 892609 Operating Expenses \$ 1,233,994 \$ 1,281,904 123060
 TOTAL DPF Dedicated Purpose Fund \$ 1,233,994 \$ 1,281,904 123061
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 1,233,994 \$ 1,281,904 123062

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 123064

General Revenue Fund 123065
 GRF 715502 Auto Emissions \$ 13,864,712 \$ 13,907,712 123066
 E-Check Program
 TOTAL GRF General Revenue Fund \$ 13,864,712 \$ 13,907,712 123067
 Dedicated Purpose Fund Group 123068

4D50	715618	Recycled State Materials	\$	50,000	\$	50,000	123069
4J00	715638	Underground Injection Control	\$	485,800	\$	485,800	123070
4K20	715648	Clean Air - Non Title V	\$	5,086,300	\$	5,086,300	123071
4K30	715649	Solid Waste	\$	16,711,135	\$	16,698,529	123072
4K40	715650	Surface Water Protection	\$	11,541,000	\$	12,966,000	123073
4K50	715651	Drinking Water Protection	\$	7,709,664	\$	7,992,257	123074
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	123075
4R50	715656	Scrap Tire Management	\$	3,431,065	\$	3,470,616	123076
4R90	715658	Voluntary Action Program	\$	1,143,598	\$	1,143,598	123077
4T30	715659	Clean Air - Title V Permit Program	\$	10,448,228	\$	10,377,528	123078
5000	715608	Immediate Removal Special Account	\$	750,000	\$	750,000	123079
5030	715621	Hazardous Waste Facility Management	\$	4,877,120	\$	4,877,120	123080
5050	715623	Hazardous Waste Cleanup	\$	10,769,788	\$	10,769,788	123081
5050	715698	Response and Investigations	\$	3,715,000	\$	3,710,000	123082
5320	715646	Recycling and Litter Control	\$	8,478,000	\$	8,508,000	123083
5410	715670	Site Specific Cleanup	\$	1,271,193	\$	1,271,192	123084
5420	715671	Risk Management Reporting	\$	216,300	\$	220,470	123085
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	123086
5BC0	715622	Local Air Pollution	\$	2,100,000	\$	2,100,000	123087

		Control				
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600 123088
5BC0	715672	Air Pollution Control	\$	8,910,000	\$	8,910,000 123089
5BC0	715673	Drinking and Ground	\$	3,700,000	\$	3,700,000 123090
		Water				
5BC0	715676	Assistance and	\$	2,082,000	\$	2,093,000 123091
		Prevention				
5BC0	715677	Laboratory	\$	3,684,000	\$	3,684,000 123092
5BC0	715678	Corrective Actions	\$	1,211,000	\$	1,211,000 123093
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000 123094
		Agencies				
5BC0	715692	Administration	\$	17,000,000	\$	17,000,000 123095
5BC0	715694	Environmental	\$	875,000	\$	875,000 123096
		Resource Coordination				
5BT0	715679	C&DD Groundwater	\$	101,000	\$	101,000 123097
		Monitoring				
5PZ0	715696	Drinking Water Loan	\$	3,950,988	\$	4,021,500 123098
		Fee				
5Y30	715685	Surface Water	\$	520,000	\$	520,000 123099
		Improvement				
5YY0	715405	National Priorities	\$	500,000	\$	900,000 123100
		List Remedial Support				
		Fund				
6440	715631	Emergency Response	\$	332,287	\$	332,287 123101
		Radiological Safety				
6760	715642	Water Pollution	\$	5,778,100	\$	5,830,000 123102
		Control Loan				
		Administration				
6760	715699	Water Quality	\$	4,223,000	\$	4,223,000 123103
		Administration				
6790	715636	Emergency Planning	\$	2,981,352	\$	3,018,540 123104
6960	715643	Air Pollution Control	\$	400,000	\$	500,000 123105
		Administration				

6990	715644	Water Pollution Control Administration	\$	310,000	\$	310,000	123106
6A10	715645	Environmental Education	\$	550,000	\$	550,000	123107
6H20	715695	H2Ohio	\$	31,350,000	\$	31,350,000	123108
TOTAL DPF Dedicated Purpose Fund Group			\$	185,309,518	\$	187,673,125	123109
Internal Service Activity Fund Group							123110
1990	715602	Laboratory Services	\$	533,000	\$	533,000	123111
2190	715604	Central Support Indirect	\$	10,294,764	\$	10,294,764	123112
4A10	715640	Operating Expenses	\$	1,008,000	\$	1,008,000	123113
TOTAL ISA Internal Service Activity Fund Group			\$	11,835,764	\$	11,835,764	123114
Federal Fund Group							123115
3530	715612	Public Water Supply	\$	2,998,150	\$	2,998,150	123116
3570	715619	Air Pollution Control - Federal	\$	7,019,706	\$	7,059,570	123117
3620	715605	Underground Injection Control - Federal	\$	180,815	\$	181,818	123118
3BU0	715684	Water Quality Protection	\$	34,064,930	\$	34,345,960	123119
3CS0	715688	Federal NRD Settlements	\$	201,000	\$	201,000	123120
3F30	715632	Federally Supported Cleanup and Response	\$	9,859,094	\$	10,056,289	123121
3HE0	715697	Volkswagen Clean Air Act Settlement	\$	3,085,000	\$	3,095,000	123122
3T30	715669	Drinking Water State Revolving Fund	\$	3,155,035	\$	3,255,035	123123
3V70	715606	Agencywide Grants	\$	940,000	\$	940,000	123124

TOTAL FED Federal Fund Group	\$	61,503,730	\$	62,132,822	123125
TOTAL ALL BUDGET FUND GROUPS	\$	272,513,724	\$	275,549,423	123126

Section 277.20. AREAWIDE PLANNING AGENCIES 123128

The Director of Environmental Protection may award grants 123129
 from appropriation item 715687, Areawide Planning Agencies, to 123130
 areawide planning agencies engaged in areawide water quality 123131
 management and planning activities in accordance with Section 208 123132
 of the "Federal Clean Water Act," 33 U.S.C. 1288. 123133

CASH TRANSFER TO THE SCRAP TIRE MANAGEMENT FUND FROM THE AUTO 123134
 EMISSIONS TEST FUND 123135

The Director of Budget and Management, at the request of the 123136
 Director of Environmental Protection, may transfer the remaining 123137
 cash balance in the Auto Emissions Test Fund (Fund 5BY0) to the 123138
 Scrap Tire Management Fund (Fund 4R50) in fiscal year 2024. 123139

H2OHIO FUND 123140

On July 1, 2024, or as soon as possible thereafter, the 123141
 Director of Environmental Protection may certify to the Director 123142
 of Budget and Management an amount up to the unexpended, 123143
 unencumbered balance of the foregoing appropriation item, 715695, 123144
 H2Ohio, at the end of fiscal year 2024 to be reappropriated in 123145
 fiscal year 2025. The amount certified is hereby reappropriated to 123146
 the same appropriation item for fiscal year 2025. 123147

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 123148

General Revenue Fund					123149
GRF 172321 Operating Expenses	\$	693,800	\$	728,500	123150
TOTAL GRF General Revenue Fund	\$	693,800	\$	728,500	123151
TOTAL ALL BUDGET FUND GROUPS	\$	693,800	\$	728,500	123152

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 123154

General Revenue Fund					123155	
GRF 935401	Statehouse News	\$	382,893	\$	382,893	123156
	Bureau					
GRF 935402	Ohio Government	\$	1,947,255	\$	1,947,255	123157
	Telecommunications					
	Services					
GRF 935410	Content Development,	\$	3,909,231	\$	3,909,231	123158
	Acquisition, and					
	Distribution					
GRF 935430	Broadcast Education	\$	4,107,410	\$	4,107,410	123159
	Operating					
TOTAL GRF	General Revenue Fund	\$	10,346,789	\$	10,346,789	123160
Dedicated Purpose Fund Group						123161
5FK0 935608	Media Services	\$	500	\$	500	123162
5VB0 935650	Facility Rental	\$	6,200	\$	7,400	123163
TOTAL DPF	Dedicated Purpose Fund	\$	6,700	\$	7,900	123164
Internal Service Activity Fund Group						123165
4F30 935603	Affiliate Services	\$	4,000	\$	4,000	123166
TOTAL ISA	Internal Service Activity	\$	4,000	\$	4,000	123167
Fund						
TOTAL ALL BUDGET FUND GROUPS		\$	10,357,489	\$	10,358,689	123168

Section 281.20. STATEHOUSE NEWS BUREAU 123170

The foregoing appropriation item 935401, Statehouse News 123171
 Bureau, shall be used solely to support the operations of the Ohio 123172
 Statehouse News Bureau. 123173

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 123174

The foregoing appropriation item 935402, Ohio Government 123175
 Telecommunications Services, shall be used solely to support the 123176
 operations of Ohio Government Telecommunications Services which 123177
 include providing multimedia support to the state government and 123178

its affiliated organizations and broadcasting the activities of 123179
the legislative, judicial, and executive branches of state 123180
government, among its other functions. 123181

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 123182

The foregoing appropriation item 935410, Content Development, 123183
Acquisition, and Distribution, shall be used for the development, 123184
acquisition, and distribution of information resources by public 123185
media and radio reading services and for educational use in the 123186
classroom and online. 123187

Of the foregoing appropriation item 935410, Content 123188
Development, Acquisition, and Distribution, up to \$964,496 in each 123189
fiscal year shall be allocated equally among the Ohio educational 123190
television stations. Funds shall be used for the production of 123191
interactive instructional programming series with priority given 123192
to resources aligned with state academic content standards. 123193

Of the foregoing appropriation item 935410, Content 123194
Development, Acquisition, and Distribution, up to \$2,650,261 in 123195
each fiscal year shall be distributed by the Broadcast Educational 123196
Media Commission to Ohio's qualified public educational television 123197
stations and educational radio stations to support their 123198
operations. The funds shall be distributed pursuant to an 123199
allocation formula used by the Ohio Educational Telecommunications 123200
Network Commission unless a substitute formula is developed by the 123201
Broadcast Educational Media Commission in consultation with Ohio's 123202
qualified public educational television stations and educational 123203
radio stations. 123204

Of the foregoing appropriation item 935410, Content 123205
Development, Acquisition, and Distribution, up to \$294,474 in each 123206
fiscal year shall be distributed by the Broadcast Educational 123207
Media Commission to Ohio's qualified radio reading services to 123208
support their operations. The funds shall be distributed pursuant 123209

to an allocation formula used by the Ohio Educational 123210
Telecommunications Network Commission unless a substitute formula 123211
is developed by the Broadcast Educational Media Commission in 123212
consultation with Ohio's qualified radio reading services. 123213

Section 283.10. ETH OHIO ETHICS COMMISSION 123214

General Revenue Fund 123215

GRF 146321	Operating Expenses	\$	2,288,900	\$	2,305,100	123216
TOTAL GRF	General Revenue Fund	\$	2,288,900	\$	2,305,100	123217

Dedicated Purpose Fund Group 123218

4M60 146601	Operating Support	\$	515,100	\$	515,100	123219
TOTAL DPF	Dedicated Purpose Fund	\$	515,100	\$	515,100	123220

Group

TOTAL ALL BUDGET FUND GROUPS		\$	2,804,000	\$	2,820,200	123221
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 123223

General Revenue Fund 123224

GRF 723403	Junior Fair Subsidy	\$	380,000	\$	380,000	123225
TOTAL GRF	General Revenue Fund	\$	380,000	\$	380,000	123226

Dedicated Purpose Fund Group 123227

4N20 723602	Ohio State Fair	\$	350,000	\$	350,000	123228
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Harness Racing

5060 723601	Operating Expenses	\$	16,515,000	\$	16,626,000	123229
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5060 723604	Grounds Maintenance	\$	300,000	\$	300,000	123230
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and Repairs

5ZN0 723605	EXPO 2050	\$	95,000,000	\$	95,000,000	123231
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TOTAL DPF	Dedicated Purpose Fund	\$	112,165,000	\$	112,276,000	123232
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	112,545,000	\$	112,656,000	123233
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STATE FAIR RESERVE 123234

The General Manager of the Expositions Commission, in 123235

consultation with the Director of Budget and Management, may 123236
 submit a request to the Controlling Board to use available amounts 123237
 in the State Fair Reserve Fund (Fund 6400) if revenues from either 123238
 the 2023 or the 2024 Ohio State Fair are unexpectedly low. 123239

On July 1 of each fiscal year, or as soon as possible 123240
 thereafter, the Director of Budget and Management, in consultation 123241
 with the General Manager of the Expositions Commission, may 123242
 determine that the Ohio Expositions Fund (Fund 5060) has a cash 123243
 balance in excess of the anticipated operating costs of the 123244
 Exposition Commission in that fiscal year. Notwithstanding section 123245
 991.04 of the Revised Code, the Director of Budget and Management 123246
 may transfer an amount up to the excess cash from Fund 5060 to 123247
 Fund 6400 in each fiscal year. 123248

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 123249

General Revenue Fund 123250

GRF 230321 Operating Expenses \$ 11,626,827 \$ 12,098,168 123251

GRF 230401 Cultural Facilities \$ 31,000,000 \$ 31,000,000 123252

Lease Rental Bond
 Payments

GRF 230908 Common Schools \$ 370,000,000 \$ 297,000,000 123253

General Obligation
 Bond Debt Service

TOTAL GRF General Revenue Fund \$ 412,626,827 \$ 340,098,168 123254

Dedicated Purpose Fund Group 123255

5ZJ0 230651 Career-Technical \$ 200,000,000 \$ 0 123256

Construction Program

TOTAL DPF Dedicated Purpose Fund \$ 200,000,000 \$ 0 123257

Group

Internal Service Activity Fund Group 123258

1310 230639 State Construction \$ 8,129,013 \$ 8,305,828 123259

Management Operations

TOTAL ISA Internal Service Activity	\$	8,129,013	\$	8,305,828	123260
Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	620,755,840	\$	348,403,996	123261

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 123263

PAYMENTS 123264

The foregoing appropriation item 230401, Cultural Facilities 123265
 Lease Rental Bond Payments, shall be used to meet all payments 123266
 during the period from July 1, 2023, through June 30, 2025, by the 123267
 Ohio Facilities Construction Commission pursuant to leases and 123268
 agreements for cultural and sports facilities made under section 123269
 154.23 of the Revised Code. These appropriations are the source of 123270
 funds pledged for bond service charges on related obligations 123271
 issued under Chapter 154. of the Revised Code. 123272

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 123273

The foregoing appropriation item 230908, Common Schools 123274
 General Obligation Bond Debt Service, shall be used to pay all 123275
 debt service and related financing costs during the period from 123276
 July 1, 2023, through June 30, 2025, on obligations issued under 123277
 sections 151.01 and 151.03 of the Revised Code. 123278

CAREER-TECHNICAL CONSTRUCTION PROGRAM 123279

(A) The foregoing appropriation item 230651, Career-Technical 123280
 Construction Program, shall be used by the Ohio Facilities 123281
 Construction Commission to assist with construction projects that 123282
 support establishing or expanding career-technical education 123283
 programs. Funds shall be distributed to joint vocational school 123284
 districts or city, local, and exempted village school districts 123285
 designated as the lead district of a career-technical planning 123286
 district according to guidelines established by the Executive 123287
 Director of the Commission, in consultation with the Governor's 123288
 Office of Workforce Transformation and the Department of 123289

Education. The guidelines shall consider establishing or expanding 123290
career-technical education programs that support the occupations 123291
on the Governor's Office of Workforce Transformation's Ohio's Top 123292
Jobs List or that qualify for the Innovative Workforce Incentive 123293
Program under the Department of Education. 123294

(B) An amount equal to the unexpended, unencumbered balance 123295
of the foregoing appropriation item 230651, Career-Technical 123296
Construction Program, at the end of fiscal year 2024 is hereby 123297
reappropriated for the same purpose in fiscal year 2025. 123298

(C) As used in division (A) of this section, "construction 123299
project" means a project that will build, erect, alter, improve, 123300
or demolish any public educational facility, including any 123301
improvements to real property and the installation of heating, 123302
cooling, ventilating, or other specialized equipment necessary for 123303
educational purposes. 123304

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 123305
REAPPROPRIATION 123306

At the request of the Executive Director of the Ohio 123307
Facilities Construction Commission, the Director of Budget and 123308
Management may cancel encumbrances for school district projects 123309
from a previous biennium if the district has not raised its local 123310
share of project costs within thirteen months of receiving 123311
Controlling Board approval under section 3318.05 or 3318.41 of the 123312
Revised Code. The Executive Director of the Ohio Facilities 123313
Construction Commission shall certify the amounts of the canceled 123314
encumbrances to the Director of Budget and Management on a 123315
quarterly basis. The amounts of the canceled encumbrances are 123316
hereby appropriated. 123317

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 123318
APPROPRIATIONS 123319

On July 1, 2023, or as soon as possible thereafter, the
Executive Director of the Ohio Facilities Construction Commission
shall certify to the Director of Budget and Management the amount
of cash receipts and related investment income, irrevocable
letters of credit from a bank, or certification of the
availability of funds that have been received from a county or a
municipal corporation for deposit into the Capital Donations Fund
(Fund 5A10) and that are related to an anticipated project. These
amounts are hereby appropriated to appropriation item C37146,
Capital Donations. Prior to certifying these amounts to the
Director, the Executive Director shall make a written agreement
with the participating entity on the necessary cash flows required
for the anticipated construction or equipment acquisition project.

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Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR
MAINTENANCE LEVY

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The Ohio Facilities Construction Commission shall amend the
project agreement between the Commission and a school district
that is participating in the Accelerated Urban School Building
Assistance Program as of September 29, 2018, if the Commission
determines that it is necessary to do so in order to comply with
division (B)(3)(c) of section 3318.38 of the Revised Code.

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Section 287.60. Notwithstanding any other provision of law to
the contrary, the Ohio Facilities Construction Commission may
determine the amount of funding available for disbursement in a
given fiscal year for any project approved under sections 3318.01
to 3318.20 of the Revised Code in order to keep aggregate state
capital spending within approved limits and may take actions
including, but not limited to, determining the schedule for design
or bidding of approved projects, to ensure appropriate and
supportable cash flow.

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Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 123350
DISTRICT 123351

Notwithstanding division (B) of section 3318.40 of the 123352
Revised Code, in each fiscal year in which funds are available for 123353
additional projects, the Ohio Facilities Construction Commission 123354
shall provide assistance to at least one joint vocational school 123355
district for the acquisition or improvement of classroom 123356
facilities in accordance with sections 3318.40 to 3318.45 of the 123357
Revised Code. 123358

Section 287.80. RETURNED OR RECOVERED FUNDS 123359

Notwithstanding any provision of law to the contrary, any 123360
moneys a school district transfers to the Ohio Facilities 123361
Construction Commission under division (C)(2) or (3) of section 123362
3318.12 of the Revised Code as well as any moneys recovered from 123363
settlements with or judgments against parties relating to their 123364
involvement in a classroom facilities project shall be deposited 123365
into the fund from which the capital appropriation for the project 123366
was made. In any fiscal year in which the Commission has made a 123367
deposit under this section, the Executive Director of the Ohio 123368
Facilities Construction Commission may seek Controlling Board 123369
approval to increase appropriations from those funds and specified 123370
appropriation items in an amount equal to the amount of the funds 123371
deposited under this section. The additional amounts, if approved, 123372
shall be used in accordance with the purposes of Chapter 3318. of 123373
the Revised Code for projects pursuant to sections 3318.01 to 123374
3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon 123375
approval of the Controlling Board, the additional amounts are 123376
hereby appropriated. 123377

Section 289.10. GOV OFFICE OF THE GOVERNOR 123378

General Revenue Fund 123379

GRF 040321	Operating Expenses	\$	3,218,986	\$	3,218,986	123380
TOTAL GRF	General Revenue Fund	\$	3,218,986	\$	3,218,986	123381
Internal Service Activity Fund Group						123382
5AK0 040607	Government Relations	\$	662,798	\$	662,798	123383
TOTAL ISA	Internal Service Activity					123384
Fund Group		\$	662,798	\$	662,798	123385
TOTAL ALL BUDGET FUND GROUPS		\$	3,881,784	\$	3,881,784	123386

GOVERNMENT RELATIONS 123387

The Office of the Governor may issue an intrastate transfer 123388
voucher to charge any state agency of the executive branch such 123389
amounts necessary to represent the interests of Ohio to federal, 123390
state, and local government units and to cover the costs or 123391
membership dues related to Ohio's participation in national and 123392
regional associations. Amounts collected shall be deposited in the 123393
Government Relations Fund (Fund 5AK0). 123394

Section 291.10. DOH DEPARTMENT OF HEALTH 123395

General Revenue Fund						123396
GRF 440413	Local Health	\$	2,379,808	\$	2,379,808	123397
Department Support						
GRF 440416	Mothers and Children	\$	4,588,568	\$	4,813,408	123398
Safety Net Services						
GRF 440431	Free Clinic Safety Net	\$	1,500,000	\$	1,500,000	123399
Services						
GRF 440438	Breast and Cervical	\$	1,186,921	\$	1,245,080	123400
Cancer Screening						
GRF 440444	AIDS Prevention	\$	3,678,624	\$	3,858,877	123401
GRF 440451	Public Health	\$	9,924,202	\$	9,927,136	123402
Laboratory						
GRF 440452	Child and Family	\$	634,747	\$	665,850	123403
Health Services Match						
GRF 440453	Health Care Quality	\$	6,545,712	\$	6,866,452	123404

	Assurance				
GRF 440454	Environmental	\$	4,494,630	\$	4,711,873 123405
	Health/Radiation				
	Protection				
GRF 440465	FQHC Primary Care	\$	2,686,688	\$	2,686,688 123406
	Workforce Initiative				
GRF 440472	Alcohol Testing	\$	1,707,149	\$	1,841,386 123407
GRF 440477	Emergency Preparation	\$	2,922,986	\$	2,997,612 123408
	and Response				
GRF 440481	Lupus Awareness	\$	210,000	\$	210,000 123409
GRF 440482	Chronic Disease,	\$	16,373,121	\$	16,643,768 123410
	Injury Prevention, and				
	Drug Overdose				
GRF 440483	Infectious Disease	\$	5,981,142	\$	6,244,911 123411
	Prevention and Control				
GRF 440484	Public Health	\$	1,378,134	\$	1,445,663 123412
	Technology Innovation				
GRF 440485	Health Program Support	\$	125,000	\$	125,000 123413
GRF 440492	Centralized Warehouse	\$	2,685,000	\$	2,685,000 123414
	Operations and Support				
GRF 440493	Evidence-based	\$	20,000,000	\$	20,000,000 123415
	Community Health				
	Interventions				
GRF 440505	Children and Youth	\$	12,338,811	\$	12,943,413 123416
	with Special Health				
	Care Needs				
GRF 440507	Targeted Healthcare	\$	2,000,000	\$	2,000,000 123417
	Services - Over 21				
GRF 440527	Lead Abatement	\$	10,818,500	\$	11,652,607 123418
GRF 440529	Harm Reduction	\$	50,000	\$	50,000 123419
GRF 440530	Lead-Safe Home Fund	\$	1,000,000	\$	1,000,000 123420
	Program				
GRF 440672	Youth Homelessness	\$	3,569,870	\$	3,744,794 123421

GRF 654453	Medicaid - State	\$	4,587,231	\$	4,812,005	123422
	Health Program Support					
TOTAL GRF	General Revenue Fund	\$	123,366,844	\$	127,051,331	123423
	Dedicated Purpose Fund Group					123424
4700 440647	Fee Supported Programs	\$	31,124,957	\$	32,650,080	123425
4710 440619	Certificate of Need	\$	550,000	\$	550,000	123426
4730 440622	Lab Operating Expenses	\$	8,986,199	\$	8,986,199	123427
4770 440627	Children and Youth	\$	5,033,264	\$	5,033,264	123428
	with Special Health					
	Care Needs Audit					
4D60 440608	Genetics Services	\$	3,316,583	\$	3,316,583	123429
4F90 440610	Sickle Cell Disease	\$	850,000	\$	850,000	123430
	Control					
4G00 440636	Heirloom Birth	\$	15,000	\$	15,000	123431
	Certificate					
4G00 440637	Birth Certificate	\$	15,000	\$	15,000	123432
	Surcharge					
4L30 440609	HIV Care and	\$	40,702,842	\$	42,697,281	123433
	Miscellaneous Expenses					
4P40 440628	Ohio Physician Loan	\$	700,000	\$	700,000	123434
	Repayment					
4V60 440641	Save Our Sight	\$	2,505,378	\$	2,505,378	123435
5B50 440616	Quality, Monitoring,	\$	753,830	\$	753,830	123436
	and Inspection					
5BX0 440656	Tobacco Use	\$	20,000,000	\$	20,000,000	123437
	Prevention, Cessation,					
	and Enforcement					
5CN0 440645	Choose Life	\$	80,000	\$	80,000	123438
5D60 440620	Second Chance Trust	\$	1,607,317	\$	1,607,317	123439
5ED0 440651	Smoke Free Indoor Air	\$	280,000	\$	280,000	123440
5G40 440639	Adoption Services	\$	100,000	\$	100,000	123441
5PE0 440659	Breast and Cervical	\$	500,000	\$	500,000	123442
	Cancer Services					

5QJ0	440662	Dental Hygienist Loan	\$	100,000	\$	100,000	123443
		Repayments					
5SH0	440520	Children's Wish Grant	\$	275,000	\$	275,000	123444
		Program					
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	123445
5YS0	440491	Chiropractic Loan		25,000		25,000	123446
		Repayment					
5Z70	440624	Ohio Dentist Loan	\$	275,000	\$	275,000	123447
		Repayment					
6100	440626	Radiation Emergency	\$	1,405,870	\$	1,474,757	123448
		Response					
6660	440607	Children and Youth	\$	24,060,298	\$	24,060,298	123449
		with Special Health					
		Care Needs - County					
		Assessments					
6980	440634	Nurse Aide Training	\$	126,686	\$	126,686	123450
TOTAL DPF		Dedicated Purpose Fund	\$	144,388,224	\$	147,976,673	123451
Group							
Internal Service Activity Fund Group							123452
1420	440646	Agency Health	\$	5,315,107	\$	5,575,547	123453
		Services					
2110	440613	Central Support	\$	38,286,929	\$	38,286,929	123454
		Indirect Costs					
TOTAL ISA		Internal Service Activity	\$	43,602,036	\$	43,862,476	123455
Fund Group							
Highway Safety Fund Group							123456
4T40	440603	Child Highway Safety	\$	200,000	\$	200,000	123457
TOTAL HSF		Highway Safety Fund Group	\$	200,000	\$	200,000	123458
Holding Account Fund Group							123459
R014	440631	Vital Statistics	\$	129,883	\$	155,859	123460
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	123461
		Reconciliation, and					

Audit Settlements

TOTAL HLD Holding Account Fund	\$	149,883	\$	175,859	123462
Group					
Federal Fund Group					123463
3870 440602 Preventive Health	\$	10,298,039	\$	10,802,643	123464
Block Grant					
3890 440604 Women, Infants, and	\$	220,190,613	\$	220,190,613	123465
Children					
3910 440606 Medicare Survey and	\$	20,783,006	\$	21,801,373	123466
Certification					
3920 440618 Federal Public Health	\$	111,061,407	\$	116,503,416	123467
Programs					
3GD0 654601 Medicaid Program	\$	37,000,000	\$	37,000,000	123468
Support					
3GN0 440660 Public Health	\$	57,983,775	\$	60,824,980	123469
Emergency					
Preparedness					
3GN0 440683 ARPA - Crisis	\$	10,000,000	\$	10,000,000	123470
Response Workforce					
3HP0 440673 Public Health	\$	131,521,213	\$	9,707,387	123471
Emergency Response					
3HP0 440682 Epidemiology and Lab	\$	62,940,000	\$	66,024,060	123472
Capacity for School					
Testing (ARP)					
3HP0 440685 ELC Nursing Home &	\$	5,375,935	\$	0	123473
Long-Term Care Strike					
Teams					
3HP0 440686 ELC Strengthening	\$	5,919,337	\$	3,159,489	123474
HAI/AR Grant					
3HP0 440687 Healthier Communities	\$	8,000,000	\$	1,000,000	123475
3HP0 440688 Detection and	\$	9,000,000	\$	1,000,000	123476
Mitigation of					
COVID-19 -					

	Confinement				
	Facilities				
3HV0 440681	COVID-19 Vaccine	\$	10,000,000	\$	10,000,000 123477
	Preparedness (ARP)				
TOTAL FED	Federal Fund Group	\$	700,073,325	\$	568,013,961 123478
TOTAL ALL BUDGET FUND GROUPS		\$	1,011,780,312	\$	887,280,300 123479

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 123481

Of the foregoing appropriation item 440416, Mothers and 123482
 Children Safety Net Services, up to \$200,000 in each fiscal year 123483
 may be used to assist families with hearing-impaired children 123484
 under twenty-six years of age in purchasing hearing aids and 123485
 hearing assistive technology. The Director of Health shall adopt 123486
 rules governing the distribution of these funds, including rules 123487
 that do both of the following: (1) establish eligibility criteria 123488
 to include families with incomes at or below four hundred per cent 123489
 of the federal poverty guidelines as defined in section 5101.46 of 123490
 the Revised Code and (2) develop a sliding scale of disbursements 123491
 under this section based on family income. The Director may adopt 123492
 other rules as necessary to implement this section. Rules adopted 123493
 under this section shall be adopted in accordance with Chapter 123494
 119. of the Revised Code. 123495

FREE CLINIC SAFETY NET SERVICES 123496

The foregoing appropriation item 440431, Free Clinic Safety 123497
 Net Services, shall be provided to the Charitable Healthcare 123498
 Network. Funds may be used to reimburse free clinics for health 123499
 care services provided, as well as for administrative services, 123500
 information technology costs, infrastructure repair, or other 123501
 clinic necessities. Additionally, the Director of Health may 123502
 designate up to five per cent of the appropriation in each fiscal 123503
 year to pay the administrative costs the Department of Health 123504
 incurs for operating the program. 123505

AIDS PREVENTION	123506
The foregoing appropriation item 440444, AIDS Prevention,	123507
shall be used to administer educational and other prevention	123508
initiatives.	123509
FQHC PRIMARY CARE WORKFORCE INITIATIVE	123510
The foregoing appropriation item 440465, FQHC Primary Care	123511
Workforce Initiative, shall be provided to the Ohio Association of	123512
Community Health Centers to administer the FQHC Primary Care	123513
Workforce Initiative. The Initiative shall provide medical,	123514
dental, behavioral health, physician assistant, and advanced	123515
practice nursing students with clinical rotations through	123516
federally qualified health centers. Additionally, the Director of	123517
Health may designate up to five per cent of the appropriation in	123518
each fiscal year to pay the administrative costs the Department of	123519
Health incurs for operating the program.	123520
EMERGENCY PREPARATION AND RESPONSE	123521
The foregoing appropriation item 440477, Emergency	123522
Preparation and Response, shall be used to support public health	123523
emergency preparedness and response efforts. This appropriation	123524
may also be used to support data infrastructure projects and other	123525
data analysis and analytics work.	123526
LUPUS AWARENESS	123527
The foregoing appropriation item 440481, Lupus Awareness,	123528
shall be distributed to the Lupus Foundation of America, Greater	123529
Ohio Chapter, Inc., to operate a lupus education and awareness	123530
program.	123531
CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE	123532
Of the foregoing appropriation item 440482, Chronic Disease,	123533
Injury Prevention and Drug Overdose, up to \$1,000,000 in each	123534
fiscal year shall be used, in consultation with the Department of	123535

Mental Health and Addiction Services and the Governor's 123536
RecoveryOhio Initiative, to support the continuation of the 123537
Emergency Department Comprehensive Care Initiative to enhance 123538
Ohio's response to the addiction crisis by creating a 123539
comprehensive system of care for patients who present in emergency 123540
departments with addiction. 123541

Of the foregoing appropriation item 440482, Chronic Disease, 123542
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 123543
2024 shall be used, in consultation with the Governor's 123544
RecoveryOhio Initiative, to support local health providers' harm 123545
reduction efforts to reduce overdose rates and deaths. 123546

INFECTIOUS DISEASE PREVENTION AND CONTROL 123547

On July 1, 2024, or as soon as possible thereafter, the 123548
Director of Health may certify to the Director of Budget and 123549
Management an amount up to the unexpended, unencumbered balance of 123550
the foregoing appropriation item 440483, Infectious Disease 123551
Prevention and Control, at the end of fiscal year 2024 to be 123552
reappropriated to fiscal year 2025. The amount certified is hereby 123553
reappropriated to the same appropriation item for fiscal year 123554
2025. 123555

CENTRALIZED WAREHOUSE OPERATIONS AND SUPPORT 123556

The foregoing appropriation item 440492, Centralized 123557
Warehouse Operations and Support, shall be used to provide support 123558
and readiness for the administration of emerging health responses. 123559
Expenses may include, but are not limited to, management, rent, 123560
and maintenance costs of the stored equipment. 123561

EVIDENCE-BASED COMMUNITY HEALTH INTERVENTIONS 123562

The foregoing appropriation item 440493, Evidence-Based 123563
Community Health Interventions, shall be used by the Department of 123564
Health to make distributions to local health departments for 123565
quality foundational public health services. 123566

TARGETED HEALTH CARE SERVICES-OVER 21 123567

The foregoing appropriation item 440507, Targeted Health Care 123568
Services-Over 21, shall be used to administer the Cystic Fibrosis 123569
Program and to implement the Hemophilia Insurance Premium Payment 123570
Program. The Department of Health shall expend up to \$100,000 in 123571
each fiscal year to implement the Hemophilia Insurance Premium 123572
Payment Program. 123573

The foregoing appropriation item 440507, Targeted Health Care 123574
Services-Over 21, shall also be used to provide essential 123575
medications and to pay the copayments for drugs approved by the 123576
Department of Health and covered by Medicare Part D that are 123577
dispensed to Program for Children and Youth with Special Health 123578
Care Needs participants for the Cystic Fibrosis Program. 123579

The Department shall expend all of the funds appropriated in 123580
appropriation item 440507, Targeted Health Care Services-Over 21. 123581

LEAD ABATEMENT 123582

Of the foregoing appropriation item 440527, Lead Abatement, 123583
\$500,000 in each fiscal year shall be used by the Department of 123584
Health to distribute funds to local governments for projects that 123585
include, but are not limited to, lead hazard control and housing 123586
rehabilitation initiatives that expand the Department's lead 123587
hazard control and prevention efforts. 123588

HARM REDUCTION 123589

The foregoing appropriation item 440529, Harm Reduction, 123590
shall be used to distribute funding to local health departments or 123591
a partner agency to operate harm reduction programs, including 123592
syringe services. Local health departments eligible for funding 123593
shall be accredited or in the process of becoming accredited 123594
through the Public Health Accreditation Board. 123595

LEAD-SAFE HOME FUND PROGRAM 123596

The foregoing appropriation item 440530, Lead-Safe Home Fund Program, shall be used by the Department of Health to make distributions to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts.

YOUTH HOMELESSNESS

The foregoing appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing.

FEE SUPPORTED PROGRAMS

Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation.

Of the foregoing appropriation item 440647, Fee Supported Programs, \$1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis.

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT

The Children and Youth with Special Health Care Needs Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Program for Children and Youth with Special Health Care Needs recipients to apply for third-party benefits. Moneys also may be

expended for payments for diagnostic and treatment services on 123628
behalf of children and youth with special health care needs, as 123629
defined in division (A) of section 3701.022 of the Revised Code, 123630
and Ohio residents who are twenty-one or more years of age and who 123631
are suffering from cystic fibrosis or hemophilia. Moneys may also 123632
be expended for administrative expenses incurred in operating the 123633
Program for Children and Youth with Special Health Care Needs. 123634

GENETICS SERVICES 123635

The foregoing appropriation item 440608, Genetics Services, 123636
shall be used by the Department of Health to administer programs 123637
authorized by sections 3701.501 and 3701.502 of the Revised Code. 123638
None of these funds shall be used to counsel or refer for 123639
abortion, except in the case of a medical emergency. 123640

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 123641

Of the foregoing appropriation item 440656, Tobacco Use 123642
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 123643
year shall be used to award grants in accordance with the section 123644
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 123645

Of the foregoing appropriation item 440656, Tobacco Use 123646
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 123647
year shall be distributed to boards of health for the Baby and Me 123648
Tobacco Free Program. The Director of Health shall determine how 123649
the funds are to be distributed, but shall prioritize awards to 123650
boards that serve women who reside in communities that have the 123651
highest infant mortality rates in this state, as identified under 123652
section 3701.142 of the Revised Code. 123653

The remainder of appropriation item 440656, Tobacco Use 123654
Prevention, Cessation, and Enforcement, shall be used to 123655
administer tobacco use prevention and cessation activities and 123656
programs, to administer compliance checks, retailer education, and 123657
programs related to legal age restrictions, and to enforce the 123658

Ohio Smoke-Free Workplace Act.	123659
TOXICOLOGY SCREENINGS	123660
The foregoing appropriation item 440621, Toxicology	123661
Screenings, shall be used to reimburse county coroners in counties	123662
in which the coroner has performed toxicology screenings on	123663
victims of a drug overdose. The Director of Health shall transfer	123664
the funds to the counties in proportion to the numbers of	123665
toxicology screenings performed per county.	123666
CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY	123667
ASSESSMENTS	123668
The foregoing appropriation item 440607, Children and Youth	123669
with Special Health Care Needs - County Assessments, shall be used	123670
to make payments under division (E) of section 3701.023 of the	123671
Revised Code.	123672
Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM	123673
(A) The Department of Health shall create the Moms Quit for	123674
Two Grant Program. Recognizing the significant health risks posed	123675
to women and their children by tobacco use during and after	123676
pregnancy, the Department shall award grants to private, nonprofit	123677
entities or government entities that demonstrate the ability to	123678
deliver evidence-based tobacco cessation interventions to women	123679
who reside in communities that have the highest incidence of	123680
infant mortality, as determined by the Director of Health, and who	123681
are pregnant or to other adults residing in the home with a	123682
pregnant woman. The Department may adopt any rules it considers	123683
necessary to administer the Program.	123684
(B) The Department shall create a grant application and	123685
develop a process for receiving and evaluating completed grant	123686
applications on a competitive basis. The Department shall give	123687
first preference to the entities described in division (A) of this	123688

section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to other adults residing in a home with a pregnant woman. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

Section 291.40. WIC VENDOR CONTRACTS

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) The Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the

applicant's WIC region. 123719

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 123720

Dedicated Purpose Fund Group 123721

4610 372601 Operating Expenses \$ 12,500 \$ 12,500 123722

TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 123723

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 123724

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 123726

General Revenue Fund 123727

GRF 148321 Operating Expenses \$ 479,000 \$ 490,000 123728

TOTAL GRF General Revenue Fund \$ 479,000 \$ 490,000 123729

Dedicated Purpose Fund Group 123730

6010 148602 Special Initiatives \$ 125,000 \$ 125,000 123731

TOTAL DPF Dedicated Purpose Fund \$ 125,000 \$ 125,000 123732

Group

TOTAL ALL BUDGET FUND GROUPS \$ 604,000 \$ 615,000 123733

Section 297.10. OHS OHIO HISTORY CONNECTION 123735

General Revenue Fund 123736

GRF 360400 Holocaust and \$ 210,000 \$ 240,000 123737

Genocide Memorial and
Education Commission

GRF 360401 Ohio Commission for \$ 5,844,000 \$ 8,150,000 123738

the U.S.

Semiquincentennial

GRF 360402 UNESCO World Heritage \$ 1,200,000 \$ 400,000 123739

Sites

GRF 360501 Education and \$ 5,604,282 \$ 5,882,435 123740

Collections

GRF 360502 Site and Museum \$ 7,721,860 \$ 9,002,272 123741

		Operations					
GRF	360504	Ohio Preservation	\$	731,882	\$	738,859	123742
		Office					
GRF	360505	National	\$	728,105	\$	811,528	123743
		Afro-American Museum					
GRF	360506	Hayes Presidential	\$	597,319	\$	621,758	123744
		Center					
GRF	360509	Outreach and	\$	148,022	\$	151,452	123745
		Partnership					
TOTAL GRF		General Revenue Fund	\$	22,785,470	\$	25,998,304	123746
		Dedicated Purpose Fund Group					123747
5KL0	360602	Ohio History Tax	\$	150,000	\$	150,000	123748
		Check-off					
5PD0	360603	Ohio History License	\$	10,000	\$	10,000	123749
		Plate					
TOTAL DPF		Dedicated Purpose Fund	\$	160,000	\$	160,000	123750
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	22,945,470	\$	26,158,304	123751
		SUBSIDY APPROPRIATION					123752
		Upon approval by the Director of Budget and Management, the					123753
		foregoing appropriation items shall be released to the Ohio					123754
		History Connection in quarterly amounts that in total do not					123755
		exceed the annual appropriations. The funds and fiscal records of					123756
		the Ohio History Connection for fiscal year 2024 and fiscal year					123757
		2025 shall be examined by independent certified public accountants					123758
		approved by the Auditor of State, and a copy of the audited					123759
		financial statements shall be filed with the Office of Budget and					123760
		Management.					123761
		The foregoing appropriations shall be considered to be the					123762
		contractual consideration provided by the state to support the					123763
		state's offer to contract with the Ohio History Connection under					123764
		section 149.30 of the Revised Code.					123765

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION				123766
The foregoing appropriation item 360400, Holocaust and				123767
Genocide Memorial and Education Commission, shall be used to				123768
support the operations of the Holocaust and Genocide Memorial and				123769
Education Commission established under section 197.03 of the				123770
Revised Code, including employment of a Director of the Office of				123771
the Commission and any other employees approved by the Commission.				123772
UNESCO WORLD HERITAGE SITES				123773
The foregoing appropriation item 360402, UNESCO World				123774
Heritage Sites, shall be used for operating costs for approved				123775
United Nations Educational, Scientific and Cultural Organization				123776
(UNESCO) World Heritage sites in Ohio.				123777
Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES				123778
General Revenue Fund				123779
GRF 025321 Operating Expenses	\$	30,250,000	\$ 30,250,000	123780
TOTAL GRF General Revenue Fund	\$	30,250,000	\$ 30,250,000	123781
Internal Service Activity Fund Group				123782
1030 025601 House of	\$	1,433,664	\$ 1,433,664	123783
Representatives				
Reimbursement				
4A40 025602 Miscellaneous Sales	\$	50,000	\$ 50,000	123784
TOTAL ISA Internal Service Activity				123785
Fund Group	\$	1,483,664	\$ 1,483,664	123786
TOTAL ALL BUDGET FUND GROUPS	\$	31,733,664	\$ 31,733,664	123787
OPERATING EXPENSES				123788
On July 1, 2023, or as soon as possible thereafter, the Chief				123789
Administrative Officer of the House of Representatives may certify				123790
to the Director of Budget and Management an amount up to the				123791
unexpended, unencumbered balance of the foregoing appropriation				123792
item 025321, Operating Expenses, at the end of fiscal year 2023 to				123793

be reappropriated to fiscal year 2024. The amount certified is 123794
hereby reappropriated to the same appropriation item for fiscal 123795
year 2024. 123796

On July 1, 2024, or as soon as possible thereafter, the Chief 123797
Administrative Officer of the House of Representatives may certify 123798
to the Director of Budget and Management an amount up to the 123799
unexpended, unencumbered balance of the foregoing appropriation 123800
item 025321, Operating Expenses, at the end of fiscal year 2024 to 123801
be reappropriated to fiscal year 2025. The amount certified is 123802
hereby reappropriated to the same appropriation item for fiscal 123803
year 2025. 123804

HOUSE REIMBURSEMENT 123805

If it is determined by the Chief Administrative Officer of 123806
the House of Representatives that additional appropriations are 123807
necessary for the foregoing appropriation item 025601, House of 123808
Representatives Reimbursement, the amounts are hereby 123809
appropriated. 123810

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 123811

Dedicated Purpose Fund Group 123812

5AZ0 997601 Housing Finance Agency \$ 16,861,741 \$ 17,433,489 123813

Personal Services

5ZM0 997602 Housing Finance Agency \$ 1,500,000 \$ 1,500,000 123814

- Landlord Credit

Score Cost Assistance

TOTAL DPF Dedicated Purpose Fund \$ 18,361,741 \$ 18,933,489 123815

Group

TOTAL ALL BUDGET FUND GROUPS \$ 18,361,741 \$ 18,933,489 123816

Section 301.20. Notwithstanding section 175.05 of the Revised 123818
Code, of the foregoing appropriation item 997602, Housing Finance 123819
Agency - Landlord Credit Score Cost Assistance, \$1,500,000 in each 123820

fiscal year shall be used by the Ohio Housing Finance Agency to 123821
 establish and administer a pilot program to offset costs incurred 123822
 by landlords for reporting the payment of rents using a 123823
 third-party partner to credit monitoring services. Landlords of 123824
 units participating in the Low-Income Housing Tax Credit program 123825
 through the Ohio Housing Finance Agency or providing recovery 123826
 housing that meets requirements under section 340.034 of the 123827
 Revised Code are eligible for the program. 123828

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 123829

General Revenue Fund 123830

GRF 965321	Operating Expenses	\$	1,941,100	\$	2,078,000	123831
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TOTAL GRF	General Revenue Fund	\$	1,941,100	\$	2,078,000	123832
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Internal Service Activity Fund Group 123833

5FA0 965603	Deputy Inspector	\$	400,000	\$	400,000	123834
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General for ODOT

5FT0 965604	Deputy Inspector	\$	425,000	\$	425,000	123835
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General for BWC/OIC

TOTAL ISA	Internal Service Activity	\$	825,000	\$	825,000	123836
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Fund Group

TOTAL ALL BUDGET FUND GROUPS		\$	2,766,100	\$	2,903,000	123837
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Section 305.10. INS DEPARTMENT OF INSURANCE 123839

Dedicated Purpose Fund Group 123840

5540 820401	Examination	\$	10,661,691	\$	10,784,725	123841
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5540 820601	Operating Expenses -	\$	189,000	\$	189,000	123842
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OSHIIP

5540 820606	Operating Expenses	\$	32,465,978	\$	33,063,978	123843
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TOTAL DPF	Dedicated Purpose Fund	\$	43,316,669	\$	44,037,703	123844
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Group

Federal Fund Group 123845

3U50 820602	OSHIIP Operating Grant	\$	3,050,000	\$	3,050,000	123846
TOTAL FED	Federal Fund Group	\$	3,050,000	\$	3,050,000	123847
TOTAL ALL BUDGET FUND GROUPS		\$	46,366,669	\$	47,087,703	123848

Section 305.20. MARKET CONDUCT EXAMINATION 123850

When conducting a market conduct examination of any insurer 123851
 doing business in this state, the Superintendent of Insurance may 123852
 assess the costs of the examination against the insurer. The 123853
 Superintendent may enter into consent agreements to impose 123854
 administrative assessments or fines for conduct discovered that 123855
 may be violations of statutes or rules administered by the 123856
 Superintendent. All costs, assessments, or fines collected shall 123857
 be deposited to the credit of the Department of Insurance 123858
 Operating Fund (Fund 5540). 123859

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 123860

	General Revenue Fund					123861
GRF 600410	TANF State Maintenance of Effort	\$	149,267,326	\$	149,267,326	123862
GRF 600445	Unemployment Insurance Administration	\$	60,000,000	\$	60,000,000	123863
GRF 600450	Program Operations	\$	228,060,138	\$	217,648,872	123864
GRF 600502	Child Support- Local	\$	26,400,000	\$	26,400,000	123865
GRF 600521	Family Assistance - Local	\$	53,248,768	\$	53,248,768	123866
GRF 600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000	123867
GRF 600534	Adult Protective Services	\$	9,720,000	\$	9,720,000	123868
GRF 600561	Parenting and Pregnancy	\$	7,000,000	\$	7,000,000	123869

	Program					
GRF 600562	Adoption Grant Program	\$	15,000,000	\$	15,000,000	123870
GRF 655425	Medicaid Program	\$	15,605,707	\$	15,673,812	123871
	Support					
GRF 655522	Medicaid Program	\$	44,000,000	\$	49,000,000	123872
	Support - Local					
GRF 655523	Medicaid Program	\$	43,530,000	\$	43,530,000	123873
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund	\$	665,331,939	\$	659,988,778	123874
	Dedicated Purpose Fund Group					123875
4A80 600658	Public Assistance	\$	19,900,000	\$	19,900,000	123876
	Activities					
4A90 600607	Unemployment	\$	11,400,000	\$	11,400,000	123877
	Compensation					
	Administration Fund					
4E70 600604	Family and Children	\$	650,000	\$	650,000	123878
	Services Collections					
5CV3 6006A7	ARPA Childcare	\$	150,000,000	\$	0	123879
5DM0 600633	Audit Settlements and	\$	1,000,000	\$	1,000,000	123880
	Contingency					
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	123881
5RX0 600699	Workforce Development	\$	500,000	\$	500,000	123882
	Projects					
5TZ0 600674	Childrens Crisis Care	\$	879,706	\$	879,706	123883
	Facilities					
5U60 600663	Family and Children	\$	6,932,065	\$	7,787,465	123884
	Support					
TOTAL DPF	Dedicated Purpose Fund	\$	191,761,771	\$	42,617,171	123885
	Group					
	Internal Service Activity Fund Group					123886
5HL0 600602	State and County	\$	2,000,000	\$	2,000,000	123887

Shared Services

TOTAL ISA Internal Service Activity	\$	2,000,000	\$	2,000,000	123888
Fund Group					
Fiduciary Fund Group					123889
1920 600646 Child Support	\$	100,000,000	\$	100,000,000	123890
Intercept - Federal					
5830 600642 Child Support	\$	13,000,000	\$	13,000,000	123891
Intercept - State					
5B60 600601 Food Assistance	\$	4,000,000	\$	4,000,000	123892
Intercept					
TOTAL FID Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	123893
Holding Account Fund Group					123894
R012 600643 Refunds and Audit	\$	500,000	\$	500,000	123895
Settlements					
TOTAL HLD Holding Account Fund	\$	500,000	\$	500,000	123896
Group					
Federal Fund Group					123897
3310 600615 Veterans Programs	\$	11,872,779	\$	11,893,147	123898
3310 600624 Employment Services	\$	30,454,022	\$	30,882,752	123899
3310 600686 Workforce Programs	\$	3,926,746	\$	3,980,332	123900
3840 600610 Food Assistance	\$	245,396,656	\$	236,482,931	123901
Programs					
3850 600614 Refugee Services	\$	23,157,277	\$	12,375,030	123902
3950 600616 Federal Discretionary	\$	8,367,273	\$	5,047,878	123903
Grants					
3960 600620 Social Services Block	\$	38,191,659	\$	38,280,049	123904
Grant					
3970 600626 Child Support -	\$	205,929,146	\$	205,192,248	123905
Federal					
3F01 655624 Medicaid Program	\$	220,005,026	\$	220,103,397	123906
Support - Federal					
3S50 600622 Child Support Projects	\$	534,050	\$	534,050	123907

3V00 600688	Workforce Innovation and Opportunity Act Programs	\$ 165,190,735	\$ 165,578,756	123908
3V40 600632	Trade Programs	\$ 29,560,798	\$ 29,727,681	123909
3V40 600678	Federal Unemployment Programs	\$ 132,198,612	\$ 131,184,431	123910
3V40 600679	Unemployment Compensation Review Commission - Federal	\$ 6,830,615	\$ 6,948,482	123911
3V60 600689	TANF Block Grant	\$ 814,044,607	\$ 818,722,142	123912
TOTAL FED	Federal Fund Group	\$ 1,935,660,001	\$ 1,916,933,306	123913
TOTAL ALL BUDGET	FUND GROUPS	\$ 2,912,253,711	\$ 2,739,039,255	123914

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 123916

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 123917
123918
123919
123920

(B) Of the foregoing appropriation item 600521, Family Assistance - Local, \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 123921
123922
123923
123924
123925
123926

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 123927
123928
123929
123930

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper 123931
123932
123933
123934

appropriation item:	123935
(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and	123936 123937
(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.	123938 123939 123940
Section 307.30. NAME OF FOOD STAMP PROGRAM	123941
The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.	123942 123943 123944 123945 123946 123947 123948
Section 307.40. OHIO ASSOCIATION OF FOOD BANKS	123949
Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to \$22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.	123950 123951 123952 123953 123954 123955 123956 123957
Notwithstanding section 5101.46 of the Revised Code and any other provision in this act, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than \$24,550,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section.	123958 123959 123960 123961 123962 123963 123964

Eligible nonfederal expenditures made by member food banks of 123965
the Association shall be counted by the Department of Job and 123966
Family Services toward the TANF maintenance of effort requirements 123967
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 123968
shall enter into an agreement with the Ohio Association of Food 123969
Banks, in accordance with sections 5101.80 and 5101.801 of the 123970
Revised Code, to carry out the requirements under this section. 123971

Section 307.41. TOLEDO SEAGATE FOODBANK 123972

Of the foregoing appropriation item 600689, TANF Block Grant, 123973
\$250,000 in each fiscal year shall be provided to the Toledo 123974
Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 123975
of the Revised Code. 123976

Section 307.43. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 123977

The Department of Job and Family Services shall enter into a 123978
subgrant agreement with the Ohio Association of Foodbanks to 123979
enable the Association to provide food distribution to low-income 123980
families and individuals via the statewide charitable emergency 123981
food provider network and to support transportation of meals for 123982
the Governor's Office of Faith-Based and Community Initiatives 123983
Innovative Summer Meals programs for children and provide capacity 123984
building equipment for food pantries and soup kitchens. 123985

The Ohio Association of Foodbanks shall do all of the 123986
following: 123987

(A) Purchase food for the Agriculture Clearance and Ohio Food 123988
Programs. Information regarding the food purchase shall be 123989
reflected in the plan for statewide distribution of food products 123990
to local food distribution agencies. 123991

(B) Support the Capacity Building Grant program and purchase 123992
equipment for partner agencies that is needed to increase their 123993
capacity to serve more families eligible under the Temporary 123994

Assistance for Needy Families program with perishable foods, 123995
fruits, and vegetables. This equipment purchase shall include, but 123996
is not limited to, shelving, pallet jacks, commercial 123997
refrigerators, and commercial freezers. 123998

(C) Submit a quarterly report to the Department of Job and 123999
Family Services not later than sixty days after the close of the 124000
quarter to which the report pertains. The quarterly report shall 124001
include all of the following: 124002

(1) A summary of the allocation and expenditure of grant 124003
funds; 124004

(2) Product type and pounds distributed by foodbank service 124005
region and county; 124006

(3) The number of households, households with children, a 124007
breakdown of individuals served by age, including those over the 124008
age of sixty, those between the ages of nineteen and fifty-nine, 124009
and those up to the age of eighteen, and the number of meals 124010
served. 124011

(D) Submit an annual report to the Agreement Manager at the 124012
Department of Job and Family Services not later than one hundred 124013
twenty days after the end of the fiscal year. The annual report 124014
shall include the following: 124015

(1) A summary of the allocation and expenditure of grant 124016
funds; 124017

(2) The number of households, households with children, a 124018
breakdown of individuals served by age, including those over the 124019
age of sixty, those between the ages of nineteen and fifty-nine, 124020
and those up to the age of eighteen, and the number of meals 124021
served. 124022

(3) The quantity and type of food distributed and the total 124023
per pound cost of the food purchased; 124024

(4) Information on the cost of storage, transportation, and processing; 124025
124026

(5) An evaluation of the success in achieving expected performance outcomes. 124027
124028

Section 307.50. FOOD STAMPS TRANSFER 124029

On July 1, 2023, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 124030
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Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 124035

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities. 124036
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Section 307.70. TANF STATE MAINTENANCE OF EFFORT 124044

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$7,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than \$150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon. 124045
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Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT 124053
GRANT 124054

Of the foregoing appropriation item 600689, TANF Block Grant, 124055
up to \$13,535,000 in each fiscal year shall be used, in accordance 124056
with sections 5101.80 and 5101.801 of the Revised Code, to provide 124057
support to programs or organizations that provide services that 124058
align with the mission and goals of the Governor's Office of 124059
Faith-Based and Community Initiatives, as outlined in section 124060
107.12 of the Revised Code, and that further at least one of the 124061
four purposes of the TANF program, as specified in 42 U.S.C. 601. 124062

Of the foregoing appropriation item 600689, TANF Block Grant, 124063
up to \$2,000,000 in each fiscal year shall be used, in accordance 124064
with sections 5101.80 and 5101.801 of the Revised Code, to support 124065
the Independent Living Initiative, including life skills training 124066
and work supports for older children in foster care and those who 124067
have recently aged out of foster care who meet TANF eligibility 124068
requirements. 124069

Of the foregoing appropriation item 600689, TANF Block Grant, 124070
up to \$1,000,000 in each fiscal year shall be provided, in 124071
accordance with sections 5101.80 and 5101.801 of the Revised Code, 124072
to the Ohio Children's Trust Fund. 124073

Of the foregoing appropriation item 600689, TANF Block Grant, 124074
\$1,175,000 in each fiscal year shall be provided, in accordance 124075
with sections 5101.80 and 5101.801 of the Revised Code, to the 124076
Children's Hunger Alliance to assist with meal sponsorship, early 124077
child care programs, child care, consultations and nutrition 124078
education, school district nutrition programs, after school 124079
nutrition programs, and summer nutrition programs. 124080

Of the foregoing appropriation item 600689, TANF Block Grant, 124081
\$1,000,000 in each fiscal year shall be provided, in accordance 124082
with sections 5101.80 and 5101.801 of the Revised Code, to Big 124083

Brothers Big Sisters of Central Ohio to provide mentoring services 124084
to children throughout the state who have experienced trauma in 124085
their lives, including parental incarceration. 124086

Of the foregoing appropriation item 600689, TANF Block Grant, 124087
\$750,000 in each fiscal year shall be provided, in accordance with 124088
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 124089
Council of YWCAs to support programs that prevent domestic 124090
violence, support victims of domestic violence, provide 124091
trauma-informed support for survivors, and support educational 124092
opportunities for at-risk youth. 124093

Of the foregoing appropriation item 600689, TANF Block Grant, 124094
\$200,000 in each fiscal year shall be provided, in accordance with 124095
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 124096
Works! Ohio in Dayton. 124097

Section 307.85. CAREER NAVIGATOR PILOT PROGRAM 124098

Of the foregoing appropriation item 600450, Program 124099
Operations, up to \$3,025,000 in each fiscal year shall be used to 124100
support a career navigator program that assists high school 124101
students with post-graduation planning. These funds shall be used 124102
as follows: 124103

(A) Up to \$3,000,000 in each fiscal year shall be used by the 124104
Department of Job and Family Services, in partnership with the 124105
Department of Education and the Governor's Office of Workforce 124106
Transformation, to establish a two-year pilot program to employ 124107
career navigators at select local workforce development boards, 124108
defined as "local board" in section 6301.01 of the Revised Code. 124109
The career navigators shall provide services to Ohio high school 124110
students. These services may include OhioMeansJobs registration, 124111
career planning information, and assistance with earning the 124112
OhioMeansJobs-Readiness Seal for graduation. When implementing the 124113
program, the career navigators and participating local workforce 124114

development boards shall coordinate with the business advisory 124115
council of a participating local school district. 124116

(B) Up to \$25,000 in each fiscal year shall be used by the 124117
Department of Job and Family Services, in partnership with the 124118
Department of Education and the Governor's Office of Workforce 124119
Transformation, to conduct an evaluation of the pilot program. 124120
This evaluation shall be completed not later than three months 124121
after the end date of the program. 124122

Section 307.90. CHILD SUPPORT COLLECTIONS PILOT 124123

Of the foregoing appropriation item 600450, Program 124124
Operations, up to \$2,000,000 in each fiscal year may be provided 124125
to assist up to ten county child support enforcement agencies that 124126
submit an approved plan to the Department of Job and Family 124127
Services to administer a pilot program to secure consistent child 124128
support payments in targeted non-payment child support cases and 124129
to participate in a study to identify strategies for highest 124130
success for obtaining collections. 124131

Section 307.95. LA SOUPE 124132

Of the foregoing appropriation item 600450, Program 124133
Operations, up to \$1,770,000 in fiscal year 2024 shall be provided 124134
to La Soupe, Inc. to expand and establish services in three new 124135
sites in Ohio. 124136

Section 307.100. ELEVATE NORTHLAND 124137

Of the foregoing appropriation item 600450, Program 124138
Operations, up to \$500,000 in fiscal year 2024 shall be allocated 124139
to Elevate Northland and used for the capital improvements to the 124140
Elevate Northland Center in the Northland area. 124141

Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION 124142

SERVICES	124143
(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:	124144 124145 124146 124147 124148 124149
(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;	124150 124151 124152 124153
(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;	124154 124155 124156
(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;	124157 124158 124159 124160
(4) To provide outreach, referral, application assistance, and other services to assist individuals to receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.	124161 124162 124163 124164 124165 124166
(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse,	124167 124168 124169 124170 124171 124172

neglect, or exploitation. 124173

Section 307.130. ADULT PROTECTIVE SERVICES 124174

Of the foregoing appropriation item 600534, Adult Protective 124175
Services, \$7,040,000 in each fiscal year shall be used to provide 124176
an initial allocation of \$80,000 to each county. The remainder of 124177
appropriation item 600534 shall be provided to counties in 124178
accordance with the formula established in section 5101.14 of the 124179
Revised Code. 124180

Section 307.135. PARENTING AND PREGNANCY PROGRAM 124181

The foregoing appropriation item 600561, Parenting and 124182
Pregnancy Program, shall be used, in accordance with section 124183
5101.804 of the Revised Code, to support the Ohio Parenting and 124184
Pregnancy Program. 124185

Section 307.140. ADOPTION GRANT PROGRAM 124186

The foregoing appropriation item 600562, Adoption Grant 124187
Program, shall be used, in consultation with the Department of 124188
Children and Youth, to administer grants to adoptive parents 124189
through the Adoption Grant Program, in accordance with sections 124190
5101.191 and 5101.192 of the Revised Code. 124191

Section 307.150. FEDERAL DISCRETIONARY GRANTS 124192

Of the foregoing appropriation item 600616, Federal 124193
Discretionary Grants, up to \$195,000 in each fiscal year shall be 124194
used for the training of guardians ad litem and court-appointed 124195
special advocates as well as to conduct a study to demonstrate the 124196
impact of court-appointed special advocate volunteers on outcomes 124197
for children who are in child welfare custody as a result of 124198
abuse, neglect, or dependency. 124199

Section 307.210. CHILDRENS CRISIS CARE FACILITIES 124200

Of the foregoing appropriation item 600674, Childrens Crisis 124201
Care Facilities, up to \$265,000 in each fiscal year may be 124202
provided to Brigid's Path. 124203

The remainder of appropriation item 600674, Childrens Crisis 124204
Care Facilities, shall be allocated by the Department of Job and 124205
Family Services in each fiscal year to children's crisis care 124206
facilities as defined in section 5103.13 of the Revised Code. The 124207
Director of Job and Family Services shall allocate funds in each 124208
fiscal year based on the total length of stay or days of care for 124209
each child residing in the facility, which is determined by 124210
calculating the total days each child resides at the crisis care 124211
facility, including the date of admission, but not the day of 124212
discharge. A children's crisis care facility may decline to 124213
receive funds provided under this section. A children's crisis 124214
care facility that accepts funds provided under this section shall 124215
use the funds in accordance with section 5103.13 of the Revised 124216
Code and the rules as defined in rule 5101:2-9-36 of the 124217
Administrative Code. 124218

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 124219

The Fiduciary Fund Group and Holding Account Fund Group shall 124220
be used to hold revenues until the appropriate fund is determined 124221
or until the revenues are directed to the appropriate governmental 124222
agency other than the Department of Job and Family Services. Any 124223
Department of Job and Family Services refunds or reconciliations 124224
received or held by the Department of Medicaid shall be 124225
transferred or credited to the Refunds and Audit Settlement Fund 124226
(Fund R012). If receipts credited to the Support Intercept - 124227
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 124228
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 124229

Audit Settlements Fund (Fund R012) exceed the amounts appropriated 124230
from the fund, the Director of Job and Family Services may request 124231
the Director of Budget and Management to authorize expenditures 124232
from the fund in excess of the amounts appropriated. Upon the 124233
approval of the Director of Budget and Management, the additional 124234
amounts are hereby appropriated. 124235

Section 307.230. ARPA CHILDCARE 124236

Of the foregoing appropriation item 6006A7, ARPA Childcare, 124237
\$150,000,000 in fiscal year 2024 shall be used by the Ohio 124238
Department of Job and Family Services, in consultation with the 124239
Department of Children and Youth, to do both of the following: 124240

(A) Establish a child care scholarship for critical 124241
occupations and other direct service professionals as identified 124242
in consultation with the Governor's Office of Workforce 124243
Transformation. Individuals awarded scholarships shall have 124244
incomes that are less than 200 per cent of the federal poverty 124245
level; and 124246

(B) Increase access to licensed child care programs for 124247
infants and toddlers with priority for those in rural and urban 124248
areas and to streamline administrative efficiency of the child 124249
care program, in accordance with the program guidelines for the 124250
use of these funds provided by the U.S Department of the Treasury. 124251

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 124252

General Revenue Fund 124253

GRF 029321 Operating Expenses \$ 610,000 \$ 620,000 124254

TOTAL GRF General Revenue Fund \$ 610,000 \$ 620,000 124255

TOTAL ALL BUDGET FUND GROUPS \$ 610,000 \$ 620,000 124256

OPERATING GUIDANCE 124257

The Legislative Service Commission shall act as fiscal agent 124258

for the Joint Committee on Agency Rule Review. Members of the 124259
Committee shall be paid in accordance with section 101.35 of the 124260
Revised Code. 124261

OPERATING EXPENSES 124262

On July 1, 2023, or as soon as possible thereafter, the 124263
Executive Director of the Joint Committee on Agency Rule Review 124264
may certify to the Director of Budget and Management an amount up 124265
to the unexpended, unencumbered balance of the foregoing 124266
appropriation item 029321, Operating Expenses, at the end of 124267
fiscal year 2023 to be reappropriated to fiscal year 2024. The 124268
amount certified is hereby reappropriated to the same 124269
appropriation item for fiscal year 2024. 124270

On July 1, 2024, or as soon as possible thereafter, the 124271
Executive Director of the Joint Committee on Agency Rule Review 124272
may certify to the Director of Budget and Management an amount up 124273
to the unexpended, unencumbered balance of the foregoing 124274
appropriation item 029321, Operating Expenses, at the end of 124275
fiscal year 2024 to be reappropriated to fiscal year 2025. The 124276
amount certified is hereby reappropriated to the same 124277
appropriation item for fiscal year 2025. 124278

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 124279

General Revenue Fund 124280

GRF 048321	Operating Expenses	\$	407,933	\$	591,501	124281
TOTAL GRF	General Revenue Fund	\$	407,933	\$	591,501	124282
TOTAL ALL BUDGET FUND GROUPS		\$	407,933	\$	591,501	124283

OPERATING EXPENSES 124284

The foregoing appropriation item 048321, Operating Expenses, 124285
shall be used to support expenses related to the Joint Medicaid 124286
Oversight Committee created by section 103.41 of the Revised Code. 124287

On July 1, 2023, or as soon as possible thereafter, the 124288

Executive Director of the Joint Medicaid Oversight Committee may 124289
certify to the Director of Budget and Management an amount up to 124290
the unexpended, unencumbered balance of the foregoing 124291
appropriation item 048321, Operating Expenses, at the end of 124292
fiscal year 2023 to be reappropriated to fiscal year 2024. The 124293
amount certified is hereby reappropriated to the same 124294
appropriation item for fiscal year 2024. 124295

On July 1, 2024, or as soon as possible thereafter, the 124296
Executive Director of the Joint Medicaid Oversight Committee may 124297
certify to the Director of Budget and Management an amount up to 124298
the unexpended, unencumbered balance of the foregoing 124299
appropriation item 048321, Operating Expenses, at the end of 124300
fiscal year 2024 to be reappropriated to fiscal year 2025. The 124301
amount certified is hereby reappropriated to the same 124302
appropriation item for fiscal year 2025. 124303

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 124304

General Revenue Fund 124305

GRF 018321	Operating Expenses	\$	1,192,621	\$	1,231,753	124306
TOTAL GRF	General Revenue Fund	\$	1,192,621	\$	1,231,753	124307

Dedicated Purpose Fund Group 124308

4030 018601	Ohio Jury	\$	616,853	\$	674,109	124309
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	616,853	\$	674,109	124310
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,809,474	\$	1,905,862	124311
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STATE COUNCIL OF UNIFORM STATE LAWS 124312

Notwithstanding section 105.26 of the Revised Code, of the 124313
foregoing appropriation item 018321, Operating Expenses, up to 124314
\$93,710 in fiscal year 2024 and up to \$97,458 in fiscal year 2025 124315
shall be used to pay the expenses of the State Council of Uniform 124316

State Laws, including membership dues to the National Conference				124317	
of Commissioners on Uniform State Laws.				124318	
OHIO JURY INSTRUCTIONS FUND				124319	
The Ohio Jury Instructions Fund (Fund 4030) shall consist of				124320	
grants, royalties, dues, conference fees, bequests, devises, and				124321	
other gifts received for the purpose of supporting costs incurred				124322	
by the Judicial Conference of Ohio in its activities as a part of				124323	
the judicial system of the state as determined by the Judicial				124324	
Conference Executive Committee. Fund 4030 shall be used by the				124325	
Judicial Conference of Ohio to pay expenses incurred in its				124326	
activities as a part of the judicial system of the state as				124327	
determined by the Judicial Conference Executive Committee. All				124328	
moneys accruing to Fund 4030 in excess of the amount appropriated				124329	
for the current fiscal year are hereby appropriated for the				124330	
purposes authorized. No money in Fund 4030 shall be transferred to				124331	
any other fund by the Director of Budget and Management or the				124332	
Controlling Board.				124333	
Section 317.10. JSC THE JUDICIARY/SUPREME COURT				124334	
General Revenue Fund				124335	
GRF 005321 Operating Expenses -	\$	200,343,768	\$	207,543,976	124336
Judiciary/Supreme					
Court					
GRF 005401 State Criminal	\$	2,185,628	\$	2,481,628	124337
Sentencing Commission					
GRF 005406 Law-Related Education	\$	375,000	\$	375,000	124338
GRF 005409 Ohio Courts	\$	3,843,940	\$	3,843,940	124339
Technology Initiative					
TOTAL GRF General Revenue Fund	\$	206,748,336	\$	214,244,544	124340
Dedicated Purpose Fund Group					124341
4C80 005605 Attorney Services	\$	11,653,424	\$	11,636,801	124342

5HT0 005617	Court Interpreter Certification	\$	7,500	\$	8,000	124343
5SP0 005626	Civil Justice Grant Program	\$	400,000	\$	400,000	124344
5T80 005609	Grants and Awards	\$	90,760	\$	90,760	124345
6720 005601	Continuing Judicial Education	\$	79,000	\$	79,000	124346
TOTAL DPF	Dedicated Purpose Fund Group	\$	12,230,684	\$	12,214,561	124347
	Fiduciary Fund Group					124348
5JY0 005620	County Law Library Resources Boards	\$	308,500	\$	308,500	124349
TOTAL FID	Fiduciary Fund Group	\$	308,000	\$	308,500	124350
	Federal Fund Group					124351
3J00 005603	Federal Grants	\$	1,746,957	\$	1,717,558	124352
TOTAL FED	Federal Fund Group	\$	1,746,957	\$	1,717,558	124353
TOTAL ALL BUDGET FUND GROUPS		\$	221,034,477	\$	228,485,163	124354

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 124356

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 124357
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124359
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LAW-RELATED EDUCATION 124361

Of the foregoing appropriation item 005406, Law-Related Education, \$225,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 124362
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Of the foregoing appropriation item 005406, Law-Related 124369
Education, \$150,000 in each fiscal year shall be used to promote 124370
information about candidates who have filed to run for judicial 124371
office. No funds shall be used for the endorsement or promotion of 124372
any candidate. 124373

OHIO COURTS TECHNOLOGY INITIATIVE 124374

The foregoing appropriation item 005409, Ohio Courts 124375
Technology Initiative, shall be used to fund an initiative by the 124376
Supreme Court to facilitate the exchange of information and 124377
warehousing of data by and between Ohio courts and other justice 124378
system partners through the creation of an Ohio Courts Network, 124379
the delivery of technology services to courts throughout the 124380
state, including the provision of hardware, software, and the 124381
development and implementation of educational and training 124382
programs for judges and court personnel, and operation of the 124383
Commission on Technology and the Courts by the Supreme Court for 124384
the promulgation of statewide rules, policies, and uniform 124385
standards, and to aid in the orderly adoption and comprehensive 124386
use of technology in Ohio courts. 124387

ATTORNEY SERVICES 124388

The Attorney Registration Fund (Fund 4C80) shall consist of 124389
money received by the Supreme Court (The Judiciary) pursuant to 124390
the Rules for the Government of the Bar of Ohio. In addition to 124391
funding other activities considered appropriate by the Supreme 124392
Court, the foregoing appropriation item 005605, Attorney Services, 124393
may be used to compensate employees and to fund appropriate 124394
activities of the following offices established by the Supreme 124395
Court: the Office of Disciplinary Counsel, the Board of 124396
Commissioners on Grievances and Discipline, the Clients' Security 124397
Fund, and the Attorney Services Division which include the Office 124398
of Bar Admissions. If it is determined by the Administrative 124399
Director of the Supreme Court that changes to the appropriation 124400

are necessary, the amounts are hereby appropriated. 124401

No money in Fund 4C80 shall be transferred to any other fund 124402
by the Director of Budget and Management or the Controlling Board. 124403
Interest earned on money in Fund 4C80 shall be credited to the 124404
fund. 124405

COURT INTERPRETER CERTIFICATION 124406

The Court Interpreter Certification Fund (Fund 5HT0) shall 124407
consist of money received by the Supreme Court (The Judiciary) 124408
pursuant to Rules 80 through 87 of the Rules of Superintendence 124409
for the Courts of Ohio. The foregoing appropriation item 005617, 124410
Court Interpreter Certification, shall be used to provide 124411
training, to provide the written examination, and to pay language 124412
experts to rate, or grade, the oral examinations of those applying 124413
to become certified court interpreters. If it is determined by the 124414
Administrative Director of the Supreme Court that changes to the 124415
appropriation are necessary, the amounts are hereby appropriated. 124416

No money in Fund 5HT0 shall be transferred to any other fund 124417
by the Director of Budget and Management or the Controlling Board. 124418
Interest earned on money in Fund 5HT0 shall be credited to the 124419
fund. 124420

CIVIL JUSTICE GRANT PROGRAM 124421

The Civil Justice Program Fund (Fund 5SP0) shall consist of 124422
(1) \$50 voluntary donations made as part of the biennium attorney 124423
registration process and (2) \$150 of the pro hac vice fees for 124424
out-of-state attorneys pursuant to Government of the Bar Rule 124425
amendments. The foregoing appropriation item 005626, Civil Justice 124426
Grant Program, shall be used by the Supreme Court of Ohio for 124427
grants to not-for-profit organizations and agencies dedicated to 124428
providing civil legal aid to underserved populations, to fund 124429
innovative programs directed at this purpose, and to increase 124430
access to judicial service to that population. If it is determined 124431

by the Administrative Director of the Supreme Court that changes 124432
to the appropriation are necessary, the amounts are hereby 124433
appropriated. 124434

No money in Fund 5SP0 shall be transferred to any other fund 124435
by the Director of Budget and Management or the Controlling Board. 124436
Interest earned on money in Fund 5SP0 shall be credited to the 124437
fund. 124438

GRANTS AND AWARDS 124439

The Grants and Awards Fund (Fund 5T80) shall consist of 124440
grants and other money awarded to the Supreme Court (The 124441
Judiciary) by the State Justice Institute, the Division of 124442
Criminal Justice Services, or other entities. The foregoing 124443
appropriation item 005609, Grants and Awards, shall be used in a 124444
manner consistent with the purpose of the grant or award. If it is 124445
determined by the Administrative Director of the Supreme Court 124446
that changes to the appropriation are necessary, the amounts are 124447
hereby appropriated. 124448

No money in Fund 5T80 shall be transferred to any other fund 124449
by the Director of Budget and Management or the Controlling Board. 124450
Interest earned on money in Fund 5T80 shall be credited or 124451
transferred to the General Revenue Fund. 124452

JUDICIARY/SUPREME COURT EDUCATION 124453

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 124454
consist of fees paid for attending judicial and public education 124455
on the law, reimbursement of costs for judicial and public 124456
education on the law, and other gifts and grants received for the 124457
purpose of judicial and public education on the law. The foregoing 124458
appropriation item 005601, Continuing Judicial Education, shall be 124459
used to pay expenses for judicial education courses for judges, 124460
court personnel, and those who serve the courts, and for public 124461
education on the law. If it is determined by the Administrative 124462

Director of the Supreme Court that changes to the appropriation 124463
are necessary, the amounts are hereby appropriated. 124464

No money in Fund 6720 shall be transferred to any other fund 124465
by the Director of Budget and Management or the Controlling Board. 124466
Interest earned on money in Fund 6720 shall be credited to the 124467
fund. 124468

COUNTY LAW LIBRARY RESOURCES BOARDS 124469

The Statewide Consortium of County Law Library Resources 124470
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 124471
to section 307.515 of the Revised Code into a county's law library 124472
resources fund and forwarded by that county's treasurer for 124473
deposit in the state treasury pursuant to division (E)(1) of 124474
section 3375.481 of the Revised Code. The foregoing appropriation 124475
item 005620, County Law Library Resources Boards, shall be used 124476
for the operation of the Statewide Consortium of County Law 124477
Library Resources Boards. If it is determined by the 124478
Administrative Director of the Supreme Court that changes to the 124479
appropriation are necessary, the amounts are hereby appropriated. 124480

No money in Fund 5JY0 shall be transferred to any other fund 124481
by the Director of Budget and Management or the Controlling Board. 124482
Interest earned on money in Fund 5JY0 shall be credited to the 124483
fund. 124484

FEDERAL GRANTS 124485

The Federal Grants Fund (Fund 3J00) shall consist of grants 124486
and other moneys awarded to the Supreme Court (The Judiciary) by 124487
the United States Government or other entities that receive the 124488
moneys directly from the United States Government and distribute 124489
those moneys to the Supreme Court (The Judiciary). The foregoing 124490
appropriation item 005603, Federal Grants, shall be used in a 124491
manner consistent with the purpose of the grant or award. If it is 124492
determined by the Administrative Director of the Supreme Court 124493

that changes to the appropriation are necessary, the amounts are 124494
hereby appropriated. 124495

No money in Fund 3J00 shall be transferred to any other fund 124496
by the Director of Budget and Management or the Controlling Board. 124497
However, interest earned on money in Fund 3J00 shall be credited 124498
or transferred to the General Revenue Fund. 124499

Section 319.10. LEC LAKE ERIE COMMISSION 124500

Dedicated Purpose Fund Group 124501

4C00	780601	Lake Erie Protection	\$	801,000	\$	1,416,000	124502
6H20	780604	H2Ohio	\$	132,000	\$	132,000	124503
TOTAL DPF	Dedicated Purpose Fund		\$	933,000	\$	1,548,000	124504

Group

Federal Fund Group 124505

3EP0	780603	LEC Federal Grants	\$	50,000	\$	50,000	124506
TOTAL FED	Federal Fund Group		\$	50,000	\$	50,000	124507
TOTAL ALL BUDGET	FUND GROUPS		\$	983,000	\$	1,598,000	124508

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 124509

On July 1 of each fiscal year, or as soon as possible 124510
thereafter, the Director of Budget and Management may transfer 124511
cash from the funds specified below, up to the amounts specified 124512
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 124513
accept contributions and transfers made to the fund. 124514

Fund	Fund Name	User		FY 2024	FY 2025	
5BC0	Environmental Protection	Environmental Protection Agency		\$25,000	\$25,000	124515 124516
6690	Pesticide, Fertilizer and Lime	Department of Agriculture		\$25,000	\$25,000	124517
4700	General Operations	Department of Health		\$25,000	\$25,000	124518
1570	Central Support	Department of		\$25,000	\$25,000	124519

	Indirect Chargeback	Natural Resources			
7002	Highway Operating	Department of	\$25,000	\$25,000	124520
		Transportation			
1350	Supportive Services	Department of	\$25,000	\$25,000	124521
		Development			

H2OHIO FUND 124522

On July 1, 2024, or as soon as possible thereafter, the 124523
 Director of the Lake Erie Commission may certify to the Director 124524
 of Budget and Management an amount up to the unexpended, 124525
 unencumbered balance of the foregoing appropriation item, 780604, 124526
 H2Ohio, at the end of fiscal year 2024 to be reappropriated in 124527
 fiscal year 2025. The amount certified is hereby reappropriated to 124528
 the same appropriation item for fiscal year 2025. 124529

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 124530

General Revenue Fund 124531

GRF 028321	Legislative Ethics	\$	625,000	\$	625,000	124532
	Committee					

TOTAL GRF General Revenue Fund \$ 625,000 \$ 625,000 124533

Dedicated Purpose Fund Group 124534

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	124535
	Ethics Committee					

5HN0 028602	Investigations and	\$	10,000	\$	10,000	124536
	Financial Disclosure					

TOTAL DPF Dedicated Purpose Fund \$ 160,000 \$ 160,000 124537
 Group

TOTAL ALL BUDGET FUND GROUPS \$ 785,000 \$ 785,000 124538

LEGISLATIVE ETHICS COMMITTEE 124539

On July 1, 2023, or as soon as possible thereafter, the 124540
 Legislative Inspector General of the Joint Legislative Ethics 124541
 Committee may certify to the Director of Budget and Management an 124542

amount up to the unexpended, unencumbered balance of the foregoing 124543
 appropriation item 028321, Legislative Ethics Committee, at the 124544
 end of fiscal year 2023 to be reappropriated to fiscal year 2024. 124545
 The amount certified is hereby reappropriated to the same 124546
 appropriation item for fiscal year 2024. 124547

On July 1, 2024, or as soon as possible thereafter, the 124548
 Legislative Inspector General of the Joint Legislative Ethics 124549
 Committee may certify to the Director of Budget and Management an 124550
 amount up to the unexpended, unencumbered balance of the foregoing 124551
 appropriation item 028321, Legislative Ethics Committee, at the 124552
 end of fiscal year 2024 to be reappropriated to fiscal year 2025. 124553
 The amount certified is hereby reappropriated to the same 124554
 appropriation item for fiscal year 2025. 124555

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 124556

General Revenue Fund 124557

GRF 035321 Operating Expenses \$ 24,862,380 \$ 24,862,380 124558

GRF 035402 Legislative Fellows \$ 1,150,000 \$ 1,150,000 124559

GRF 035405 Correctional \$ 447,020 \$ 447,020 124560

Institution Inspection
 Committee

GRF 035409 National Associations \$ 600,000 \$ 600,000 124561

GRF 035410 Legislative \$ 13,712,802 \$ 13,712,802 124562

Information Systems

GRF 035501 Litigation \$ 1,250,000 \$ 0 124563

TOTAL GRF General Revenue Fund \$ 42,022,202 \$ 40,772,202 124564

Dedicated Purpose Fund Group 124565

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 124566

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 124567

Group

TOTAL ALL BUDGET FUND GROUPS \$ 42,032,202 \$ 40,782,202 124568

Section 323.20. OPERATING EXPENSES 124571

On July 1, 2023, or as soon as possible thereafter, the 124572
Director of the Legislative Service Commission may certify to the 124573
Director of Budget and Management an amount up to the unexpended, 124574
unencumbered balance of the foregoing appropriation item 035321, 124575
Operating Expenses, at the end of fiscal year 2023 to be 124576
reappropriated to fiscal year 2024. The amount certified is hereby 124577
reappropriated to the same appropriation item for fiscal year 124578
2024. 124579

On July 1, 2024, or as soon as possible thereafter, the 124580
Director of the Legislative Service Commission may certify to the 124581
Director of Budget and Management an amount up to the unexpended, 124582
unencumbered balance of the foregoing appropriation item 035321, 124583
Operating Expenses, at the end of fiscal year 2024 to be 124584
reappropriated to fiscal year 2025. The amount certified is hereby 124585
reappropriated to the same appropriation item for fiscal year 124586
2025. 124587

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 124588

On July 1, 2023, or as soon as possible thereafter, the 124589
Director of the Legislative Service Commission may certify to the 124590
Director of Budget and Management an amount up to the unexpended, 124591
unencumbered balance of the foregoing appropriation item 035405, 124592
Correctional Institution Inspection Committee, at the end of 124593
fiscal year 2023 to be reappropriated to fiscal year 2024. The 124594
amount certified is hereby reappropriated to the same 124595
appropriation item for fiscal year 2024. 124596

On July 1, 2024, or as soon as possible thereafter, the 124597
Director of the Legislative Service Commission may certify to the 124598
Director of Budget and Management an amount up to the unexpended, 124599
unencumbered balance of the foregoing appropriation item 035405, 124600

Correctional Institution Inspection Committee, at the end of 124601
fiscal year 2024 to be reappropriated to fiscal year 2025. The 124602
amount certified is hereby reappropriated to the same 124603
appropriation item for fiscal year 2025. 124604

LEGISLATIVE TASK FORCE ON REDISTRICTING 124605

An amount equal to the unexpended, unencumbered balance of 124606
the foregoing appropriation item 035407, Legislative Task Force on 124607
Redistricting, at the end of fiscal year 2023 is hereby 124608
reappropriated to the Legislative Service Commission for the same 124609
purpose for fiscal year 2024. 124610

An amount equal to the unexpended, unencumbered balance of 124611
the foregoing appropriation item 035407, Legislative Task Force on 124612
Redistricting, at the end of fiscal year 2024 is hereby 124613
reappropriated to the Legislative Service Commission for the same 124614
purpose for fiscal year 2025. 124615

LEGISLATIVE INFORMATION SYSTEMS 124616

On July 1, 2023, or as soon as possible thereafter, the 124617
Director of the Legislative Service Commission may certify to the 124618
Director of Budget and Management an amount up to the unexpended, 124619
unencumbered balance of the foregoing appropriation item 035410, 124620
Legislative Information Systems, at the end of fiscal year 2023 to 124621
be reappropriated to fiscal year 2024. The amount certified is 124622
hereby reappropriated to the same appropriation item for fiscal 124623
year 2024. 124624

On July 1, 2024, or as soon as possible thereafter, the 124625
Director of the Legislative Service Commission may certify to the 124626
Director of Budget and Management an amount up to the unexpended, 124627
unencumbered balance of the foregoing appropriation item 035410, 124628
Legislative Information Systems, at the end of fiscal year 2024 to 124629
be reappropriated to fiscal year 2025. The amount certified is 124630
hereby reappropriated to the same appropriation item for fiscal 124631

year 2025.					124632
LITIGATION					124633
The foregoing appropriation item 035501, Litigation, shall be					124634
used for any lawsuit in which the General Assembly, or either					124635
house of the General Assembly, is made a party. The chairperson					124636
and vice-chairperson of the Legislative Service Commission shall					124637
both approve the use of the appropriated moneys.					124638
An amount equal to the unexpended, unencumbered balance of					124639
the foregoing appropriation item 035501, Litigation, at the end of					124640
fiscal year 2023 is hereby reappropriated to the Legislative					124641
Service Commission for the same purpose for fiscal year 2024.					124642
An amount equal to the unexpended, unencumbered balance of					124643
the foregoing appropriation item 035501, Litigation, at the end of					124644
fiscal year 2024 is hereby reappropriated to the Legislative					124645
Service Commission for the same purpose for fiscal year 2025.					124646
Section 325.10. LIB STATE LIBRARY BOARD					124647
General Revenue Fund					124648
GRF 350321 Operating Expenses	\$	4,614,813	\$	4,614,813	124649
GRF 350401 Ohioana Library	\$	320,250	\$	320,250	124650
Association					
GRF 350502 Regional Library	\$	504,000	\$	504,000	124651
Systems					
TOTAL GRF General Revenue Fund	\$	5,439,063	\$	5,439,063	124652
Dedicated Purpose Fund Group					124653
4590 350603 Services for	\$	6,818,338	\$	6,818,338	124654
Libraries					
4S40 350604 Ohio Public Library	\$	6,009,243	\$	6,009,243	124655
Information Network					
5GB0 350605 Library for the Blind	\$	1,274,194	\$	1,274,194	124656
TOTAL DPF Dedicated Purpose Fund	\$	14,101,775	\$	14,101,775	124657

Group

Internal Service Activity Fund					124658
1390 350602 Services for State	\$	8,000	\$	8,000	124659
Agencies					
TOTAL ISA Internal Service Activity	\$	8,000	\$	8,000	124660
Fund Group					
Federal Fund Group					124661
3130 350601 LSTA Federal	\$	5,432,653	\$	5,432,653	124662
TOTAL FED Federal Fund Group	\$	5,432,653	\$	5,432,653	124663
TOTAL ALL BUDGET FUND GROUPS	\$	24,981,491	\$	24,981,491	124664

Section 325.20. OHIOANA LIBRARY ASSOCIATION 124666

Of the foregoing appropriation item 350401, Ohioana Library Association, \$195,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 124667
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The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 124671
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REGIONAL LIBRARY SYSTEMS 124675

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 124676
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124679

OHIO PUBLIC LIBRARY INFORMATION NETWORK 124680

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 124681
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The Ohio Public Library Information Network Board of Trustees 124686
created under section 3375.65 of the Revised Code may make 124687
decisions regarding use of the foregoing appropriation item 124688
350604, Ohio Public Library Information Network. 124689

(B) The OPLIN Board shall research and assist or advise local 124690
libraries with regard to emerging technologies and methods that 124691
may be effective means to control access to obscene and illegal 124692
materials. The OPLIN Director shall provide written reports upon 124693
request within ten days to the Governor, the Speaker and Minority 124694
Leader of the House of Representatives, and the President and 124695
Minority Leader of the Senate on any steps being taken by OPLIN 124696
and public libraries in the state to limit and control such 124697
improper usage as well as information on technological, legal, and 124698
law enforcement trends nationally and internationally affecting 124699
this area of public access and service. 124700

(C) The Ohio Public Library Information Network, INFOhio, and 124701
OhioLINK shall, to the extent feasible, coordinate and cooperate 124702
in their purchase or other acquisition of the use of electronic 124703
databases for their respective users and shall contribute funds in 124704
an equitable manner to such effort. 124705

LIBRARY FOR THE BLIND 124706

The foregoing appropriation item 350605, Library for the 124707
Blind, shall be used for the statewide Talking Book Program to 124708
assist the blind and disabled. 124709

TRANSFER TO OPLIN TECHNOLOGY FUND 124710

Notwithstanding sections 5747.03 and 5747.47 of the Revised 124711
Code and any other provision of law to the contrary, in accordance 124712
with a schedule established by the Director of Budget and 124713
Management, the Director of Budget and Management shall transfer 124714
\$3,689,788 cash in each fiscal year from the Public Library Fund 124715
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 124716

TRANSFER TO LIBRARY FOR THE BLIND FUND				124717
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				124718 124719 124720 124721 124722 124723
Section 327.10. LCO LIQUOR CONTROL COMMISSION				124724
Dedicated Purpose Fund Group				124725
5LP0 970601 Commission Operating Expenses	\$	1,227,200	\$ 1,225,800	124726
TOTAL DPF Dedicated Purpose Fund Group	\$	1,227,200	\$ 1,225,800	124727
TOTAL ALL BUDGET FUND GROUPS	\$	1,227,200	\$ 1,225,800	124728
Section 329.10. LOT STATE LOTTERY COMMISSION				124730
State Lottery Fund Group				124731
7044 950321 Operating Expenses	\$	61,967,164	\$ 64,686,040	124732
7044 950402 Advertising Contracts	\$	29,755,000	\$ 29,955,000	124733
7044 950403 Gaming Contracts	\$	109,197,677	\$ 120,685,198	124734
7044 950601 Direct Prize Payments	\$	179,366,000	\$ 182,106,000	124735
7044 950605 Problem Gambling	\$	4,850,000	\$ 4,850,000	124736
8710 950602 Annuity Prizes	\$	42,243,000	\$ 40,946,000	124737
TOTAL SLF State Lottery Fund Group	\$	427,378,841	\$ 443,228,238	124738
TOTAL ALL BUDGET FUND GROUPS	\$	427,378,841	\$ 443,228,238	124739
OPERATING EXPENSES				124740
Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of				124741 124742 124743 124744 124745

lottery products. Upon the approval of the Controlling Board, the 124746
additional amounts are hereby appropriated. 124747

DIRECT PRIZE PAYMENTS 124748

Any amounts, in addition to the amounts appropriated in 124749
appropriation item 950601, Direct Prize Payments, that the 124750
Director of the State Lottery Commission determines to be 124751
necessary to fund prizes are hereby appropriated. 124752

PROBLEM GAMBLING 124753

Notwithstanding sections 127.14 and 131.35 of the Revised 124754
Code, if the revenue from the one-half of one per cent dispersed 124755
from the video lottery sales agent commissions, as well as the 124756
surrendered funds pursuant to rule 3770:2-8-03 of the 124757
Administrative Code, from the Voluntary Exclusion Program, exceeds 124758
the amount appropriated, the Director of the State Lottery 124759
Commission may certify to the Director of Budget and Management 124760
the amount in excess requesting to be increased in the foregoing 124761
appropriation item 950605, Problem Gambling, or to be transferred 124762
to support programs provided for gambling addiction and other 124763
related services through the Problem Gambling Services Fund (Fund 124764
5T90). If the Director of Budget and Management determines 124765
sufficient cash is available, the Director may transfer up to the 124766
amount certified. Any additional amounts approved by the Director 124767
pursuant to this section are hereby appropriated. 124768

ANNUITY PRIZES 124769

Upon request of the State Lottery Commission, the Director of 124770
Budget and Management may transfer cash from the State Lottery 124771
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 124772
an amount sufficient to fund deferred prizes. The Treasurer of 124773
State, from time to time, shall credit the Deferred Prizes Trust 124774
Fund (Fund 8710) the pro rata share of interest earned by the 124775
Treasurer of State on invested balances. 124776

Any amounts, in addition to the amounts appropriated in 124777
 appropriation item 950602, Annuity Prizes, that the Director of 124778
 the State Lottery Commission determines to be necessary to fund 124779
 deferred prizes and interest are hereby appropriated. 124780

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 124781

Estimated transfers from the State Lottery Fund (Fund 7044) 124782
 to the Lottery Profits Education Fund (Fund 7017) are to be 124783
 \$1,424,000,000 in fiscal year 2024 and \$1,440,000,000 in fiscal 124784
 year 2025. Transfers by the Director of Budget and Management to 124785
 the Lottery Profits Education Fund shall be administered as the 124786
 statutes direct. 124787

Section 333.10. MCD DEPARTMENT OF MEDICAID 124788

General Revenue Fund 124789

GRF 651425 Medicaid Program \$ 186,000,500 \$ 186,000,300 124790
 Support - State

GRF 651525 Medicaid Health Care \$ 5,303,860,397 \$ 5,920,730,724 124791
 Services - State

Medicaid Health Care \$ 14,219,027,179 \$ 15,172,082,581 124792
 Services - Federal

Medicaid Health Care \$ 19,522,887,576 \$ 21,092,813,305 124793
 Services - Total

GRF 651526 Medicare Part D \$ 645,860,693 \$ 724,638,767 124794

TOTAL GRF General Revenue Fund 124795

State \$ 6,135,721,590 \$ 6,831,369,791 124796

Federal \$ 14,219,027,179 \$ 15,172,082,581 124797

GRF Total \$ 20,354,748,769 \$ 22,003,452,372 124798

Dedicated Purpose Fund Group 124799

4E30 651605 Resident Protection \$ 5,028,600 \$ 5,026,600 124800
 Fund

5AN0 651686 Care Innovation and \$ 77,673,500 \$ 86,650,700 124801

		Community Improvement Program					
5DL0	651639	Medicaid Services - Recoveries	\$	953,417,800	\$	1,098,017,800	124802
5DL0	651685	Medicaid Recoveries - Program Support	\$	85,000,300	\$	85,000,400	124803
5DL0	651690	Multi-system Youth Custody Relinquishment	\$	26,250,000	\$	27,562,500	124804
5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000	124805
5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$	1,631,571,167	\$	1,723,365,065	124806
5HC8	651698	MCD Home and Community Based Services	\$	86,027,329	\$	67,374,876	124807
5R20	651608	Medicaid Services - Long Term	\$	415,000,000	\$	415,000,000	124808
5TN0	651684	Medicaid Services - HIC Fee	\$	1,063,227,900	\$	1,138,441,200	124809
5XY0	651694	Improvements for Priority Populations	\$	10,500,000	\$	10,500,000	124810
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	244,642,100	\$	136,707,750	124811
TOTAL DPF		Dedicated Purpose Fund Group	\$	4,610,338,696	\$	4,805,646,891	124812
		Holding Account Fund Group					124813
R055	651644	Refunds and Reconciliation	\$	10,000,000	\$	10,000,000	124814
TOTAL HLD		Holding Account Fund Group	\$	10,000,000	\$	10,000,000	124815

Federal Fund Group					124816
3ER0 651603	Medicaid and Health Transformation Technology	\$ 787,100	\$ 795,500		124817
3F00 651623	Medicaid Services - Federal	\$11,013,604,990	\$11,208,144,212		124818
3F00 651624	Medicaid Program Support - Federal	\$ 537,000,300	\$ 492,000,300		124819
3FA0 651680	Health Care Grants - Federal	\$ 3,000,000	\$ 3,000,000		124820
3G50 651655	Medicaid Interagency Pass Through	\$ 258,149,000	\$ 258,149,000		124821
3HC8 651699	MCD Home and Community Based Services - Federal	122,897,812	\$ 121,350,266		124822
TOTAL FED	Federal Fund Group	\$11,935,439,202	\$12,083,439,278		124823
TOTAL ALL BUDGET	FUND GROUPS	\$36,910,526,667	\$38,902,538,541		124824

Section 333.20. MEDICAID HEALTH CARE SERVICES 124826

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code. 124827
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Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES 124830

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 in appropriations in each fiscal year from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health for the purpose of lead abatement activities. The Medicaid Director may seek Controlling Board approval to transfer amounts in excess of \$5,000,000 in appropriations in each fiscal year to the Department of Health for lead abatement 124831
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activities. The Director of Medicaid may transfer federal funds as 124839
the state's single state agency for Medicaid reimbursements, as 124840
drawn for these transactions. Amounts transferred are hereby 124841
appropriated. 124842

Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM 124843

The Director of Budget and Management may authorize 124844
additional expenditures from appropriation item 651623, Medicaid 124845
Services - Federal, appropriation item 651525, Medicaid Health 124846
Care Services, and appropriation item 651656, Medicaid Services - 124847
Hospital Franchise Fee, in order to implement the programs 124848
authorized by sections 5168.20 through 5168.28 of the Revised 124849
Code. Any amounts authorized are hereby appropriated. 124850

Section 333.50. MEDICARE PART D 124851

The foregoing appropriation item 651526, Medicare Part D, may 124852
be used by the Department of Medicaid for the implementation and 124853
operation of the Medicare Part D requirements contained in the 124854
"Medicare Prescription Drug, Improvement, and Modernization Act of 124855
2003," Pub. L. No. 108-173, as amended. Upon the request of the 124856
Medicaid Director, the Director of Budget and Management may 124857
transfer the state share of appropriations between appropriation 124858
item 651525, Medicaid Health Care Services, and appropriation item 124859
651526, Medicare Part D. If the state share of appropriation item 124860
651525, Medicaid Health Care Services, is adjusted, the Director 124861
of Budget and Management shall adjust the federal share 124862
accordingly. The Department of Medicaid shall provide notification 124863
to the Controlling Board of any transfers at the next scheduled 124864
Controlling Board meeting. 124865

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT 124866
PROGRAM 124867

(A) As used in this section: 124868

(1) "Nonprofit hospital agency" means a nonprofit hospital agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code. 124869
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(2) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Care Innovation and Community Improvement Program. 124873
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(3) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code. 124876
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(B) Subject to approval by the Centers for Medicare and Medicaid Services, the Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2024-2025 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement. 124878
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(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers. 124884
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(D) Each participating agency shall be eligible to receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. Any nonprofit hospital agency or public hospital agency seeking supplemental payment for physician or professional services shall be governed under the Care Innovation and Community Improvement Program. Eligibility for supplemental payments shall depend on all participating agencies meeting collective performance measures as established by the Director. The maximum amount of the potential 124889
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supplemental payments shall equal the difference between the 124899
Medicaid payment rates for the services and the average commercial 124900
payment rates for the services. The Director may terminate, or 124901
adjust the amount of, the supplemental payments if the amount of 124902
the funds available for the Care Innovation and Community 124903
Improvement Program is inadequate. 124904

(E) Each participating agency shall work collaboratively with 124905
all other participating agencies on quality improvement 124906
initiatives that are approved by the Medicaid Director and that 124907
align with and advance the goals of the Department of Medicaid's 124908
quality strategy required under 42. C.F.R. 438.340. 124909

(F) The Medicaid Director shall maintain a process to 124910
evaluate the work done by participating agencies under division 124911
(E) of this section and the agencies' progress in meeting the 124912
goals of the Care Innovation and Community Improvement Program. 124913
The Director may terminate an agency's participation in the 124914
program if the Director determines that the agency is not 124915
participating as specified in division (E) of this section or 124916
making progress in meeting the program's quality improvement 124917
goals. 124918

(G) All intergovernmental transfers made under division (C) 124919
of this section shall be deposited into the Care Innovation and 124920
Community Improvement Program Fund created by Section 333.320 of 124921
H.B. 49 of the 132nd General Assembly. Money in the fund and the 124922
corresponding federal financial participation in the Health Care - 124923
Federal Fund created under section 5162.50 of the Revised Code 124924
shall be used to make supplemental payments under division (D) of 124925
this section. 124926

(H) If the amount of the foregoing appropriation item 651686, 124927
Care Innovation and Community Improvement Program, and the 124928
corresponding federal financial participation in appropriation 124929
item 651623, Medicaid Services - Federal, are inadequate to make 124930

the supplemental payments required by division (E) of this 124931
section, the Medicaid Director may request that the Director of 124932
Budget and Management authorize additional expenditures from the 124933
Care Innovation and Community Improvement Program Fund and the 124934
Health Care - Federal Fund as needed to make the supplemental 124935
payments. If the Director of Budget and Management authorizes the 124936
additional expenditures, the additional amounts are hereby 124937
appropriated. 124938

Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 124939
AND RECOVERIES FUND 124940

Of the amount received by the Department of Medicaid during 124941
fiscal year 2024 and fiscal year 2025 from the first installment 124942
of assessments paid under section 5168.06 of the Revised Code and 124943
intergovernmental transfers made under section 5168.07 of the 124944
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 124945
in each fiscal year into the state treasury to the credit of the 124946
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 124947

Section 333.80. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 124948
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 124949
TREATMENT FUND 124950

Upon the request of the Medicaid Director, the Director of 124951
Budget and Management may transfer up to \$2,200,000 cash in each 124952
fiscal year from the Health Care/Medicaid Support and Recoveries 124953
Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund 124954
(Fund 4750), used by the Department of Mental Health and Addiction 124955
Services. Any transferred funds shall be used to support Centers 124956
of Excellence and related activities. Any transferred amounts are 124957
hereby appropriated. 124958

Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 124959
SUPPORT AND RECOVERIES FUND TO THE DEPARTMENT OF AGING FOR THE 124960

OMBUDSMAN PROGRAM	124961
Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$1,000,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the Department of Aging. Any transferred funds shall be used to support the Ombudsman program. Any transferred amounts are hereby appropriated.	124962 124963 124964 124965 124966 124967
Section 333.100. HEALTH INSURING CORPORATION CLASS FRANCHISE FEE	124968 124969
If receipts credited to the Health Insuring Corporation Class Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal appropriation item identified by the Medicaid Director accordingly. Any authorized amounts and any corresponding federal adjustments are hereby appropriated.	124970 124971 124972 124973 124974 124975 124976 124977 124978 124979
Section 333.110. HOSPITAL CARE ASSURANCE MATCH	124980
If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.	124981 124982 124983 124984 124985 124986 124987
The foregoing appropriation item 651649, Medicaid Services - Health Care Assurance Program, shall be used by the Department of	124988 124989

Medicaid for distributing the state share of all hospital care 124990
assurance program funds to hospitals under section 5168.09 of the 124991
Revised Code. If receipts credited to the Hospital Care Assurance 124992
Program Fund (Fund 6510) exceed the amounts appropriated from the 124993
fund for making the hospital care assurance program distribution, 124994
the Medicaid Director may request the Director of Budget and 124995
Management to authorize expenditures from the fund in excess of 124996
the amounts appropriated. Upon the approval of the Director of 124997
Budget and Management, the additional amounts are hereby 124998
appropriated. 124999

Section 333.120. REFUNDS AND RECONCILIATION FUND 125000

If estimated receipts to the Refunds and Reconciliation Fund 125001
(Fund R055) exceed the amounts appropriated from the fund, the 125002
Medicaid Director may request the Director of Budget and 125003
Management to authorize expenditures from the fund in excess of 125004
the amounts appropriated. Upon approval of the Director of Budget 125005
and Management, the additional amounts are hereby appropriated. 125006

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 125007

In order to ensure access to a non-emergency medical 125008
transportation brokerage program established pursuant to section 125009
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 125010
upon the request of the Medicaid Director, the Director of Budget 125011
and Management may transfer the state share appropriations between 125012
General Revenue Fund appropriation item 651525, Medicaid Health 125013
Care Services, within the Department of Medicaid and 655523, 125014
Medicaid Program Support - Local Transportation, within the 125015
Department of Job and Family Services. If such a transfer occurs, 125016
the Director of Budget and Management shall adjust, using the 125017
federal reimbursement rate, the federal share appropriations of 125018
appropriation item 651525, Medicaid Health Care Services, within 125019

the Department of Medicaid, and appropriation item 655624, 125020
Medicaid Program Support - Federal, within the Department of Job 125021
and Family Services. The Director of Medicaid shall transmit to 125022
the Medicaid Program Support Fund (Fund 3F01) the federal funds 125023
which the Department of Medicaid, as the state's sole point of 125024
contact with the federal government for Medicaid reimbursements, 125025
has drawn for this transaction. 125026

Section 333.140. MEDICAID PAYMENT RATES FOR COMMUNITY 125027
BEHAVIORAL HEALTH SERVICES 125028

(A) As used in this section: 125029

(1) "Community behavioral health services" has the same 125030
meaning as in section 5164.01 of the Revised Code. 125031

(2) "Hospital" has the same meaning as in section 3727.01 of 125032
the Revised Code. 125033

(3) "Intermediate care facility for individuals with 125034
intellectual disabilities" has the same meaning as in section 125035
5124.01 of the Revised Code. 125036

(4) "Nursing facility" has the same meaning as in section 125037
5165.01 of the Revised Code. 125038

(B) Subject to division (C) of this section, the Department 125039
of Medicaid may establish Medicaid payment rates for community 125040
behavioral health services provided during fiscal year 2024 and 125041
fiscal year 2025 that exceed the authorized rates paid for the 125042
services under the Medicare program. 125043

(C) This section does not apply to community behavioral 125044
health services provided by any of the following: 125045

(1) Hospitals on an inpatient basis; 125046

(2) Nursing facilities; 125047

(3) Intermediate care facilities for individuals with 125048

intellectual disabilities. 125049

Section 333.150. HOME AND COMMUNITY BASED SERVICES 125050
APPROPRIATIONS - STATE 125051

The Director of Budget and Management may authorize 125052
additional expenditures in appropriation items 651698, MCD Home 125053
and Community Based Services, 653698, DDD Home and Community Based 125054
Services, 652698, MHA Home and Community Based Services, 655698, 125055
JFS Home and Community Based Services, and 656698, AGE Home and 125056
Community Based Services, as long as the additional expenditures 125057
are offset by equal expenditure reductions in another of these 125058
appropriation items. Any additional expenditures shall be used in 125059
accordance with Section 9817 of the "American Rescue Plan Act of 125060
2021," Pub. L. No. 117-2, and shall comply with the Department of 125061
Medicaid's Medicaid state plan approved by the Centers for 125062
Medicare and Medicaid Services (CMS) and any associated CMS 125063
guidance, reporting requirements, and certifications. Any 125064
additional expenditures are hereby appropriated. 125065

Section 333.160. HOME AND COMMUNITY BASED SERVICES 125066
APPROPRIATIONS - FEDERAL 125067

The Director of Budget and Management may authorize 125068
additional expenditures in appropriation items 651699, MCD Home 125069
and Community Based Services - Federal, 653699, DDD Home and 125070
Community Based Services - Federal, 652699, MHA Home and Community 125071
Based Services - Federal, 655699, JFS Home and Community Based 125072
Services - Federal, and 656699, AGE Home and Community Based 125073
Services - Federal. 125074

If additional expenditures are authorized in any of these 125075
appropriation items, the Director of Budget and Management shall 125076
make appropriation adjustments in any of the other items as 125077
necessary. Any additional expenditures shall be used in accordance 125078

with Section 9817 of the "American Rescue Plan Act of 2021," Pub. 125079
L. No. 117-2, and shall comply with the Department of Medicaid's 125080
Medicaid state plan approved by the Centers for Medicare and 125081
Medicaid Services (CMS) and any associated CMS guidance, reporting 125082
requirements, and certifications. Any additional expenditures are 125083
hereby appropriated. 125084

Section 333.170. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY 125085
POPULATIONS 125086

(A) As used in this section: 125087

(1) "Care management system" and "enrollee" have the same 125088
meanings as in section 5167.01 of the Revised Code. 125089

(2) "State university" has the same meaning as in section 125090
3345.011 of the Revised Code. 125091

(B) There is hereby created the Ohio Invests in Improvements 125092
for Priority Populations (OIPP) Program. The program shall be a 125093
directed payment program for inpatient and outpatient hospital 125094
services provided to Medicaid care management system enrollees 125095
receiving care at state university-owned hospitals with less than 125096
three hundred inpatient beds. Participating hospitals shall 125097
receive payments directly for services provided under the program 125098
and remit to the Department of Medicaid, through intergovernmental 125099
transfer, the nonfederal share of those services. Transfers made 125100
for the program shall be deposited into the Hospital Directed 125101
Payment Program Fund (Fund 5XY0). The Medicaid Director shall seek 125102
approval from the Centers for Medicare and Medicaid Services for 125103
the program in accordance with section 5162.07 of the Revised 125104
Code. 125105

(C) The foregoing appropriation item 651694, Improvements for 125106
Priority Populations, and the corresponding federal share in 125107
appropriation item 651623, Medicaid Services - Federal, shall be 125108

used for the OIPP Program. 125109

(D) If receipts credited to the Hospital Directed Payment 125110
Program Fund (Fund 5XY0) exceed the amounts appropriated from the 125111
fund, the Medicaid Director may request the Director of Budget and 125112
Management to authorize expenditures from the fund in excess of 125113
the amounts appropriated. If any additional amounts are 125114
authorized, the Director of Budget and Management shall adjust, 125115
using the federal reimbursement rate, the appropriation in 125116
appropriation item 651623, Medicaid Services - Federal, 125117
accordingly. Any authorized amounts are hereby appropriated. 125118

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 125119
COSTS 125120

Upon the request of the Medicaid Director, the Director of 125121
Budget and Management may transfer state share appropriations in 125122
each fiscal year between appropriation item 651525, Medicaid 125123
Health Care Services, within the Department of Medicaid, and 125124
655522, Medicaid Program Support - Local, within the Department of 125125
Job and Family Services. If such a transfer occurs, the Director 125126
of Budget and Management shall adjust, using the federal 125127
reimbursement rate, the federal share appropriations of 125128
appropriation item 651525, Medicaid Health Care Services, within 125129
the Department of Medicaid, and appropriation item 655624, 125130
Medicaid Program Support - Federal, within the Department of Job 125131
and Family Services. Any increase in funding shall be provided to 125132
county departments of job and family services and shall only be 125133
used for costs related to transitioning to a new work community 125134
engagement program under the Medicaid program as prescribed by the 125135
Medicaid Director. These funds shall not be used for existing and 125136
ongoing operating expenses. The Medicaid Director shall establish 125137
criteria for distributing these funds and for county departments 125138
of job and family services to submit allowable expenses. 125139

Section 333.190. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT	125140
PROGRAM	125141
(A) As used in this section:	125142
(1) "Expansion eligibility group" has the same meaning as in	125143
section 5163.01 of the Revised Code.	125144
(2) "Medical assistance recipient" has the same meaning as in	125145
section 5160.01 of the Revised Code.	125146
(B) The Medicaid Director shall establish and implement a	125147
voluntary community engagement program in accordance with this	125148
section.	125149
(C) The community engagement program shall be available to	125150
all medical assistance recipients. Participation in the program	125151
shall be voluntary.	125152
(D) The community engagement program shall do all of the	125153
following:	125154
(1) Encourage medical assistance recipients to work who are	125155
of working age and able-bodied;	125156
(2) Promote to medical assistance recipients the economic	125157
stability, financial independence, and improved health outcomes	125158
from work;	125159
(3) Provide information to medical assistance recipients	125160
about the services available under the community engagement	125161
program, including an explanation of the importance of work to	125162
overall physical and mental health.	125163
(E) The community engagement program shall continue through	125164
the FY 2024 - FY 2025 fiscal biennium or until Ohio is able to	125165
implement the waiver component under section 5166.37 of the	125166
Revised Code, whichever is sooner, at which point it will cease to	125167
exist.	125168

(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients.

Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY DETERMINATIONS DUE TO END OF PUBLIC HEALTH EMERGENCY

During the FY 2024 - FY 2025 biennium, to facilitate the resumption of routine Medicaid eligibility determinations in accordance with federal guidance, all transfers from the Medicaid Income Maintenance (IM) Control allocation to other IM Control Programs (SNAP & TANF) or other allocations shall require prior approval by the Medicaid Director. The Medicaid Director may apply conditions and criteria regarding when transfers may occur, including specifying which counties are eligible for transfer of funds. Funds within appropriation item 655522, Medicaid Program Support - Local, may also be distributed based on performance criteria. Performance based amounts and criteria, and criteria for transfer approval may include but are not limited to timeliness and accuracy of application and renewal processing.

Section 333.210. POST-COVID MEDICAID REDETERMINATION

(A) The Department or the Department's designee shall use third-party data sources and systems to conduct eligibility redeterminations of all Medicaid recipients in this state after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B).

(B) To the full extent permitted by state and federal law, the Department, or the Department's designee shall verify Medicaid recipient enrollment records against third-party data sources and systems, including any records the Department considers appropriate in order to strengthen program integrity, reduce

costs, and reduce fraud, waste, and abuse in the Medicaid program. 125199

(C) At the conclusion of the emergency period due to 125200
COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 125201
Department, or the Department's designee shall: 125202

(1) Conduct an eligibility review of Medicaid recipients for 125203
whom a redetermination has not been conducted in the past twelve 125204
months. The reviews shall be conducted on a schedule coinciding 125205
with what would have been the recipients' next eligibility review 125206
dates. 125207

(2) Conduct an eligibility review of Medicaid recipients for 125208
whom a redetermination has been conducted in the past twelve 125209
months. The reviews shall be conducted on a schedule coinciding 125210
with the recipients' next eligibility review dates. 125211

(D) The Department shall disenroll those recipients who are 125212
deemed no longer eligible for the Medicaid program under the 125213
eligibility review. 125214

(E) The Department shall oversee the county determinations 125215
and administration to ensure timely and accurate compliance with 125216
the provisions of this section and federal requirements. 125217

(F) The Department shall complete a report containing its 125218
findings under division (A) of this section, including any 125219
findings of fraud, waste, or abuse in the Medicaid program. 125220
Thirteen months after the conclusion of the emergency period due 125221
to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 125222
Department shall submit the report to the Joint Medicaid Oversight 125223
Committee. 125224

Section 333.220. PANDEMIC AND FEDERALLY MANDATED REQUIREMENTS 125225
FOR RESTORATION OF NORMAL MEDICAID ELIGIBILITY DETERMINATIONS 125226

Due to unprecedented and extraordinary inflationary pressures 125227
within the economy that are adversely impacting Medicaid providers 125228

caused by the declaration of the federal Public Health Emergency 125229
on January 31, 2020, by the U.S. Department of Health and Human 125230
Services, and due to the projected increases in Medicaid per 125231
member costs associated with the federal requirements for 125232
restoring normal operations associated with the Medicaid 125233
continuous coverage provision and a reduction in federal financial 125234
participation outlined in the federal "Consolidated Appropriations 125235
Act, 2023," Pub. L. No. 117-328, and due to historical Joint 125236
Medicaid Oversight Committee (JMOC) exclusions, provider rate 125237
increases and the per member unwinding impact identified by the 125238
JMOC actuary shall not be considered for purposes of the Medicaid 125239
reforms required by section 5162.70 of the Revised Code. 125240

Section 333.230. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 125241
OF MEDICAID SERVICES 125242

Direct care providers under Ohio's Medicaid program have been 125243
adversely impacted by the COVID-19 pandemic and extraordinary 125244
inflationary pressures within the economy. The Department of 125245
Medicaid in collaboration with the Department of Aging and the 125246
Department of Developmental Disabilities has included funding in 125247
the budget to be used for provider rate increases. These provider 125248
rate increases shall be used to ensure workforce stability and 125249
greater access to care for Medicaid recipients through increased 125250
wages and needed workforce supports. 125251

Section 333.240. MEDICAID ASSISTED LIVING PROGRAM PAYMENT 125252
RATES 125253

(A) As used in this section: 125254

(1) "Assisted living program" and "assisted living services" 125255
have the same meanings as in section 173.51 of the Revised Code. 125256

(2) "Assisted living memory care service" means a service 125257
provided by a residential care facility to an individual with a 125258

documented diagnosis of any form of dementia who is residing in 125259
and being served by an assisted living Medicaid provider. 125260

(3) "Residential care facility" has the same meaning as in 125261
section 3721.01 of the Revised Code. 125262

(B) The Department of Medicaid, in consultation with the 125263
Department of Aging, may establish an assisted living services 125264
base payment rate for residential care facilities participating in 125265
the Medicaid-funded component of the assisted living program. 125266

(C) The Department of Medicaid and the Department of Aging 125267
may establish an assisted living memory care service payment rate 125268
for residential care facilities participating in the 125269
Medicaid-funded component of the assisted living program. This 125270
payment rate is based on additional costs that a provider may 125271
incur resulting from serving individuals with dementia and any 125272
other additional factors determined by the Department of Medicaid 125273
and the Department of Aging. The Department of Medicaid and the 125274
Department of Aging may adopt rules to incorporate workforce, 125275
performance, training, and other quality indicators. The per diem 125276
for assisted living memory care service will only be available to 125277
assisted living providers with a direct care staff to resident 125278
ratio that is at least twenty per cent higher for individuals with 125279
dementia than for individuals without dementia. 125280

(D) The Department of Medicaid, in consultation with the 125281
Department of Aging, shall adopt rules establishing additional 125282
requirements related to person-centered service planning and 125283
facility design. 125284

Section 333.250. TRANSFER OF APPROPRIATION FOR PRE-ADMISSION 125285
SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND 125286
ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID 125287

On July 1, 2023, or as soon as possible thereafter, upon the 125288

request of the Medicaid Director, in consultation with the 125289
Director of Mental Health and Addiction Services, the Director of 125290
Budget and Management may transfer appropriations between 125291
appropriation line item 652321, Medicaid Support, within the 125292
Department of Mental Health and Addiction Services and 125293
appropriation line item 651425, Medicaid Program Support - State, 125294
within the Department of Medicaid to fund Pre-Admission Screening 125295
Resident Reviews. If such a transfer occurs, the Director of 125296
Budget and Management shall adjust, using the federal 125297
reimbursement rate, the federal share of appropriations in 125298
appropriation line item 652636, Community Medicaid Legacy Support, 125299
within the Department of Mental Health and Addiction Services and 125300
appropriation line item 651624, Medicaid Program Support - 125301
Federal, within the Department of Medicaid. 125302

Section 333.260. PHYSICIAN DIRECTED PAYMENT PROGRAM 125303

(A) As used in this section, "directed payment program" means 125304
a payment program authorized by 42 C.F.R. 438.6(c) under which the 125305
Department of Medicaid regulates payment rates between Medicaid 125306
managed care organizations and certain Medicaid providers. 125307

(B)(1) The Medicaid Director may create a physician directed 125308
payment program for Medicaid managed care organization payments to 125309
nonpublic hospitals, and their related health systems, for 125310
physician services provided to Medicaid enrollees. Payment amounts 125311
under the program shall not exceed the average commercial level 125312
paid to participating health systems for physician and other 125313
professional services covered under the Medicaid program and 125314
provided to enrollees. 125315

(2) The program shall advance the maternal and child health 125316
goals established in the Department's quality strategy required by 125317
42 C.F.R. 438.340. 125318

(C) Under the program, participating hospitals shall receive 125319

payments directly for physician services provided to enrollees and 125320
 remit to the Department the nonfederal share of those services 125321
 through intergovernmental transfer. 125322

(1) Eligible public entities may transfer funds to be used by 125323
 the Department for directed payments, as authorized by 42 C.F.R. 125324
 433.51, through intergovernmental transfer pursuant to an 125325
 interagency agreement with the Department. 125326

(2) Transfers made for the program shall be deposited into 125327
 the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) 125328
 created under section 5162.52 of the Revised Code. 125329

(D) If receipts credited to the physician directed payment 125330
 program exceed the amounts available in the fund, the director may 125331
 either adjust any payment amounts under the program or terminate 125332
 the program. 125333

Section 335.10. MED STATE MEDICAL BOARD 125334

Dedicated Purpose Fund Group				125335	
5C60 883609 Operating Expenses	\$	13,791,789	\$	14,315,005	125336
TOTAL DPF Dedicated Purpose Fund	\$	13,791,789	\$	14,315,005	125337
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	13,791,789	\$	14,315,005	125338

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 125340

SERVICES				125341	
General Revenue Fund				125342	
GRF 336321 Program Support and	\$	54,807,151	\$	57,100,151	125343
Operations					
GRF 336402 Resident Trainees	\$	450,000	\$	450,000	125344
GRF 336406 Prevention and	\$	13,868,659	\$	13,868,659	125345
Wellness					
GRF 336412 Hospital Services	\$	318,588,247	\$	344,258,948	125346

GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$	25,875,000	\$	22,625,000	125347
GRF	336421	Continuum of Care Services	\$	106,214,846	\$	106,214,846	125348
GRF	336422	Criminal Justice Services	\$	30,044,829	\$	30,044,829	125349
GRF	336424	Recovery Housing	\$	5,000,000	\$	5,000,000	125350
GRF	336425	Specialized Docket Support	\$	11,269,340	\$	11,269,340	125351
GRF	336504	Community Innovations	\$	11,000,000	\$	11,000,000	125352
GRF	336510	Residential State Supplement	\$	24,000,000	\$	24,000,000	125353
GRF	336660	988 Suicide and Crisis Response	\$	20,701,661	\$	25,831,020	125354
GRF	652321	Medicaid Support	\$	1,618,364	\$	1,650,415	125355
TOTAL GRF		General Revenue Fund	\$	623,438,097	\$	653,313,208	125356
		Dedicated Purpose Fund Group					125357
4750	336623	Statewide Treatment and Prevention	\$	162,799,190	\$	22,799,190	125358
4850	336632	Mental Health Operating	\$	15,000,000	\$	15,000,000	125359
5AU0	336615	Behavioral Health Care	\$	17,500,000	\$	17,500,000	125360
5CV3	336648	ARPA Pediatric Behavioral Health	\$	50,000,000	\$	0	125361
5JL0	336629	Problem Gambling and Casino Addiction	\$	7,000,000	\$	7,000,000	125362
5T90	336641	Problem Gambling Services	\$	2,320,000	\$	2,320,000	125363
5TZ0	336600	Stabilization Centers	\$	6,000,000	\$	6,000,000	125364
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000	125365
5VV0	336645	Transcranial Magnetic	\$	6,000,000	\$	0	125366

		Stimulaton Pilot				
6320	336616	Community Capital	\$	350,000	\$	350,000 125367
		Replacement				
6890	336640	Education and	\$	75,000	\$	75,000 125368
		Conferences				
TOTAL	DPF	Dedicated Purpose Fund	\$	278,044,190	\$	82,044,190 125369
Group						
Internal Service Activity Fund Group						125370
1490	336609	Hospital Operating	\$	16,000,000	\$	16,000,000 125371
		Expenses				
1490	336610	Operating Expenses	\$	7,350,000	\$	7,350,000 125372
1510	336601	Ohio Pharmacy	\$	105,755,000	\$	106,955,000 125373
		Services				
4P90	336604	Community Mental	\$	250,000	\$	250,000 125374
		Health Projects				
TOTAL	ISA	Internal Service Activity	\$	129,355,000	\$	130,555,000 125375
Fund Group						
Federal Fund Group						125376
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000 125377
3A70	336612	Social Services Block	\$	8,000,000	\$	8,000,000 125378
		Grant				
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000 125379
3A90	336614	Mental Health Block	\$	45,940,000	\$	45,940,000 125380
		Grant				
3B10	652636	Community Medicaid	\$	4,000,000	\$	4,000,000 125381
		Legacy Support				
3G40	336618	Substance Abuse Block	\$	86,000,000	\$	86,000,000 125382
		Grant				
3H80	336606	Demonstration Grants	\$	16,000,000	\$	16,000,000 125383
3HB1	336644	State Opioid Response	\$	113,000,000	\$	113,000,000 125384
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000 125385
		Reimbursement				

TOTAL FED Federal Fund Group	\$ 299,440,000	\$ 299,440,000	125386
TOTAL ALL BUDGET FUND GROUPS	\$ 1,330,277,287	\$ 1,165,352,398	125387

Section 337.20. PREVENTION AND WELLNESS 125389

The foregoing appropriation item 336406, Prevention and 125390
Wellness, shall be used as follows: 125391

(A) Up to \$1,250,000 in each fiscal year shall be distributed 125392
to boards of alcohol, drug addiction, and mental health services 125393
to purchase the provision of evidence-based prevention services 125394
from providers certified by the Department of Mental Health and 125395
Addiction Services. 125396

(B) Up to \$8,000,000 in each fiscal year shall be used to 125397
support suicide prevention efforts. 125398

(C) Up to \$2,250,000 in each fiscal year shall be used to 125399
increase access to early identification and intervention of 125400
behavioral health disorders across the lifespan. 125401

Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 125402
PAYMENTS 125403

The foregoing appropriation item 336415, Mental Health 125404
Facilities Lease Rental Bond Payments, shall be used to meet all 125405
payments during the period from July 1, 2023, through June 30, 125406
2025, by the Department of Mental Health and Addiction Services 125407
pursuant to leases and agreements made under section 154.20 of the 125408
Revised Code. These appropriations are the source of funds pledged 125409
for bond service charges on obligations issued pursuant to Chapter 125410
154. of the Revised Code. 125411

Section 337.40. CONTINUUM OF CARE SERVICES 125412

The foregoing appropriation item 336421, Continuum of Care 125413
Services, shall be used as follows: 125414

(A) A portion of this appropriation shall be allocated to 125415
boards of alcohol, drug addiction, and mental health services in 125416
accordance with a distribution methodology determined by the 125417
Director of Mental Health and Addiction Services for the boards to 125418
purchase mental health and addiction services permitted under 125419
Chapter 340. of the Revised Code. Boards may use a portion of the 125420
funds allocated: 125421

(1) To provide subsidized support for psychotropic medication 125422
needs of indigent citizens in the community to reduce unnecessary 125423
hospitalization due to lack of medication; and 125424

(2) To provide subsidized support for medication-assisted 125425
treatment costs. 125426

(B) A portion of this appropriation may be distributed to 125427
boards of alcohol, drug addiction, and mental health services, 125428
community addiction and/or mental health services providers, 125429
courts, or other governmental entities to provide specific grants 125430
in support of initiatives concerning mental health and addiction 125431
services. 125432

(C) Of the foregoing appropriation item 336421, Continuum of 125433
Care Services, \$1,500,000 in each fiscal year shall be allocated 125434
by the Department of Mental Health and Addiction Services to 125435
boards of alcohol, drug addiction, and mental health services. The 125436
boards shall use their allocations to establish and administer, in 125437
collaboration with the other boards that serve the same state 125438
psychiatric hospital region, mental health crisis stabilization 125439
centers or, upon approval from the Director of Mental Health and 125440
Addiction Services, boards may use these funds in conjunction with 125441
funds earmarked in division (A) of Section 337.130 of this act, to 125442
establish and administer crisis stabilization centers that have 125443
the ability to serve individuals with substance use and/or mental 125444
health needs. There shall be at least one center located in each 125445
state psychiatric hospital region. 125446

Boards of alcohol, drug addiction, and mental health services 125447
shall ensure that each mental health crisis stabilization center 125448
established and administered under division (C) of this section 125449
complies with all of the following: 125450

(1) It serves individuals before and after the individuals 125451
receive treatment and care at hospital emergency departments or 125452
freestanding emergency departments. 125453

(2) It serves individuals before and after the individuals 125454
are confined in state or local correctional facilities. 125455

(3) It has a Medicaid provider agreement. 125456

(4) It serves individuals who present as needing the crisis 125457
stabilization services provided by the center. 125458

(5) It connects individuals when they are discharged from the 125459
center with community-based continuum of care services and 125460
supports as described in section 340.032 of the Revised Code. 125461

(D) Boards of alcohol, drug addiction, and mental health 125462
services shall submit to the Director of Mental Health and 125463
Addiction Services for approval a plan for establishing and 125464
administering crisis stabilization centers pursuant to division 125465
(C) of this section and division (A) of Section 337.130 of this 125466
act that meet the mental health and substance use needs of 125467
individuals within their service districts. 125468

(E) As used in division (C) of this section: 125469

(1) "State or local correctional facility" means any of the 125470
following: 125471

(a) A "state correctional institution," as defined in section 125472
2967.01 of the Revised Code; 125473

(b) A "local correctional facility," as defined in section 125474
2903.13 of the Revised Code; 125475

(c) A correctional facility that is privately operated and 125476

managed pursuant to section 9.06 of the Revised Code. 125477

(2) "State psychiatric hospital regions" means the six 125478
districts into which the Department of Mental Health and Addiction 125479
Services has divided the state pursuant to division (B)(2) of 125480
section 5119.14 of the Revised Code. 125481

(F) Of the foregoing appropriation item 336421, Continuum of 125482
Care Services, up to \$9,000,000 in each fiscal year shall be used 125483
to develop a strategic approach to strengthening cross-systems 125484
collaboration efforts to serve adults with serious mental illness 125485
who are involved in multiple behavioral health, developmental 125486
disabilities, human services, or criminal justice systems. 125487

(G) Of the foregoing appropriation item 336421, Continuum of 125488
Care Services, up to \$2,500,000 in each fiscal year shall be used 125489
to develop, evaluate, and expand crisis services infrastructure to 125490
provide support for adults, children, and families in a variety of 125491
settings. 125492

(H) Of the foregoing appropriation item 336421, Continuum of 125493
Care Services, up to \$6,500,000 in each fiscal year shall be used 125494
to support an evidence-informed intervention model that helps 125495
public children services agencies bring together caseworkers, 125496
behavioral health providers, and family peer mentors into teams 125497
dedicated to helping families struggling with co-occurring child 125498
maltreatment and substance use disorder. 125499

(I) Of the foregoing appropriation item 336421, Continuum of 125500
Care, up to \$1,000,000 in each fiscal year shall be used for 125501
operating expenses and critical repairs to improve the 125502
habitability of homes and quality of life for adults with severe 125503
mental illness living in class two and class three residential 125504
facilities. 125505

(J) Of the foregoing appropriation item 336421, Continuum of 125506
Care Services, up to \$4,000,000 in each fiscal year shall be used 125507

to expand statewide access to rapid mobile response and 125508
stabilization services provided to youth experiencing an emotional 125509
or behavioral health crisis and their families. 125510

Section 337.45. HOSPITAL ACCESS FUND 125511

(A) As used in this section, "mentally ill person subject to 125512
court order" has the same meaning as in section 5122.01 of the 125513
Revised Code. 125514

(B) Of the foregoing appropriation item 336421, Continuum of 125515
Care, up to \$7,000,000 in each fiscal year shall be used to pay 125516
for the treatment of indigent mentally ill persons subject to 125517
court order in hospitals or inpatient units licensed by the 125518
Department of Mental Health and Addiction Services under section 125519
5119.33 of the Revised Code. 125520

Section 337.50. CRIMINAL JUSTICE SERVICES 125521

(A) Except as otherwise provided in this act, the foregoing 125522
appropriation item 336422, Criminal Justice Services, shall be 125523
used for all of the following: 125524

(1) The provision of forensic psychiatric evaluations to 125525
courts of common pleas; 125526

(2) The completion of evaluations of patients of forensic 125527
status in facilities operated or designated by the Department of 125528
Mental Health and Addiction Services prior to each patient's 125529
conditional release to the community; 125530

(3) Workforce, training, and technological initiatives that 125531
support the items specified in divisions (A)(1) and (2) of this 125532
section. 125533

A portion of this appropriation may be allocated through 125534
boards of alcohol, drug addiction, and mental health services to 125535
community addiction and/or mental health services providers in 125536

accordance with a distribution methodology determined by the 125537
Director of Mental Health and Addiction Services. 125538

(B) Of the foregoing appropriation item, 336422, Criminal 125539
Justice Services, up to \$4,000,000 in each fiscal year shall be 125540
allocated to the Behavioral Health Drug Reimbursement Program 125541
established in section 5119.19 of the Revised Code. 125542

On July 1, 2023, or as soon as possible thereafter, the 125543
Director of Mental Health and Addiction Services shall certify to 125544
the Director of Budget and Management the amount of the 125545
unexpended, unencumbered balance of this earmark in fiscal year 125546
2023. The amount certified is hereby reappropriated to the 125547
appropriation item in fiscal year 2024 for the same purpose. 125548

(C) The foregoing appropriation item 336422, Criminal Justice 125549
Services, may also be used to: 125550

(1) Provide forensic monitoring and tracking of individuals 125551
on conditional release; 125552

(2) Provide forensic and crisis response training; 125553

(3) Support projects that assist courts and law enforcement 125554
to identify and develop appropriate alternative services to 125555
incarceration for nonviolent mentally ill offenders; 125556

(4) Provide services to incarcerated individuals in jails, as 125557
defined in section 2929.01 of the Revised Code, with a substance 125558
use disorder, severe mental illness, or both, including screening 125559
and clinically appropriate treatment; 125560

(5) Link and provide behavioral health treatment and recovery 125561
supports to incarcerated individuals described in division (C)(4) 125562
of this section upon release from jail; 125563

(6) Provide specialized re-entry services to offenders 125564
leaving prisons and jails; 125565

(7) Provide specific grants in support of addiction services 125566

alternatives to incarceration;	125567
(8) Support therapeutic communities;	125568
(9) Support specialty dockets and expand or create new certified court programs;	125569 125570
(10) Establish and administer outpatient competency restoration services. The services shall be provided by forensic centers described in section 5119.10 of the Revised Code or, to the extent a forensic center in a community does not provide outpatient competency restoration services, a psychiatric program or facility selected by a board of alcohol, drug addiction, and mental health services to provide such services.	125571 125572 125573 125574 125575 125576 125577
Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS	125578 125579
(A) As used in this section:	125580
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	125581 125582
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	125583 125584
(3) "Drug used in medication-assisted treatment" means a drug approved by the United States Food and Drug Administration for use in medication-assisted treatment.	125585 125586 125587
(4) "Drug used in withdrawal management or detoxification" means a drug approved by the United States Food and Drug Administration for use in, or a drug in standard use for, mitigating alcohol or opioid withdrawal symptoms or assisting with detoxification.	125588 125589 125590 125591 125592
(5) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.	125593 125594
(6) "Medication-assisted treatment drug court program" and	125595

"MAT drug court program" mean a session of any of the following 125596
that holds initial or final certification from the Supreme Court 125597
of Ohio as a specialized docket program for drugs and that uses 125598
medication-assisted treatment as part of its specialized docket 125599
program: a common pleas court, municipal court, or county court, 125600
or a division of any of those courts. 125601

(7) "Prescriber" has the same meaning as in section 4729.01 125602
of the Revised Code. 125603

(8) "Recovery supports" has the same meaning as in section 125604
5119.01 of the Revised Code. 125605

(9) "Substance use disorder treatment" has the same meaning 125606
as "alcohol and drug addiction services" as defined in section 125607
5119.01 of the Revised Code. 125608

(B)(1) The Department of Mental Health and Addiction Services 125609
shall conduct a program to provide substance use disorder 125610
treatment to persons who are eligible to participate in a 125611
medication-assisted treatment drug court program and are selected 125612
under this section to be participants in a MAT drug court program 125613
because of a substance use disorder. The substance use disorder 125614
treatment provided under the Department's program may include the 125615
following: 125616

(a) Drugs used in medication-assisted treatment; 125617

(b) Services involved in providing medication-assisted 125618
treatment; 125619

(c) Drugs used in withdrawal management or detoxification; 125620

(d) Services involved in providing withdrawal management or 125621
detoxification; 125622

(e) Recovery supports. 125623

(2) The Department shall conduct its program in collaboration 125624
with any counties in Ohio that are conducting MAT drug court 125625

programs. 125626

(3) In addition to conducting its program in accordance with 125627
division (B)(2) of this section, the Department may conduct its 125628
program in collaboration with any other court that is conducting a 125629
MAT drug court program. 125630

(C) In conducting its program, the Department shall 125631
collaborate with the Supreme Court, the Department of 125632
Rehabilitation and Correction, and any agency of the state that 125633
the Department of Mental Health and Addiction Services determines 125634
may be of assistance in accomplishing the objectives of the 125635
Department's program. The Department may collaborate with the 125636
boards of alcohol, drug addiction, and mental health services and 125637
with local law enforcement agencies that serve the counties in 125638
which a court participating in the Department's program is 125639
located. 125640

(D)(1) A MAT drug court program participating in the 125641
Department's program shall select the persons who are to be its 125642
participants for purposes of the Department's program. To be 125643
selected, a person must be a criminal offender, including an 125644
offender under a community control sanction, or be involved in a 125645
drug or family dependency court. A person shall not be selected to 125646
be a participant unless the person meets the legal and clinical 125647
eligibility criteria for the MAT drug court program and is an 125648
active participant in the MAT drug court program, or unless the 125649
offender is under a community control sanction with the program's 125650
participating judge. 125651

(2) After a MAT drug court program enrolls a person as a 125652
participant for purposes of the Department's program, the 125653
participant shall comply with all requirements of the MAT drug 125654
court program. 125655

(E) The substance use disorder treatment provided under the 125656

Department's program in collaboration with a MAT drug court 125657
program, including any recovery supports that are provided, shall 125658
be provided by a community addiction services provider. The 125659
provider shall do all of the following: 125660

(1) Provide treatment based on an integrated service delivery 125661
model that consists of the coordination of care between a 125662
prescriber and the community addiction services provider; 125663

(2) Conduct professional, comprehensive substance abuse and 125664
mental health diagnostic assessments of a person under 125665
consideration for selection as a program participant to determine 125666
whether the person would benefit from substance use disorder 125667
treatment and monitoring; 125668

(3) Determine, based on the assessment described in division 125669
(E)(2) of this section, the treatment needs of the program 125670
participants served by the community addiction services provider; 125671

(4) Develop, for program participants served by the community 125672
addiction services provider, individualized goals and objectives; 125673

(5) Subject to division (F) of this section, provide access 125674
to both of the following drug therapies to the extent they are 125675
included in the program's substance use disorder treatment: drugs 125676
used in medication-assisted treatment and drugs used in withdrawal 125677
management or detoxification; 125678

(6) Provide other types of therapies, including psychosocial 125679
therapies, for both substance use disorder and any disorders that 125680
are considered by the community addiction services provider to be 125681
co-occurring disorders; 125682

(7) Monitor program compliance through the use of regular 125683
drug testing, including urinalysis, of the program participants 125684
served by the community addiction services provider; 125685

(8) Provide access to time-limited recovery supports that 125686

help eliminate barriers to treatment and are specific to the 125687
participant's needs, including assistance with housing, 125688
transportation, child care, job training, obtaining a driver's 125689
license or state identification card, and any other matter 125690
considered relevant by the provider. 125691

(F) With regard to the drug therapies included in the 125692
substance use disorder treatment provided under the Department's 125693
program, both of the following apply: 125694

(1) One or more drugs may be used, but each drug that is used 125695
must constitute either or both of the following: 125696

(a) Long-acting antagonist therapy, partial agonist therapy, 125697
or full agonist therapy; 125698

(b) Alpha-2 agonist therapy for withdrawal management or 125699
detoxification. 125700

(2) If a drug constituting partial or full agonist therapy is 125701
used, the program shall provide safeguards to minimize abuse and 125702
diversion of the drug, including such safeguards as routine drug 125703
testing of program participants. 125704

(G) It is anticipated and expected that MAT drug court 125705
programs will expand their ability to serve more drug court 125706
participants as a result of increased access to commercial or 125707
publicly funded health insurance. In order to ensure that funds 125708
appropriated to support the Department's program are used in the 125709
most efficient manner with a goal of enrolling the maximum number 125710
of participants, the Medicaid Director, in collaboration with 125711
major Ohio health care plans, shall develop plans consistent with 125712
this division. There shall be no prior authorizations or step 125713
therapy for program participants to have access to any drug 125714
therapy included in the substance use disorder treatment provided 125715
under the Department's program. The plans developed under this 125716
division shall ensure all of the following: 125717

(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services, appropriate psychosocial services, drugs used in medication-assisted treatment, and drugs used in withdrawal management or detoxification;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,000,000 in each fiscal year shall be used to support the substance use disorder treatment included in the Department's program for drug court specialized docket programs and to support the administrative expenses of courts and community addiction services providers participating in the Department's program.

Section 337.30. RECOVERY HOUSING

(A) As used in this section, "recovery housing residence" has the same meaning as in section 5119.01 of the Revised Code.

(B) Of the foregoing appropriation item 336424, Recovery Housing, up to \$5,000,000 in each fiscal year shall be used as follows:

(1) To expand, support access to, as well as assist the operators of recovery housing residences in their efforts to improve the quality of recovery housing residences in this state. The Director of Mental Health and Addiction Services may provide funds from this appropriation item to such operators for the purpose of defraying costs associated with attaining certification or accreditation, as applicable, under section 5119.39 of the Revised Code.

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(2) To implement sections 5119.39 to 5119.397 of the Revised Code.

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Section 337.80. SPECIALIZED DOCKET SUPPORT 125758

(A) The foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with treatment services and recovery supports for participants.

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(B) To be eligible, the specialized docket must have received Supreme Court of Ohio initial or final certification and include participants with behavioral health needs in its target population.

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(C) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department of Mental Health and Addiction Services shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

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(D) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

Section 337.90. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to provide funds from this appropriation item to private not-for-profit entities in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of funds from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other

resources to the program, project, or system; expected state 125809
savings and/or improved outcomes and proposed mechanisms for 125810
measurement of such savings or outcomes; and required reporting 125811
regarding expenditure of funds and savings or outcomes achieved. 125812

Of the foregoing appropriation item 336504, Community 125813
Innovations, up to \$3,000,000 in each fiscal year shall be used to 125814
support workforce development initiatives. 125815

Of the foregoing appropriation item 336504, Community 125816
Innovations, up to \$1,500,000 in each fiscal year shall be used to 125817
mitigate behavioral health disparities. 125818

Of the foregoing appropriation item 336504, Community 125819
Innovations, up to \$1,250,000 in each fiscal year shall be used to 125820
establish additional clubhouses in this state for the purpose of 125821
offering individuals with a mental illness or mental illness and 125822
co-occurring substance use disorder opportunities for employment, 125823
housing, education, and access to medical and psychiatric services 125824
in a single caring and safe environment. The clubhouses shall be 125825
operated in accordance with model standards and employment 125826
benchmarks selected by the Department of Mental Health and 125827
Addiction Services. 125828

Of the foregoing appropriation item 336504, Community 125829
Innovations, up to \$1,000,000 in each fiscal year shall be used by 125830
the Department of Mental Health and Addiction Services, in 125831
partnership with the Department of Rehabilitation and Correction 125832
and Ohio Housing Finance Agency, to establish a landlord incentive 125833
program. Under the program, the Department of Mental Health and 125834
Addiction Services shall do both of the following: 125835

(A) Issue incentive payments to landlords to encourage the 125836
leasing of rental units to individuals with a criminal record who 125837
have a mental illness, substance use disorder, or both, or are 125838
being discharged from a hospital as defined in section 5122.01 of 125839

the Revised Code. 125840

(B) Reimburse landlords for small repairs in rental units 125841
leased to individuals described in division (A) of this section to 125842
ensure that such units conform with Housing Quality Standards 125843
specified by the United States Department of Housing and Urban 125844
Development in 24 C.F.R. 982, et seq. 125845

The Department shall specify guidelines and a procedure for 125846
the distribution of funds pursuant to divisions (A) and (B) of 125847
this section. 125848

Section 337.95. MOBILE-BASED OPIOID USE DISORDER TREATMENT 125849

(A) As used in this section: 125850

(1) "Medication-assisted treatment" has the same meaning as 125851
in section 340.01 of the Revised Code. 125852

(2) "Medication unit" has the same meaning as in 42 C.F.R. 125853
8.2. 125854

(3) "Qualifying practitioner" has the same meaning as in 125855
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 125856
1970," 21 U.S.C. 823(g)(2)(G)(iii). 125857

(B) During fiscal years 2024 and 2025, the Department of 125858
Mental Health and Addiction Services shall operate a pilot program 125859
to provide opioid use disorder treatment to individuals in 125860
underserved regions of this state, selected by the Department, 125861
using medication units that are mobile. The purpose of the program 125862
is to extend access to medication-assisted treatment to areas of 125863
the state lacking opioid treatment programs licensed under section 125864
5119.37 of the Revised Code and qualifying practitioners. 125865

(C) The Department shall ensure that the services provided in 125866
mobile medication units used in the pilot program are those 125867
specified in relevant guidance issued by the United States 125868
Substance Abuse and Mental Health Services Administration. 125869

(D) Upon request of the Department, the State Board of Pharmacy, State Medical Board, Board of Nursing, and any other state agency that the Department determines may be of assistance in accomplishing the purpose of the pilot program, shall provide the requested assistance.

(E) Not later than sixty days after the effective date of this section, the Department shall develop a plan for implementing and evaluating the pilot program.

(F) Not later than six months after the conclusion of the pilot program, the Department shall complete a report of the findings obtained from the program. On completion, the Department shall submit the report to the Governor and to the General Assembly. The Department shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code.

(G) Of the foregoing appropriation item 336504, Community Innovations, up to \$750,000 in each fiscal year shall be used to operate the pilot program established under this section.

Section 337.100. RESIDENTIAL STATE SUPPLEMENT

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code.

Section 337.110. STATEWIDE TREATMENT AND PREVENTION

(A) Of the foregoing appropriation item 336623, Statewide Treatment and Prevention, up to \$110,000,000 in fiscal year 2024 may be used by the Department of Mental Health and Addiction Services to create the State of Ohio Action for Resiliency Network and a strategic research agenda and capacity needed to conduct research, clinical trials, direct care, telehealth, data

collection, and workforce training pertaining to innovative 125900
practices in behavioral prevention, harm reduction, treatment, and 125901
recovery. An amount equal to the unexpended, unencumbered balance 125902
of the amount allocated in this section, at the end of fiscal year 125903
2024, is hereby reappropriated to the Department for the same 125904
purpose in fiscal year 2025. 125905

(B) Of the foregoing appropriation item 336623, Statewide 125906
Treatment and Prevention, up to \$30,000,000 in fiscal year 2024 125907
may be used to construct transitional step-down facilities for 125908
court involved patients in the Department of Mental Health and 125909
Addiction Services' regional psychiatric hospitals. An amount 125910
equal to the unexpended, unencumbered balance of the amount 125911
allocated in this section, at the end of fiscal year 2024, is 125912
hereby reappropriated to the Department for the same purpose in 125913
fiscal year 2025. 125914

Section 337.120. MEDICAID SUPPORT 125915

The foregoing appropriation item 652321, Medicaid Support, 125916
shall be used to fund specified Medicaid Services as delegated by 125917
the state's single agency responsible for the Medicaid Program. 125918

Section 337.130. STABILIZATION CENTERS 125919

(A) Except as otherwise provided in this act, of the 125920
foregoing appropriation item 336600, Stabilization Centers, up to 125921
\$6,000,000 in each fiscal year shall be used to establish and 125922
administer, in collaboration with the other boards that serve the 125923
same state psychiatric hospital region, substance use 125924
stabilization centers or, upon approval from the Director of 125925
Mental Health and Addiction Services, boards may use these funds 125926
in conjunction with funds earmarked in division (C) of Section 125927
337.40 of this act to establish and administer crisis 125928
stabilization centers that have the ability to serve individuals 125929

with substance use and/or mental health needs. There shall be a 125930
minimum of one center located in each state psychiatric hospital 125931
region. 125932

(B) Boards of alcohol, drug addiction, and mental health 125933
services shall submit to the Director of Mental Health and 125934
Addiction Services for approval a plan for establishing and 125935
administering crisis stabilization centers pursuant to division 125936
(A) of this section and division (C) of Section 337.40 of this act 125937
that meet the needs of individuals within their service districts. 125938

(C) As used in this section, "state psychiatric hospital 125939
regions" means the six districts into which the Department of 125940
Mental Health and Addiction Services has divided the state 125941
pursuant to division (B)(2) of section 5119.14 of the Revised 125942
Code. 125943

Section 337.135. 9-8-8 LIFELINE 125944

(A) As used in this section, "9-8-8 Suicide and Crisis 125945
Lifeline" means the 9-8-8 universal telephone number designated 125946
for use within the United States under section 251(e) of the 125947
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by the 125948
"National Suicide Hotline Designation Act of 2020," Pub. L. No. 125949
116-172, for the purpose of the national suicide prevention and 125950
mental health crisis hotline system. 125951

(B) The foregoing appropriation item 336660, 988 Suicide and 125952
Crisis Response, shall be used to support statewide operations and 125953
related activities of the 9-8-8 Suicide and Crisis Lifeline and 125954
mental health treatment and response. 125955

Section 337.140. ADAMHS BOARDS 125956

(A) Of the foregoing appropriation item 336643, ADAMHS 125957
Boards, \$5,000,000 in each fiscal year shall be allocated as 125958
follows: 125959

(1) Each board shall receive \$50,000 in each fiscal year for 125960
each of the counties that are part of the board's district. 125961

(2) Each board shall receive a percentage of any remaining 125962
amount to be determined by a formula developed by the Director of 125963
Mental Health and Addiction Services. 125964

(B) Of the foregoing appropriation item 336643, ADAMHS 125965
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 125966
a continuum of crisis stabilization and crisis prevention services 125967
and supports to allow individuals to be served in the least 125968
restrictive setting. 125969

(C) Boards of alcohol, drug addiction, and mental health 125970
services shall submit for approval by the Director of Mental 125971
Health and Addiction Services a plan for establishing and 125972
administering crisis services in conjunction with the plan 125973
submitted pursuant to division (D) of Section 337.40 and division 125974
(B) of Section 337.130 of this act. 125975

Section 337.145. ARPA PEDIATRIC BEHAVIORAL HEALTH 125976

The foregoing appropriation item 336648, ARPA Pediatric 125977
Behavioral Health, shall be used to support pediatric behavioral 125978
health workforce development, to support infrastructure 125979
improvements at health care facilities to improve access to 125980
pediatric behavioral health services, including OhioRISE 125981
psychiatric residential treatment facilities, and to improve 125982
integration of behavioral health and primary care services. 125983

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 125984

A portion of appropriation item 336629, Problem Gambling and 125985
Casino Addiction, shall be allocated to boards of alcohol, drug 125986
addiction, and mental health services in accordance with a 125987
distribution methodology determined by the Director of Mental 125988
Health and Addiction Services. 125989

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 125990

The foregoing appropriation item 336645, Transcranial 125991
Magnetic Stimulation Program, shall be used for the 125992
electroencephalogram (EEG) combined transcranial magnetic 125993
stimulation program as described in section 5902.09 of the Revised 125994
Code. These funds shall also be used to serve up to three hundred 125995
additional veterans and up to three hundred additional first 125996
responders and law enforcement officers. 125997

Section 337.170. ACCESS SUCCESS II PROGRAM 125998

To the extent cash is available, the Director of Budget and 125999
Management may transfer cash from a fund designated by the 126000
Medicaid Director, to the Sale of Goods and Services Fund (Fund 126001
1490), used by the Department of Mental Health and Addiction 126002
Services. The transferred cash is hereby appropriated. 126003

The Department of Mental Health and Addiction Services shall 126004
use the transferred funds to administer the Access Success II 126005
Program to help non-Medicaid patients in any hospital established, 126006
controlled, or supervised by the Department under Chapter 5119. of 126007
the Revised Code to transition from inpatient status to a 126008
community setting. 126009

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 126010
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 126011
FUND 126012

On a schedule determined by the Director of Budget and 126013
Management, the Director of Mental Health and Addiction Services 126014
shall certify to the Director of Budget and Management the amount 126015
of excess license reinstatement fees that are available pursuant 126016
to division (F)(2)(c) of section 4511.191 of the Revised Code to 126017
be transferred from the Indigent Drivers Alcohol Treatment Fund 126018

(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 126019
4750). Upon certification, the Director of Budget and Management 126020
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 126021
to the Statewide Treatment and Prevention Fund. 126022

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 126023

General Revenue Fund 126024

GRF 149321 Operating Expenses \$ 820,930 \$ 839,730 126025

GRF 149501 Demonstration Grants \$ 1,352,606 \$ 1,352,606 126026

GRF 149502 Lupus Program \$ 118,500 \$ 118,500 126027

GRF 149503 Infant Mortality \$ 3,375,758 \$ 3,390,808 126028

Health Grants

TOTAL GRF General Revenue Fund \$ 5,667,794 \$ 5,701,644 126029

Dedicated Purpose Fund Group 126030

4C20 149601 Minority Health \$ 35,000 \$ 35,000 126031

Conference

TOTAL DPF Dedicated Purpose Fund \$ 35,000 \$ 35,000 126032

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,702,794 \$ 5,736,644 126033

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 126035

Dedicated Purpose Fund Group 126036

4K90 865601 Operating Expenses \$ 698,657 \$ 704,675 126037

TOTAL DPF Dedicated Purpose Fund \$ 698,657 \$ 704,675 126038

Group

TOTAL ALL BUDGET FUND GROUPS \$ 698,657 \$ 704,675 126039

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 126041

General Revenue Fund 126042

GRF 725401 Division of \$ 1,675,485 \$ 1,675,485 126043

Wildlife-Operating
Subsidy

GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$	63,750,000	\$	63,750,000	126044
GRF	725456	Canal Lands	\$	123,784	\$	123,784	126045
GRF	725459	Buckeye State Tree Nursery	\$	1,600,000	\$	1,250,000	126046
GRF	725460	LWCF Recreation Lands	\$	250,000	\$	250,000	126047
GRF	725461	Conservation and Habitat Protection	\$	2,500,000	\$	2,500,000	126048
GRF	725505	Healthy Lake Erie Program	\$	955,429	\$	1,021,109	126049
GRF	725507	Coal and Mine Safety Programs	\$	3,085,000	\$	3,085,000	126050
GRF	725520	Special Projects	\$	3,021,059	\$	3,021,059	126051
GRF	725903	Natural Resources General Obligation Bond Debt Service	\$	20,200,000	\$	16,800,000	126052
GRF	727321	Division of Forestry	\$	9,561,546	\$	9,561,546	126053
GRF	729321	Office of Information Technology	\$	574,787	\$	567,236	126054
GRF	730321	Parks and Recreation	\$	57,317,024	\$	57,328,741	126055
GRF	736321	Division of Engineering	\$	2,476,201	\$	2,476,201	126056
GRF	737321	Division of Water Resources	\$	2,056,439	\$	2,115,778	126057
GRF	738321	Office of Real Estate and Land Management	\$	1,291,774	\$	1,319,078	126058
GRF	741321	Division of Natural Areas and Preserves	\$	4,567,602	\$	4,737,112	126059
TOTAL GRF		General Revenue Fund	\$	175,006,130	\$	171,582,093	126060
		Dedicated Purpose Fund Group					126061
2270	725406	Parks Projects Personnel	\$	4,623,473	\$	4,803,589	126062

4300	725671	Canal Lands	\$	705,298	\$	705,298	126063
4S90	725622	NatureWorks Personnel	\$	304,121	\$	304,121	126064
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	126065
5090	725602	State Forest	\$	10,008,687	\$	10,008,687	126066
5110	725646	Ohio Geological Mapping	\$	6,650,000	\$	6,650,000	126067
5110	725679	Geographic Information System Centralized Services	\$	281,023	\$	288,575	126068
5120	725605	State Parks Operations	\$	40,113,609	\$	40,113,609	126069
5140	725606	Lake Erie Shoreline	\$	1,819,849	\$	1,858,936	126070
5160	725620	Water Management	\$	3,249,848	\$	3,466,288	126071
5180	725643	Oil and Gas Regulation and Safety	\$	31,150,571	\$	31,161,659	126072
5180	725677	Oil and Gas Well Plugging	\$	21,048,391	\$	21,048,391	126073
5210	725627	Off-Road Vehicle Trails	\$	478,400	\$	478,400	126074
5220	725656	Natural Areas and Preserves	\$	623,524	\$	650,700	126075
5290	725639	Mining Regulation and Safety	\$	5,300,000	\$	5,300,000	126076
5310	725648	Reclamation Forfeiture	\$	200,000	\$	200,000	126077
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	126078
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	126079
5P20	725634	Wildlife Boater Angler Administration	\$	5,225,000	\$	8,825,000	126080
5TD0	725514	Park Maintenance	\$	1,555,208	\$	1,555,208	126081
5TD0	725615	Parks and Watercraft Vehicles	\$	9,636,500	\$	6,415,000	126082
6150	725661	Dam Safety	\$	3,226,325	\$	5,024,778	126083

6970	725670	Submerged Lands	\$	715,054	\$	715,054	126084
6H20	725681	H2Ohio	\$	53,050,000	\$	53,050,000	126085
7015	740401	Division of Wildlife Conservation	\$	81,288,161	\$	81,288,161	126086
7086	725414	Waterways Improvement	\$	6,195,948	\$	6,170,948	126087
7086	739401	Watercraft Operations	\$	29,805,719	\$	29,405,719	126088
8150	725636	Cooperative Management Projects	\$	679,250	\$	679,250	126089
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	126090
8170	725655	Wildlife Conservation Checkoff	\$	2,750,000	\$	2,750,000	126091
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	126092
8190	725685	Ohio River Management	\$	150,000	\$	150,000	126093
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	126094
TOTAL	DPF	Dedicated Purpose Fund Group	\$	325,512,844	\$	327,746,256	126095
Internal Service Activity Fund Group							126096
1550	725601	Departmental Projects	\$	1,501,591	\$	1,587,336	126097
1570	725651	Program Support	\$	25,665,438	\$	25,665,438	126098
5100	725631	Maintenance - State-owned Residences	\$	189,611	\$	189,611	126099
TOTAL	ISA	Internal Service Activity Fund Group	\$	27,356,640	\$	27,442,385	126100
Capital Projects Fund Group							126101
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	291,796	126102
TOTAL	CPF	Capital Projects Fund Group	\$	301,796	\$	291,796	126103
Fiduciary Fund Group							126104
4M80	725675	FOP Contract	\$	20,219	\$	20,219	126105

TOTAL FID Fiduciary Fund Group	\$	20,219	\$	20,219	126106
Holding Account Fund Group					126107
R017 725659 Performance Cash Bond	\$	457,000	\$	457,000	126108
Refunds					
R043 725624 Forestry	\$	2,400,000	\$	2,400,000	126109
TOTAL HLD Holding Account Fund	\$	2,857,000	\$	2,857,000	126110
Group					
Federal Fund Group					126111
3320 725669 Federal Mine Safety	\$	335,000	\$	335,000	126112
Grant					
3B30 725640 Federal Forest	\$	780,000	\$	780,000	126113
Pass-Thru					
3B40 725641 Federal Flood	\$	108,000	\$	112,000	126114
Pass-Thru					
3B50 725645 Federal Abandoned	\$	61,150,000	\$	61,150,000	126115
Mine Lands					
3B60 725653 Federal Land and	\$	10,800,000	\$	10,800,000	126116
Water Conservation					
Grants					
3B70 725654 Reclamation -	\$	1,825,402	\$	1,825,402	126117
Regulatory					
3IK0 7256A1 Parks and Watercraft	\$	18,820,473	\$	16,548,566	126118
Fed Grants					
3P10 725632 Geological Survey -	\$	269,011	\$	269,011	126119
Federal					
3P20 725642 Oil and Gas - Federal	\$	154,350	\$	154,350	126120
3P20 725698 Oil And Gas - Federal	\$	25,000,000	\$	25,000,000	126121
Orphan Well Plug					
3P30 725650 Coastal Management -	\$	2,965,240	\$	3,024,545	126122
Federal					
3P40 725660 Federal - Soil and	\$	389,250	\$	405,600	126123
Water Resources					

3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	200,000	\$	200,000	126124
3Z50	725657	Federal Recreation and Trails	\$	2,000,000	\$	2,000,000	126125
TOTAL FED	Federal Fund Group		\$	124,796,726	\$	122,604,474	126126
TOTAL ALL BUDGET	FUND GROUPS		\$	655,851,355	\$	652,544,223	126127

Section 343.20. PROGRAM SUPPORT FUND 126129

The Department of Natural Resources shall use a methodology 126130
for determining each division's payments into the Program Support 126131
Fund (Fund 1570). The methodology used shall contain the 126132
characteristics of administrative ease and uniform application in 126133
compliance with federal grant requirements. It may include direct 126134
cost charges for specific services provided. Payments to Fund 1570 126135
shall be made using an intrastate transfer voucher. 126136

The foregoing appropriation item 725401, Division of 126137
Wildlife-Operating Subsidy, shall be used to pay the direct and 126138
indirect costs of the Division of Wildlife. 126139

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 126140

The foregoing appropriation item 725413, Parks and 126141
Recreational Facilities Lease Rental Bond Payments, shall be used 126142
to meet all payments during the period from July 1, 2023, through 126143
June 30, 2025, by the Department of Natural Resources pursuant to 126144
leases and agreements made under section 154.22 of the Revised 126145
Code. These appropriations are the source of funds pledged for 126146
bond service charges on related obligations issued under Chapter 126147
154. of the Revised Code. 126148

HEALTHY LAKE ERIE PROGRAM 126149

The foregoing appropriation item 725505, Healthy Lake Erie 126150
Program, shall be used by the Director of Natural Resources, in 126151
support of the following: (1) conservation measures in the Western 126152

Lake Erie Basin as determined by the Director; (2) funding 126153
assistance for soil testing, winter cover crops, edge of field 126154
testing, tributary monitoring, and animal waste abatement; and (3) 126155
any additional efforts to reduce nutrient runoff as the Director 126156
may decide. The Director shall give priority to recommendations 126157
that encourage farmers to adopt agricultural production guidelines 126158
commonly known as 4R nutrient stewardship practices. 126159

COAL AND MINE SAFETY PROGRAMS 126160

The foregoing appropriation item 725507, Coal and Mine Safety 126161
Programs, shall be used for the administration of the Mine Safety 126162
Program and the Coal Regulation Program. 126163

SPECIAL PROJECTS 126164

Of the foregoing appropriation item 725520, Special Projects, 126165
\$2,000,000 in each fiscal year shall be used to expand Project 126166
Wild wildlife-based conservation and environmental education. 126167

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 126168

The foregoing appropriation item 725903, Natural Resources 126169
General Obligation Bond Debt Service, shall be used to pay all 126170
debt service and related financing costs during the period July 1, 126171
2023, through June 30, 2025, on obligations issued under sections 126172
151.01 and 151.05 of the Revised Code. 126173

Section 343.25. On July 1, 2023, or as soon as possible 126174
thereafter, the Director of Budget and Management shall transfer 126175
\$9,410,237 cash from the Oil and Gas Well Fund (Fund 5180) to the 126176
Parks and Watercraft Federal Grants Fund (Fund 3IK0). On July 1, 126177
2023, or as soon as possible thereafter, the Director of Budget 126178
and Management shall transfer \$16,051,500 cash from the Oil and 126179
Gas Well Fund (Fund 5180) to the State Park Maintenance Fund (Fund 126180
5TD0). 126181

Section 343.30. H2OHIO FUND 126182

On July 1, 2024, or as soon as possible thereafter, the 126183
Director of Natural Resources may certify to the Director of 126184
Budget and Management an amount up to the unexpended, unencumbered 126185
balance of the foregoing appropriation item, 725681, H2Ohio, at 126186
the end of fiscal year 2024 to be reappropriated in fiscal year 126187
2025. The amount certified is hereby reappropriated to the same 126188
appropriation item for fiscal year 2025. 126189

WELL LOG FILING FEES 126190

The Chief of the Division of Water Resources shall deposit 126191
fees forwarded to the Division pursuant to section 1521.05 of the 126192
Revised Code into the Water Management Fund (Fund 5160) for the 126193
purposes described in that section. 126194

PARKS CAPITAL EXPENSES FUND 126195

The Director of Natural Resources shall submit to the 126196
Director of Budget and Management the estimated design, 126197
engineering, and planning costs of capital-related work to be done 126198
by Department of Natural Resources staff for parks projects within 126199
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 126200
Director of Budget and Management approves the estimated costs, 126201
the Director may release appropriations from Fund 7035 126202
appropriation item C725E6, Project Planning, for those purposes. 126203
Upon release of the appropriations, the Department of Natural 126204
Resources shall pay for these expenses from the Parks Capital 126205
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 126206
reimbursed by Fund 7035 using an intrastate transfer voucher. 126207

NATUREWORKS CAPITAL EXPENSES FUND 126208

The Department of Natural Resources shall submit to the 126209
Director of Budget and Management the estimated design, planning, 126210
and engineering costs of capital-related work to be done by 126211

Department of Natural Resources staff for each capital improvement 126212
project within the Ohio Parks and Natural Resources Fund (Fund 126213
7031). If the Director of Budget and Management approves the 126214
estimated costs, the Director may release appropriations from Fund 126215
7031 appropriation item C725E5, Project Planning, for those 126216
purposes. Upon release of the appropriations, the Department of 126217
Natural Resources shall pay for these expenses from the Capital 126218
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 126219
reimbursed by Fund 7031 using an intrastate transfer voucher. 126220

PARK MAINTENANCE 126221

The foregoing appropriation item 725514, Park Maintenance, 126222
shall be used by the Department of Natural Resources to pay the 126223
costs of projects supported by the State Park Maintenance Fund 126224
(Fund 5TD0) under section 1501.08 of the Revised Code. 126225

On July 1 of each fiscal year or as soon as possible 126226
thereafter, the Director of Natural Resources shall certify the 126227
amount of five percent of the average of the previous five years 126228
of deposits in the State Park Fund (Fund 5120) to the Director of 126229
Budget and Management. The Director of Budget and Management may 126230
transfer up to \$1,800,000 from Fund 5120 to the State Park 126231
Maintenance Fund (Fund 5TD0). 126232

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 126233

The foregoing appropriation item 725405, Clean Ohio Trail 126234
Operating, shall be used by the Department of Natural Resources in 126235
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 126236
to section 1519.05 of the Revised Code. 126237

Section 343.60. (A) As used in this section: 126238

(1) "Locally administer" means to supervise the design and 126239
construction of, and make contracts for the construction, 126240
reconstruction, improvement, enlargement, alteration, repair, or 126241

decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.

(2) "Capital facility project" means any activities, projects, or improvements described in division (B)(1) of section 1501.011 of the Revised Code.

(B) Notwithstanding section 123.21 of the Revised Code or any other provision of law to the contrary, for fiscal years 2024 and 2025, the Department of Natural Resources may locally administer any capital facility project commenced within those fiscal years, regardless of estimated cost.

(C) The Department shall do both of the following regarding a capital facility project that is locally administered:

(1) Comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code;

(2) Track all project information in the Ohio Administrative Knowledge System capital improvements application pursuant to Ohio Facilities Construction Commission guidelines as though the Department is administering the project pursuant to section 123.211 of the Revised Code and all generally applicable laws.

(D) Nothing in this section interferes with the powers of the Department of Natural Resources authorized in Chapter 1501. of the Revised Code.

Section 345.10. NUR STATE BOARD OF NURSING

Dedicated Purpose Fund Group

4K90 884609 Operating Expenses \$ 13,045,656 \$ 13,032,656

5AC0 884602 Nurse Education Grant \$ 1,513,000 \$ 894,000

Program

5P80 884601 Nursing Special \$ 500 \$ 500

Issues

TOTAL DPF Dedicated Purpose

Fund Group	\$	14,559,156	\$	13,927,156	126270
TOTAL ALL BUDGET FUND GROUPS	\$	14,559,156	\$	13,927,156	126271

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 126273
AND ATHLETIC TRAINERS BOARD 126274

Dedicated Purpose Fund Group					126275
4K90 890609 Operating Expenses	\$	1,330,747	\$	1,417,747	126276
TOTAL DPF Dedicated Purpose Fund Group	\$	1,330,747	\$	1,417,747	126277
TOTAL ALL BUDGET FUND GROUPS	\$	1,330,747	\$	1,417,747	126278

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH 126280
DISABILITIES AGENCY 126281

General Revenue Fund					126282
GRF 415402 Independent Living Council	\$	252,000	\$	252,000	126283
GRF 415406 Assistive Technology	\$	25,819	\$	25,819	126284
GRF 415431 Brain Injury	\$	550,000	\$	550,000	126285
GRF 415506 Services for Individuals with Disabilities	\$	24,820,738	\$	30,015,360	126286
GRF 415508 Services for the Deaf	\$	527,580	\$	527,580	126287
GRF 415511 Centers for Independent Living	\$	500,000	\$	500,000	126288
GRF 415512 Visually Impaired Reading Services	\$	50,000	\$	50,000	126289
GRF 415513 Accessible Ohio	\$	500,000	\$	500,000	126290
TOTAL GRF General Revenue Fund	\$	27,226,137	\$	32,420,759	126291
Dedicated Purpose Fund Group					126292
4670 415609 Business Enterprise Operating Expenses	\$	1,555,368	\$	1,555,368	126293
4680 415618 Third Party Services	\$	11,680,000	\$	12,680,000	126294

		Funding				
4L10	415619	Services for	\$	2,200,000	\$	2,200,000 126295
		Rehabilitation				
TOTAL DPF	Dedicated Purpose Fund		\$	15,435,368	\$	16,435,368 126296
Group						
Internal Service Activity Fund Group						126297
4W50	415606	Program Management	\$	18,521,716	\$	20,191,107 126298
TOTAL ISA	Internal Service Activity		\$	18,521,716	\$	20,191,107 126299
Fund Group						
Federal Fund Group						126300
3170	415620	Disability	\$	84,500,000	\$	86,000,000 126301
		Determination				
3790	415616	Federal - Vocational	\$	150,000,000	\$	164,500,000 126302
		Rehabilitation				
3GH0	415602	Personal Care	\$	3,238,884	\$	3,336,051 126303
		Assistance				
3GH0	415604	Community Centers for	\$	772,420	\$	772,420 126304
		the Deaf				
3GH0	415613	Independent Living	\$	737,411	\$	737,411 126305
3GH0	415627	Independent Living	\$	250,000	\$	250,000 126306
		Projects				
3IL0	415629	Works4Me Disability	\$	2,000,000	\$	2,300,000 126307
		Innovation Fund Grant				
3L10	415608	Social Security	\$	11,500,000	\$	13,000,000 126308
		Vocational				
		Rehabilitation				
3L40	415615	Federal - Supported	\$	1,200,000	\$	1,200,000 126309
		Employment				
3L40	415617	Independent Living	\$	2,158,988	\$	2,180,226 126310
		Older Blind				
TOTAL FED	Federal Fund Group		\$	256,357,703	\$	274,276,108 126311
TOTAL ALL BUDGET	FUND GROUPS		\$	317,540,924	\$	343,323,342 126312

Section 353.20. INDEPENDENT LIVING 126314

The foregoing appropriation item 415402, Independent Living 126315
Council, shall be used to support the state independent living 126316
programs and centers under Title VII of the Independent Living 126317
Services and Centers for Independent Living of the Rehabilitation 126318
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 126319

Of the foregoing appropriation item 415402, Independent 126320
Living Council, \$67,662 in each fiscal year shall be used as state 126321
matching funds for vocational rehabilitation innovation and 126322
expansion activities. 126323

The foregoing appropriation item 415511, Centers for 126324
Independent Living, shall be used to support the operations of the 126325
Centers for Independent Living in accordance with the State Plan 126326
for Independent Living. 126327

ASSISTIVE TECHNOLOGY 126328

The foregoing appropriation item 415406, Assistive 126329
Technology, shall be provided to Assistive Technology of Ohio to 126330
provide grants and assistive technology services for people with 126331
disabilities in the State of Ohio. 126332

BRAIN INJURY 126333

The foregoing appropriation item 415431, Brain Injury, shall 126334
be provided to The Ohio State University College of Medicine to 126335
support the Brain Injury Program established under section 3335.60 126336
of the Revised Code. 126337

SERVICES FOR INDIVIDUALS WITH DISABILITIES 126338

The foregoing appropriation item 415506, Services for 126339
Individuals with Disabilities, shall be used as state matching 126340
funds to provide vocational rehabilitation services to Ohioans 126341
with disabilities. 126342

SERVICES FOR THE DEAF					126343
The foregoing appropriation item 415508, Services for the Deaf, shall be used to support community centers for the deaf.					126344 126345
VISUALLY IMPAIRED READING SERVICES					126346
The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.					126347 126348 126349
SIGHT CENTERS					126350
Of the foregoing appropriation item 415617, Independent Living Older Blind, \$30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide outreach to the community of individuals with blindness or low vision.					126351 126352 126353 126354 126355 126356
Section 361.10. PEN PENSION SUBSIDIES					126357
General Revenue Fund					126358
GRF 090524 Police and Fire	\$	500	\$	500	126359
Disability Pension Fund					
GRF 090534 Police and Fire Ad Hoc Cost of Living	\$	17,000	\$	17,000	126360
GRF 090554 Police and Fire Survivor Benefits	\$	165,500	\$	165,500	126361
GRF 090575 Police and Fire Death Benefits	\$	35,500,000	\$	36,000,000	126362
TOTAL GRF General Revenue Fund	\$	35,683,000	\$	36,183,000	126363
TOTAL ALL BUDGET FUND GROUPS	\$	35,683,000	\$	36,183,000	126364
POLICE AND FIRE DEATH BENEFIT FUND					126365
The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of					126366 126367

State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which serves as trustees of the Ohio Public Safety Officers Death Benefit Fund pursuant to section 742.62 of the Revised Code. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by sections 124.824 and 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2024 or 2025, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire

Pension Fund, or designee, that additional amounts are necessary 126400
to pay the cost of providing benefits under section 124.824 or 126401
742.63 of the Revised Code, the Director of Administrative 126402
Services may certify the additional amount necessary to the 126403
Director of Budget and Management. The amount certified is hereby 126404
appropriated. 126405

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 126406
RELEASE COMPENSATION BOARD 126407
Dedicated Purpose Fund Group 126408
6910 810632 Petroleum Underground \$ 1,616,900 \$ 1,638,600 126409
Storage Tank Release
Compensation Board -
Operating
TOTAL DPF Dedicated Purpose Fund \$ 1,616,900 \$ 1,638,600 126410
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,616,900 \$ 1,638,600 126411

Section 367.10. PRX STATE BOARD OF PHARMACY 126413
Dedicated Purpose Fund Group 126414
4A50 887605 Drug Law Enforcement \$ 50,000 \$ 50,000 126415
4K90 658605 OARRS Integration - \$ 492,000 \$ 492,000 126416
STATE
4K90 887609 Operating Expenses \$ 12,785,300 \$ 13,439,300 126417
5SG0 887612 Drug Database \$ 100,000 \$ 100,000 126418
5SY0 887613 Medical Marijuana \$ 2,081,000 \$ 0 126419
Control Program
TOTAL DPF Dedicated Purpose Fund \$ 15,508,300 \$ 14,081,300 126420
Group
Federal Fund Group 126421
3HD0 887614 Pharmacy Federal \$ 1,700,000 \$ 1,765,000 126422
Grants

3HH0 658601	OARRS Integration - Federal	\$	1,392,000	\$	1,393,000	126423
3HM0 887615	Equitable Sharing Treasury	\$	5,000	\$	5,000	126424
3HN0 887616	Equitable Sharing Justice	\$	30,000	\$	30,000	126425
TOTAL FED	Federal Fund Group	\$	3,127,000	\$	3,193,000	126426
TOTAL ALL BUDGET FUND GROUPS		\$	18,635,300	\$	17,274,300	126427
CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND						126428
TO THE DRUG DATABASE FUND						126429
By August 1 of each fiscal year, or as soon as possible						126430
thereafter, upon request of the Executive Director of the State						126431
Board of Pharmacy, the Director of Commerce may certify to the						126432
Director of Budget and Management an amount determined by the						126433
Director of Commerce to assist with the operation of the drug						126434
database established and maintained by the State Board of Pharmacy						126435
pursuant to section 4729.75 of the Revised Code. Upon						126436
certification, the Director of Budget and Management may transfer						126437
that amount in cash from the Medical Marijuana Control Program						126438
Fund (Fund 5YS0), used by the Department of Commerce, to the Drug						126439
Database Fund (Fund 5SG0), used by the State Board of Pharmacy.						126440
Section 369.10. PSY STATE BOARD OF PSYCHOLOGY						126441
Dedicated Purpose Fund Group						126442
4K90 882609	Operating Expenses	\$	747,489	\$	757,489	126443
TOTAL DPF	Dedicated Purpose					126444
Fund Group		\$	747,489	\$	757,489	126445
TOTAL ALL BUDGET FUND GROUPS		\$	747,489	\$	757,489	126446
Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION						126448
General Revenue Fund						126449
GRF 019401	State Legal Defense	\$	9,766,300	\$	11,387,300	126450

		Services				
GRF	019405	Training Account	\$	50,000	\$	50,000 126451
GRF	019501	County Reimbursement	\$	166,096,000	\$	171,911,800 126452
TOTAL GRF		General Revenue Fund	\$	175,912,300	\$	183,349,100 126453
		Dedicated Purpose Fund Group				126454
1010	019607	Juvenile Legal	\$	205,000	\$	205,000 126455
		Assistance				
4060	019603	Training and	\$	75,000	\$	75,000 126456
		Publications				
4070	019604	County Representation	\$	375,000	\$	375,000 126457
4080	019605	Client Payments	\$	800,000	\$	800,000 126458
4N90	019613	Gifts and Grants	\$	13,400	\$	13,400 126459
5740	019606	Civil Legal Aid	\$	30,000,000	\$	28,000,000 126460
5CX0	019617	Civil Case Filing Fee	\$	620,000	\$	620,000 126461
5DY0	019618	Indigent Defense	\$	23,904,000	\$	23,904,000 126462
		Support - County				
		Share				
5DY0	019619	Indigent Defense	\$	6,000,000	\$	6,000,000 126463
		Support - State				
		Office				
TOTAL DPF		Dedicated Purpose Fund	\$	61,992,400	\$	59,992,400 126464
		Group				
		Federal Fund Group				126465
3S80	019608	Federal	\$	38,300	\$	38,300 126466
		Representation				
TOTAL FED		Federal Fund Group	\$	38,300	\$	38,300 126467
TOTAL ALL BUDGET FUND GROUPS			\$	237,943,000	\$	243,379,800 126468
		TRAINING ACCOUNT				126469
		The foregoing appropriation item 019405, Training Account,				126470
		shall be used by the Ohio Public Defender to provide legal				126471
		training programs at no cost for private appointed counsel who				126472
		represent at least one indigent defendant at no cost, and for				126473

state and county public defenders and attorneys who contract with	126474
the Ohio Public Defender to provide indigent defense services.	126475
INDIGENT DEFENSE SUPPORT	126476
The foregoing appropriation item 019501, County	126477
Reimbursement, shall be used to reimburse counties for the costs	126478
of operating county public defender offices, joint county public	126479
defender offices and county appointed counsel systems, the	126480
counties' costs and expenses of conducting the defense in capital	126481
cases, the counties' costs and expenses of appointed counsel	126482
covered by section 2941.51 of the Revised Code, and the costs and	126483
expenses of contracting with the state public defender or with any	126484
nonprofit organization to provide legal representation to indigent	126485
persons.	126486
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID	126487
FUND	126488
On July 1 of each fiscal year, or as soon as possible	126489
thereafter, the Director of Budget and Management shall transfer	126490
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund	126491
(Fund 5740). The transferred cash shall be distributed by the Ohio	126492
Access to Justice Foundation to Ohio's civil legal aid societies	126493
as follows: \$250,000 in each fiscal year for the sole purpose of	126494
providing legal services for economically disadvantaged	126495
individuals and families seeking assistance with legal issues	126496
arising as a result of substance abuse disorders, and \$250,000 in	126497
each fiscal year for the sole purpose of providing legal services	126498
for veterans. None of the funds shall be used for administrative	126499
costs, including, but not limited to, salaries, benefits, or	126500
travel reimbursements.	126501
FEDERAL REPRESENTATION	126502
The foregoing appropriation item 019608, Federal	126503
Representation, shall be used to support representation provided	126504

by the Ohio Public Defender in federal court cases.					126505
Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY					126506
General Revenue Fund					126507
GRF 761403	Recovery Ohio Law Enforcement	\$ 6,500,000	\$ 6,500,000		126508
GRF 761409	eWarrant Local Integration	\$ 2,500,000	\$ 2,500,000		126509
GRF 761411	Ohio Narcotics Intelligence Center	\$ 13,100,000	\$ 13,100,000		126510
GRF 763403	EMA Operating	\$ 7,976,000	\$ 7,341,000		126511
GRF 763407	State Hazard Mitigation	\$ 1,050,000	\$ 1,050,000		126512
GRF 763408	State Disaster Relief	\$ 1,875,000	\$ 1,875,000		126513
GRF 763511	Local Disaster Assistance	\$ 2,000,000	\$ 0		126514
GRF 763513	Security Grants	\$ 5,250,000	\$ 5,250,000		126515
GRF 765401	Emergency Medical Services Operating	\$ 5,165,500	\$ 5,346,000		126516
GRF 767420	Investigative Unit Operating	\$ 15,800,000	\$ 15,815,000		126517
GRF 768425	Justice Program Services	\$ 17,516,000	\$ 17,527,000		126518
GRF 768435	Community Police Relations	\$ 2,510,364	\$ 2,398,000		126519
GRF 769406	Homeland Security - Operating	\$ 4,600,000	\$ 4,695,000		126520
GRF 769407	Driver Safety	\$ 6,520,000	\$ 6,520,000		126521
GRF 769412	Ohio School Safety Center	\$ 9,140,000	\$ 9,165,000		126522
TOTAL GRF	General Revenue Fund	\$ 101,502,864	\$ 99,082,000		126523
Highway Safety Fund Group					126524

5TM0	762321	Operating Expense - BMV	\$	132,532,000	\$	134,981,000	126525
5TM0	762637	Local Immobilization Reimbursement	\$	200,000	\$	200,000	126526
5TM0	764321	Operating Expense - Highway Patrol	\$	367,816,000	\$	392,252,000	126527
5TM0	764605	Motor Carrier Enforcement Expenses	\$	940,000	\$	985,000	126528
5TM0	769636	Administrative Expenses - Highway Purposes	\$	51,648,000	\$	52,047,000	126529
8370	764602	Turnpike Policing	\$	13,827,000	\$	14,134,000	126530
83C0	764630	Contraband, Forfeiture, and Other	\$	1,214,000	\$	1,214,000	126531
83F0	764657	Law Enforcement Automated Data System	\$	6,230,000	\$	5,846,000	126532
83G0	764633	OMVI Enforcement/Education	\$	369,000	\$	369,000	126533
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	126534
8400	764607	State Fair Security	\$	2,063,000	\$	2,077,000	126535
8400	764617	Security and Investigations	\$	15,546,000	\$	15,806,000	126536
8400	764626	State Fairgrounds Police Force	\$	1,014,000	\$	1,029,000	126537
8460	761625	Motorcycle Safety Education	\$	4,175,000	\$	4,215,000	126538
8490	762627	Automated Title Processing Board	\$	16,501,000	\$	16,501,000	126539
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	126540
TOTAL	HSF	Highway Safety Fund Group	\$	619,875,000	\$	647,456,000	126541
		Dedicated Purpose Fund Group					126542
4P60	768601	Justice Program	\$	227,000	\$	227,000	126543

		Services				
4V30	763662	EMA Service and Reimbursements	\$	700,000	\$	700,000 126544
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000 126545
5B90	766632	Private Investigator and Security Guard Provider	\$	2,100,000	\$	2,150,000 126546
5BK0	768687	Criminal Justice Services - Operating	\$	580,000	\$	595,000 126547
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000 126548
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000 126549
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000 126550
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	851,000	\$	851,000 126551
5ML0	769635	Infrastructure Protection	\$	83,000	\$	83,000 126552
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000 126553
5RS0	768621	Community Police Relations	\$	1,099,636	\$	0 126554
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	372,000	\$	372,000 126555
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000 126556
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000 126557

6570	763652	Utility Radiological Safety	\$	1,435,000	\$	1,449,000	126558
6810	763653	SARA Title III Hazmat Planning	\$	297,000	\$	300,000	126559
TOTAL DPF Dedicated Purpose Fund Group			\$	17,344,636	\$	16,327,000	126560
Fiduciary Fund Group							126561
5J90	761678	Federal Salvage/GSA	\$	600,000	\$	600,000	126562
5V10	762682	License Plate Contributions	\$	2,800,000	\$	2,900,000	126563
TOTAL FID Fiduciary Fund Group			\$	3,400,000	\$	3,500,000	126564
Holding Account Fund Group							126565
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	126566
R052	762623	Security Deposits	\$	50,000	\$	50,000	126567
TOTAL HLD Holding Account Fund Group			\$	1,935,000	\$	1,935,000	126568
Federal Fund Group							126569
3370	763515	COVID Relief - Federal	\$	150,000,000	\$	150,000,000	126570
3370	763609	Federal Disaster Relief	\$	73,500,000	\$	73,500,000	126571
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	126572
3GL0	768619	Justice Assistance Grants	\$	12,500,000	\$	12,500,000	126573
3GR0	764693	Highway Patrol Justice Contraband	\$	500,000	\$	500,000	126574
3GS0	764694	Highway Patrol Treasury Contraband	\$	200,000	\$	200,000	126575
3GT0	767691	Investigative Unit	\$	100,000	\$	100,000	126576

		Federal Equity Share				
3GU0	761610	Information and Education Grant	\$	300,000	\$	300,000 126577
3GU0	764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000 126578
3GU0	764610	Highway Safety Programs Grant	\$	6,303,571	\$	6,108,501 126579
3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$	9,942,000	\$	10,129,000 126580
3GU0	765610	EMS Grants	\$	225,000	\$	225,000 126581
3GU0	769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000 126582
3GU0	769631	Homeland Security Disaster Grants	\$	800,000	\$	800,000 126583
3GV0	761612	Traffic Safety Action Plan Grants	\$	31,700,000	\$	31,700,000 126584
3HT0	768699	Coronavirus Emergency Supplemental Funding	\$	850,000	\$	850,000 126585
3L50	768604	Justice Program	\$	16,375,000	\$	16,375,000 126586
TOTAL FED		Federal Fund Group	\$	304,900,571	\$	304,892,501 126587
TOTAL ALL BUDGET FUND GROUPS			\$	1,048,958,071	\$	1,073,192,501 126588

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 126590

Of the foregoing appropriation item 761403, Recovery Ohio Law 126591
Enforcement, up to \$3,400,000 in each fiscal year may be used by 126592
the Office of Criminal Justice Services to support local law 126593
enforcement narcotics task forces that focus on cartel trafficking 126594
interdiction. The interdiction task forces shall be designated 126595
Ohio Organized Crime Commission task forces subject to approval 126596
and supervision of the Commission. This earmarked amount may also 126597
be used to provide funding to local law enforcement agencies, the 126598

Commission for task force-related equipment purchases, and for 126599
operating expenses of the Office of Criminal Justice Services 126600
related to the narcotics interdiction task force program. 126601

Of the foregoing appropriation item 761403, Recovery Ohio Law 126602
Enforcement, up to \$2,500,000 in each fiscal year may be used by 126603
the Office of Criminal Justice Services for Ohio's narcotics task 126604
forces in order to build new and strengthen existing partnerships 126605
with local law enforcement. This earmarked amount may also be used 126606
to provide funding to local law enforcement agencies and for 126607
operating expenses of the Office of Criminal Justice Services 126608
related to the Ohio narcotics task force program. 126609

Of the foregoing appropriation item 761403, Recovery Ohio Law 126610
Enforcement, up to \$600,000 in each fiscal year may be used to 126611
partner with the Office of Information Technology in the 126612
Department of Administrative Services to enhance and maintain a 126613
uniform records management and data intelligence system, and 126614
provide case management, collaboration, data sharing, and data 126615
analytics tools for Ohio narcotics task forces and law enforcement 126616
agencies. 126617

OHIO NARCOTICS INTELLIGENCE CENTER 126618

The foregoing appropriation item 761411, Ohio Narcotics 126619
Intelligence Center, may be used to operate and maintain a highly 126620
specialized Narcotics Intelligence Center consisting of personnel 126621
assigned to intelligence and computer forensic analysis that will 126622
assist Ohio narcotics task forces and law enforcement agencies. 126623

STATE HAZARD MITIGATION PROGRAM 126624

An amount equal to the unexpended, unencumbered balance of 126625
appropriation item 763407, State Hazard Mitigation Program, at the 126626
end of fiscal year 2024 is hereby reappropriated for fiscal year 126627
2025. 126628

LOCAL DISASTER ASSISTANCE 126629

An amount equal to the unexpended, unencumbered balance of 126630
appropriation item 763511, Local Disaster Assistance, at the end 126631
of fiscal year 2023 is hereby reappropriated for the April 17, 126632
2018, and April 8, 2019, Major Disaster Declarations for fiscal 126633
year 2024. 126634

An amount equal to the unexpended, unencumbered balance of 126635
appropriation item 763511, Local Disaster Assistance, at the end 126636
of fiscal year 2024 is hereby reappropriated for the April 17, 126637
2018, and April 8, 2019, Major Disaster Declarations for fiscal 126638
year 2025. 126639

SECURITY GRANTS 126640

(A) The foregoing appropriation item 763513, Security Grants, 126641
shall be used to make competitive grants of up to \$100,000 to 126642
nonprofit organizations, houses of worship, chartered nonpublic 126643
schools, and licensed preschools for eligible security 126644
improvements that assist the organization in preventing, preparing 126645
for, or responding to acts of terrorism, to acquire or retain the 126646
services of a resource officer, special duty police officer, or 126647
licensed armed security guards, or for the purchase of qualified 126648
equipment, including equipment for emergency and crisis 126649
communication, crisis management, or trauma and crisis response to 126650
assist in preventing, preparing for, or responding to acts of 126651
terrorism. 126652

The Emergency Management Agency shall allow for a portion of 126653
the funds granted to acquire or retain the services of a resource 126654
officer, special duty police officer, or licensed armed security 126655
guard to be used for training, licensing, or certification of such 126656
as resource officers. 126657

(B) The Emergency Management Agency shall administer and 126658
award the grants described in division (A) of this section. The 126659
Agency shall establish procedures and forms by which applicants 126660

may apply for a grant, a competitive process for ranking 126661
applicants and awarding the grants, and procedures for 126662
distributing grants to recipients. The procedures shall require 126663
each applicant to do all of the following: 126664

(1) Identify and substantiate prior threats or attacks by a 126665
terrorist organization, network, or cell against the nonprofit 126666
organization, house of worship, chartered nonpublic school, or 126667
licensed preschool; 126668

(2) Indicate the symbolic or strategic value of one or more 126669
sites that renders the site a possible target of terrorism; 126670

(3) Discuss potential consequences to the organization if the 126671
site is damaged, destroyed, or disrupted by a terrorist; 126672

(4) Describe how the grant will be used to integrate 126673
organizational preparedness with broader state and local 126674
preparedness efforts; 126675

(5) Submit either a vulnerability assessment conducted by 126676
experienced security, law enforcement, or military personnel, or a 126677
credible intelligence and threat analysis from one or more 126678
qualified homeland security, counterintelligence, or 126679
anti-terrorism experts, and a description of how the grant will be 126680
used to address the vulnerabilities identified in the assessment. 126681

The Agency shall consider all of the above factors in 126682
evaluating grant applications. The grantee shall have twenty-four 126683
months from the date of the first disbursement to meet program 126684
requirements. 126685

The Emergency Management Agency may prioritize a portion of 126686
funding, but not more than \$1,000,000 in each fiscal year, for 126687
innovative community-public safety partnerships addressing 126688
counterterrorism prevention, provided the grantee is eligible to 126689
receive the grant as a nonprofit organization that is at risk of 126690
terror attack. 126691

(C) Any grant submission described in division (I) of section 126692
3313.536 of the Revised Code or section 149.433 of the Revised 126693
Code is not a public record under section 149.43 of the Revised 126694
Code and is not subject to mandatory release or disclosure under 126695
that section. 126696

(D) The Emergency Management Agency may use up to two and 126697
one-half per cent of the total amount appropriated to administer 126698
the program, a portion of which may be used to pay costs incurred 126699
by the Department of Public Safety to provide security-related or 126700
specialized assistance in reviewing vulnerability assessments and 126701
prioritizing grant applications. 126702

(E) As used in this section: 126703

(1) "Eligible security improvements" means any of the 126704
following: 126705

(a) Physical security enhancement equipment or inspection and 126706
screening equipment included on the Authorized Equipment List 126707
published by the United States Department of Homeland Security; 126708

(b) Attendance fees and associated materials, supplies, and 126709
equipment costs for security-related training courses and programs 126710
regarding the protection of critical infrastructure and key 126711
resources, physical and cyber security, target hardening, or 126712
terrorism awareness or preparedness. Personnel and travel costs 126713
associated with training shall not be considered an eligible 126714
expense of the grant; 126715

(c) The purchase, upgrade, or maintenance of high-speed 126716
internet for those utilizing it for security purposes. 126717

(2) "Nonprofit organization" means a corporation, 126718
association, group, institution, society, or other organization 126719
that is exempt from federal income taxation under section 126720
501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 126721
501(c)(3), as amended. 126722

(3) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the chartered nonpublic school or licensed preschool is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state.

(4) "Terrorism" means any act taken by a group or individual used to intimidate or coerce a nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool, its employees, and anyone who is or in the future may be associated with it, as well as their families; to influence the policy of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool; and to affect the conduct of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool.

(F) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2023 is hereby reappropriated for the same purpose in fiscal year 2024.

(G) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

JUSTICE PROGRAM SERVICES

Of the foregoing appropriation item 768425, Justice Program Services, up to \$5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to

implement or enhance body-worn camera programs. 126754

Of the foregoing appropriation item 768425, Justice Program 126755
Services, up to \$4,531,000 in fiscal year 2024 and \$4,542,000 in 126756
fiscal year 2025 shall be used by the Office of Criminal Justice 126757
Services to support anti-human trafficking efforts in the areas of 126758
prosecution, victim services to specifically include assistance 126759
for child victims, and prevention and policy to implement the 126760
priorities of the Governor's Ohio Human Trafficking Task Force. 126761

Of the foregoing appropriation item 768425, Justice Program 126762
Services, up to \$4,000,000 in each fiscal year shall be used by 126763
the Office of Criminal Justice Services to administer and 126764
distribute grants to state and local law enforcement agencies to 126765
assist local communities in reducing and preventing crime through 126766
the use of promising or proven crime reduction strategies. The use 126767
of the grants includes, but is not limited to, overtime, 126768
equipment, technical assistance, and analytical support to 126769
implement crime reduction strategies. 126770

Of the foregoing appropriation item 768425, Justice Program 126771
Services, up to \$1,000,000 in each fiscal year shall be used by 126772
the Office of Criminal Justice Services to distribute grants to 126773
state and/or local law enforcement to conduct investigations on 126774
sexual assault kit testing results and related expenses. 126775

Of the foregoing appropriation item 768425, Justice Program 126776
Services, up to \$1,000,000 in each fiscal year shall be used to 126777
provide grants to child advocacy centers to coordinate the 126778
investigation, prosecution, and treatment of child sexual abuse 126779
while helping abused children heal. 126780

Of the foregoing appropriation item 768425, Justice Program 126781
Services, up to \$500,000 in each fiscal year shall be used by the 126782
Office of Criminal Justice Services to support state and local law 126783
enforcement agencies in the recruitment, hiring, and training of 126784

qualified individuals to serve as peace officers. 126785

Of the foregoing appropriation item 768425, Justice Program 126786
Services, up to \$200,000 in each fiscal year shall be used by the 126787
Office of Criminal Justice Services to implement recommendations 126788
of the Governor's Warrant Task Force. 126789

OHIO SCHOOL SAFETY CENTER 126790

The foregoing appropriation item 769412, Ohio School Safety 126791
Center, shall be used by the Department of Public Safety for the 126792
operations of the Ohio School Safety Center, including maintaining 126793
and promoting the Safer Ohio Schools Tip Line and assisting local 126794
schools and first responders in preventing, preparing for, and 126795
responding to threats and acts of violence, including self-harm, 126796
through a holistic, solutions-based approach to improving school 126797
safety. 126798

Section 373.30. CERTIFICATION OF COSTS FOR THE PUBLIC SAFETY 126799
- HIGHWAY PURPOSES FUND 126800

The Director of Public Safety may certify to the Director of 126801
Budget and Management, on a quarterly basis, the amounts paid to 126802
deputy registrars pursuant to section 4507.49 of the Revised Code 126803
for identification cards and temporary identification cards issued 126804
or renewed without payment of any fees during the course of the 126805
preceding quarter. 126806

The Director of Public Safety may certify to the Director of 126807
Budget and Management, on a quarterly basis, the amount of fees 126808
not collected by the registrar of motor vehicles for 126809
identification cards and temporary identification cards issued or 126810
renewed by the registrar of motor vehicles pursuant to section 126811
4507.50 of the Revised Code without the payment of any fees during 126812
the course of the preceding quarter. 126813

Upon receipt of the certifications, the Director of Budget 126814

and Management may transfer cash, up to the certified amount, from 126815
the General Revenue Fund to the Public Safety - Highway Purposes 126816
Fund (Fund 5TM0). This amount is not to exceed \$4,000,000 per 126817
fiscal year. 126818

MOTOR VEHICLE REGISTRATION 126819

The Director of Public Safety may deposit revenues to meet 126820
the cash needs of the Public Safety - Highway Purposes Fund (Fund 126821
5TM0) established in section 4501.06 of the Revised Code, obtained 126822
under section 4503.02 of the Revised Code, less all other 126823
available cash. Revenue deposited pursuant to this paragraph shall 126824
support in part appropriations for the administration and 126825
enforcement of laws relative to the operation and registration of 126826
motor vehicles, for payment of highway obligations and other 126827
statutory highway purposes. Notwithstanding section 4501.03 of the 126828
Revised Code, the revenues shall be paid into Fund 5TM0 before any 126829
revenues obtained pursuant to section 4503.02 of the Revised Code 126830
are paid into any other fund. The deposit of revenues to meet the 126831
aforementioned cash needs shall be in approximately equal amounts 126832
on a monthly basis or as otherwise approved by the Director of 126833
Budget and Management. Prior to July 1 of each fiscal year, the 126834
Director of Public Safety shall submit a plan to the Director of 126835
Budget and Management requesting approval of the anticipated 126836
revenue amounts to be deposited into Fund 5TM0 pursuant to this 126837
paragraph. If during the fiscal year changes to the plan as 126838
approved by the Director of Budget and Management are necessary, 126839
the Director of Public Safety shall submit a revised plan to the 126840
Director of Budget and Management for approval prior to any change 126841
in the deposit of revenues. 126842

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 126843
SHIPLEY UPGRADES 126844

Pursuant to a plan submitted by the Director of Public 126845
Safety, or as otherwise determined by the Director of Budget and 126846

Management, the Director of Budget and Management, upon approval 126847
of the Controlling Board, may make appropriate cash transfers on a 126848
pro-rata basis as approved by the Director of Budget and 126849
Management from other funds used by the Department of Public 126850
Safety, excluding the Public Safety Building Fund (Fund 7025), to 126851
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 126852
reimburse expenditures for capital upgrades to the Shipley 126853
Building. 126854

CASH BALANCE FUND REVIEW 126855

The Director of Public Safety shall review the cash balances 126856
for each fund in the State Highway Safety Fund Group, and may 126857
submit a request in writing to the Director of Budget and 126858
Management to transfer amounts from any fund in the State Highway 126859
Safety Fund Group to the credit of the Public Safety - Highway 126860
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 126861
request, and subject to the approval of the Controlling Board, the 126862
Director of Budget and Management may make appropriate transfers 126863
as requested by the Director of Public Safety or as otherwise 126864
determined by the Director of Budget and Management. 126865

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING 126866
FUND 126867

Notwithstanding any other provision of law to the contrary, 126868
the Director of Budget and Management, upon written request of the 126869
Director of Public Safety and approval of the Controlling Board, 126870
may approve the transfer of cash from the State Highway Patrol 126871
Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 126872
Security, Investigations and Policing Fund (Fund 8400). 126873

Notwithstanding any provision of law to the contrary, on July 126874
1, 2023, or as soon as possible thereafter, the Director of Budget 126875
and Management may, upon written request of the Director of Public 126876
Safety, approve the transfer of no more than \$2,000,000 in cash 126877

from the General Revenue Fund to the Security, Investigations, and Policing Fund (Fund 8400). 126878
126879

COLLECTIVE BARGAINING INCREASES 126880

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, authorize expenditures in excess of appropriations and transfer appropriations, as necessary, for any fund used by the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code. Any money approved for expenditure under this paragraph is hereby appropriated. 126881
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VALIDATION STICKER REQUIREMENTS 126894

Validation stickers are required for the annual registration of passenger, commercial, motorcycle, and other vehicles and are produced in accordance with section 4503.191 of the Revised Code. Notwithstanding section 4503.191 of the Revised Code, the Registrar of Motor Vehicles may adopt rules authorizing validation stickers to be produced at any location. 126895
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126900

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 126901
126902

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30). 126903
126904
126905
126906
126907

Of the foregoing appropriation item 763662, EMA Service and 126908

Reimbursements, \$250,000 in each fiscal year shall be distributed 126909
to the Ohio Task Force One - Urban Search and Rescue Unit to pay 126910
for its operating expenses and developing new programs. 126911

Of the foregoing appropriation item 763662, EMA Service and 126912
Reimbursements, \$200,000 in each fiscal year shall be distributed 126913
to the Ohio Task Force One - Urban Search and Rescue Unit, other 126914
similar urban search and rescue units around the state, and for 126915
maintenance of the statewide fire emergency response plan by an 126916
entity recognized by the Ohio Emergency Management Agency. 126917

STATE DISASTER RELIEF 126918

The State Disaster Relief Fund (Fund 5330) may accept 126919
transfers of cash or appropriations from Controlling Board 126920
appropriation items for the Ohio Emergency Management Agency 126921
disaster response costs and disaster program management costs, and 126922
may also be used for the following purposes: 126923

(A) To accept transfers of cash or appropriations from 126924
Controlling Board appropriation items for Ohio Emergency 126925
Management Agency recovery and mitigation program match costs to 126926
reimburse eligible local governments and private nonprofit 126927
organizations for costs related to disasters; 126928

(B) To accept transfers of cash or appropriations from 126929
Controlling Board appropriation items to cover costs incurred and 126930
to reimburse government entities for Emergency Management 126931
Assistance Compact (EMAC) missions; 126932

(C) To accept disaster related reimbursement from federal, 126933
state, and local governments. The Director of Budget and 126934
Management may transfer cash from reimbursements received by this 126935
fund to other funds of the state from which transfers were 126936
originally approved by the Controlling Board. 126937

(D) To accept transfers of cash or appropriations from 126938
Controlling Board appropriation items to fund the State Disaster 126939

Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.

(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2024 and 2025, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

Dedicated Purpose Fund Group				126960
4A30	870614	Grade Crossing Protection Devices-State	\$ 2,000,000 \$ 1,700,000	126961
4L80	870617	Pipeline Safety-State	\$ 359,377 \$ 359,377	126962
5610	870606	Power Siting Board	\$ 3,080,000 \$ 3,180,000	126963
5F60	870622	Utility and Railroad Regulation	\$ 39,012,561 \$ 39,012,561	126964
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$ 85,000	126965
5LT0	870640	Intrastate	\$ 210,661 \$ 210,661	126966

		Registration					
5LT0	870641	Unified Carrier	\$	476,636	\$	476,636	126967
		Registration					
5LT0	870643	Non-hazardous	\$	311,144	\$	311,114	126968
		Materials Civil					
		Forfeiture					
5LT0	870644	Hazardous Materials	\$	1,165,000	\$	1,165,000	126969
		Civil Forfeiture					
5LT0	870645	Motor Carrier	\$	6,400,372	\$	6,400,372	126970
		Enforcement					
5Q50	870626	Telecommunications	\$	1,020,000	\$	1,020,000	126971
		Relay Service					
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000	126972
		Protection					
5QS0	870647	Underground Facilities	\$	500,000	\$	500,000	126973
		Administration					
TOTAL	DPF	Dedicated Purpose Fund	\$	54,670,751	\$	54,470,721	126974
Group							
Federal Fund Group							126975
3330	870601	Gas Pipeline Safety	\$	1,543,289	\$	1,543,289	126976
3500	870608	Motor Carrier Safety	\$	15,710,777	\$	16,103,547	126977
3500	870648	Motor Carrier	\$	750,000	\$	750,000	126978
		Administration High					
		Priority Activities					
		Grants and					
		Cooperative					
		Agreements					
3ID0	870649	Department of Energy	\$	7,122,706	\$	7,122,706	126979
		Grid Resiliency					
3IE0	870650	Hazardous Material	\$	414,031	\$	414,031	126980
		Commercial Vehicle					
		Inspection Grants					
3V30	870604	Commercial Vehicle	\$	32,300	\$	0	126981

Information

Systems/Networks

TOTAL FED Federal Fund Group	\$	25,573,103	\$	25,933,573	126982
TOTAL ALL BUDGET FUND GROUPS	\$	80,243,854	\$	80,404,294	126983

Section 377.10. PWC PUBLIC WORKS COMMISSION 126985

General Revenue Fund 126986

GRF 150904 Conservation General	\$	46,600,000	\$	40,900,000	126987
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Obligation Bond Debt

Service

GRF 150907 Infrastructure	\$	231,000,000	\$	236,000,000	126988
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Improvement General

Obligation Bond Debt

Service

TOTAL GRF General Revenue Fund	\$	277,600,000	\$	276,900,000	126989
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Capital Projects Fund Group 126990

7038 150321 State Capital	\$	986,116	\$	971,376	126991
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Improvements Program

- Operating Expenses

7056 150403 Clean Ohio	\$	328,705	\$	323,792	126992
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Conservation

Operating

TOTAL CPF Capital Projects Fund	\$	1,314,821	\$	1,295,168	126993
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	278,914,821	\$	278,195,168	126994
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Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 126996

SERVICE 126997

The foregoing appropriation item 150904, Conservation General 126998

Obligation Bond Debt Service, shall be used to pay all debt 126999

service and related financing costs during the period from July 1, 127000

2023, through June 30, 2025, on obligations issued under sections 127001

151.01 and 151.09 of the Revised Code.	127002
INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT	127003
SERVICE	127004
The foregoing appropriation item 150907, Infrastructure	127005
Improvement General Obligation Bond Debt Service, shall be used to	127006
pay all debt service and related financing costs during the period	127007
from July 1, 2023, through June 30, 2025, on obligations issued	127008
under sections 151.01 and 151.08 of the Revised Code.	127009
CLEAN OHIO CONSERVATION OPERATING	127010
The foregoing appropriation item 150403, Clean Ohio	127011
Conservation Operating, shall be used by the Ohio Public Works	127012
Commission in administering Clean Ohio Conservation Fund (Fund	127013
7056) projects pursuant to sections 164.20 to 164.27 of the	127014
Revised Code.	127015
STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES	127016
The foregoing appropriation item 150321, State Capital	127017
Improvements Program - Operating Expenses, shall be used by the	127018
Ohio Public Works Commission to administer the State Capital	127019
Improvement Program under sections 164.01 to 164.16 of the Revised	127020
Code.	127021
DISTRICT ADMINISTRATION COSTS	127022
The Director of the Public Works Commission is authorized to	127023
create a District Administration Costs Program from proceeds of	127024
the Capital Improvements Fund and Local Transportation Improvement	127025
Program Fund. The program shall be used to provide for the direct	127026
costs of district administration of the nineteen public works	127027
districts. Districts choosing to participate in the program shall	127028
only expend State Capital Improvements Fund moneys for State	127029
Capital Improvements Fund costs and Local Transportation	127030
Improvement Program Fund moneys for Local Transportation	127031

Improvement Program Fund costs. The District Administration Costs 127032
Program account shall not exceed \$1,235,000 per fiscal year. Each 127033
public works district may be eligible for up to \$65,000 per fiscal 127034
year from its district allocation as provided in sections 164.08 127035
and 164.14 of the Revised Code. 127036

The Director, by rule, shall define allowable and 127037
non-allowable costs for the purpose of the District Administration 127038
Costs Program. Non-allowable costs include indirect costs, elected 127039
official salaries and benefits, and project-specific costs. No 127040
district public works committee may participate in the District 127041
Administration Costs Program without the approval of those costs 127042
by the district public works committee under section 164.04 of the 127043
Revised Code. 127044

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 127045

The Director of the Public Works Commission is authorized to 127046
create a District Administration Costs Program for districts 127047
represented by natural resource assistance councils. This program 127048
shall be funded from proceeds of the Clean Ohio Conservation Fund. 127049
The program shall be used by natural resource assistance councils 127050
in order to provide for administration costs of the nineteen 127051
natural resource assistance councils for the direct costs of 127052
council administration. Councils choosing to participate in this 127053
program may be eligible for up to \$15,000 per fiscal year from its 127054
district allocation as provided in section 164.27 of the Revised 127055
Code. 127056

The Director shall define allowable and non-allowable costs 127057
for the purpose of the District Administration Costs Program. 127058
Non-allowable costs include indirect costs, elected official 127059
salaries and benefits, and project-specific costs. 127060

Section 379.10. RAC STATE RACING COMMISSION 127061

Dedicated Purpose Fund Group				127062
5620	875601	Thoroughbred Development	\$ 1,100,000 \$	1,100,000 127063
5630	875602	Standardbred Development	\$ 1,400,000 \$	1,400,000 127064
5650	875604	Racing Commission Operating	\$ 4,210,497 \$	4,210,497 127065
5JK0	875610	Horse Racing Development - Casino	\$ 10,500,000 \$	10,500,000 127066
5NL0	875611	Revenue Redistribution	\$ 10,500,000 \$	10,500,000 127067
TOTAL DPF Dedicated Purpose Fund Group			\$ 27,710,497 \$	27,710,497 127068
Fiduciary Fund Group				127069
5C40	875607	Simulcast Horse Racing Purse	\$ 5,500,000 \$	5,500,000 127070
TOTAL FID Fiduciary Fund Group			\$ 5,500,000 \$	5,500,000 127071
Holding Account Fund Group				127072
R021	875605	Bond Reimbursements	\$ 100,000 \$	100,000 127073
TOTAL HLD Holding Account Fund Group			\$ 100,000 \$	100,000 127074
TOTAL ALL BUDGET FUND GROUPS			\$ 33,310,497 \$	33,310,497 127075
Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION				127077
General Revenue Fund				127078
GRF	235321	Operating Expenses	\$ 7,219,081 \$	7,229,849 127079
GRF	235402	Sea Grants	\$ 308,228 \$	317,474 127080
GRF	235406	Articulation and Transfer	\$ 2,070,117 \$	2,225,993 127081
GRF	235408	Midwest Higher Education Compact	\$ 118,476 \$	118,476 127082
GRF	235410	Mentorship Scholarship	\$ 2,500,000 \$	11,000,000 127083

	Program				
GRF 235411	Teacher Apprenticeship	\$	120,000	\$	3,635,250 127084
	Program				
GRF 235412	Textbook Affordability	\$	455,000	\$	455,000 127085
GRF 235413	Computer Science	\$	18,500,000	\$	18,500,000 127086
GRF 235414	Grants and Scholarship	\$	988,462	\$	994,054 127087
	Administration				
GRF 235416	ApplyOhio Program	\$	3,000,000	\$	3,250,000 127088
GRF 235417	Technology Maintenance	\$	5,503,052	\$	5,782,309 127089
	and Operations				
GRF 235418	Access Challenge	\$	40,000,000	\$	40,000,000 127090
GRF 235419	Mental Health Support	\$	10,000,000	\$	10,000,000 127091
GRF 235421	IT Security	\$	1,872,135	\$	1,930,299 127092
	Enhancements				
GRF 235422	WorkFORCE Ohio	\$	30,000,000	\$	30,000,000 127093
GRF 235425	Ohio College Access	\$	14,298,600	\$	26,571,320 127094
	Grant				
GRF 235427	Adult Literacy	\$	1,035,000	\$	1,035,000 127095
	Initiatives				
GRF 235428	Appalachian New	\$	4,243,680	\$	4,455,864 127096
	Economy Workforce				
	Partnership				
GRF 235438	Choose Ohio First	\$	30,000,000	\$	32,000,000 127097
	Scholarship				
GRF 235443	Aspire - State	\$	7,083,344	\$	7,083,344 127098
GRF 235444	Ohio Technical Centers	\$	22,464,424	\$	23,138,356 127099
GRF 235474	Area Health Education	\$	899,190	\$	926,166 127100
	Centers Program				
	Support				
GRF 235492	Campus Safety and	\$	675,000	\$	700,000 127101
	Training				
GRF 235501	State Share of	\$	2,138,034,244	\$	2,202,175,271 127102
	Instruction				

GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$	17,800,000	\$	20,600,000	127103
GRF 235507	OhioLINK	\$	6,140,048	\$	6,447,051	127104
GRF 235508	Air Force Institute of Technology	\$	1,919,289	\$	1,976,867	127105
GRF 235510	Ohio Supercomputer Center	\$	4,844,133	\$	5,086,340	127106
GRF 235511	The Ohio State University Extension Service	\$	25,504,468	\$	26,269,602	127107
GRF 235514	Central State Supplement	\$	12,036,080	\$	12,397,163	127108
GRF 235515	Case Western Reserve University School of Medicine	\$	2,100,108	\$	2,163,111	127109
GRF 235519	Family Practice	\$	3,098,112	\$	3,191,056	127110
GRF 235520	Shawnee State Supplement	\$	5,571,528	\$	5,738,673	127111
GRF 235525	Geriatric Medicine	\$	510,924	\$	526,252	127112
GRF 235526	Primary Care Residencies	\$	1,467,750	\$	1,511,783	127113
GRF 235530	Governor's Merit Scholarship	\$	18,000,000	\$	34,200,000	127114
GRF 235533	Program and Project Support	\$	500,000	\$	500,000	127115
GRF 235535	Ohio State Agricultural Research	\$	37,169,048	\$	38,284,119	127116
GRF 235536	The Ohio State University Clinical Teaching	\$	9,461,059	\$	9,744,891	127117
GRF 235537	University of	\$	8,584,992	\$	8,842,542	127118

	Cincinnati Clinical Teaching					
GRF 235538	University of Toledo Clinical Teaching	\$	6,065,330	\$	6,247,290	127119
GRF 235539	Wright State University Clinical Teaching	\$	2,946,655	\$	3,035,055	127120
GRF 235540	Ohio University Clinical Teaching	\$	2,848,621	\$	2,934,079	127121
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,929,803	\$	3,017,697	127122
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	515,000	\$	530,450	127123
GRF 235546	Central State Agricultural Research and Development	\$	5,828,027	\$	5,828,027	127124
GRF 235548	Central State Cooperative Extension Services	\$	5,168,233	\$	5,168,233	127125
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	127126
GRF 235555	Library Depositories	\$	1,393,100	\$	1,462,755	127127
GRF 235556	Ohio Academic Resources Network	\$	3,262,545	\$	3,568,172	127128
GRF 235558	Long-term Care Research	\$	318,306	\$	327,855	127129
GRF 235563	Ohio College Opportunity Grant	\$	216,215,817	\$	346,056,848	127130
GRF 235569	The Ohio State University College of Veterinary Medicine	\$	5,150,000	\$	5,304,500	127131

	Supplement					
GRF 235572	The Ohio State University Clinic Support	\$	750,052	\$	772,554	127132
GRF 235578	Federal Research Network	\$	5,098,500	\$	5,251,455	127133
GRF 235591	Co-Op Internship Program	\$	165,000	\$	165,000	127134
GRF 235593	Voinovich Academy of Excellence in Public Service	\$	750,000	\$	750,000	127135
GRF 235595	Commercial Truck Driver Student Aid Program	\$	2,550,000	\$	2,550,000	127136
GRF 235598	Rural University Program	\$	412,000	\$	424,360	127137
GRF 235599	National Guard Scholarship Program	\$	18,400,000	\$	19,250,000	127138
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	250,000,000	\$	275,000,000	127139
TOTAL GRF	General Revenue Fund	\$	3,028,447,052	\$	3,300,232,296	127140
	Dedicated Purpose Fund Group					127141
2200 235614	Program Approval and Reauthorization	\$	875,000	\$	882,000	127142
4560 235603	Sales and Services	\$	199,250	\$	199,250	127143
4E80 235602	Higher Educational Facility Commission Administration	\$	67,600	\$	67,600	127144
5CV3 235687	Super RAPIDS	\$	200,000,000	\$	0	127145
5CV3 235698	Internship Pilot Program	\$	2,500,000	\$	2,500,000	127146
5D40 235675	Conference/Special	\$	250,000	\$	250,000	127147

		Purposes						
5FR0	235650	State and Non-Federal	\$	1,402,150	\$	1,402,150	127148	
		Grants and Award						
5NH0	235517	Short-Term Certificates	\$	7,000,000	\$	7,000,000	127149	
5P30	235663	Variable Savings Plan	\$	8,363,600	\$	8,522,034	127150	
5YD0	235494	Second Chance Grant	\$	2,000,000	\$	2,000,000	127151	
		Program						
6450	235664	Guaranteed Savings	\$	1,099,122	\$	1,110,131	127152	
		Plan						
6820	235606	Nursing Loan Program	\$	1,150,000	\$	1,200,000	127153	
TOTAL DPF Dedicated Purpose Fund			\$	224,906,722	\$	25,133,165	127154	
Group								
Bond Research and Development Fund Group								127155
7014	235639	Research Incentive	\$	8,000,000	\$	8,000,000	127156	
		Third Frontier - Tax						
TOTAL BRD Bond Research and			\$	8,000,000	\$	8,000,000	127157	
Development Fund Group								
Federal Fund Group								127158
3120	235611	Gear-up Grant	\$	2,400,000	\$	2,400,000	127159	
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	127160	
		Grant/Plan						
		Administration						
3120	235641	Aspire - Federal	\$	18,600,000	\$	18,600,000	127161	
3120	235669	Industry Credential	\$	300,000	\$	300,000	127162	
		Transfer Assurance						
		Guides Initiative						
3BG0	235651	Gear Up Grant	\$	3,100,000	\$	3,100,000	127163	
		Scholarships						
3N60	235658	John R. Justice	\$	128,000	\$	128,000	127164	
		Student Loan						
		Repayment Program						
TOTAL FED Federal Fund Group			\$	25,878,000	\$	25,878,000	127165	

TOTAL ALL BUDGET FUND GROUPS \$ 3,287,231,774 \$ 3,359,243,461 127166

Section 381.20. SEA GRANTS 127168

The foregoing appropriation item 235402, Sea Grants, shall be 127169
used to match federal dollars and leverage additional support by 127170
The Ohio State University's Sea Grant program, including Stone 127171
Laboratory, for research, education, and outreach to enhance the 127172
economic value, public utilization, and responsible management of 127173
Lake Erie and Ohio's coastal resources. 127174

Section 381.30. ARTICULATION AND TRANSFER 127175

The foregoing appropriation item 235406, Articulation and 127176
Transfer, shall be used by the Chancellor of Higher Education to 127177
maintain and expand the work of the Articulation and Transfer 127178
Network Advisory Council to develop a system of transfer policies 127179
to ensure that students at state institutions of higher education 127180
can transfer and have coursework apply to their majors and degrees 127181
at any other state institution of higher education without 127182
unnecessary duplication or institutional barriers under sections 127183
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 127184

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 127185

The foregoing appropriation item 235408, Midwest Higher 127186
Education Compact, shall be distributed by the Chancellor of 127187
Higher Education under section 3333.40 of the Revised Code. 127188

Section 381.50. MENTORSHIP SCHOLARSHIP PROGRAM 127189

The foregoing appropriation item 235410, Mentorship 127190
Scholarship Program, shall be used by the Chancellor of Higher 127191
Education to administer the Mentorship Scholarship Program 127192
established under section 3333.129 of the Revised Code. 127193

Upon the request of the Chancellor and the approval of the 127194

Director of Budget and Management, an amount equal to the 127195
unexpended, unencumbered balance of the foregoing appropriation 127196
item 235410, Mentorship Scholarship Program, at the end of fiscal 127197
year 2024 is hereby reappropriated for the same purpose in fiscal 127198
year 2025. 127199

Section 381.60. TEACHER APPRENTICESHIP PROGRAM 127200

(A) The foregoing appropriation item 235411, Teacher 127201
Apprenticeship Program, shall be used by the Chancellor of Higher 127202
Education, in consultation with the Superintendent of Public 127203
Instruction, to develop and implement the Teacher Apprenticeship 127204
Program, which is hereby established. 127205

(B) Under the program, the Chancellor shall establish up to 127206
five teacher apprenticeship programs for different teaching 127207
licenses. The Chancellor may use the funds provided under this 127208
section to pay for the following, as determined appropriate by the 127209
Chancellor: 127210

(1) Program development; 127211

(2) Program participant support, including payment of 127212
tuition, fees, and apprentice salary; 127213

(3) Stipends for supervising teachers; 127214

(4) Administrative and technology support; 127215

(5) Any other expenses necessary to operate the program. 127216

Section 381.70. TEXTBOOK AFFORDABILITY 127217

(A) The foregoing appropriation item 235412, Textbook 127218
Affordability, shall be used by the Chancellor of Higher Education 127219
to encourage the adoption of open educational resources and other 127220
innovative low- or no-cost teaching materials at Ohio's public 127221
institutions of higher education. Funds disbursed under this 127222
section shall be used in a manner consistent with the goal of 127223

creating or identifying low- or no-cost teaching materials to 127224
produce cost savings for students. 127225

(B) In disbursing funds to create open educational resources 127226
under this section, the Chancellor shall consider at least the 127227
following factors: 127228

(1) The volume of students enrolled in specific courses, with 127229
a focus on converting teaching materials in high enrollment, 127230
general education courses included in the Ohio Transfer 36 as a 127231
first priority to broaden the scope of impact; 127232

(2) The likely rate of faculty adoption of materials produced 127233
under this section, and the level of institutional support for 127234
embracing open educational resources and other innovative low- or 127235
no-cost teaching materials; and 127236

(3) The extent to which resources produced under this section 127237
may be made available to institutions statewide for utilization. 127238
In considering this factor, the Chancellor may partner with the 127239
Ohio Open Ed Collaborative and OhioLINK and utilize or enhance 127240
electronic resources under their management to store and provide 127241
statewide access to materials. 127242

(C) The Chancellor and the faculty at state institutions of 127243
higher education, as defined in section 3345.011 of the Revised 127244
Code, in consultation with OhioLINK, shall collaborate to create 127245
the Ohio Educational Resources Database consisting of open 127246
educational resources that have been identified as meeting the 127247
learning objectives for Ohio Transfer 36 and Transfer Assurance 127248
Guides courses by, at a minimum: 127249

(1) Surveying all state institutions of higher education for 127250
open educational resources currently used in these courses; 127251

(2) Identifying faculty to review materials available in 127252
OpenStax, OER Commons, and other repositories of open educational 127253
resources; and 127254

(3) Establishing processes and procedures to maintain regular review and updating of materials to keep the database current. 127255
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(D) State institutions of higher education, at the Chancellor's direction, shall pursue collaborative efforts focused on the goal of achieving wider acceptance and adoption of open educational materials. 127257
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(E) Materials shall be accessible to all people in compliance with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12101 et. seq. 127261
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(F) The Chancellor and Superintendent of Public Instruction shall promote opportunities to increase the use of open educational materials in College Credit Plus courses to reduce the cost of instructional materials to school districts. 127264
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Section 381.80. COMPUTER SCIENCE 127268

(A) The foregoing appropriation item 235413, Computer Science, shall be used by the Chancellor of Higher Education to increase enrollment in computer science courses for students in grades seven through twelve, as provided in this section. 127269
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(B)(1) The foregoing appropriation item 235413, Computer Science, shall be used by the Chancellor, in collaboration with the Office of Computer Science Education established under section 3333.96 of the Revised Code and the Department of Education, in fiscal year 2024 for early implementation of the Ohio Computer Science Promise Program established in section 3322.20 of the Revised Code. In doing so, this appropriation may be used to do the following: 127273
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(a) Approve providers of computer science courses that a student in any of grades seven through twelve who is a resident of this state may, at no cost to the student, enroll in and receive high school credit. 127281
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(b)(i) Reimburse school districts, other public schools, and nonpublic schools for costs associated with students enrolled in computer science courses offered by approved providers and school districts and other public schools for costs associated with students enrolled in computer science courses taken under the College Credit Plus Program. No other computer science courses shall qualify for reimbursement under this division.

(ii) A district or school whose students participate in the program may request reimbursement in a manner determined by the Chancellor pursuant to division (B)(1)(c) of this section.

(c) Create and implement procedures to review and approve the applications and proposals of providers wishing to offer courses described in division (B)(1)(a) of this section and district or school requests for the reimbursements authorized in division (B)(1)(b) of this section.

(d) Establish any other procedures and requirements necessary to carry out division (B) of this section.

(2) The Chancellor, in collaboration with the Office of Computer Science Education and the Department of Education, shall make reasonable efforts to provide eligible students with access to computer science courses in the 2023-2024 academic year.

(3) All students enrolled in public secondary schools may participate in the program in a manner prescribed pursuant to division (B)(1)(d) of this section. A public secondary school shall grant high school credit for computer science courses completed through an approved provider. A nonpublic secondary school that chooses to participate in the program shall grant high school credit to the student and comply with the procedures and requirements of the program established under divisions (B)(1)(c) and (d) of this section.

(4) As used in division (B) of this section:

(a) "Public secondary school" has the same meaning as in section 3322.01 of the Revised Code. 127316
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(b) "Nonpublic secondary school" has the same meaning as in section 3365.01 of the Revised Code. 127318
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(C) The foregoing appropriation item 235413, Computer Science, shall be used in fiscal year 2025 to carry out Chapter 3322. of the Revised Code. 127320
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(D) On July 1, 2024, or as soon as possible thereafter, the Chancellor shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 235413, Computer Science, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025. 127323
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Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 127330

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program. 127331
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Section 381.100. APPLYOHIO PROGRAM 127340

The foregoing appropriation item 235416, ApplyOhio Program, shall be used by the office of ApplyOhio pursuant to section 3333.033 of the Revised Code. 127341
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Of the foregoing appropriation item 235416, ApplyOhio 127344

Program, a portion in each fiscal year may be used by the office 127345
of ApplyOhio to support a statewide public awareness and media 127346
campaign to reach students without a high school diploma. The 127347
Chancellor of Higher Education shall determine the appropriate 127348
methods of communication for the Aspire program. 127349

Of the foregoing appropriation item 235416, ApplyOhio 127350
Program, a portion in each fiscal year may be used by the 127351
Chancellor to establish and operate the office of ApplyOhio, 127352
including, but not limited to, statewide efforts to support 127353
students with some college but no degree. 127354

An amount equal to the unexpended, unencumbered balance of 127355
the foregoing appropriation item 235416, ApplyOhio Program, at the 127356
end of fiscal year 2024 is hereby reappropriated for the same 127357
purpose in fiscal year 2025. 127358

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 127359

The foregoing appropriation item 235417, Technology 127360
Maintenance and Operations, shall be used by the Chancellor of 127361
Higher Education to support the development and implementation of 127362
information technology solutions designed to improve the 127363
performance and capacity of the Department of Higher Education. 127364
The information technology solutions may be provided by the Ohio 127365
Technology Consortium (OH-TECH). 127366

Of the foregoing appropriation item 235417, Technology 127367
Maintenance and Operations, a portion in each fiscal year may be 127368
used by the Chancellor to support the continued implementation of 127369
eStudent Services, a consortium organized under division (T) of 127370
section 3333.04 of the Revised Code to expand access to dual 127371
enrollment opportunities for high school students, continue the 127372
support of the statewide eTutoring program, and for any other 127373
strategic priorities of the Chancellor. 127374

Of the foregoing appropriation item 235417, Technology 127375
Maintenance and Operations, a portion in each fiscal year shall be 127376
used by the Chancellor to implement a high priority data 127377
warehouse, advanced analytics, and visualization integration 127378
services associated with the Higher Education Information (HEI) 127379
system. The services may be facilitated by OH-TECH. 127380

Of the foregoing appropriation item 235417, Technology 127381
Maintenance and Operations, \$150,000 in each fiscal year shall be 127382
used to support Ohio Reach to provide mentoring and support 127383
services to former foster youth attending college. 127384

Section 381.120. ACCESS CHALLENGE 127385

(A)(1) The foregoing appropriation item 235418, Access 127386
Challenge, shall be distributed by the Chancellor of Higher 127387
Education to eligible state institutions of higher education to 127388
incentivize enrollment of underrepresented students, support the 127389
critical services provided to these students, and address barriers 127390
that may otherwise interrupt college completion. Such services and 127391
interventions shall promote the academic success, completion, and 127392
overall well-being of students, and may include such activities as 127393
advising, counseling, success coaching, bridge programs, and other 127394
evidence-based wrap-around student supports and services. 127395

(2) Of the foregoing appropriation item 235418, Access 127396
Challenge, at least 55 per cent in each fiscal year shall be 127397
allocated to community colleges, state community colleges, and 127398
technical colleges. 127399

(B) In allocating funds under this section, the Chancellor 127400
shall consider each eligible institution's share of 127401
underrepresented students, with a focus on campuses that have a 127402
predominantly access mission, and other factors as determined by 127403
the Chancellor. 127404

(C) For the purposes of this section, underrepresented 127405
students may include any category of undergraduate student 127406
identified as access or at-risk in the section of this act 127407
entitled "STATE SHARE OF INSTRUCTION FORMULAS." 127408

Section 381.130. MENTAL HEALTH SUPPORT 127409

(A) The foregoing appropriation item 235419, Mental Health 127410
Support, shall be used by the Chancellor of Higher Education to 127411
provide resources and support to address behavioral health needs 127412
at state institutions of higher education as defined in section 127413
3345.011 of the Revised Code and private nonprofit institutions of 127414
higher education holding certificates of authorization under 127415
Chapter 1713. of the Revised Code. The Chancellor shall use the 127416
funds to prioritize behavioral health services, including, but not 127417
limited to, expansion of telehealth options, increased awareness 127418
of telephone and text message care line services, expansion of 127419
certified peer educator programs, and direct aid to students who 127420
are unable to afford care. 127421

(B) In allocating funds under this section, the Chancellor 127422
shall consider at least the following factors: 127423

(1) The relative severity of needs expressed and associated 127424
risks involved; 127425

(2) The extent to which funds awarded will increase 127426
campus-wide knowledge and awareness of available care options; 127427

(3) The extent to which funds awarded will increase access 127428
to, and availability of, care options; 127429

(4) The extent to which funds awarded will remove barriers to 127430
care options; and 127431

(5) The extent to which funds awarded will be leveraged to 127432
create long-term sustainability on campus and support 127433
collaborative, community-based programs and initiatives that can 127434

be sustained with community resources. 127435

(C) The Chancellor may consult with the Department of Mental 127436
Health and Addiction Services, RecoveryOhio, local and regional 127437
behavioral health providers, and other stakeholders as determined 127438
by the Chancellor to be appropriate when allocating funds under 127439
this section. 127440

(D) An institution receiving funds under this section shall 127441
not make changes to mental health support services offered by the 127442
institution that have the goal or net effect of shifting the cost 127443
burden of those programs to the program described in this section. 127444
An institution receiving funds under this section shall maintain 127445
the same level of mental health support services that the 127446
institution provided in the most recent academic year in the 127447
aggregate to all students or on a per-student basis. 127448

Section 381.140. IT SECURITY ENHANCEMENTS 127449

(A) The foregoing appropriation item 235421, IT Security 127450
Enhancements, shall be used by the Chancellor of Higher Education, 127451
in consultation with OH-TECH, to enhance security operations and 127452
services. 127453

(B) Enhanced security operations and services shall benefit 127454
all members of OH-TECH and may include but not be limited to: 127455

(1) Establishing an enterprise security operations center; 127456

(2) Configuration management in the area of data loss 127457
prevention; 127458

(3) Endpoint patch and compliance; 127459

(4) Log aggregation; 127460

(5) Web application firewall; 127461

(6) Vulnerability management across the consortium; and 127462

(7) Other critical security enhancement services as 127463

determined appropriate by the Chancellor. 127464

(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense. 127465
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Section 381.150. WORKFORCE OHIO 127473

(A) The foregoing appropriation item 235422, WorkFORCE Ohio, shall be used by the Chancellor of Higher Education to address critical education and training needs to support continued economic development across Ohio through a dynamically skilled, productive, and purposeful workforce. 127474
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(B) Prior to the allocation of funds under this section, the Chancellor shall do all of the following: 127479
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(1) Conduct an asset mapping analysis of current programs at Ohio's institutions of higher education and Ohio Technical Centers, including availability and capacity, that align with the workforce needs of this state over the next decade; 127481
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(2) Analyze such findings by region and industry; and 127485

(3) Produce recommendations for how to increase opportunities for Ohioans to pursue certificates, credentials, and degrees that will lead to critically needed high-demand jobs. 127486
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(C) In allocating funds under this section, the Chancellor may consult with the Governor's Office of Workforce Transformation, Ohio Department of Education, Department of Job and Family Services, and other stakeholders as determined by the Chancellor to be appropriate. 127489
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(D) An amount equal to the unexpended, unencumbered balance 127494
of the foregoing appropriation item 235422, WorkFORCE Ohio, at the 127495
end of fiscal year 2024 is hereby reappropriated for the same 127496
purpose in fiscal year 2025. 127497

Section 381.160. OHIO COLLEGE ACCESS GRANT 127498

The foregoing appropriation item 235425, Ohio College Access 127499
Grant, shall be used by the Chancellor of Higher Education to 127500
award need-based financial aid to eligible students who are 127501
enrolled in a community college, state community college, 127502
technical college, or university regional campus. 127503

Section 381.170. ADULT LITERACY INITIATIVES 127504

(A) The foregoing appropriation item 235427, Adult Literacy 127505
Initiatives, shall be used by the Chancellor of Higher Education 127506
to implement strategies designed to increase literacy among Ohio's 127507
adult population. 127508

(B) Of the foregoing appropriation item 235427, Adult 127509
Literacy Initiatives, a portion in each fiscal year shall be used 127510
by the Chancellor to support evidence-based literacy professional 127511
development and training opportunities for college and university 127512
faculty at state institutions of higher education as defined in 127513
section 3345.011 of the Revised Code and private nonprofit 127514
institutions of higher education that have a certificate of 127515
authorization pursuant to Chapter 1713. of the Revised Code, with 127516
priority for those faculty that teach reading instruction. The 127517
Chancellor shall allocate funds in the manner the Chancellor 127518
prescribes, consistent with the goal of encouraging faculty to 127519
increase their knowledge, awareness, and adoption of 127520
evidence-based literacy approaches, including the science of 127521
reading. 127522

(C) Of the foregoing appropriation item 235427, Adult 127523

Literacy Initiatives, a portion in each fiscal year shall be used 127524
by the Chancellor to support all of the following: 127525

(1) Literacy instruction for students not eligible for Aspire 127526
services due to National Reporting System assessment standards, as 127527
determined by the Chancellor; 127528

(2) Instructional services for adult English language 127529
learners; and 127530

(3) Evidence-based and high-quality professional development 127531
initiatives for Aspire instructors that support all levels of 127532
adult learners to create an impact of literacy instruction being 127533
delivered across the state of Ohio by all instructors to all 127534
levels of learners. 127535

(D) Not later than March 31, 2024, the Chancellor shall do 127536
all of the following: 127537

(1) Conduct a review of all educator preparation programs at 127538
state and private nonprofit institutions of higher education and 127539
develop a summary of the curriculum used at those institutions to 127540
provide training in the pedagogy of literacy, including the extent 127541
to which the curriculum is aligned with the science of reading; 127542

(2) Conduct an analysis of curriculum used in Aspire 127543
programming for alignment with best practices for literacy 127544
education; and 127545

(3) Conduct an analysis, in consultation with the Director of 127546
Job and Family Services, of Aspire programs available in Ohio, 127547
with emphasis on communities with the highest unemployment and 127548
underemployment rates and lowest rates of high school completion. 127549
Upon completion of this analysis, the Chancellor and Director of 127550
Job and Family Services shall do all of the following: 127551

(a) Assess and develop recommended best practices on how the 127552
Department of Job and Family Services connects those on 127553

unemployment, Supplemental Nutrition Assistance Program, and other 127554
public benefits programs, as appropriate, to Aspire program 127555
options to ensure that Aspire opportunities are well known to as 127556
many potential beneficiaries as possible; and 127557

(b) Develop strategies to implement the best practices 127558
identified in division (D)(3)(a) of this section and consider 127559
mechanisms of accountability to encourage those enrolled in public 127560
benefits programs to complete Aspire programming. 127561

(E) On July 1, 2024, or as soon as possible thereafter, the 127562
Chancellor shall certify to the Director of Budget and Management 127563
an amount up to the unexpended, unencumbered balance of the 127564
foregoing appropriation item 235427, Adult Literacy Initiatives, 127565
at the end of fiscal year 2024 to be reappropriated to fiscal year 127566
2025. The amount certified is hereby reappropriated to the same 127567
appropriation item in fiscal year 2025. 127568

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 127569
PARTNERSHIP 127570

Of the foregoing appropriation item 235428, Appalachian New 127571
Economy Workforce Partnership, \$500,000 in each fiscal year shall 127572
be allocated to the Mahoning Valley Innovation and 127573
Commercialization Center. 127574

The remainder of the foregoing appropriation item 235428, 127575
Appalachian New Economy Workforce Partnership, shall be 127576
distributed to Ohio University to continue a multi-campus and 127577
multi-agency coordinated effort to link Appalachia to the new 127578
economy. Ohio University shall use these funds to provide 127579
leadership in the development and implementation of initiatives in 127580
the areas of entrepreneurship, management, education, and 127581
technology. 127582

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 127583

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.200. ASPIRE

The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

Section 381.210. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students

for state subsidy purposes, the Chancellor shall exclude all 127614
students who are not residents of Ohio. 127615

(b) A full-time equivalent student shall be defined as a 127616
student who completes 450 hours. Those students that complete some 127617
portion of 450 hours shall be counted as a partial full-time 127618
equivalent for funding purposes, while students that complete more 127619
than 450 hours shall be counted as proportionally greater than one 127620
full-time equivalent. 127621

(c) In calculating each Ohio Technical Center's full-time 127622
equivalent students, the Chancellor shall use a three-year 127623
average. 127624

(d) Ohio Technical Centers shall operate with, or be an 127625
active candidate for, accreditation by an accreditor authorized by 127626
the United States Department of Education to be eligible to 127627
receive subsidies from the foregoing appropriation item 235444, 127628
Ohio Technical Centers. 127629

(2) In each fiscal year, 25 per cent of the allocation for 127630
Ohio Technical Centers shall be distributed based on the 127631
proportion of each Center's full-time equivalent students to the 127632
total full-time equivalent students who complete a post-secondary 127633
technical workforce training program approved by the Chancellor 127634
with a grade of C or better or a grade of pass if the program is 127635
evaluated on a pass/fail basis. 127636

(3) In each fiscal year, 20 per cent of the allocation for 127637
Ohio Technical Centers shall be distributed based on the 127638
proportion of each Center's full-time equivalent students to the 127639
total full-time equivalent students who complete 50 per cent of a 127640
program of study as a measure of student retention. 127641

(4) In each fiscal year, 50 per cent of the allocation for 127642
Ohio Technical Centers shall be distributed based on the 127643
proportion of each Center's full-time equivalent students to the 127644

total full-time equivalent students who have found employment, 127645
entered military service, or enrolled in additional post-secondary 127646
education and training in accordance with the placement 127647
definitions of the Strengthening Career and Technical Education 127648
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 127649
calculation for eligible full-time equivalent students shall be 127650
based on the per cent of Perkins placements for students who have 127651
completed at least 50 per cent of a program of study. 127652

(5) In each fiscal year, five per cent of the allocation for 127653
Ohio Technical Centers shall be distributed based on the 127654
proportion of each Center's full-time equivalent students to the 127655
total full-time equivalent students who have earned a credential 127656
from an industry-recognized third party. 127657

(B) Of the foregoing appropriation item 235444, Ohio 127658
Technical Centers, up to 2.38 per cent in each fiscal year may be 127659
distributed by the Chancellor to the Ohio Central School System, 127660
up to \$48,000 in each fiscal year may be utilized for assistance 127661
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 127662
year may be distributed by the Chancellor to Ohio Technical 127663
Centers that provide customized training and business consultation 127664
services with matching local dollars, with preference to 127665
industries on the in-demand jobs list created under section 127666
6301.11 of the Revised Code, industries in regionally emerging 127667
fields, or local businesses and industries. Each center meeting 127668
this requirement shall receive at least \$25,000 but not more than 127669
a maximum amount determined by the Chancellor. 127670

(C) The remainder of the foregoing appropriation item 235444, 127671
Ohio Technical Centers, in each fiscal year shall be distributed 127672
in accordance with division (A) of this section. 127673

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 127674
SUPPORT 127675

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

Section 381.230. CAMPUS SAFETY AND TRAINING 127682

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence.

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 127698

The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE				127706
COMPLETIONS				127707
(1) As soon as possible during each fiscal year of the				127708
biennium ending June 30, 2025, in accordance with instructions of				127709
the Department of Higher Education, each state institution of				127710
higher education shall report its actual data, consistent with the				127711
definitions in the Higher Education Information (HEI) system's				127712
enrollment files, to the Chancellor.				127713
(2) In defining the number of full-time equivalent students				127714
for state subsidy instructional cost purposes, the Chancellor				127715
shall exclude all undergraduate students who are not residents of				127716
Ohio or who do not meet the definition of residency for state				127717
subsidy and tuition surcharge purposes, except those charged				127718
in-state fees in accordance with reciprocity agreements made under				127719
section 3333.17 of the Revised Code or employer contracts entered				127720
into under section 3333.32 of the Revised Code.				127721
(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT				127722
For purposes of calculating state share of instruction				127723
allocations, the total instructional costs per full-time				127724
equivalent student shall be:				127725
Model	Fiscal Year 2024	Fiscal Year 2025		127726
ARTS AND HUMANITIES 1	\$10,110	\$9,887		127727
ARTS AND HUMANITIES 2	\$14,680	\$14,335		127728
ARTS AND HUMANITIES 3	\$18,158	\$17,757		127729
ARTS AND HUMANITIES 4	\$25,402	\$24,841		127730
ARTS AND HUMANITIES 5	\$40,436	\$39,543		127731
ARTS AND HUMANITIES 6	\$37,518	\$36,689		127732
BUSINESS, EDUCATION &	\$9,803	\$10,024		127733
SOCIAL SCIENCES 1				
BUSINESS, EDUCATION &	\$9,569	\$9,785		127734
SOCIAL SCIENCES 2				

BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,791	\$13,080	127735
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$15,340	\$15,686	127736
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,508	\$23,017	127737
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$25,212	\$25,781	127738
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$32,533	\$33,268	127739
DOCTORAL 1	\$42,441	\$43,400	127740
DOCTORAL 2	\$47,921	\$49,004	127741
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$9,847	\$10,069	127742
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$13,083	\$13,379	127743
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$14,907	\$15,244	127744
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$17,170	\$17,559	127745
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$22,100	\$22,599	127746
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$19,761	\$20,208	127747
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$25,477	\$26,052	127748

SCIENCE, TECHNOLOGY, \$40,349 \$41,261 127749
ENGINEERING, MATHEMATICS,
MEDICINE 8

SCIENCE, TECHNOLOGY, \$54,127 \$55,350 127750
ENGINEERING, MATHEMATICS,
MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 127751
accordance with division (D)(2) of this section. 127752

Medical I and Medical II models shall be allocated in 127753
accordance with divisions (D)(3) and (D)(4) of this section. 127754

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 127755
AND GRADUATE WEIGHTS 127756

For the purpose of implementing the recommendations of the 127757
2006 State Share of Instruction Consultation and the Higher 127758
Education Funding Study Council that priority be given to 127759
maintaining state support for science, technology, engineering, 127760
mathematics, medicine, and graduate programs, the costs in 127761
division (B) of this section shall be weighted by the amounts 127762
provided below: 127763

Model	Fiscal Year 2024	Fiscal Year 2025	
ARTS AND HUMANITIES 1	1.0000	1.0000	127764
ARTS AND HUMANITIES 2	1.0000	1.0000	127765
ARTS AND HUMANITIES 3	1.0000	1.0000	127766
ARTS AND HUMANITIES 4	1.0000	1.0000	127767
ARTS AND HUMANITIES 5	1.0425	1.0425	127768
ARTS AND HUMANITIES 6	1.0425	1.0425	127769
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	127770
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	127771
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	127772
			127773

BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	127774
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	127775
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	127776
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	127777
DOCTORAL 1	1.0000	1.0000	127778
DOCTORAL 2	1.0000	1.0000	127779
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	127780
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	127781
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	127782
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	127783
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	127784
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	127785
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	127786
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.5675	1.5675	127787

MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	127788
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			127789
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			127790
(1) Of the foregoing appropriation item 235501, State Share			127791
of Instruction, 50 per cent of the appropriation for universities,			127792
as established in division (A)(2) of the section of this act			127793
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND			127794
2025," in each fiscal year shall be reserved for support of			127795
associate, baccalaureate, master's, and professional level degree			127796
attainment.			127797
The degree attainment funding shall be allocated to			127798
universities in proportion to each campus's share of the total			127799
statewide degrees granted, weighted by the cost of the degree			127800
programs. The degree cost calculations shall include the model			127801
cost weights for the science, technology, engineering,			127802
mathematics, and medicine models as established in division (C) of			127803
this section.			127804
For degrees including credits earned at multiple			127805
institutions, degree attainment funding shall be allocated to			127806
universities in proportion to each campus's share of the			127807
student-specific cost of earned credits for the degree. Each			127808
institution shall receive its prorated share of degree funding for			127809
credits earned at that institution. Cost of credits not earned at			127810
a university main or regional campus shall be credited to the			127811
degree-granting institution for the first degree earned by a			127812
student at each degree level. The cost credited to the			127813
degree-granting institution shall not be eligible for at-risk			127814
weights and shall be limited to 12.5 per cent of the			127815
student-specific degree costs. However, the 12.5 per cent			127816

limitation shall not apply if the student transferred 12 or fewer 127817
credits into the degree granting institution. 127818

In calculating the subsidy entitlements for degree attainment 127819
for universities, the Chancellor shall use the following count of 127820
degrees and degree costs: 127821

(a) The subsidy eligible undergraduate degrees shall be 127822
defined as follows: 127823

(i) The subsidy eligible degrees conferred to students 127824
identified as residents of the state of Ohio in any term of their 127825
studies, as reported through the Higher Education Information 127826
(HEI) system student enrollment file, shall be weighted by a 127827
factor of 1. 127828

(ii) The subsidy eligible degrees conferred to students 127829
identified as out-of-state residents during all terms of their 127830
studies, as reported through the Higher Education Information 127831
(HEI) system student enrollment file, who remain in the state of 127832
Ohio at least one year after graduation, as calculated based on 127833
the three-year average in-state residency rate using the 127834
Unemployment Wage data for out-of-state graduates at each 127835
institution, shall be weighted by a factor of 50 per cent. 127836

(iii) Subsidy eligible associate degrees are defined as those 127837
earned by students attending any state-supported university main 127838
or regional campus. 127839

(b) In calculating each campus's count of degrees, the 127840
Chancellor shall use the three-year average associate, 127841
baccalaureate, master's, and professional degrees awarded for the 127842
most recent completed three-year period that is practicable as 127843
agreed to by the Inter-University Council and the Chancellor. 127844

(i) If a student is awarded an associate degree and, 127845
subsequently, is awarded a baccalaureate degree, the amount funded 127846
for the baccalaureate degree shall be limited to either the 127847

difference in cost between the cost of the baccalaureate degree 127848
and the cost of the associate degree paid previously, or if the 127849
associate degree has a higher cost than the baccalaureate degree, 127850
the cost of the credits earned by the student after the associate 127851
degree was awarded. 127852

(ii) If a student earns an associate degree then, 127853
subsequently, earns a baccalaureate degree, the associate degree 127854
granting institution shall only receive the prorated share of the 127855
baccalaureate degree funding for the credits earned at that 127856
institution after the associate degree is awarded. 127857

(iii) If a student earns more than one degree at the same 127858
institution at the same degree level in the same fiscal year, the 127859
funding for the highest cost degree shall be prorated among 127860
institutions based on where the credits were earned and additional 127861
degrees shall be funded at 25 per cent of the cost of the degrees. 127862

(c) Associate degrees and baccalaureate degrees earned by a 127863
student defined as at-risk based on academic under-preparation, 127864
age, minority status, financial status, or first generation 127865
post-secondary status based on neither parent completing any 127866
education beyond high school, shall be defined as degrees earned 127867
by an at-risk student and shall be weighted by the following: 127868

A student-specific degree completion weight, where the weight 127869
is calculated based on the at-risk factors of the individual 127870
student, determined by calculating the difference between the 127871
percentage of students with each risk factor who earned a degree 127872
and the percentage of non-at-risk students who earned a degree. 127873

(2) Of the foregoing appropriation item 235501, State Share 127874
of Instruction, up to 11.78 per cent of the appropriation for 127875
universities, as established in division (A)(2) of the section of 127876
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127877
2024 AND 2025," in each fiscal year shall be reserved for support 127878

of doctoral programs to implement the funding recommendations made 127879
by representatives of the universities. The amount so reserved 127880
shall be referred to as the doctoral set-aside. 127881

In each fiscal year, the doctoral set-aside funding 127882
allocation shall be allocated to universities as follows: 127883

(a) 25 per cent of the doctoral set-aside shall be allocated 127884
to universities in proportion to their share of the statewide 127885
total earnings of each state institution's three-year average 127886
course completions. The subsidy eligible enrollments by model 127887
shall equal only those FTE students who successfully complete the 127888
course as defined and reported through the Higher Education 127889
Information (HEI) system course enrollment file. Course completion 127890
earnings shall be determined by multiplying the amounts listed 127891
above in divisions (B) and (C) of this section by the 127892
subsidy-eligible FTEs for the most recent completed three-year 127893
period that is practicable as agreed to by the Inter-University 127894
Council and the Chancellor for all doctoral enrollments in 127895
graduate-level models. 127896

(b) 50 per cent of the doctoral set-aside shall be allocated 127897
to universities in proportion to each campus's share of the total 127898
statewide doctoral degrees, weighted by the cost of the doctoral 127899
discipline. In calculating each campus's doctoral degrees the 127900
Chancellor shall use the three-year average doctoral degrees 127901
awarded for the most recent completed three-year period that is 127902
practicable as agreed to by the Inter-University Council and the 127903
Chancellor. 127904

(c) 25 per cent of the doctoral set-aside shall be allocated 127905
to universities in proportion to their share of research grant 127906
activity. Funding for this component shall be allocated to 127907
eligible universities in proportion to their share of research 127908
grant activity published by the National Science Foundation. Grant 127909
awards from the Department of Health and Human Services shall be 127910

weighted at 50 per cent. 127911

(3) Of the foregoing appropriation item 235501, State Share 127912
of Instruction, 6.41 per cent of the appropriation for 127913
universities, as established in division (A)(2) of the section of 127914
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127915
2024 AND 2025," in each fiscal year shall be reserved for support 127916
of Medical II FTEs. The amount so reserved shall be referred to as 127917
the medical II set-aside. 127918

The medical II set-aside shall be allocated to universities 127919
in proportion to their share of the statewide total of each state 127920
institution's three-year average Medical II FTEs as calculated in 127921
division (A) of this section. 127922

In calculating the core subsidy entitlements for Medical II 127923
models only, students repeating terms may be no more than five per 127924
cent of current year enrollment. 127925

(4) Of the foregoing appropriation item 235501, State Share 127926
of Instruction, 1.48 per cent of the appropriation for 127927
universities, as established in division (A)(2) of the section of 127928
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127929
2024 AND 2025," in each fiscal year shall be reserved for support 127930
of Medical I FTEs. The amount so reserved shall be referred to as 127931
the medical I set-aside. 127932

The medical I set-aside shall be allocated to universities in 127933
proportion to their share of the statewide total of each state 127934
institution's three-year average Medical I FTEs as calculated in 127935
division (A) of this section. 127936

(5) In calculating the course completion funding for 127937
universities, the Chancellor shall use the following count of FTE 127938
students: 127939

(a) The subsidy eligible enrollments by model shall equal 127940
only those FTE students who successfully complete the course as 127941

defined and reported through the Higher Education Information 127942
(HEI) system course enrollment file; 127943

(b) Those undergraduate FTE students with successful course 127944
completions, identified in division (D)(5)(a) of this section, 127945
that are defined as at-risk based on academic under-preparation or 127946
financial status shall have their eligible completions weighted by 127947
the following: 127948

(i) Institution-specific course completion indexes, where the 127949
indexes are calculated based upon the number of at-risk students 127950
enrolled during the prior three calendar years; and 127951

(ii) A statewide average at-risk course completion weight 127952
determined for each subsidy model. The statewide average at-risk 127953
course completion weight shall be determined by calculating the 127954
difference between the percentage of traditional students who 127955
complete a course and the percentage of at-risk students who 127956
complete the same course. 127957

(c) The course completion earnings shall be determined by 127958
multiplying the amounts listed above in divisions (B) and (C) of 127959
this section by the subsidy-eligible FTEs for the most recent 127960
completed three-year period that is practicable as agreed to by 127961
the Inter-University Council and the Chancellor for all models 127962
except Medical I and Medical II. 127963

(d) For universities, the Chancellor shall compute the course 127964
completion earnings by dividing the appropriation for 127965
universities, established in division (A)(2) of the section of 127966
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127967
2024 AND 2025," less the degree attainment funding as calculated 127968
in division (D)(1) of this section, less the doctoral set-aside, 127969
less the medical I set-aside, and less the medical II set-aside, 127970
by the sum of all campuses' instructional costs as calculated in 127971
division (D)(5) of this section. 127972

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA	127973
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES	127974
(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.	127975 127976 127977 127978 127979 127980 127981 127982
The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.	127983 127984 127985 127986
To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:	127987 127988 127989
(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three-year period ending in the prior year for students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.	127990 127991 127992 127993 127994 127995
(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.	127996 127997 127998 127999
(c) Those students with successful course completions, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight.	128000 128001 128002 128003

The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each subsidy-eligible student that successfully:

(a) Completes a college-level math course within the first 30 hours of completed coursework.

(b) Completes a college-level English course within the first 30 hours of completed coursework.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the

section of this act entitled "STATE SHARE OF INSTRUCTION FOR 128034
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 128035
for completion milestones. 128036

Completion milestones shall include baccalaureate degrees, 128037
associate degrees, technical certificates over 30 credit hours as 128038
designated by the Department of Higher Education, and students 128039
transferring to any four-year institution with at least 12 credit 128040
hours of college-level coursework earned at that community 128041
college, state community college, or technical college. 128042

The completion milestone funding shall be allocated to 128043
colleges in proportion to each institution's share of the sector's 128044
total completion milestones, weighted by the instructional cost of 128045
the degree, certificate, or transfer models. Costs for technical 128046
certificates over 30 hours shall be weighted at one-half of the 128047
associate degree model costs and transfers with at least 12 credit 128048
hours of college-level coursework shall be weighted at one-fourth 128049
of the average cost for all associate degree model costs. 128050

(4) To calculate the subsidy entitlements for completions at 128051
community colleges, state community colleges, and technical 128052
colleges, the Chancellor shall use the following calculations: 128053

(a) In calculating each campus's count of completions, the 128054
Chancellor shall use a three-year average for completion 128055
milestones awarded to students identified as subsidy eligible in 128056
any term of their studies, as reported through the Higher 128057
Education Information (HEI) system student enrollment file. 128058

(b) The subsidy eligible completion milestones by model shall 128059
equal only those students who successfully complete a 128060
baccalaureate or an associate degree, or technical certificate 128061
over 30 credit hours, or transfer to any four-year institution 128062
with at least 12 credit hours of college-level coursework as 128063
defined and reported in the Higher Education Information (HEI) 128064

system. Student completions reported in HEI shall have an 128065
accompanying course enrollment record in order to be subsidy 128066
eligible. 128067

(c) Those students with successful completions for 128068
baccalaureate or associate degrees, technical certificates over 30 128069
credit hours, or transfer to any four-year institution with at 128070
least 12 credit hours of college-level coursework, identified in 128071
division (E)(3) of this section, that are defined as access 128072
students based on financial status, minority status, age, or 128073
academic under-preparation shall have their eligible completions 128074
weighted by a statewide access weight. The weight shall be 25 per 128075
cent for students with one access factor, 66 per cent for students 128076
with two access factors, 150 per cent for students with three 128077
access factors, and 200 per cent for students with four access 128078
factors. 128079

(d) For those students who complete more than one completion 128080
milestone, funding for each additional degree or technical 128081
certificate over 30 credit hours designated as such by the 128082
Department of Higher Education shall be funded at 50 per cent of 128083
the model costs as defined in division (E)(3) of this section. 128084

(5) For purposes of the calculations made in division (E) of 128085
this section, the Chancellor shall only include subsidy-eligible 128086
students identified as residents of the state of Ohio in any term 128087
of their studies, as reported through the Higher Education 128088
Information (HEI) system student enrollment file. The Chancellor 128089
shall be prohibited from including nonresident students as 128090
subsidy-eligible except for those students otherwise identified as 128091
subsidy-eligible in division (A)(2) of this section. 128092

(F) CAPITAL COMPONENT DEDUCTION 128093

After all other adjustments have been made, state share of 128094
instruction earnings shall be reduced for each campus by the 128095

amount, if any, by which debt service charged in H.B. 16 of the 128096
126th General Assembly, H.B. 699 of the 126th General Assembly, 128097
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 128098
General Assembly for that campus exceeds that campus's capital 128099
component earnings. The sum of the amounts deducted shall be 128100
transferred to appropriation item 235552, Capital Component, in 128101
each fiscal year. 128102

(G) EXCEPTIONAL CIRCUMSTANCES 128103

Adjustments may be made to the state share of instruction 128104
payments and other subsidies distributed by the Chancellor to 128105
state colleges and universities for exceptional circumstances. No 128106
adjustments for exceptional circumstances may be made without the 128107
recommendation of the Chancellor and the approval of the 128108
Controlling Board. 128109

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 128110
INSTRUCTION 128111

The standard provisions of the state share of instruction 128112
calculation as described in the preceding sections of temporary 128113
law shall apply to any reductions made to appropriation item 128114
235501, State Share of Instruction, before the Chancellor has 128115
formally approved the final allocation of the state share of 128116
instruction funds for any fiscal year. 128117

Any reductions made to appropriation item 235501, State Share 128118
of Instruction, after the Chancellor has formally approved the 128119
final allocation of the state share of instruction funds for any 128120
fiscal year, shall be uniformly applied to each campus in 128121
proportion to its share of the final allocation. 128122

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 128123

The state share of instruction payments to the institutions 128124
shall be in substantially equal monthly amounts during the fiscal 128125
year, unless otherwise determined by the Director of Budget and 128126

Management pursuant to section 126.09 of the Revised Code. 128127
Payments during the first six months of the fiscal year may be 128128
based upon the state share of instruction appropriation estimates 128129
made for the various institutions of higher education, and 128130
payments during the last six months of the fiscal year may be 128131
based on the final data from the Chancellor. If agreed to by the 128132
Chancellor and the Inter-University Council, payments to 128133
universities in each month of a fiscal year shall be based on 128134
final data in the higher education information system for the 128135
selected three-year period that is acceptable to both parties. 128136

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 128137
2024 AND 2025 128138

(A) The foregoing appropriation item 235501, State Share of 128139
Instruction, shall be distributed according to the section of this 128140
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 128141

(1) Of the foregoing appropriation item 235501, State Share 128142
of Instruction, \$492,355,892 in fiscal year 2024 and \$507,140,399 128143
in fiscal year 2025 shall be distributed to state-supported 128144
community colleges, state community colleges, and technical 128145
colleges. 128146

(2) Of the foregoing appropriation item 235501, State Share 128147
of Instruction, \$1,643,678,352 in fiscal year 2024 and 128148
\$1,693,034,872 in fiscal year 2025 shall be distributed to 128149
state-supported university main and regional campuses. 128150

(B) Any increases in the amount distributed to an institution 128151
from appropriation item 235501, State Share of Instruction, above 128152
the prior year may be used by the institution to provide 128153
need-based aid and to provide counseling, support services, and 128154
workforce preparation services to students. 128155

TRANSFER TO OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 128156

AGENCY 128157

Notwithstanding any provision of law to the contrary, upon 128158
the request of the Chancellor of Higher Education, the Director of 128159
Budget and Management may transfer \$2,000,000 in appropriations in 128160
each fiscal year from appropriation item 235501, State Share of 128161
Instruction, to the Opportunities for Ohioans with Disabilities 128162
Agency for the College2Careers Program. Amounts transferred are 128163
hereby appropriated. 128164

Section 381.260. RESTRICTION ON FEE INCREASES 128165

(A) In fiscal years 2024 and 2025, the boards of trustees of 128166
state institutions of higher education shall restrain increases in 128167
in-state undergraduate instructional and general fees. 128168

(1) For the 2023-2024 and 2024-2025 academic years, all of 128169
the following shall apply: 128170

(a) Each state university or college, as defined in section 128171
3345.12 of the Revised Code, and university regional campus shall 128172
not increase its in-state undergraduate instructional and general 128173
fees over what the institution charged for the previous academic 128174
year. 128175

(b) Each community college established under Chapter 3354., 128176
state community college established under Chapter 3358., or 128177
technical college established under Chapter 3357. of the Revised 128178
Code may increase its in-state undergraduate instructional and 128179
general fees by not more than five dollars per credit hour over 128180
what the institution charged for the previous academic year. 128181

(c) For state institutions of higher education, as defined in 128182
section 3345.011 of the Revised Code, increases for all other 128183
special fees, including the creation of new special fees, shall be 128184
subject to the approval of the Chancellor of Higher Education. 128185

(2) The limitations under division (A)(1) of this section do 128186

not apply to student health insurance, fees for auxiliary goods or 128187
services provided to students at the cost incurred to the 128188
institution, fees assessed to students as a pass-through for 128189
licensure and certification examinations, fees in elective courses 128190
associated with travel experiences, elective service charges, 128191
fines, and voluntary sales transactions. 128192

(B) The limitations under this section shall not apply to 128193
increases required to comply with institutional covenants related 128194
to their obligations or to meet unfunded legal mandates or legally 128195
binding obligations incurred or commitments made prior to the 128196
effective date of this section with respect to which the 128197
institution had identified such fee increases as the source of 128198
funds. Any increase required by such covenants and any such 128199
mandates, obligations, or commitments shall be reported by the 128200
Chancellor to the Controlling Board. These limitations may also be 128201
modified by the Chancellor, with the approval of the Controlling 128202
Board, to respond to exceptional circumstances as identified by 128203
the Chancellor. 128204

(C) Institutions offering an undergraduate tuition guarantee 128205
pursuant to section 3345.48 of the Revised Code may increase 128206
instructional and general fees pursuant to that section. 128207

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 128208

(A) Funds appropriated for instructional subsidies at 128209
colleges and universities may be used to provide such branch or 128210
other off-campus undergraduate courses of study and such master's 128211
degree courses of study as may be approved by the Chancellor of 128212
Higher Education. 128213

(B) In providing instructional and other services to 128214
students, boards of trustees of state institutions of higher 128215
education shall supplement state subsidies with income from 128216
charges to students. Except as otherwise provided in this act, 128217

each board shall establish the fees to be charged to all students, 128218
including an instructional fee for educational and associated 128219
operational support of the institution and a general fee for 128220
noninstructional services, including locally financed student 128221
services facilities used for the benefit of enrolled students. The 128222
instructional fee and the general fee shall encompass all charges 128223
for services assessed uniformly to all enrolled students. Each 128224
board may also establish special purpose fees, service charges, 128225
and fines as required; such special purpose fees and service 128226
charges shall be for services or benefits furnished individual 128227
students or specific categories of students and shall not be 128228
applied uniformly to all enrolled students. A tuition surcharge 128229
shall be paid by all students who are not residents of Ohio. 128230

The board of trustees of a state institution of higher 128231
education shall not authorize a waiver or nonpayment of 128232
instructional fees or general fees for any particular student or 128233
any class of students other than waivers specifically authorized 128234
by law or approved by the Chancellor. This prohibition is not 128235
intended to limit the authority of boards of trustees to provide 128236
for payments to students for services rendered the institution, 128237
nor to prohibit the budgeting of income for staff benefits or for 128238
student assistance in the form of payment of such instructional 128239
and general fees. 128240

Each board may authorize a lower differential tuition rate of 128241
instructional or general fees equal to the default rate options 128242
provided under the College Credit Plus Program pursuant to Chapter 128243
3365. of the Revised Code or equal to rates established pursuant 128244
to an agreement for an alternative payment structure pursuant to 128245
section 3365.07 of the Revised Code for nonpublic and home 128246
schooled students participating in that program that are not 128247
publicly funded. Each board may establish a lower differential 128248
tuition rate for in-state undergraduate instructional fees or 128249

general fees for students enrolled exclusively in online courses, 128250
as well as a lower differential tuition rate for the surcharge for 128251
nonresidents enrolled exclusively in online courses, provided a 128252
surcharge is still assessed. 128253

Each state institution of higher education in its statement 128254
of charges to students shall separately identify the instructional 128255
fee, the general fee, the tuition charge, and the tuition 128256
surcharge. Fee charges to students for instruction shall not be 128257
considered to be a price of service but shall be considered to be 128258
an integral part of the state government financing program in 128259
support of higher educational opportunity for students. 128260

(C) The boards of trustees of state institutions of higher 128261
education shall ensure that faculty members devote a proper and 128262
judicious part of their work week to the actual instruction of 128263
students. Total class credit hours of production per academic term 128264
per full-time faculty member is expected to meet the standards set 128265
forth in the budget data submitted by the Chancellor. 128266

(D) The authority of government vested by law in the boards 128267
of trustees of state institutions of higher education shall in 128268
fact be exercised by those boards. Boards of trustees may consult 128269
extensively with appropriate student and faculty groups. 128270
Administrative decisions about the utilization of available 128271
resources, about organizational structure, about disciplinary 128272
procedure, about the operation and staffing of all auxiliary 128273
facilities, and about administrative personnel shall be the 128274
exclusive prerogative of boards of trustees. Any delegation of 128275
authority by a board of trustees in other areas of responsibility 128276
shall be accompanied by appropriate standards of guidance 128277
concerning expected objectives in the exercise of such delegated 128278
authority and shall be accompanied by periodic review of the 128279
exercise of this delegated authority to the end that the public 128280
interest, in contrast to any institutional or special interest, 128281

shall be served. 128282

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED VETERANS ' 128283
CHILDREN SCHOLARSHIPS 128284

The foregoing appropriation item 235504, War Orphans and 128285
Severely Disabled Veterans' Children Scholarships, shall be used 128286
to reimburse state institutions of higher education for waivers of 128287
instructional fees and general fees provided by them, to provide 128288
grants to institutions that have received a certificate of 128289
authorization from the Chancellor of Higher Education under 128290
Chapter 1713. of the Revised Code, in accordance with the 128291
provisions of section 5910.04 of the Revised Code, and to fund 128292
additional scholarship benefits provided by section 5910.032 of 128293
the Revised Code. 128294

During each fiscal year, the Chancellor, as soon as possible 128295
after cancellation, may certify to the Director of Budget and 128296
Management the amount of canceled prior-year encumbrances in 128297
appropriation item 235504, War Orphans and Severely Disabled 128298
Veterans' Children Scholarships. Upon receipt of the 128299
certification, the Director of Budget and Management may transfer 128300
cash, up to the certified amount, from the General Revenue Fund to 128301
the War Orphans and Severely Disabled Veterans' Children 128302
Scholarship Reserve Fund (Fund 5PW0). 128303

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION 128304

By the first day of September in each fiscal year, or as soon 128305
as possible thereafter, the Chancellor of Higher Education shall 128306
certify to the Director of Budget and Management the amount 128307
necessary to pay any outstanding prior-year obligations to higher 128308
education institutions under the State Share of Instruction 128309
formulas, as determined by the Chancellor. Notwithstanding any 128310
provisions of law to the contrary, the Director of Budget and 128311

Management, upon the request of the Chancellor, may transfer cash 128312
in an amount up to the amounts certified for State Share of 128313
Instruction reconciliation from the State Financial Aid 128314
Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The 128315
amounts certified for State Share of Instruction reconciliation 128316
are hereby appropriated to appropriation item 235505, State Share 128317
of Instruction Reconciliation. 128318

Section 381.300. OHIOLINK 128319

The foregoing appropriation item 235507, OhioLINK, shall be 128320
used by the Chancellor of Higher Education to support OhioLINK, a 128321
consortium organized under division (T) of section 3333.04 of the 128322
Revised Code to serve as the state's electronic library 128323
information and retrieval system, which provides access statewide 128324
to an extensive set of electronic databases and resources, the 128325
library holdings of Ohio's public and participating private 128326
nonprofit colleges and universities, and the State Library of 128327
Ohio. 128328

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 128329

(A) Of the foregoing appropriation item 235508, Air Force 128330
Institute of Technology, \$75,000 in each fiscal year shall be 128331
allocated to the Aerospace Professional Development Center in 128332
Dayton for statewide workforce development services in the 128333
aerospace industry. 128334

(B) The remainder of the foregoing appropriation item 235508, 128335
Air Force Institute of Technology, shall be used to do both of the 128336
following: 128337

(1) Strengthen the research and educational linkages between 128338
the Wright Patterson Air Force Base and institutions of higher 128339
education in Ohio; and 128340

(2) Support the Defense Associated Graduate Student 128341

Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 381.320. OHIO SUPERCOMPUTER CENTER 128346

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 128360

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.340. CENTRAL STATE SUPPLEMENT 128366

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment,

improving course completion, and increasing the number of degrees conferred. 128371
128372

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 128373
128374

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 128375
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Section 381.360. FAMILY PRACTICE 128382

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 128383
128384
128385
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Section 381.370. SHAWNEE STATE SUPPLEMENT 128387

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 128388
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Section 381.380. GERIATRIC MEDICINE 128394

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines. 128395
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128397

Section 381.390. PRIMARY CARE RESIDENCIES 128398

The foregoing appropriation item 235526, Primary Care 128399
Residencies, shall be distributed in each fiscal year, based on 128400
each medical school's share of residents placed in a primary care 128401
field and graduates practicing in a primary care field. 128402

Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP 128403

(A) The foregoing appropriation item 235530, Governor's Merit 128404
Scholarship, shall be used by the Chancellor of Higher Education 128405
to award merit-based aid to qualifying institutions on behalf of 128406
eligible students. Funds awarded under this section shall be used 128407
in a manner consistent with the goal of allowing high-achieving 128408
high school graduates to remain in Ohio to pursue their 128409
post-secondary studies and contribute to Ohio's expanding economic 128410
opportunities. 128411

(B) In awarding funds under this section, and to the extent 128412
that funds are sufficient to do so, the Chancellor shall provide 128413
per-student awards of \$5,000 per academic year to eligible 128414
students determined to be in the top five per cent of their public 128415
or chartered nonpublic high school graduating class, as determined 128416
by the Chancellor in consultation with the Superintendent of 128417
Public Instruction. Eligible students shall receive an award for 128418
up to the equivalent of four academic years of instruction at a 128419
qualifying institution, contingent on satisfactory academic 128420
progress. 128421

(C) The Chancellor, in consultation with the Superintendent, 128422
shall determine eligibility for graduating high school students 128423
who were home schooled to provide a level of access to the program 128424
described in this section that is reasonably commensurate with the 128425
merit-based criteria used to determine eligibility for students 128426
graduating from a public or chartered nonpublic high school. 128427

(D) The Governor's Merit Scholarship shall be used to pay 128428
eligible expenses, as determined by the Chancellor, included 128429
within the published cost of attendance at a qualifying 128430
institution. 128431

(E) A qualifying institution shall not make changes to 128432
scholarship or financial aid programs offered by that institution 128433
that have the goal or net effect of shifting the cost burden of 128434
those programs to the program described in this section. 128435
Institutions of higher education that enroll students receiving 128436
merit-based financial aid grants under this section shall maintain 128437
the same level of merit-based financial aid the institution 128438
provided in the most recent academic year in the aggregate to all 128439
students or on a per-student basis. 128440

(F) Notwithstanding any provision of law to the contrary, the 128441
Chancellor may establish guidelines for the purpose of 128442
implementing this section. 128443

(G) As used in this section: 128444

(1) "Qualifying institution" means any of the following: 128445

(a) A state institution of higher education, as defined in 128446
section 3345.011 of the Revised Code; 128447

(b) A private nonprofit institution of higher education 128448
holding a certificate of authorization under Chapter 1713. of the 128449
Revised Code. 128450

Section 381.410. PROGRAM AND PROJECT SUPPORT 128451

The foregoing appropriation item 235533, Program and Project 128452
Support, shall be used to support the Ohio Aerospace Institute's 128453
Space Grant Consortium. 128454

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 128455

The foregoing appropriation item 235535, Ohio State 128456

Agricultural Research, shall be disbursed through the Chancellor 128457
of Higher Education to The Ohio State University in monthly 128458
payments, unless otherwise determined by the Director of Budget 128459
and Management under section 126.09 of the Revised Code. 128460

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 128461

The foregoing appropriation items 235536, The Ohio State 128462
University Clinical Teaching; 235537, University of Cincinnati 128463
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 128464
235539, Wright State University Clinical Teaching; 235540, Ohio 128465
University Clinical Teaching; and 235541, Northeast Ohio Medical 128466
University Clinical Teaching, shall be distributed through the 128467
Chancellor of Higher Education. 128468

Of the foregoing appropriation item 235537, University of 128469
Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall 128470
be provided to People Working Cooperatively for the Safe and 128471
Healthy at Home Initiative. The funds shall be used to make 128472
critical home modifications and emergency repairs for low-income 128473
and elderly homeowners and for health care and housing 128474
partnerships to address chronic housing related health care 128475
issues. 128476

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 128477
DEVELOPMENT 128478

The foregoing appropriation item 235546, Central State 128479
Agricultural Research and Development, shall be used in 128480
conjunction with appropriation item 235548, Central State 128481
Cooperative Extension Services, by Central State University for 128482
its state match requirement as an 1890 land grant university. 128483

Section 381.450. CAPITAL COMPONENT 128484

The foregoing appropriation item 235552, Capital Component, 128485

shall be used by the Chancellor of Higher Education to provide 128486
funding for prior commitments made pursuant to the state's former 128487
capital funding policy for state colleges and universities that 128488
was originally established in H.B. 748 of the 121st General 128489
Assembly. Appropriations from this item shall be distributed to 128490
all campuses for which the estimated campus debt service 128491
attributable to qualifying capital projects was less than the 128492
campus's formula-determined capital component allocation. Campus 128493
allocations shall be determined by subtracting the estimated 128494
campus debt service attributable to qualifying capital projects 128495
from the campus's formula-determined capital component allocation. 128496
Moneys distributed from this appropriation item shall be 128497
restricted to capital-related purposes. 128498

Any campus for which the estimated campus debt service 128499
attributable to qualifying capital projects is greater than the 128500
campus's formula-determined capital component allocation shall 128501
have the difference subtracted from its State Share of Instruction 128502
allocation in each fiscal year. Appropriation equal to the sum of 128503
all such amounts shall be transferred from appropriation item 128504
235501, State Share of Instruction, to appropriation item 235552, 128505
Capital Component. 128506

Section 381.460. LIBRARY DEPOSITORIES 128507

The foregoing appropriation item 235555, Library 128508
Depositories, shall be distributed to the state's five regional 128509
depository libraries for the cost-effective storage of and access 128510
to lesser-used materials in university library collections. The 128511
depositories shall be administrated by the Chancellor of Higher 128512
Education, or by OhioLINK at the discretion of the Chancellor. 128513

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 128514

The foregoing appropriation item 235556, Ohio Academic 128515

Resources Network, shall be used by the Chancellor of Higher 128516
Education to support the operations of the Ohio Academic Resources 128517
Network, a consortium organized under division (T) of section 128518
3333.04 of the Revised Code, which shall include support for 128519
Ohio's colleges and universities in maintaining and enhancing 128520
network connections, using new network technologies to improve 128521
research, education, and economic development programs, and 128522
sharing information technology services. To the extent network 128523
capacity is available, OARnet shall support allocating bandwidth 128524
to eligible programs directly supporting Ohio's economic 128525
development. 128526

Section 381.480. LONG-TERM CARE RESEARCH 128527

The foregoing appropriation item 235558, Long-term Care 128528
Research, shall be disbursed to Miami University for long-term 128529
care research. 128530

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT 128531

(A)(1) As used in this section: 128532

(a) "Eligible institution" means any institution described in 128533
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 128534
Code. 128535

(b) The three "sectors" of institutions of higher education 128536
consist of the following: 128537

(i) A main campus at a state university, as defined in 128538
section 3345.011 of the Revised Code; 128539

(ii) Eligible private nonprofit institutions of higher 128540
education; 128541

(iii) Eligible private for-profit career colleges and 128542
schools. 128543

(2)(a) Awards under section 3333.122 of the Revised Code for 128544

students first attending an eligible institution prior to the 128545
2023-2024 academic year shall be as follows for fiscal years 2024 128546
and 2025: 128547

(i) \$2,700 per student at a state institution of higher 128548
education; 128549

(ii) \$4,200 per student at an eligible nonprofit institution 128550
of higher education; and 128551

(iii) \$1,600 per student at a private for-profit career 128552
college or school. 128553

(b) Awards under section 3333.122 of the Revised Code for 128554
students with an expected family contribution of ten thousand 128555
dollars or less who are first attending an eligible institution in 128556
the 2023-2024 academic year shall be as follows for fiscal years 128557
2024 and 2025: 128558

(i) \$4,000 per student at a main campus of a state 128559
university; 128560

(ii) \$5,000 per student at an eligible nonprofit institution 128561
of higher education; and 128562

(iii) \$1,600 per student at a private for-profit career 128563
college or school. 128564

(c) For students attending an eligible institution 128565
year-round, awards may be distributed on an annual basis. 128566

(3) If the Chancellor determines that the amounts 128567
appropriated for support of the Ohio College Opportunity Grant 128568
program are inadequate to provide grants to all eligible students 128569
as specified under division (D) of section 3333.122 of the Revised 128570
Code, the Chancellor may follow methods established in division 128571
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the 128572
Chancellor determines that reductions in award amounts are 128573
necessary, the Chancellor shall reduce the award amounts 128574

proportionally among the sectors of institutions specified in 128575
division (A)(1) of this section in a manner determined by the 128576
Chancellor. The Chancellor shall notify the Controlling Board of 128577
the distribution method. Any formula calculated under this 128578
division shall be complete and established to coincide with the 128579
start of each academic year. 128580

(B) Prior to determining the amount of funds available to 128581
award under this section and section 3333.122 of the Revised Code, 128582
the Chancellor shall use the foregoing appropriation item 235563, 128583
Ohio College Opportunity Grant, to pay for waivers of tuition and 128584
student fees for eligible students under the Ohio Safety Officer's 128585
College Memorial Fund Program under section 3333.26 of the Revised 128586
Code. 128587

In each fiscal year, with the exception of sections 3333.121 128588
and 3333.124 of the Revised Code and the section of this act 128589
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 128590
shall not distribute or obligate or commit to be distributed an 128591
amount greater than what is appropriated under the foregoing 128592
appropriation item 235563, Ohio College Opportunity Grant. 128593

(C) The Chancellor shall establish, and post on the 128594
Department of Higher Education's web site, award tables based on 128595
the amounts specified under division (A) of this section. The 128596
Chancellor shall notify students and institutions of any 128597
reductions in awards. 128598

(D) Notwithstanding section 3333.122 of the Revised Code, no 128599
student shall be eligible to receive an Ohio College Opportunity 128600
Grant for more than ten semesters, fifteen quarters, or the 128601
equivalent of five academic years, less the number of semesters or 128602
quarters in which the student received an Ohio Instructional 128603
Grant. 128604

(E) During each fiscal year, the Chancellor, as soon as 128605

possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

Section 381.520. FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development

and technology commercialization programs, and better position the 128635
state's university system to directly impact new job creation in 128636
Ohio. A portion of the foregoing appropriation item 235578, 128637
Federal Research Network, shall be used to support the growth of 128638
small business federal contractors in the state and to expand the 128639
participation of Ohio businesses in the federal Small Business 128640
Innovation Research Program and related federal programs. 128641

Section 381.530. CO-OP INTERNSHIP PROGRAM 128642

The foregoing appropriation item 235591, Co-Op Internship 128643
Program, \$165,000 in each fiscal year shall be used to support the 128644
operations of Ohio University's Voinovich School. 128645

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM 128646

The foregoing appropriation item 235595, Commercial Truck 128647
Driver Student Aid Program, shall be used by the Chancellor of 128648
Higher Education to administer and provide grants and loans under 128649
the Commercial Truck Driver Student Aid Program established in 128650
section 3333.125 of the Revised Code. 128651

Section 381.550. RURAL UNIVERSITY PROGRAM 128652

The foregoing appropriation item 235598, Rural University 128653
Program, shall be used for the Rural University Program, a 128654
collaboration of Bowling Green State University, Kent State 128655
University, Miami University, and Ohio University that provides 128656
rural communities with economic development, public 128657
administration, and public health services. Each of the four 128658
participating universities shall receive \$103,000 in each fiscal 128659
year to support their respective programs. 128660

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 128661

The Chancellor of Higher Education shall disburse funds from 128662

appropriation item 235599, National Guard Scholarship Program. 128663
During each fiscal year, the Chancellor, as soon as possible after 128664
cancellation, may certify to the Director of Budget and Management 128665
the amount of canceled prior-year encumbrances in appropriation 128666
item 235599, National Guard Scholarship Program. Upon receipt of 128667
the certification, the Director of Budget and Management may 128668
transfer cash, up to the certified amount, from the General 128669
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 128670
5BM0). 128671

Section 381.570. PLEDGE OF FEES 128672

Any new pledge of fees, or new agreement for adjustment of 128673
fees, made in the biennium ending June 30, 2025, to secure bonds 128674
or notes of a state institution of higher education for a project 128675
for which bonds or notes were not outstanding on the effective 128676
date of this section, to secure a refund of prior debt that is 128677
anticipated to increase the total cost of retiring the original 128678
debt, or to extend the period in which that full debt is retired 128679
shall be effective only after approval by the Chancellor of Higher 128680
Education, unless approved in a previous biennium. 128681

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 128682
DEBT SERVICE 128683

The foregoing appropriation item 235909, Higher Education 128684
General Obligation Bond Debt Service, shall be used to pay all 128685
debt service and related financing costs during the period from 128686
July 1, 2023, through June 30, 2025, for obligations issued under 128687
sections 151.01 and 151.04 of the Revised Code. 128688

Section 381.590. SALES AND SERVICES 128689

The Chancellor of Higher Education is authorized to charge 128690
and accept payment for the provision of goods and services. Such 128691

charges shall be reasonably related to the cost of producing the 128692
goods and services. Except as otherwise provided by law, no 128693
charges may be levied for goods or services that are produced as 128694
part of the routine responsibilities or duties of the Chancellor. 128695
All revenues received by the Chancellor shall be deposited into 128696
Fund 4560 and may be used by the Chancellor to pay for the costs 128697
of producing the goods and services. 128698

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 128699
ADMINISTRATION 128700

The foregoing appropriation item 235602, Higher Educational 128701
Facility Commission Administration, shall be used by the 128702
Chancellor of Higher Education for operating expenses related to 128703
the Chancellor's support of the activities of the Ohio Higher 128704
Educational Facility Commission. Upon the request of the 128705
Chancellor, the Director of Budget and Management may transfer 128706
cash in an amount up to the amount appropriated from the foregoing 128707
appropriation item 235602, Higher Educational Facility Commission 128708
Administration, in each fiscal year from the HEFC Operating 128709
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 128710
4E80). 128711

Section 381.610. SUPER RAPIDS 128712

(A) The foregoing appropriation item 235687, Super RAPIDS, 128713
shall be used by the Governor's Office of Workforce Transformation 128714
and the Chancellor of Higher Education to support collaborative 128715
projects among qualifying institutions to strengthen education and 128716
training opportunities that maximize workforce development efforts 128717
in defined areas of the state. These funds shall be used to 128718
support efforts that build capacity, remove employment and 128719
training barriers for prospective and unemployed workers, develop 128720
and strengthen business-led strategies in the impacted industries, 128721

and provide local guided solutions to employment for communities 128722
in economic transition. Under the program, the Chancellor shall 128723
distribute funds to Ohio regions or subsets of regions, as defined 128724
by the Governor's Office of Workforce Transformation. 128725

(B) Of the foregoing appropriation item 235687, Super RAPIDS, 128726
a portion in each fiscal year may be used by the Governor's Office 128727
of Workforce Transformation to meet urgent workforce development 128728
and job creation needs throughout the state. 128729

(C) The Governor's Office of Workforce Transformation shall 128730
consult with the Department of Development, the Chancellor, and 128731
other stakeholders as determined to be appropriate, when defining 128732
regions and awarding funds under this section. 128733

(D) The Chancellor and the Governor's Office of Workforce 128734
Transformation shall develop and use a proposal and review process 128735
to award funds under the program. In reviewing proposals and 128736
making awards, priority shall be given to proposals that 128737
demonstrate all of the following: 128738

(1) Clear compliance with all applicable state and federal 128739
rules and regulations; 128740

(2) Collaboration between and among state institutions of 128741
higher education, as defined in section 3345.011 of the Revised 128742
Code, Ohio Technical Centers, and other education and 128743
workforce-related entities as determined to be appropriate by the 128744
Governor's Office of Workforce Transformation and the Department 128745
of Higher Education; 128746

(3) Evidence of meaningful business support and engagement; 128747

(4) Identification of targeted occupations and industries 128748
supported by data, which sources shall include the Governor's 128749
Office of Workforce Transformation, OhioMeansJobs, labor market 128750
information from the Department of Job and Family Services, and 128751
lists of in-demand occupations; 128752

(5) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region;	128753
and	128754
	128755
(6) Evidence of a strong commitment to invest in one or more of the following areas:	128756
	128757
(a) Broadband/5G;	128758
(b) Cybersecurity;	128759
(c) Healthcare;	128760
(d) Transportation;	128761
(e) Advanced manufacturing;	128762
(f) Trades.	128763
(E) As used in this section:	128764
(1) "Qualifying institution" means any of the following:	128765
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	128766
	128767
(b) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;	128768
	128769
(c) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.	128770
	128771
Section 381.620. INTERNSHIP PILOT PROGRAM	128772
(A) The foregoing appropriation item 235698, Internship Pilot Program, shall be used by the Chancellor of Higher Education to support the Internship Pilot Program. These funds shall be used in a manner consistent with the following goals:	128773
	128774
	128775
	128776
(1) Connecting Ohio college and career technical students with Ohio-based employers to facilitate work-based learning opportunities, which may include internships, externships and co-ops;	128777
	128778
	128779
	128780

(2) Retaining the highest possible number of college and career-technical students in Ohio post-graduation to contribute to Ohio's expanding economic opportunities.

(B) The Chancellor shall develop the goals, structure, and parameters of the program. In doing so, the Chancellor may consult with the Governor's Office of Workforce Transformation, Department of Development, institutions of higher education, Ohio Technical Centers, Ohio employer organizations, and other stakeholders as determined to be appropriate.

(C) In allocating funds under this section, the Chancellor shall consider at least the following factors:

(1) Alignment with local, regional and statewide workforce needs, with priority given to internships, externships, and co-ops aligned to the most critical workforce needs;

(2) The extent to which funds awarded will be leveraged to create sustainability and support programs and initiatives that can be maintained long-term with support from philanthropic and private sector partners;

(3) Alignment with existing state programs that incentivize and support work-based learning opportunities, such as Choose Ohio First; and

(4) Evidence-based approaches, with priority given to strategies that have produced documented success in:

(a) Connecting students with employers for meaningful work-based learning experiences;

(b) Retaining a higher number of graduates in-state for employment post-graduation; and

(c) Creating a sustainable network and infrastructure of public-private partners to provide lasting opportunities for work-based learning experiences.

(D) Under the program, permissible expenditures include 128811
support for internship, externship, and co-op participants; career 128812
advising services; grants to colleges, universities, and Ohio 128813
Technical Centers to support their programs; grants to 128814
participating employers to defray costs of participating in the 128815
program; and other expenditures determined permissible by the 128816
Chancellor. 128817

(E) An amount equal to the unexpended, unencumbered balance 128818
of the foregoing appropriation item 235698, Internship Pilot 128819
Program, at the end of fiscal year 2024 is hereby reappropriated 128820
for the same purpose in fiscal year 2025. 128821

Section 381.630. SHORT-TERM CERTIFICATES 128822

The foregoing appropriation item 235517, Short-Term 128823
Certificates, shall be used by the Chancellor of Higher Education 128824
to award need-based financial aid to students who are enrolled in 128825
a state-supported community college, state community college, 128826
technical college, university regional campus, or an Ohio 128827
Technical Center in a credit or non-credit program that may be 128828
completed in less than one year and for which a certificate or 128829
industry-recognized credential is awarded in an in-demand job. 128830

Section 381.640. STATE FINANCIAL AID RECONCILIATION 128831

By the first day of September in each fiscal year, or as soon 128832
as possible thereafter, the Chancellor of Higher Education shall 128833
certify to the Director of Budget and Management the amount 128834
necessary to pay any outstanding prior year obligations to higher 128835
education institutions for the state's financial aid programs. The 128836
amounts certified are hereby appropriated to appropriation item 128837
235618, State Financial Aid Reconciliation, from revenues received 128838
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 128839

Section 381.650. SECOND CHANCE GRANT PROGRAM 128840

The foregoing appropriation item 235494, Second Chance Grant 128841
Program, shall be distributed by the Chancellor of Higher 128842
Education to qualifying institutions of higher education and Ohio 128843
Technical Centers to provide grants to eligible students under the 128844
Second Chance Grant Program established in section 3333.127 of the 128845
Revised Code. 128846

Section 381.660. NURSING LOAN PROGRAM 128847

The foregoing appropriation item 235606, Nursing Loan 128848
Program, shall be used to administer the nurse education 128849
assistance program. 128850

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 128851

The foregoing appropriation item 235639, Research Incentive 128852
Third Frontier - Tax, shall be used by the Chancellor of Higher 128853
Education to advance collaborative research at institutions of 128854
higher education. Of the foregoing appropriation item 235639, 128855
Research Incentive Third Frontier - Tax, up to \$2,500,000 in each 128856
fiscal year may be allocated toward research regarding the 128857
improvement of water quality, up to \$1,500,000 in each fiscal year 128858
may be allocated for spinal cord research, up to \$1,000,000 in 128859
each fiscal year may be allocated toward research regarding the 128860
reduction of infant mortality, up to \$1,000,000 in each fiscal 128861
year may be allocated toward research regarding opiate addiction 128862
issues in Ohio, up to \$750,000 in each fiscal year may be 128863
allocated toward research regarding cyber security initiatives, up 128864
to \$300,000 in each fiscal year may be allocated toward the 128865
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 128866
be allocated toward the Ohio Innovation Exchange program. 128867

Section 381.680. VETERANS PREFERENCES 128868

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

Section 381.690. (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 381.700. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State

University Clinical Teaching, 235540, Ohio University Clinical 128898
Teaching, 235541, Northeast Ohio Medical University Clinical 128899
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 128900
State University Clinic Support, shall report to the Chancellor of 128901
Higher Education the residency status of graduates from the 128902
respective programs receiving support from those appropriation 128903
items one year and five years after graduating. 128904

Section 381.710. The Chancellor of Higher Education shall 128905
support the continued development of the Ohio Innovation Exchange 128906
for the purpose of showcasing the research expertise of Ohio's 128907
university and college faculty in a variety of fields, including, 128908
but not limited to, engineering, biomedicine, and information 128909
technology, and to identify institutional research equipment 128910
available in the state. 128911

Section 381.720. COLLEGE CREDIT PLUS PROGRAM 128912

(A) The Chancellor of Higher Education, in consultation with 128913
the Superintendent of Public Instruction, may take action as 128914
necessary to ensure that public colleges and universities and 128915
school districts are fully engaging and participating in the 128916
College Credit Plus Program as required by Chapter 3365. of the 128917
Revised Code. Such actions may include publicly displaying program 128918
participation data by district and institution. 128919

(B) For the purposes of model pathways required under section 128920
3365.13 of the Revised Code, the Chancellor and Superintendent 128921
shall work with public secondary schools and partnering public 128922
colleges and universities, as necessary, to encourage the 128923
establishment of model pathways that prepare participants to 128924
successfully enter the workforce in certain fields, which may 128925
include any of the following: 128926

(1) Engineering technology and other fields essential to the 128927

superconductor industry;				128928
(2) Nursing, with particular emphasis on models that				128929
facilitate a participant's potential progression through different				128930
levels of nursing;				128931
(3) Teaching and other related education professions;				128932
(4) Social and behavioral or mental health professions;				128933
(5) Law enforcement or corrections; and				128934
(6) Other fields as determined appropriate by the Chancellor				128935
and Superintendent, in consultation with the Governor's Office of				128936
Workforce Transformation.				128937
Section 383.10. DRC DEPARTMENT OF REHABILITATION AND				128938
CORRECTION				128939
General Revenue Fund				128940
GRF 501321 Institutional	\$ 1,370,815,700	\$ 1,462,484,300		128941
Operations				
GRF 501405 Halfway House	\$ 78,832,500	\$ 84,676,500		128942
GRF 501406 Adult Correctional	\$ 72,500,000	\$ 68,500,000		128943
Facilities Lease				
Rental Bond Payments				
GRF 501407 Community	\$ 67,530,700	\$ 67,530,700		128944
Nonresidential				
Programs				
GRF 501408 Community Misdemeanor	\$ 9,807,300	\$ 9,807,300		128945
Programs				
GRF 501501 Community Residential	\$ 94,545,000	\$ 99,657,200		128946
Programs - Community				
Based Correctional				
Facilities				
GRF 503321 Parole and Community	\$ 119,095,200	\$ 128,529,600		128947
Operations				

GRF	504321	Administrative Operations	\$	27,304,800	\$	28,530,800	128948
GRF	505321	Institution Medical Services	\$	340,336,400	\$	361,162,200	128949
GRF	506321	Institution Education Services	\$	46,106,500	\$	51,157,600	128950
TOTAL GRF	General Revenue Fund		\$	2,226,874,100	\$	2,362,036,200	128951
Dedicated Purpose Fund Group							128952
4B00	501601	Sewer Treatment Services	\$	600,000	\$	600,000	128953
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000	128954
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000	128955
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000	128956
5AF0	501609	State and Non-Federal Awards	\$	1,300,000	\$	1,300,000	128957
5H80	501617	Offender Financial Responsibility	\$	1,860,000	\$	1,860,000	128958
5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,250,000	\$	5,250,000	128959
5ZQ0	501505	Local Jail Grants	\$	25,000,000	\$	25,000,000	128960
TOTAL DPF	Dedicated Purpose Fund Group		\$	41,520,000	\$	41,520,000	128961
Internal Service Activity Fund Group							128962
1480	501602	Institutional Services	\$	2,850,000	\$	2,850,000	128963
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000	128964
4830	501605	Leased Property Maintenance and Operating	\$	7,500,000	\$	7,500,000	128965
5710	501606	Corrections Training Maintenance and Operating	\$	940,000	\$	940,000	128966

5L60	501611	Information	\$	500,000	\$	500,000	128967
		Technology Services					
TOTAL ISA Internal Activity							128968
Fund Group			\$	58,305,000	\$	58,305,000	128969
Federal Fund Group							128970
3230	501619	Federal Grants	\$	3,540,000	\$	3,540,000	128971
3CW0	501622	Federal Equitable	\$	300,000	\$	300,000	128972
		Sharing					
TOTAL FED Federal							128973
Fund Group			\$	3,840,000	\$	3,840,000	128974
TOTAL ALL BUDGET FUND GROUPS							128975
EXPEDITED PARDON INITIATIVE							128976
Of the foregoing appropriation item 501321, Institutional							128977
Operations, up to \$750,000 in each fiscal year may be used by the							128978
Department of Rehabilitation and Correction to support projects							128979
connecting rehabilitated citizens with community partners to							128980
advance the expedited pardon initiative and help eligible							128981
individuals navigate the process and access clemency.							128982
OSU MEDICAL CHARGES							128983
Notwithstanding section 341.192 of the Revised Code, at the							128984
request of the Department of Rehabilitation and Correction, the							128985
Ohio State University Medical Center, including the Arthur G.							128986
James Cancer Hospital and Richard J. Solove Research Institute and							128987
the Richard M. Ross Heart Hospital, shall provide necessary care							128988
to persons who are confined in state adult correctional							128989
facilities. The provision of necessary inpatient care billed to							128990
the Department shall be reimbursed at a rate not to exceed the							128991
authorized reimbursement rate for the same service established by							128992
the Department of Medicaid under the Medicaid Program.							128993
TRANSITIONAL HOUSING FUNDING							128994
Of the foregoing appropriation item 501405, Halfway House,							128995

priority shall be given to residential providers that accept and place individuals released from institutions operated by the Department of Rehabilitation and Correction to the supervision of the Adult Parole Authority who were previously rejected by all other residential providers.

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 129001

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

REENTRY EMPLOYMENT GRANTS 129010

Of the foregoing appropriation item 503321, Parole and Community Operations, \$275,000 in grants each fiscal year may be awarded by the Department of Rehabilitation and Correction to nonprofit organizations operating reentry employment programs meeting all of the following criteria:

(1) Serve parolees, releasees, and probationers assessed by the Department as moderate or high risk to recidivate and referred by the Adult Parole Authority or probation for services;

(2) Provide job readiness training, transitional employment, job coaching and placement, and post-placement retention services;

(3) Have been independently and rigorously evaluated and shown to reduce recidivism;

(4) Have the ability to serve multiple large jurisdictions across the state.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 129025

The foregoing appropriation item 501610, Probation 129026
Improvement and Incentive Grants, shall be allocated by the 129027
Department of Rehabilitation and Correction to municipalities as 129028
Probation Improvement and Incentive Grants with an emphasis on: 129029
(1) providing services to those addicted to opiates and other 129030
illegal substances, and (2) supplementing the programs and 129031
services funded by grants distributed from the foregoing 129032
appropriation item 501407, Community Nonresidential Programs. 129033

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 129034

General Revenue Fund Group 129035

GRF 110908 Property Tax \$ 638,360,000 \$ 638,360,000 129036
Reimbursement - Local
Government

GRF 200903 Property Tax \$ 1,207,556,000 \$ 1,219,632,000 129037
Reimbursement -
Education

TOTAL GRF General Revenue Fund \$ 1,845,916,000 \$ 1,857,992,000 129038
Group

Revenue Distribution Fund Group 129039

5JG0 110633 Gross Casino Revenue \$ 179,057,966 \$ 183,534,415 129040
Payments-County

5JH0 110634 Gross Casino Revenue \$ 114,908,119 \$ 117,780,822 129041
Payments- School
Districts

5JJ0 110636 Gross Casino Revenue \$ 17,554,703 \$ 17,993,571 129042
- Host City

7047 200902 Property Tax \$ 60,386,576 \$ 53,927,487 129043
Replacement Phase
Out-Education

7050 762900 International \$ 23,000,000 \$ 23,000,000 129044
Registration Plan

		Distribution				
7051	762901	Auto Registration	\$	365,000,000	\$	372,000,000 129045
		Distribution				
7060	110960	Gasoline Excise Tax	\$	929,200,000	\$	938,492,000 129046
		Fund				
7065	110965	Public Library Fund	\$	505,000,000	\$	530,000,000 129047
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 129048
		Permits				
7069	110969	Local Government Fund	\$	505,000,000	\$	530,000,000 129049
7081	110981	Local Government	\$	6,829,862	\$	6,488,369 129050
		Property Tax				
		Replacement -				
		Business				
7082	110982	Horse Racing Tax	\$	50,000	\$	50,000 129051
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 129052
		TOTAL RDF Revenue Distribution				129053
		Fund Group	\$	2,721,587,226	\$	2,788,866,664 129054
		Fiduciary Fund Group				129055
4P80	001698	Cash Management	\$	1,000,000	\$	1,000,000 129056
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	180,000,000	\$	180,000,000 129057
		Tax				
6080	001699	Investment Earnings	\$	350,000,000	\$	350,000,000 129058
7001	110996	Horse Racing Tax	\$	200,000	\$	200,000 129059
		Local Government				
		Payments				
7062	110962	Resort Area Excise	\$	2,164,084	\$	2,164,084 129060
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$	3,662,800,000	\$	3,975,300,000 129061
		Distribution				
7067	110967	School District	\$	710,666,667	\$	774,000,000 129062
		Income Tax				
		Distribution				

7085	800985	Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000	129063
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	129064
7094	110641	Wireless 9-1-1 Government Assistance	\$	27,637,500	\$	27,775,688	129065
7095	110995	Municipal Income Tax	\$	15,450,000	\$	15,913,500	129066
7099	762902	Permissive Tax Distribution - Auto Registration	\$	242,000,000	\$	242,000,000	129067
TOTAL FID Fiduciary Fund Group			\$	5,193,218,251	\$	5,569,653,272	129068
Holding Account Fund Group							129069
R045	110617	International Fuel Tax Distribution	\$	70,698,838	\$	72,819,803	129070
TOTAL HLD Holding Account Fund Group			\$	70,698,838	\$	72,819,803	129071
TOTAL ALL BUDGET FUND GROUPS			\$	9,831,420,315	\$	10,289,331,739	129072

Section 387.20. ADDITIONAL APPROPRIATIONS 129074

Appropriation items in Section 387.10 of this act shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose in any appropriation items in Section 387.10 of this act, such amounts are hereby appropriated.

GENERAL REVENUE FUND TRANSFERS 129081

Notwithstanding any provision of law to the contrary, in fiscal year 2024 and fiscal year 2025, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) in the Revenue Distribution Fund Group, those amounts necessary to reimburse local taxing units and school districts

under sections 5709.92 and 5709.93 of the Revised Code. Also, in 129089
fiscal year 2024 and fiscal year 2025, the Director of Budget and 129090
Management may make temporary transfers from the General Revenue 129091
Fund to ensure sufficient balances in the Local Government 129092
Tangible Property Tax Replacement Fund (Fund 7081) and the School 129093
District Tangible Property Tax Replacement Fund (Fund 7047) and to 129094
replenish the General Revenue Fund for such transfers. 129095

PROPERTY TAX REIMBURSEMENT - EDUCATION 129096

The foregoing appropriation item 200903, Property Tax 129097
Reimbursement - Education, is appropriated to pay for the state's 129098
costs incurred because of the homestead exemption, the property 129099
tax rollback, and payments required under division (C) of section 129100
5705.2110 of the Revised Code. In cooperation with the Department 129101
of Taxation, the Department of Education shall distribute these 129102
funds directly to the appropriate school districts of the state, 129103
notwithstanding sections 321.24 and 323.156 of the Revised Code, 129104
which provide for payment of the homestead exemption and property 129105
tax rollback by the Tax Commissioner to the appropriate county 129106
treasurer and the subsequent redistribution of these funds to the 129107
appropriate local taxing districts by the county auditor. 129108

Upon receipt of these amounts, each school district shall 129109
distribute the amount among the proper funds as if it had been 129110
paid as real or tangible personal property taxes. Payments for the 129111
costs of administration shall continue to be paid to the county 129112
treasurer and county auditor as provided for in sections 319.54, 129113
321.26, and 323.156 of the Revised Code. 129114

Any sums, in addition to the amount specifically appropriated 129115
in appropriation item 200903, Property Tax Reimbursement - 129116
Education, for the homestead exemption and the property tax 129117
rollback payments, and payments required under division (C) of 129118
section 5705.2110 of the Revised Code, which are determined to be 129119
necessary for these purposes, are hereby appropriated. 129120

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 129121

The foregoing appropriation item 110908, Property Tax 129122
Reimbursement-Local Government, is hereby appropriated to pay for 129123
the state's costs incurred due to the Homestead Exemption, the 129124
Manufactured Home Property Tax Rollback, and the Property Tax 129125
Rollback. The Tax Commissioner shall distribute these funds 129126
directly to the appropriate local taxing districts, except for 129127
school districts, notwithstanding the provisions in sections 129128
321.24 and 323.156 of the Revised Code, which provide for payment 129129
of the Homestead Exemption, the Manufactured Home Property Tax 129130
Rollback, and Property Tax Rollback by the Tax Commissioner to the 129131
appropriate county treasurer and the subsequent redistribution of 129132
these funds to the appropriate local taxing districts by the 129133
county auditor. 129134

Upon receipt of these amounts, each local taxing district 129135
shall distribute the amount among the proper funds as if it had 129136
been paid as real property taxes. Payments for the costs of 129137
administration shall continue to be paid to the county treasurer 129138
and county auditor as provided for in sections 319.54, 321.26, and 129139
323.156 of the Revised Code. 129140

Any sums, in addition to the amounts specifically 129141
appropriated in appropriation item 110908, Property Tax Allocation 129142
- Local Government, for the Homestead Exemption, the Manufactured 129143
Home Property Tax Rollback, and the Property Tax Rollback 129144
payments, which are determined to be necessary for these purposes, 129145
are hereby appropriated. 129146

MUNICIPAL INCOME TAX 129147

The foregoing appropriation item 110995, Municipal Income 129148
Tax, shall be used to make payments to municipal corporations 129149
under section 5745.05 of the Revised Code. If it is determined 129150
that additional appropriations are necessary to make such 129151

payments, such amounts are hereby appropriated. 129152

MUNICIPAL NET PROFIT TAX 129153

The foregoing appropriation item 110902, Municipal Net Profit 129154
Tax, shall be used to make payments to municipal corporations 129155
under section 718.83 of the Revised Code. If it is determined that 129156
additional amounts are necessary to make such payments, such 129157
amounts are hereby appropriated. 129158

During fiscal year 2024 and fiscal year 2025, if the Tax 129159
Commissioner determines that there is insufficient cash in the 129160
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 129161
distribution obligations under section 718.83 of the Revised Code, 129162
the Tax Commissioner shall certify to the Director of Budget and 129163
Management the amount of additional cash necessary to satisfy 129164
those obligations. In addition, the Commissioner shall submit a 129165
plan to the Director requesting the necessary cash be transferred 129166
from one or a combination of the following funds: the Municipal 129167
Income Tax Administrative Fund, the Local Sales Tax Administrative 129168
Fund, the General School District Income Tax Administrative Fund, 129169
the Motor Fuel Tax Administrative Fund, the Property Tax 129170
Administrative Fund, or the General Revenue Fund. This plan shall 129171
include a proposed repayment schedule to reimburse those funds for 129172
any cash transferred in accordance with this section. After 129173
receiving the certification and funding plan from the Tax 129174
Commissioner and if the Director determines that sufficient cash 129175
is available, the Director may transfer the cash to the Municipal 129176
Net Profit Tax Fund in accordance with the plan submitted by the 129177
Tax Commissioner or as otherwise determined by the Director of 129178
Budget and Management. The Director of Budget and Management may 129179
transfer cash from the Municipal Net Profit Tax Fund to reimburse 129180
the funds from which cash was transferred for the purpose outlined 129181
in this section. 129182

PUBLIC LIBRARY FUND 129183

Notwithstanding the requirement in division (B) of section 129184
 131.51 of the Revised Code that the Director of Budget and 129185
 Management shall credit to the Public Library Fund one and 129186
 sixty-six one-hundredths per cent of the total tax revenue 129187
 credited to the General Revenue Fund during the preceding month, 129188
 the Director shall instead calculate these amounts during fiscal 129189
 year 2024 and fiscal year 2025 using one and seven-tenths as the 129190
 percentage. 129191

LOCAL GOVERNMENT FUND 129192

Notwithstanding the requirement in division (A) of section 129193
 131.51 of the Revised Code that the Director of Budget and 129194
 Management shall credit to the Local Government Fund one and 129195
 sixty-six one-hundredths per cent of the total tax revenue 129196
 credited to the General Revenue Fund during the preceding month, 129197
 the Director shall instead calculate these amounts during fiscal 129198
 year 2024 and fiscal year 2025 using one and seven-tenths as the 129199
 percentage. 129200

Section 391.10. OSB DEAF AND BLIND EDUCATION SERVICES 129201

General Revenue Fund 129202

GRF 226321	Operations	\$	30,214,631	\$	30,634,214	129203
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TOTAL GRF	General Revenue Fund	\$	30,214,631	\$	30,634,214	129204
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Dedicated Purpose Fund Group 129205

4H80 226602	Blind School State	\$	260,000	\$	260,000	129206
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Grants

4M00 226400	Deaf School	\$	300,000	\$	300,000	129207
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Educational Program

Expenses

4M10 226401	Deaf School State	\$	195,000	\$	195,000	129208
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Grants

4M50 226601	Blind School	\$	313,952	\$	315,608	129209
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		Educational Program					
		Expenses					
5H60	226402	Early Childhood	\$	53,000	\$	53,000	129210
		Education					
5NJ0	226622	Employee Food Service	\$	22,000	\$	22,000	129211
		Charges					
TOTAL DPF	Dedicated Purpose Fund		\$	1,143,952	\$	1,145,608	129212
	Group						
	Federal Fund Group						129213
3100	226626	Blind School Federal	\$	1,058,848	\$	1,061,679	129214
		Grants					
3110	226403	Deaf School Federal	\$	570,000	\$	535,030	129215
		Grants					
3DT0	226621	Ohio Transition	\$	150,000	\$	150,000	129216
		Collaborative					
3P50	226643	Medicaid Professional	\$	215,000	\$	215,000	129217
		Services					
		Reimbursement					
TOTAL FED	Federal Fund Group		\$	1,993,848	\$	1,961,709	129218
TOTAL ALL BUDGET FUND GROUPS			\$	33,352,431	\$	33,741,531	129219
	Section 395.10.	SOS SECRETARY OF STATE					129221
	General Revenue Fund						129222
GRF	050321	Operating Expenses	\$	890,000	\$	890,000	129223
GRF	050407	Poll Workers Training	\$	0	\$	500,000	129224
GRF	050509	County Voting Systems	\$	12,200,000	\$	12,200,000	129225
		Lease Rental Payments					
TOTAL GRF	General Revenue Fund		\$	13,090,000	\$	13,590,000	129226
	Dedicated Purpose Fund Group						129227
4120	050609	Notary Commission	\$	500,000	\$	500,000	129228
4S80	050610	Board of Voting	\$	14,400	\$	14,400	129229
		Machine Examiners					

5990 050603	Business Services	\$	23,818,137	\$	24,850,878	129230
	Operating Expenses					
5990 050629	Statewide Voter	\$	700,000	\$	700,000	129231
	Registration Database					
5990 050630	Elections Support	\$	2,960,000	\$	3,090,000	129232
	Supplement					
5990 050631	Precinct Election	\$	0	\$	500,000	129233
	Officials Training					
5990 050636	County Election	\$	220,000	\$	240,000	129234
	Official Training					
5SN0 050626	Address	\$	200,000	\$	200,000	129235
	Confidentiality					
TOTAL DPF Dedicated Purpose Fund		\$	28,412,537	\$	30,095,278	129236
Group						
Holding Account Fund Group						129237
R002 050606	Corporate/Business	\$	85,000	\$	85,000	129238
	Filing Refunds					
TOTAL HLD Holding Account Fund		\$	85,000	\$	85,000	129239
Group						
Federal Fund Group						129240
3AS0 050616	Help America Vote Act	\$	1,500,000	\$	1,500,000	129241
	(HAVA)					
TOTAL FED Federal Fund Group		\$	1,500,000	\$	1,500,000	129242
TOTAL ALL BUDGET FUND GROUPS		\$	43,087,537	\$	45,270,278	129243

Section 395.20. POLL WORKERS TRAINING 129245

The foregoing appropriation item 050407, Poll Workers 129246
 Training, shall be used to provide funding to county boards of 129247
 elections for precinct election official (PEO) training pursuant 129248
 to section 3501.27 of the Revised Code. 129249

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 129250

The foregoing appropriation item 050509, County Voting 129251

Systems Lease Rental Payments, shall be used to make payments 129252
during the period from July 1, 2023, through June 30, 2025, 129253
pursuant to leases and agreements entered into under Section 4 of 129254
S.B. 135 of the 132nd General Assembly with respect to financing 129255
the costs associated with the acquisition, development, 129256
installation, and implementation of county voting systems. 129257

BOARD OF VOTING MACHINE EXAMINERS 129258

The foregoing appropriation item 050610, Board of Voting 129259
Machine Examiners, shall be used to pay for the services and 129260
expenses of the members of the Board of Voting Machine Examiners, 129261
and for other expenses that are authorized to be paid from the 129262
Board of Voting Machine Examiners Fund (Fund 4S80) created in 129263
section 3506.05 of the Revised Code. Moneys not used shall be 129264
returned to the person or entity submitting equipment for 129265
examination. If it is determined by the Secretary of State that 129266
additional appropriation amounts are necessary, the Secretary of 129267
State may request that the Director of Budget and Management 129268
approve such amounts. Upon approval of the Director of Budget and 129269
Management, such amounts are hereby appropriated. 129270

BALLOT ADVERTISING COSTS 129271

Notwithstanding division (G) of section 3501.17 of the 129272
Revised Code, upon requests submitted by the Secretary of State, 129273
the Controlling Board may approve cash and appropriation transfers 129274
from the Controlling Board Emergency Purposes/Contingencies Fund 129275
(Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) 129276
in order to pay for the cost of public notices associated with 129277
statewide ballot initiatives. 129278

ABSENT VOTER'S BALLOT APPLICATION MAILING 129279

Notwithstanding division (B) of section 111.31 of the Revised 129280
Code, upon the request of the Secretary of State, the Controlling 129281
Board may approve cash and appropriation transfers from the 129282

Controlling Board Emergency Purposes/Contingencies Fund (Fund	129283
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund	129284
5RG0) to be used by the Secretary of State to pay the costs of	129285
printing and mailing unsolicited applications for absent voters'	129286
ballots for the general election to be held in November 2024.	129287
ADDRESS CONFIDENTIALITY PROGRAM	129288
Upon the request of the Secretary of State, the Director of	129289
Budget and Management may transfer up to \$200,000 per fiscal year	129290
in cash from the Business Services Operating Expenses Fund (Fund	129291
5990) to the Address Confidentiality Program Fund (Fund 5SN0).	129292
CORPORATE/BUSINESS FILING REFUNDS	129293
The foregoing appropriation item 050606, Corporate/Business	129294
Filing Refunds, shall be used to hold revenues until they are	129295
directed to the appropriate accounts or until they are refunded.	129296
If it is determined by the Secretary of State that additional	129297
appropriation amounts are necessary, the Secretary of State may	129298
request that the Director of Budget and Management approve such	129299
amounts. Upon approval of the Director of Budget and Management,	129300
such amounts are hereby appropriated.	129301
HAVA FUNDS	129302
An amount equal to the unexpended, unencumbered portion of	129303
appropriation item 050616, Help America Vote Act (HAVA), at the	129304
end of fiscal year 2023 is hereby reappropriated for the same	129305
purpose in fiscal year 2024.	129306
An amount equal to the unexpended, unencumbered portion of	129307
appropriation item 050616, Help America Vote Act (HAVA), at the	129308
end of fiscal year 2024 is hereby reappropriated for the same	129309
purpose in fiscal year 2025.	129310
Section 397.10. SEN THE OHIO SENATE	129311
GRF 020321 Operating Expenses \$ 20,000,000 \$ 20,000,000	129312

TOTAL GRF General Revenue Fund	\$	20,000,000	\$	20,000,000	129313
Internal Service Activity Fund Group					129314
1020 020602 Senate Reimbursement	\$	425,800	\$	425,800	129315
4090 020601 Miscellaneous Sales	\$	34,497	\$	34,497	129316
TOTAL ISA Internal Service Activity					129317
Fund Group	\$	460,297	\$	460,297	129318
TOTAL ALL BUDGET FUND GROUPS	\$	20,460,297	\$	20,460,297	129319

OPERATING EXPENSES 129320

On July 1, 2023, or as soon as possible thereafter, the Clerk 129321
of the Senate may certify to the Director of Budget and Management 129322
an amount up to the unexpended, unencumbered balance of the 129323
foregoing appropriation item 020321, Operating Expenses, at the 129324
end of fiscal year 2023 to be reappropriated to fiscal year 2024. 129325
The amount certified is hereby reappropriated to the same 129326
appropriation item for fiscal year 2024. 129327

On July 1, 2024, or as soon as possible thereafter, the Clerk 129328
of the Senate may certify to the Director of Budget and Management 129329
an amount up to the unexpended, unencumbered balance of the 129330
foregoing appropriation item 020321, Operating Expenses, at the 129331
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 129332
The amount certified is hereby reappropriated to the same 129333
appropriation item for fiscal year 2025. 129334

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 129335

General Revenue Fund					129336
GRF 866321 CSV Operations	\$	685,106	\$	693,988	129337
TOTAL GRF General Revenue Fund	\$	685,106	\$	693,988	129338
Dedicated Purpose Fund Group					129339
5GN0 866605 Serve Ohio Support	\$	13,000	\$	13,000	129340
TOTAL DPF Dedicated Purpose Fund	\$	13,000	\$	13,000	129341
Group					

Federal Fund Group					129342
3R70 866617 AmeriCorps Programs	\$	13,868,066	\$	13,897,793	129343
TOTAL FED Federal Fund Group	\$	13,868,066	\$	13,897,793	129344
TOTAL ALL BUDGET FUND GROUPS	\$	14,566,172	\$	14,604,781	129345

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 129347

Debt Service Fund Group					129348
7070 155905 Third Frontier	\$	47,800,000	\$	36,500,000	129349
Research and Development Bond Retirement Fund					
7072 155902 Highway Capital	\$	155,000,000	\$	136,000,000	129350
Improvement Bond Retirement Fund					
7073 155903 Natural Resources Bond	\$	20,200,000	\$	16,800,000	129351
Retirement Fund					
7074 155904 Conservation Projects	\$	46,600,000	\$	40,900,000	129352
Bond Retirement Fund					
7076 155906 Coal Research and	\$	5,732,500	\$	4,042,500	129353
Development Bond Retirement Fund					
7077 155907 State Capital	\$	231,000,000	\$	236,000,000	129354
Improvement Bond Retirement Fund					
7078 155908 Common Schools Bond	\$	370,000,000	\$	297,000,000	129355
Retirement Fund					
7079 155909 Higher Education Bond	\$	250,000,000	\$	275,000,000	129356
Retirement Fund					
7080 155901 Persian Gulf,	\$	4,995,000	\$	4,995,000	129357
Afghanistan, and Iraq Conflict Bond Retirement Fund					

TOTAL DSF Debt Service Fund Group	\$ 1,131,327,500	\$ 1,047,237,500	129358
TOTAL ALL BUDGET FUND GROUPS	\$ 1,131,327,500	\$ 1,047,237,500	129359
ADDITIONAL APPROPRIATIONS			129360
Appropriation items in this section are for the purpose of			129361
paying debt service and financing costs during the period from			129362
July 1, 2023, through June 30, 2025, on bonds or notes of the			129363
state issued under the Ohio Constitution, Revised Code, and acts			129364
of the General Assembly. If it is determined that additional			129365
amounts are necessary for this purpose, such amounts are hereby			129366
appropriated.			129367
Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS			129368
BOARD			129369
Dedicated Purpose Fund Group			129370
4K90 123609 Operating Expenses	\$ 647,461	\$ 652,461	129371
TOTAL DPF Dedicated Purpose Fund	\$ 647,461	\$ 652,461	129372
Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 647,461	\$ 652,461	129373
Section 407.10. BTA BOARD OF TAX APPEALS			129375
General Revenue Fund			129376
GRF 116321 Operating Expenses	\$ 2,085,559	\$ 2,146,907	129377
TOTAL GRF General Revenue Fund	\$ 2,085,559	\$ 2,146,907	129378
TOTAL ALL BUDGET FUND GROUPS	\$ 2,085,559	\$ 2,146,907	129379
Section 409.10. TAX DEPARTMENT OF TAXATION			129381
General Revenue Fund			129382
GRF 110321 Operating Expenses	\$ 60,141,377	\$ 60,530,090	129383
GRF 110404 Tobacco Settlement	\$ 154,553	\$ 154,553	129384
Enforcement			
TOTAL GRF General Revenue Fund	\$ 60,295,930	\$ 60,684,643	129385
Dedicated Purpose Fund Group			129386

2280	110628	CAT Administration	\$	11,336,886	\$	11,336,886	129387
4350	110607	Local Tax Administration	\$	32,467,356	\$	33,100,095	129388
4360	110608	Motor Vehicle Audit Administration	\$	1,509,168	\$	1,509,168	129389
4380	110609	School District Income Tax Administration	\$	9,098,829	\$	9,168,747	129390
4C60	110616	International Registration Plan Administration	\$	726,464	\$	726,464	129391
4R60	110610	Tire Tax Administration	\$	180,000	\$	180,000	129392
5BP0	110639	Wireless 9-1-1 Administration	\$	302,244	\$	302,244	129393
5JM0	110637	Casino Tax Administration	\$	125,000	\$	125,000	129394
5N50	110605	Municipal Income Tax Administration	\$	200,000	\$	200,000	129395
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	129396
5NY0	110643	Petroleum Activity Tax Administration	\$	1,010,356	\$	1,010,356	129397
5V70	110622	Motor Fuel Tax Administration	\$	6,118,069	\$	6,118,069	129398
5V80	110623	Property Tax Administration	\$	5,108,681	\$	5,108,681	129399
5YQ0	110651	Sports Gaming Tax Administration Operating Expenses	\$	100,000	\$	100,000	129400
5ZA0	110650	Ohio Tax System Operating Expenses	\$	3,000,000	\$	5,000,000	129401
6390	110614	Cigarette Tax	\$	1,300,000	\$	1,300,000	129402

		Enforcement				
6880	110615	Local Excise Tax	\$	511,916	\$	511,916 129403
		Administration				
TOTAL DPF		Dedicated Purpose Fund	\$	73,194,969	\$	75,897,626 129404
Group						
Fiduciary Fund Group						129405
4250	110635	Tax Refunds	\$	2,853,345,225	\$	3,082,043,652 129406
5CZ0	110631	Vendor's License	\$	500,000	\$	500,000 129407
		Application				
TOTAL FID		Fiduciary Fund Group	\$	2,853,845,225	\$	3,082,543,652 129408
Holding Account Fund Group						129409
R010	110611	Tax Distributions	\$	25,000	\$	25,000 129410
R011	110612	Miscellaneous Income	\$	500	\$	500 129411
		Tax Receipts				
TOTAL HLD		Holding Account Fund	\$	25,500	\$	25,500 129412
Group						
TOTAL ALL BUDGET FUND GROUPS			\$	2,987,361,624	\$	3,219,151,421 129413
Section 409.20.		TAX REFUNDS				129415
The foregoing appropriation item 110635, Tax Refunds, shall						129416
be used to pay refunds under section 5703.052 of the Revised Code.						129417
If it is determined that additional appropriations are necessary						129418
for this purpose, such amounts are hereby appropriated.						129419
VENDOR'S LICENSE PAYMENTS						129420
The foregoing appropriation item 110631, Vendor's License						129421
Application, shall be used to make payments to county auditors						129422
under section 5739.17 of the Revised Code. If it is determined						129423
that additional appropriations are necessary to make such						129424
payments, such amounts are hereby appropriated.						129425
INTERNATIONAL REGISTRATION PLAN ADMINISTRATION						129426
The foregoing appropriation item 110616, International						129427

Registration Plan Administration, shall be used under section 129428
5703.12 of the Revised Code for audits of persons with vehicles 129429
registered under the International Registration Plan. 129430

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 129431

Of the foregoing appropriation item 110607, Local Tax 129432
Administration, the Tax Commissioner may disburse funds, if 129433
available, for the purposes of paying travel expenses incurred by 129434
members of Ohio's delegation to the Streamlined Sales Tax Project, 129435
as appointed under section 5740.02 of the Revised Code. Any travel 129436
expense reimbursement paid for by the Department of Taxation shall 129437
be done in accordance with applicable state laws and guidelines. 129438

TOBACCO SETTLEMENT ENFORCEMENT 129439

The foregoing appropriation item 110404, Tobacco Settlement 129440
Enforcement, shall be used by the Tax Commissioner to pay costs 129441
incurred in the enforcement of divisions (F) and (G) of section 129442
5743.03 of the Revised Code. 129443

OHIO TAX SYSTEM SUPPORT FUND 129444

The foregoing appropriation item 110650, Ohio Tax System 129445
Operating Expenses, shall be used to pay costs incurred in the 129446
maintenance and support of the department's Ohio Tax System. The 129447
Tax Commissioner shall submit a plan to the Director of Budget and 129448
Management requesting the necessary cash be transferred to the 129449
Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created 129450
in the state treasury. Cash shall be transferred from one or a 129451
combination of the following funds: the Revenue Enhancement Fund, 129452
Local Sales Tax Administrative Fund, General School District 129453
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 129454
Property Tax Administration Fund, STARS Development and 129455
Implementation Fund, and the Motor Fuel Tax Administration Fund. 129456
This plan shall include a schedule of cash transfers. After 129457
receiving the funding plan from the Tax Commissioner and if the 129458

Director determines that sufficient cash is available, the 129459
 Director may transfer the cash to the Ohio Tax System Support Fund 129460
 with the plan submitted by the Tax Commissioner or as otherwise 129461
 determined by the Director of Budget and Management. The transfers 129462
 of cash to the Ohio Tax System Support Fund shall not exceed 129463
 \$8,000,000 in the fiscal year 2024-2025 biennium. 129464

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 129465

General Revenue Fund 129466

GRF 772455 DriveOhio and UAS \$ 500,000 \$ 1,500,000 129467
 Center EV Workforce
 Transformation

GRF 772456 Unmanned Aerial \$ 5,500,000 \$ 5,500,000 129468
 Systems Center

GRF 775470 Public Transportation \$ 37,014,636 \$ 37,014,636 129469
 - State

GRF 776465 Rail Development \$ 10,000,000 \$ 10,000,000 129470

GRF 777471 Airport Improvements \$ 12,500,000 \$ 12,500,000 129471
 - State

TOTAL GRF General Revenue Fund \$ 65,514,636 \$ 66,514,636 129472

Dedicated Purpose Fund Group 129473

5ZP0 776505 Rail Safety Crossing \$ 125,000,000 \$ 0 129474
 Match

TOTAL DPF Dedicated Purpose Fund \$ 125,000,000 \$ 0 129475

Group

TOTAL ALL BUDGET FUND GROUPS \$ 190,514,636 \$ 66,514,636 129476

Section 411.20. RAIL SAFETY CROSSING MATCH 129478

An amount equal to the unexpended, unencumbered, portion of 129479
 appropriation item 776505, Rail Safety Crossing Match, at the end 129480
 of fiscal year 2024 is hereby reappropriated for the same purpose 129481
 in fiscal year 2025. 129482

Section 413.10. TOS TREASURER OF STATE				129483
General Revenue Fund				129484
GRF 090321	Operating Expenses	\$ 6,478,645	\$ 5,432,205	129485
GRF 090406	Treasury Management	\$ 1,120,000	\$ 1,120,000	129486
	System Lease Rental			
	Payments			
TOTAL GRF	General Revenue Fund	\$ 7,598,645	\$ 6,552,205	129487
Dedicated Purpose Fund Group				129488
4E90 090603	Securities Lending	\$ 10,022,465	\$ 11,068,905	129489
	Income			
4X90 090614	Political Subdivision	\$ 35,000	\$ 35,000	129490
	Obligation			
5770 090605	Investment Pool	\$ 1,700,000	\$ 1,700,000	129491
	Reimbursement			
5C50 090602	County Treasurer	\$ 250,000	\$ 250,000	129492
	Education			
6050 090609	Treasurer of State	\$ 1,800,000	\$ 1,800,000	129493
	Administrative Fund			
TOTAL DPF	Dedicated Purpose			129494
Fund Group		\$ 13,807,465	\$ 14,853,905	129495
Fiduciary Fund Group				129496
4250 090635	Tax Refunds	\$ 12,000,000	\$ 12,000,000	129497
TOTAL FID	Fiduciary Fund Group	\$ 12,000,000	\$ 12,000,000	129498
TOTAL ALL BUDGET	FUND GROUPS	\$ 33,406,110	\$ 33,406,110	129499

Section 413.20. TAX REFUNDS 129501

The foregoing appropriation item 090635, Tax Refunds, shall 129502
be used to pay refunds under section 5703.052 of the Revised Code. 129503
If the Director of Budget and Management determines that 129504
additional amounts are necessary for this purpose, such amounts 129505
are hereby appropriated. 129506

		Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL			129507	
		PAYMENTS			129508	
		The foregoing appropriation item 090406, Treasury Management			129509	
		System Lease Rental Payments, shall be used to make payments			129510	
		during the period from July 1, 2023, through June 30, 2025,			129511	
		pursuant to leases and agreements entered into under Section			129512	
		701.20 of H.B. 497 of the 130th General Assembly and other prior			129513	
		acts of the General Assembly with respect to financing the costs			129514	
		associated with the acquisition, development, implementation, and			129515	
		integration of the Treasury Management System.			129516	
		Section 414.10. VTO VETERANS' ORGANIZATIONS			129517	
		General Revenue Fund			129518	
		VAP AMERICAN EX-PRISONERS OF WAR			129519	
GRF	743501	State Support	\$	40,000	\$ 40,000	129520
		VAN ARMY AND NAVY UNION, USA, INC.				129521
GRF	746501	State Support	\$	75,000	\$ 75,000	129522
		VKW KOREAN WAR VETERANS				129523
GRF	747501	State Support	\$	75,000	\$ 75,000	129524
		VJW JEWISH WAR VETERANS				129525
GRF	748501	State Support	\$	55,000	\$ 55,000	129526
		VCW CATHOLIC WAR VETERANS				129527
GRF	749501	State Support	\$	75,000	\$ 75,000	129528
		VPH MILITARY ORDER OF THE PURPLE HEART				129529
GRF	750501	State Support	\$	75,000	\$ 75,000	129530
		VVV VIETNAM VETERANS OF AMERICA				129531
GRF	751501	State Support	\$	275,000	\$ 275,000	129532
		VAL AMERICAN LEGION OF OHIO				129533
GRF	752501	State Support	\$	400,000	\$ 400,000	129534
		VII AMVETS				129535
GRF	753501	State Support	\$	400,000	\$ 400,000	129536

		VAV DISABLED AMERICAN VETERANS				129537	
GRF	754501	State Support	\$	400,000	\$	400,000	129538
		VMC MARINE CORPS LEAGUE					129539
GRF	756501	State Support	\$	190,000	\$	190,000	129540
		V37 37TH DIVISION VETERANS' ASSOCIATION					129541
GRF	757501	State Support	\$	15,000	\$	15,000	129542
		VFW VETERANS OF FOREIGN WARS					129543
GRF	758501	State Support	\$	400,000	\$	400,000	129544
TOTAL GRF		General Revenue Fund	\$	2,475,000	\$	2,475,000	129545
TOTAL ALL BUDGET FUND GROUPS			\$	2,475,000	\$	2,475,000	129546
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES					129548
		General Revenue Fund					129549
GRF	900321	Veterans' Homes	\$	48,972,278	\$	51,374,724	129550
GRF	900402	Hall of Fame	\$	105,909	\$	112,887	129551
GRF	900408	Department of Veterans Services	\$	4,794,967	\$	4,837,059	129552
GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$	1,560,000	\$	1,560,000	129553
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	4,995,000	\$	4,995,000	129554
TOTAL GRF		General Revenue Fund	\$	60,428,154	\$	62,879,670	129555
		Dedicated Purpose Fund Group					129556
4840	900603	Veterans' Homes Services	\$	700,000	\$	700,000	129557
4E20	900602	Veterans' Homes Operating	\$	14,000,000	\$	14,000,000	129558
5DB0	900643	Military Injury Relief Program	\$	55,800	\$	55,800	129559
5NX0	900646	State Opioid Response	\$	1,000,000	\$	1,000,000	129560

5YP0 900650	Sports Gaming - Veterans	\$	125,000	\$	125,000	129561
5Z00 900411	Veterans Homes Modernization	\$	65,000,000		0	129562
TOTAL DPF Dedicated Purpose Fund Group		\$	80,880,800	\$	15,880,800	129563
Debt Service Fund Group						129564
7041 900615	Veteran Bonus Program - Administration	\$	229,024	\$	205,643	129565
7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$	4,770,976	\$	4,794,357	129566
TOTAL DSF Debt Service Fund Group		\$	5,000,000	\$	5,000,000	129568
Federal Fund Group						129569
3680 900614	Veterans Training	\$	936,491	\$	963,333	129570
3BX0 900609	Medicare Services	\$	1,000,000	\$	1,000,000	129571
3L20 900601	Veterans' Homes Operations - Federal	\$	30,500,000	\$	30,500,000	129572
TOTAL FED Federal Fund Group		\$	32,436,491	\$	32,463,333	129573
TOTAL ALL BUDGET FUND GROUPS		\$	178,745,445	\$	116,223,803	129574
VETERANS ORGANIZATIONS' RENT						129575
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.						129576 129577 129578 129579
VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS						129580
Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2024 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related						129581 129582 129583 129584

services to Ohio female veterans at their facility located in 129585
Cuyahoga County. All of this funding shall be spent in Ohio on 129586
Ohio female veterans. 129587

SAVE A WARRIOR 129588

Of the foregoing appropriation item 900408, Department of 129589
Veterans Services, \$100,000 in each fiscal year shall be 129590
distributed to Save a Warrior to provide post-traumatic stress 129591
rehabilitation services to Ohio veterans at their facility located 129592
in Highland County. 129593

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 129594

The foregoing appropriation item 900901, Veterans 129595
Compensation General Obligation Bond Debt Service, shall be used 129596
to pay all debt service and related financing costs during the 129597
period from July 1, 2023, through June 30, 2025, on obligations 129598
issued under Section 2r of Article VIII, Ohio Constitution. 129599

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 129600

Dedicated Purpose Fund Group 129601

4K90 888609	Operating Expenses	\$	444,000	\$	448,000	129602
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5YG0 888603	Veterinarian Student	\$	0	\$	250,000	129603
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Debt Assistance

Program

TOTAL DPF Dedicated Purpose 129604

Fund Group	\$	444,000	\$	698,000	129605
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Internal Service Activity Fund Group 129606

5BU0 888602	Veterinary Student	\$	20,000	\$	20,000	129607
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Loan Program

TOTAL ISA Internal Service Activity 129608

Fund Group	\$	20,000	\$	20,000	129609
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TOTAL ALL BUDGET FUND GROUPS	\$	464,000	\$	718,000	129610
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Section 419.10.				VPB STATE VISION PROFESSIONALS BOARD	129612		
Dedicated Purpose Fund Group					129613		
4K90	129609	Operating Expenses	\$	608,684	\$ 619,684	129614	
TOTAL DPF Dedicated Purpose Fund Group				\$	608,684	\$ 619,684	129615
TOTAL ALL BUDGET FUND GROUPS				\$	608,684	\$ 619,684	129616
Section 421.10.				DYS DEPARTMENT OF YOUTH SERVICES	129618		
General Revenue Fund					129619		
GRF	470401	RECLAIM Ohio	\$	205,308,400	\$ 206,110,900	129620	
GRF	470412	Juvenile Correctional Facilities Lease	\$	15,300,000	\$ 18,500,000	129621	
				Rental Bond Payments			
GRF	470510	Youth Services	\$	16,702,700	\$ 16,702,700	129622	
GRF	472321	Parole Operations	\$	11,318,500	\$ 11,822,400	129623	
GRF	477321	Administrative Operations	\$	16,427,100	\$ 16,775,100	129624	
TOTAL GRF General Revenue Fund				\$	265,056,700	\$ 269,911,100	129625
Dedicated Purpose Fund Group					129626		
1470	470612	Vocational Education	\$	1,482,700	\$ 1,482,700	129627	
1750	470613	Education Services	\$	3,718,100	\$ 3,915,300	129628	
4790	470609	Employee Food Service	\$	21,400	\$ 21,400	129629	
4A20	470602	Child Support	\$	95,000	\$ 95,000	129630	
4G60	470605	Juvenile Special Revenue - Non-Federal	\$	115,000	\$ 115,000	129631	
5BN0	470629	E-Rate Program	\$	59,000	\$ 59,000	129632	
TOTAL DPF Dedicated Purpose Fund Group				\$	5,491,200	\$ 5,688,400	129633
Federal Fund Group					129635		
3210	470601	Education	\$	1,263,900	\$ 1,046,900	129636	
3210	470603	Juvenile Justice	\$	2,716,500	\$ 2,747,300	129637	

		Prevention				
3210	470606	Nutrition	\$	1,055,000	\$	1,055,000 129638
3210	470614	Title IV-E	\$	3,506,000	\$	1,406,000 129639
		Reimbursements				
3210	470691	COVID Mitigation and	\$	2,076,800	\$	246,100 129640
		Detection				
3V50	470604	Juvenile	\$	1,912,400	\$	1,912,500 129641
		Justice/Delinquency				
		Prevention				
TOTAL FED		Federal				129642
Fund Group			\$	12,530,600	\$	8,413,800 129643
TOTAL ALL BUDGET FUND GROUPS			\$	283,078,500	\$	284,013,300 129644
COMMUNITY PROGRAMS						129645
For purposes of implementing juvenile sentencing reforms, and						129646
notwithstanding any provision of law to the contrary, the						129647
Department of Youth Services may use up to \$1,375,000 of the						129648
unexpended, unencumbered balance of the portion of appropriation						129649
item 470401, RECLAIM Ohio, that is allocated to juvenile						129650
correctional facilities in each fiscal year to expand Targeted						129651
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and						129652
other evidence-based community programs.						129653
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS						129654
The foregoing appropriation item 470412, Juvenile						129655
Correctional Facilities Lease Rental Bond Payments, shall be used						129656
to meet all payments during the period from July 1, 2023, through						129657
June 30, 2025, by the Department of Youth Services under the						129658
leases and agreements for facilities made under Chapters 152. and						129659
154. of the Revised Code. These appropriations are the source of						129660
funds pledged for bond service charges on related obligations						129661
issued under Chapters 152. and 154. of the Revised Code.						129662
EDUCATION SERVICES						129663

The foregoing appropriation item 470613, Education Services, 129664
shall be used to fund the operating expenses of providing 129665
educational services to youth supervised by the Department of 129666
Youth Services. Operating expenses include, but are not limited 129667
to, teachers' salaries, maintenance costs, and educational 129668
equipment. 129669

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 129670

In collaboration with the county family and children first 129671
council, the juvenile court of that county that receives 129672
allocations from one or both of the foregoing appropriation items 129673
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 129674
portions of those allocations to a flexible funding pool as 129675
authorized by the section of this act titled "FAMILY AND CHILDREN 129676
FIRST FLEXIBLE FUNDING POOL." 129677

Section 423.10. KID DEPARTMENT OF CHILDREN AND YOUTH 129678

General Revenue Fund 129679

GRF	830400	Child Care	\$	93,636,057	\$	93,636,057	129680
		State/Maintenance of Effort					
GRF	830401	Foster Care	\$	952,000	\$	952,000	129681
GRF	830402	Healthy Beginnings at Home	\$	16,000,000	\$	1,000,000	129682
GRF	830403	Help Me Grow	\$	54,982,907	\$	64,380,802	129683
GRF	830404	Infant Vitality	\$	16,861,356	\$	18,729,230	129684
GRF	830405	Part C Early Intervention	\$	23,401,971	\$	23,401,971	129685
GRF	830406	Strong Families Strong Communities	\$	4,500,000	\$	4,500,000	129686
GRF	830407	Early Childhood Education	\$	114,216,789	\$	114,216,789	129687
GRF	830408	Early Learning	\$	2,760,000	\$	2,760,000	129688

		Assessment				
GRF	830409	Childcare Licensing	\$	3,823,145	\$	3,863,373 129689
GRF	830410	Family and Children	\$	2,706,000	\$	2,706,000 129690
		First				
GRF	830411	Imagination Library	\$	8,000,000	\$	8,000,000 129691
GRF	830500	Early Care and	\$	141,285,241	\$	141,285,241 129692
		Education				
GRF	830501	Kinship Permanency	\$	1,000,000	\$	1,000,000 129693
		Incentive Program				
GRF	830502	Court Appointed	\$	1,000,000	\$	1,000,000 129694
		Special Advocates				
GRF	830503	Adoption Services	\$	23,922,517	\$	23,922,517 129695
GRF	830504	Infant Health Grants	\$	1,587,833	\$	1,587,833 129696
GRF	830505	Early Childhood	\$	11,250,000	\$	11,250,000 129697
		Mental Health (ECMH)				
GRF	830506	Family and Children	\$	280,212,065	\$	291,601,023 129698
		Services				
TOTAL GRF		General Revenue Fund	\$	802,097,881	\$	809,862,836 129699
		Dedicated Purpose Fund Group				129700
						129701
1980	830600	Children's Trust Fund	\$	5,777,313	\$	5,682,251 129702
2320	830613	Family and Children	\$	2,389,999	\$	2,400,019 129703
		First				
4F10	830607	Family and Children	\$	655,000	\$	655,000 129704
		Activities				
5KT0	830606	Early Childhood	\$	20,000,000	\$	20,000,000 129705
		Education				
TOTAL DPF		Dedicated Purpose				129706
Fund Group			\$	28,822,312	\$	28,737,270 129707
		Federal Fund Group				129708
3200	830608	Maternal and Child	\$	26,632,123	\$	27,937,097 129709
		Health Block Grant				

3250	830609	Community Social Service Programs	\$ 17,303,908	\$ 17,303,908	129710
3270	830601	Child Welfare	\$ 30,452,109	\$ 30,662,072	129711
3980	830612	Adoption Program	\$ 191,010,421	\$ 196,784,786	129712
3C50	830610	Preschool Special Education	\$ 14,026,864	\$ 14,026,864	129713
3D30	830602	Children's Trust Fund	\$ 6,966,717	\$ 6,978,646	129714
3H70	830604	Child Care	\$ 594,570,212	\$ 594,897,934	129715
3HF0	830611	Head Start Collaboration	\$ 225,000	\$ 225,000	129716
3N00	830603	Foster Care Program	\$ 334,844,117	\$ 336,851,933	129717
3V60	830605	TANF Block Grant	\$ 240,131,211	\$ 240,131,211	129718
TOTAL FED Federal					129719
Fund Group			\$ 1,456,162,682	\$ 1,465,799,451	129720
TOTAL ALL BUDGET FUND GROUPS			\$ 2,287,082,875	\$ 2,304,399,557	129721

Section 423.20. INFANT VITALITY GRANTS AND PROGRAMS 129723

Of the foregoing appropriation item 830402, Healthy
 Beginnings at Home, up to \$15,000,000 in fiscal year 2024 shall be
 used, in coordination with the Department of Health, to support
 stable housing initiatives for pregnant mothers and to improve
 maternal and infant health outcomes. 129724
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Of the foregoing appropriation item, 830402, Healthy
 Beginnings at Home, up to \$1,000,000 in each fiscal year shall be
 used for Moved to Prosper efforts. 129729
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Of the foregoing appropriation item, 830404, Infant Vitality,
 up to \$2,500,000 in each fiscal year shall be used, in
 consultation with the Governor's Office of Children's Initiatives,
 to support programming by community and local faith-based service
 providers that invests in maternal health programs, provides
 services and support to pregnant mothers, and improves both
 maternal and infant health outcomes. 129732
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The remainder of appropriation item 830404, Infant Vitality, 129739
shall be used to fund a multi-pronged population health approach 129740
to address infant mortality. This approach may include the 129741
following: increasing awareness, including awareness regarding 129742
respiratory syncytial virus; supporting data collection; analysis 129743
and interpretation to inform decision-making and ensure 129744
accountability; targeting resources where the need is greatest; 129745
and implementing quality improvement science and programming that 129746
is evidence-based or based on emerging practices. Measurable 129747
interventions may include activities related to safe sleep, 129748
community engagement, group prenatal care, preconception 129749
education, continuous support for women during pregnancy and 129750
childbirth, patient navigators, community health workers, early 129751
childhood home visiting, newborn screening, safe birth spacing, 129752
gestational diabetes, smoking cessation tailored for pregnant 129753
women, breastfeeding, care coordination, and progesterone. 129754

The foregoing appropriation item 830504, Infant Health 129755
Grants, shall be used by the Department of Children and Youth, in 129756
consultation and coordination with the Commission on Minority 129757
Health, to support the continuation or expansion of a pathways 129758
community HUB model that has the primary objective of reducing 129759
infant mortality. 129760

Section 423.30. CHILDREN'S MENTAL HEALTH 129761

Of the foregoing appropriation item 830406, Strong Families 129762
Strong Communities, up to \$4,500,000 in each fiscal year shall be 129763
used to provide funding for community projects across the state 129764
that focus on support for families, assisting families in avoiding 129765
crisis, and crisis intervention. 129766

The foregoing appropriation item 830505, Early Childhood 129767
Mental Health, shall be used to promote identification and 129768
intervention for early childhood mental health and to enhance 129769

healthy social emotional development in order to reduce preschool 129770
to third grade classroom expulsions. Funds shall be used by the 129771
Department of Children and Youth, in coordination with Department 129772
of Mental Health and Addiction Services, to support early 129773
childhood mental health credentialed counselors and consultation 129774
services, as well as administration and workforce development for 129775
the program. 129776

Section 423.40. EARLY CHILDHOOD EDUCATION 129777

Of the foregoing appropriation item 830606, Early Childhood 129778
Education, up to \$20,000,000 in each fiscal year shall be used by 129779
the Department of Children and Youth, in coordination with the 129780
Department of Job and Family Services, to achieve the goals 129781
described in division (C) of section 5104.29 of the Revised Code 129782

The Department of Children and Youth, in coordination with 129783
the Department of Education, shall distribute the foregoing 129784
appropriation item 830407, Early Childhood Education, to pay the 129785
costs of early childhood education programs. The Department shall 129786
distribute such funds directly to qualifying providers. 129787

(A) As used in this section: 129788

(1) "Provider" means a city, local, exempted village, or 129789
joint vocational school district; an educational service center; a 129790
community school established under Chapter 3314. of the Revised 129791
Code that is sponsored by an exemplary rated sponsor; 129792
notwithstanding anything to the contrary in Chapter 3326. of the 129793
Revised Code, a STEM school that is established under that 129794
chapter; a chartered nonpublic school; an early childhood 129795
education child care provider licensed under Chapter 5104. of the 129796
Revised Code that participates in and meets at least the third 129797
highest tier of the Step Up to Quality program established 129798
pursuant to section 5104.29 of the Revised Code; or a combination 129799
of entities described in this paragraph. 129800

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means either of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a performance rating of three stars or higher for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 129831
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(4) "Eligible child" means a child who is at least three years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday. 129833
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(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of Children and Youth programs. 129841
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(6) "Children and Youth programs" has the same meaning as in section 5104.29 of the Revised Code. 129844
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(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children. 129846
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(C) The Department of Children and Youth shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards. 129851
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(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2024, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of H.B. 110 of the 134th General Assembly in the previous fiscal year and the 129857
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balance to new eligible providers of early childhood education 129862
programs or to existing providers to serve more eligible children 129863
pursuant to division (E) of this section or for purposes of 129864
program expansion, improvement, or special projects to promote 129865
quality and innovation, including piloting all-day programming. 129866

After setting aside the amounts to make payments due from the 129867
previous fiscal year, in fiscal year 2025, the Department shall 129868
distribute funds first to providers of early childhood education 129869
programs under this section in the previous fiscal year and the 129870
balance to new eligible providers or to existing providers to 129871
serve more eligible children as outlined under division (E) of 129872
this section or for purposes of program expansion, improvement, or 129873
special projects to promote quality and innovation, including 129874
piloting all-day programming. 129875

(E)(1) The Department shall distribute any new or remaining 129876
funding to existing providers of early childhood education 129877
programs or any new eligible providers in an effort to invest in 129878
high quality early childhood programs where there is a need as 129879
determined by the Department. The Department shall distribute the 129880
new or remaining funds to existing providers of early childhood 129881
education programs or any new eligible providers to serve 129882
additional eligible children based on community economic 129883
disadvantage, limited access to high quality preschool or 129884
childcare services, and demonstration of high quality preschool 129885
services. 129886

(2) Awards under divisions (D) and (E) of this section shall 129887
be distributed on a per-pupil basis, and in accordance with 129888
division (I) of this section. The Department may adjust the 129889
per-pupil amount so that the per-pupil amount multiplied by the 129890
number of eligible children enrolled and receiving services on the 129891
first day of December or the business day closest to that date 129892
equals the amount allocated under this section. 129893

(F) Funds awarded under this section must be used to support 129894
expenses directly related to the operation of an early childhood 129895
education program. Costs for developing and administering an early 129896
childhood education program may not exceed fifteen per cent of the 129897
total approved costs of the program. 129898

All providers shall maintain such fiscal control and 129899
accounting procedures as may be necessary to ensure the 129900
disbursement of, and accounting for, these funds. The control of 129901
funds provided in this program, and title to property obtained, 129902
shall be under the authority of the approved provider for purposes 129903
provided in the program unless, as described in division (K) of 129904
this section, the program waives its right for funding or a 129905
program's funding is eliminated or reduced due to its inability to 129906
meet financial or early learning program standards. The approved 129907
provider shall administer and use such property and funds for the 129908
purposes specified. 129909

(G) The Department may examine a provider's financial and 129910
program records. If the financial practices of the program are not 129911
in accordance with standard accounting principles or do not meet 129912
financial standards outlined under division (F) of this section, 129913
or if the program fails to substantially meet the early learning 129914
program standards, meet a quality rating level in the Step Up to 129915
Quality program established pursuant to section 5104.29 of the 129916
Revised Code as prescribed by the Department, or exhibits below 129917
average performance as measured against the standards, the early 129918
childhood education program shall propose and implement a 129919
corrective action plan that has been approved by the Department. 129920
The approved corrective action plan shall be signed by the chief 129921
executive officer and the executive of the official governing body 129922
of the provider. The corrective action plan shall include a 129923
schedule for monitoring by the Department. Such monitoring may 129924
include monthly reports, inspections, a timeline for correction of 129925

deficiencies, and technical assistance to be provided by the 129926
Department or obtained by the early childhood education program. 129927
The Department may withhold funding pending corrective action. If 129928
an early childhood education program fails to satisfactorily 129929
complete a corrective action plan, the Department may deny 129930
expansion funding to the program or withdraw all or part of the 129931
funding to the program and establish a new eligible provider 129932
through a selection process established by the Department. 129933

(H)(1) If the early childhood education program is not highly 129934
rated, as determined by the Director of Children and Youth, under 129935
the Step Up to Quality program established pursuant to section 129936
5104.29 of the Revised Code, the program shall do all of the 129937
following: 129938

(a) Meet teacher qualification requirements prescribed by 129939
section 3301.311 of the Revised Code; 129940

(b) Align curriculum to the early learning content standards 129941
developed by the Department; 129942

(c) Meet any child or program assessment requirements 129943
prescribed by the Department; 129944

(d) Require teachers, except teachers enrolled and working to 129945
obtain a degree pursuant to section 3301.311 of the Revised Code, 129946
to attend a minimum of twenty hours every two years of 129947
professional development as prescribed by the Department; 129948

(e) Document and report child progress as prescribed by the 129949
Department; 129950

(f) Meet and report compliance with the early learning 129951
program standards as prescribed by the Department; 129952

(g) Participate in the Step Up to Quality program established 129953
pursuant to section 5104.29 of the Revised Code. 129954

(2) If the program is highly rated, as determined by the 129955

Director of Children and Youth, under the Step Up to Quality 129956
program established pursuant to section 5104.29 of the Revised 129957
Code, the program shall comply with the requirements of that 129958
program. 129959

(I) Per-pupil funding for programs subject to this section 129960
shall be sufficient to provide eligible children with services for 129961
a standard early childhood schedule which shall be defined in this 129962
section as a minimum of twelve and one-half hours per school week 129963
as defined in section 3313.62 of the Revised Code for the minimum 129964
school year as defined in sections 3313.48, 3313.481, and 3313.482 129965
of the Revised Code. Nothing in this section shall be construed to 129966
prohibit program providers from utilizing other funds to serve 129967
eligible children in programs that exceed the twelve and one-half 129968
hours per week or that exceed the minimum school year. For any 129969
provider for which a standard early childhood education schedule 129970
creates a hardship or for which the provider shows evidence that 129971
the provider is working in collaboration with a preschool special 129972
education program, the provider may submit a waiver to the 129973
Department requesting an alternate schedule. If the Department 129974
approves a waiver for an alternate schedule that provides services 129975
for less time than the standard early childhood education 129976
schedule, the Department may reduce the provider's annual 129977
allocation proportionately. Under no circumstances shall an annual 129978
allocation be increased because of the approval of an alternate 129979
schedule. 129980

(J) Each provider shall develop a sliding fee scale based on 129981
family incomes and shall charge families who earn more than two 129982
hundred per cent of the federal poverty guidelines, as defined in 129983
division (A)(3) of section 5101.46 of the Revised Code, for the 129984
early childhood education program. 129985

The Department shall conduct an annual survey of each 129986
provider to determine whether the provider charges families 129987

tuition or fees, the amount families are charged relative to 129988
family income levels, and the number of families and students 129989
charged tuition and fees for the early childhood program. 129990

(K) If an early childhood education program voluntarily 129991
waives its right for funding, or has its funding eliminated for 129992
not meeting financial standards or the early learning program 129993
standards, the provider shall transfer control of title to 129994
property, equipment, and remaining supplies obtained through the 129995
program to providers designated by the Department and return any 129996
unexpended funds to the Department along with any reports 129997
prescribed by the Department. The funding made available from a 129998
program that waives its right for funding or has its funding 129999
eliminated or reduced may be used by the Department for new grant 130000
awards or expansion grants. The Department may award new grants or 130001
expansion grants to eligible providers who apply. The eligible 130002
providers who apply must do so in accordance with the selection 130003
process established by the Department. 130004

(L) Eligible expenditures for the Early Childhood Education 130005
Program shall be claimed each fiscal year to help meet the state's 130006
TANF maintenance of effort requirement. The Superintendent of 130007
Public Instruction, Director of Children and Youth, and the 130008
Director of Job and Family Services shall enter into an 130009
interagency agreement to carry out the requirements under this 130010
division, which shall include developing reporting guidelines for 130011
these expenditures. 130012

(M)(1) The Department of Children and Youth and the 130013
Department of Job and Family Services shall continue to work 130014
toward establishing the following in common between early 130015
childhood education programs and publicly funded child care: 130016

(a) An application; 130017

(b) Program eligibility; 130018

(c) Funding;	130019
(d) An attendance policy;	130020
(e) An attendance tracking system.	130021
(2) In accordance with section 5104.34 of the Revised Code,	130022
eligible families may receive publicly funded child care beyond	130023
the standard early childhood schedule defined in division (I) of	130024
this section.	130025
(3) All providers, agencies, and school districts	130026
participating in the early childhood education program or	130027
providing care to eligible families beyond the standard early	130028
childhood schedule shall follow the common policies established	130029
under this section.	130030
Section 423.50. EARLY LEARNING STUDENT ASSESSMENT	130031
Of the foregoing appropriation item 830408, Early Learning	130032
Assessment, up to \$2,760,000 in each fiscal year may be used to	130033
support the state's early learning assessment work and the	130034
assessments required under section 3301.0715 of the Revised Code.	130035
CHILD CARE LICENSING	130036
The foregoing appropriation item 830409, Child Care	130037
Licensing, shall be used by the Department of Children and Youth,	130038
in consultation and coordination with the Department of Education,	130039
to license and to inspect preschool and school-age child care	130040
programs under sections 3301.52 to 3301.59 of the Revised Code.	130041
Section 423.60. COURT APPOINTED SPECIAL ADVOCATES	130042
Of the foregoing appropriation item 830502, Court Appointed	130043
Special Advocates, up to \$333,333 in each fiscal year shall be	130044
used to support administrative costs associated with existing	130045
court-appointed special advocate programs.	130046

Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to \$666,667 in each fiscal year shall be used to establish court-appointed special advocate programs in areas of the state that are not served by an existing program and to support existing programs.

Section 423.70. FAMILY AND CHILDREN SERVICES AND ACTIVITIES

Of the foregoing appropriation item 830506, Family and Children Services, up to \$25,000,000 in each fiscal year shall be provided to assist with the expense of providing services to youth requiring support from multiple systems. These funds may be used for youth currently in the custody of a public children services agency or to prevent children from entering into the custody of a public children services agency by custody relinquishment or another mechanism. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 830506, Family and Children Services, up to \$10,000,000 in each fiscal year may be used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 830506, Family and Children Services, up to \$145,040,010 in fiscal year 2024 and up to \$155,040,010 in fiscal year 2025 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

If the funds available for distribution under section 5101.14

of the Revised Code in fiscal year 2024 and fiscal year 2025 130078
exceed the amount appropriated in fiscal year 2019, each county 130079
contributing local funds in county fiscal year 2019 to the county 130080
children services fund shall contribute moneys to the children 130081
services fund described in section 5101.144 of the Revised Code. 130082

The Director of Children and Youth, in consultation and 130083
coordination with the Director of Job and Family Services shall 130084
adopt rules, in accordance with section 111.15 of the Revised 130085
Code, to determine the amount of local funds each county must 130086
contribute to the children services fund based on past 130087
contributions. Rules must include a hardship provision identifying 130088
circumstances in which the county contribution may be waived or 130089
reduced. 130090

The foregoing appropriation item 830607, Family and Children 130091
Activities, shall be used to expend miscellaneous foundation funds 130092
and grants to support family and children services activities. 130093

Section 423.80. KINSHIP CARE NAVIGATOR PROGRAM 130094

Of the foregoing appropriation item 830506, Family and 130095
Children Services, up to \$8,500,000 in each fiscal year shall be 130096
used to support the Kinship Care Navigator Program, and may be 130097
used to match eligible federal Title IV-E funds. 130098

Section 423.90. WENDY'S WONDERFUL KIDS 130099

Of the foregoing appropriation items 830506, Family and 130100
Children Services, 830601, Child Welfare, and 830612, Adoption 130101
Program, a total of up to \$12,000,000 in each fiscal year may be 130102
used to provide funds to the Dave Thomas Foundation for Adoption 130103
to implement statewide the Wendy's Wonderful Kids program of 130104
professional recruiters who use a child-focused model to find 130105
permanent homes for children in Ohio foster care. 130106

Section 423.100. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING	130107
POOL	130108
A county family and children first council may establish and	130109
operate a flexible funding pool in order to assure access to	130110
needed services by families, children, and older adults in need of	130111
protective services. The operation of the flexible funding pools	130112
is subject to the following restrictions:	130113
(A) The county council shall establish and operate the	130114
flexible funding pool in accordance with formal guidance issued by	130115
the Family and Children First Cabinet Council;	130116
(B) The county council shall produce an annual report on its	130117
use of the pooled funds. The annual report shall conform to a	130118
format prescribed in the formal guidance issued by the Family and	130119
Children First Cabinet Council;	130120
(C) Unless otherwise restricted, funds transferred to the	130121
flexible funding pool may include state general revenues allocated	130122
to local entities to support the provision of services to families	130123
and children;	130124
(D) The amounts transferred to the flexible funding pool	130125
shall be limited to amounts that can be redirected without	130126
impairing the achievement of the objectives for which the initial	130127
allocation is designated; and	130128
(E) Each amount transferred to the flexible funding pool from	130129
a specific allocation shall be approved for transfer by the	130130
director of the local agency that was the original recipient of	130131
the allocation.	130132
In collaboration with the county family and children first	130133
council, a county department of job and family services or public	130134
children services agency that receives an allocation from the	130135
Department of Children and Youth, in consultation and coordination	130136

with the Department of Job and Family Services, from the foregoing 130137
appropriation item 830506, Family and Children Services, or 130138
830502, Court Appointed Special Advocates, may transfer a portion 130139
of either or both allocations to a flexible funding pool as 130140
authorized by this section. 130141

Section 423.110. COMMUNITY SOCIAL SERVICE PROGRAMS 130142

A portion of the foregoing appropriation item 830609, 130143
Community Social Service Programs, in coordination with the 130144
Department of Developmental Disabilities, may be used by the Early 130145
Intervention Services Advisory Council for the following purposes: 130146

(A) In addition to other necessary and allowed uses of funds 130147
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 130148
Services Advisory Council established pursuant to section 130149
5123.0422 of the Revised Code, may, in its discretion, use 130150
budgeted funds to do all of the following: 130151

(1) Conduct forums and hearings; 130152

(2) Reimburse council members for reasonable and necessary 130153
expenses, including child care expenses for parent 130154
representatives, for attending council meetings and performing 130155
council duties; 130156

(3) Pay compensation to a council member if the member is not 130157
employed or must forfeit wages from other employment when 130158
performing official council business; 130159

(4) Hire staff; 130160

(5) Obtain the services of professional, technical, and 130161
clerical personnel as necessary to carry out the performance of 130162
its lawful functions. 130163

(B) Except as provided in division (A) of this section, 130164
council members shall serve without compensation or reimbursement. 130165

Section 423.120. OHIO COMMISSION ON FATHERHOOD 130166

Of the foregoing appropriation item 830605, TANF Block Grant, 130167
up to \$5,500,000 in each fiscal year shall be provided, in 130168
accordance with sections 5101.80 and 5101.801 of the Revised Code, 130169
to the Ohio Commission on Fatherhood. 130170

Section 423.130. PUBLICLY FUNDED CHILD CARE ELIGIBILITY 130171

Beginning on the effective date of this section and through 130172
June 30, 2025, all of the following apply to a family's 130173
eligibility for publicly funded child care as described in 130174
division (A) of section 5104.38 of the Revised Code: 130175

(A) The maximum amount of income that a family may have for 130176
initial eligibility shall not exceed one hundred sixty per cent of 130177
the federal poverty line; 130178

(B) The maximum amount of income that a family may have for 130179
continued eligibility shall not exceed three hundred per cent of 130180
the federal poverty line. 130181

Section 423.140. (A) On July 1, 2023, the Department of 130182
Children and Youth is created. The Director of the Department of 130183
Children and Youth shall be a member of the Governor's cabinet, 130184
appointed by the Governor with the advice and consent of the 130185
Senate. The Department of Children and Youth shall coordinate and 130186
facilitate the delivery in this state of children's services as 130187
described in section 5180.01 of the Revised Code as enacted by 130188
this act. 130189

(B) The directors of the Departments of Children and Youth, 130190
Job and Family Services, Education, Health, Developmental 130191
Disabilities, Medicaid, Mental Health and Addiction Services, and 130192
Development, or their designees, shall work together to identify 130193
duties, functions, programs, and staff resources within those 130194

departments that provide children's services as described in 130195
section 5180.01 of the Revised Code as enacted by this act. 130196

The directors or their designees shall develop a detailed 130197
organizational plan to implement the transfer of children's 130198
services duties, functions, programs, and staff to the Department 130199
of Children and Youth by January 1, 2025. 130200

The directors shall enter into a memorandum of understanding 130201
with the Director of the Department of Children and Youth to 130202
transfer all duties, functions, programs, and staff resources as 130203
recommended by the directors. 130204

(C) Any business commenced but not completed by January 1, 130205
2025, within the departments identified in division (B) of this 130206
section that is planned to be transferred pursuant to this section 130207
shall be completed by the Department of Children and Youth or its 130208
Director in the same manner and with the same effect as if 130209
completed by the identified departments. 130210

(D) The Director of Children and Youth and the Directors of 130211
the Departments of Job and Family Services, Education, Health, 130212
Developmental Disabilities, Medicaid, Mental Health and Addiction 130213
Services, and Development may jointly or separately enter into one 130214
or more contracts with public or private entities for staff 130215
training and development to facilitate the transfer of the duties, 130216
functions, programs, and staff resources to the Department of 130217
Children and Youth. Division (B) of section 127.16 of the Revised 130218
Code does not apply to contracts entered into under this division. 130219

(E) All employees and staff resources identified by the 130220
workgroup in division (B) of this section are transferred to the 130221
Department of Children and Youth on January 1, 2025, or on an 130222
earlier date identified by the directors of the respective 130223
departments under division (B) of this section. Subject to the 130224
lay-off provisions of sections 124.321 to 124.381 of the Revised 130225

Code, employees who are transferred retain their same positions 130226
and all benefits accruing thereto. Once transferred to the 130227
Department of Children and Youth, changes to positions or benefits 130228
for employees not subject to Chapter 4117. of the Revised Code 130229
shall be controlled by Chapter 124. of the Revised Code, or other 130230
applicable Revised Code or Administrative Code sections. 130231

(1) Notwithstanding the foregoing, the Director of Children 130232
and Youth has the authority to establish, change, and abolish 130233
positions for the Department of Children and Youth, and to assign, 130234
reassign, classify, reclassify, transfer, reduce, promote, or 130235
demote all employees of the Department of Children and Youth who 130236
are not subject to Chapter 4117. of the Revised Code. 130237

(2) The authority granted under division (E)(1) of this 130238
section includes assigning or reassigning an exempt employee, as 130239
defined in section 124.152 of the Revised Code, to a bargaining 130240
unit classification if the Director of Children and Youth 130241
determines that the bargaining unit classification is the proper 130242
classification for that employee. If an employee in the E-1 pay 130243
range is to be assigned, reassigned, classified, reclassified, 130244
transferred, reduced, or demoted to a position in a lower 130245
classification, the Director of Children and Youth or in the case 130246
of a position transferred outside of the Department, the Director 130247
of Administrative Services, shall assign the employee to the 130248
appropriate classification and place the employee in Step X. The 130249
employee shall not receive any increase in compensation until the 130250
maximum rate of pay for that classification exceeds the employee's 130251
compensation. 130252

(3) Actions taken under division (E) of this section are not 130253
subject to appeal to the State Personnel Board of Review. 130254

(F) Notwithstanding sections 4117.08 and 4117.10 of the 130255
Revised Code, the creation of the Department of Children and 130256
Youth, the transfer of programs and employees under this section, 130257

and the reassignment of certain functions and duties, are not 130258
appropriate subjects for collective bargaining under Chapter 4117. 130259
of the Revised Code. 130260

(G) Notwithstanding section 145.297 of the Revised Code, the 130261
Directors of the Departments of Job and Family Services, 130262
Education, Health, Developmental Disabilities, Medicaid, Mental 130263
Health and Addiction Services, and Development may, with the 130264
approval of the Office of Budget and Management, establish a 130265
retirement incentive plan for eligible employees of those agencies 130266
who are members of the Public Employee Retirement System whose job 130267
duties will be transferred to the Department of Children and 130268
Youth. Any retirement incentive plan established pursuant to this 130269
section shall remain in effect until December 31, 2024. 130270

(H) No validation, cure, right, privilege, remedy, 130271
obligation, or liability is lost or impaired by reason of the 130272
transfer required by this section but shall be administered by the 130273
Department of Children and Youth. No action or proceeding pending 130274
on the effective date of the transfer of duties, functions, and 130275
programs to the Department is affected by the transfer, and shall 130276
be prosecuted or defended in the name of the Department or 130277
Director, as appropriate. In all such actions for those 130278
transferred duties, functions, and programs, the Department or 130279
Director shall be substituted as a party. 130280

(I) Effective January 1, 2025, or on an earlier date 130281
determined by the directors under division (B) of this section, 130282
all records, documents, files, equipment, assets, and other 130283
materials of the programs and staff resources transferred under 130284
this section are transferred to the Department of Children and 130285
Youth. 130286

(J) All rules, orders, and determinations made or undertaken 130287
related to children's services programs transferred to the 130288
Department of Children and Youth shall continue in effect as 130289

rules, orders, and determinations of the Department until modified 130290
or rescinded by the Department of Children and Youth. On and after 130291
January 1, 2025, if necessary to ensure the integrity of the 130292
numbering of the Administrative Code, the Director of the 130293
Legislative Service Commission shall renumber the rules related to 130294
children's services programs transferred to the Department of 130295
Children and Youth to reflect this transfer. 130296

(K) Notwithstanding any provision of law to the contrary, on 130297
or after the effective date of this section, the Director of 130298
Budget and Management shall make budget and accounting changes to 130299
implement the transfer of duties, functions, and programs to the 130300
Department of Children and Youth as described in this section, 130301
including administrative organization, program transfers, renaming 130302
of funds, creation of new funds, transfer of state funds, and 130303
consolidation of funds. The Director may, if necessary, cancel or 130304
establish encumbrances or parts of encumbrances in fiscal years 130305
2024 and 2025 in the appropriate funds and appropriation items for 130306
the same purposes and for payment to the same vendor. Such 130307
encumbrances are hereby appropriated. If necessary for the 130308
continued efficient administration of children's services programs 130309
and appropriations provided in Section 423.10 of this act, the 130310
Director of Budget and Management may transfer appropriations 130311
between the Department of Children and Youth, and the Departments 130312
of Job and Family Services, Education, Health, Developmental 130313
Disabilities, Medicaid, Mental Health and Addiction Services, and 130314
Development to continue levels of program services and efficiently 130315
deliver state funding to those programs as appropriated herein. 130316

Section 503.10. PERSONAL SERVICE EXPENSES 130317

Unless otherwise prohibited by law, any appropriation from 130318
which personal service expenses are paid shall bear the employer's 130319
share of public employees' retirement, workers' compensation, 130320

disabled workers' relief, and insurance programs; the costs of 130321
centralized financial services, centralized payroll processing, 130322
and related reports and services; centralized human resources 130323
services, including affirmative action and equal employment 130324
opportunity programs; the Office of Collective Bargaining; 130325
centralized information technology management services; 130326
administering the enterprise resource planning system; and 130327
administering the state employee merit system as required by 130328
section 124.07 of the Revised Code. These costs shall be 130329
determined in conformity with the appropriate sections of law and 130330
paid in accordance with procedures specified by the Office of 130331
Budget and Management. Expenditures from appropriation item 130332
070601, Public Audit Expense - Intra-State, may be exempted from 130333
the requirements of this section. 130334

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 130335
AGAINST THE STATE 130336

Except as otherwise provided in this section, an 130337
appropriation in this act may be used for the purpose of 130338
satisfying judgments, settlements, or administrative awards 130339
ordered or approved by the Court of Claims or by any other court 130340
of competent jurisdiction in connection with civil actions against 130341
the state. This authorization does not apply to appropriations to 130342
be applied to or used for payment of guarantees by or on behalf of 130343
the state, or for payments under lease agreements relating to, or 130344
debt service on, bonds, notes, or other obligations of the state. 130345
Notwithstanding any other statute to the contrary, this 130346
authorization includes appropriations from funds into which 130347
proceeds of direct obligations of the state are deposited only to 130348
the extent that the judgment, settlement, or administrative award 130349
is for, or represents, capital costs for which the appropriation 130350
may otherwise be used and is consistent with the purpose for which 130351
any related obligations were issued or entered into. Nothing 130352

contained in this section is intended to subject the state to suit 130353
in any forum in which it is not otherwise subject to suit, and is 130354
not intended to waive or compromise any defense or right available 130355
to the state in any suit against it. 130356

Section 503.30. CAPITAL PROJECT SETTLEMENTS 130357

This section specifies an additional and supplemental 130358
procedure to provide for payments of judgments and settlements if 130359
the Director of Budget and Management determines, pursuant to 130360
division (C)(4) of section 2743.19 of the Revised Code, that 130361
sufficient unencumbered moneys do not exist in the fund to support 130362
a particular appropriation to pay the amount of a final judgment 130363
rendered against the state or a state agency, including the 130364
settlement of a claim approved by a court, in an action upon and 130365
arising out of a contractual obligation for the construction or 130366
improvement of a capital facility if the costs under the contract 130367
were payable in whole or in part from a state capital projects 130368
appropriation. In such a case, the Director may either proceed 130369
pursuant to division (C)(4) of section 2743.19 of the Revised Code 130370
or apply to the Controlling Board to increase an appropriation or 130371
create an appropriation out of any unencumbered moneys in the 130372
state treasury to the credit of the capital projects fund from 130373
which the initial state appropriation was made. The amount of an 130374
increase in appropriation or new appropriation approved by the 130375
Controlling Board is hereby appropriated from the applicable 130376
capital projects fund and made available for the payment of the 130377
judgment or settlement. 130378

If the Director does not make the application authorized by 130379
this section or the Controlling Board disapproves the application, 130380
and the Director does not make application under division (C)(4) 130381
of section 2743.19 of the Revised Code, the Director shall for the 130382
purpose of making that payment make a request to the General 130383

Assembly as provided for in division (C)(5) of that section. 130384

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 130385

In order to provide funds for the reissuance of voided 130386
warrants under section 126.37 of the Revised Code, there is hereby 130387
appropriated, out of moneys in the state treasury from the fund 130388
credited as provided in section 126.37 of the Revised Code, that 130389
amount sufficient to pay such warrants when approved by the Office 130390
of Budget and Management. 130391

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 130392
BALANCES OF OPERATING APPROPRIATIONS 130393

(A) Notwithstanding the original year of appropriation or 130394
encumbrance, the unexpended balance of an operating appropriation 130395
or reappropriation that a state agency lawfully encumbered prior 130396
to the close of fiscal year 2023 or fiscal year 2024 is hereby 130397
reappropriated on the first day of July of the following fiscal 130398
year from the fund from which it was originally appropriated or 130399
reappropriated for the period of time listed in this section and 130400
shall remain available only for the purpose of discharging the 130401
encumbrance: 130402

(1) For an encumbrance for personal services, maintenance, 130403
equipment, or items for resale not otherwise identified in this 130404
section, for a period of not more than five months from the end of 130405
the fiscal year; 130406

(2) For an encumbrance for an item of special order 130407
manufacture not available on state contract or an item not 130408
available in the open market, for a period of not more than five 130409
months from the end of the fiscal year or, with the written 130410
approval of the Director of Budget and Management, for a period of 130411
not more than twelve months from the end of the fiscal year; 130412

(3) For an encumbrance for reclamation of land or oil and gas 130413

wells, for a period ending when the encumbered appropriation is 130414
expended provided such period does not extend beyond the FY 2024 - 130415
FY 2025 biennium; 130416

(4) For an encumbrance for any other type of expense not 130417
otherwise identified in division (A)(1), (2), or (3) of this 130418
section, for such period as the Director approves, provided such 130419
period does not extend beyond the FY 2024 - FY 2025 biennium. 130420

(B) Any operating appropriations for which unexpended 130421
balances are reappropriated in fiscal year 2024 or fiscal year 130422
2025 pursuant to division (A)(2) of this section shall be reported 130423
to the Controlling Board by the Director of Budget and Management 130424
by the thirty-first day of December of each year. The report shall 130425
include the item, the cost of the item, and the name of the 130426
vendor. The report shall be updated on a quarterly basis for 130427
encumbrances remaining open. 130428

(C) Upon the expiration of the reappropriation period set out 130429
in division (A) of this section, a reappropriation made by this 130430
section lapses and the Director of Budget and Management shall 130431
cancel the encumbrance of the unexpended reappropriation not later 130432
than the end of the weekend following the expiration of the 130433
reappropriation period. 130434

(D) If the Controlling Board approved a purchase, that 130435
approval remains in effect so long as the appropriation used to 130436
make that purchase remains encumbered. 130437

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 130438

(A) The Director of Budget and Management may correct 130439
accounting errors committed by the staff of the Office of Budget 130440
and Management, such as reestablishing encumbrances or 130441
appropriations canceled in error, during the cancellation of 130442
operating encumbrances in November and of non-operating 130443

encumbrances in December. 130444

(B) The Director of Budget and Management may at any time 130445
correct accounting errors committed by staff or a state agency or 130446
state institution of higher education, as defined in section 130447
3345.011 of the Revised Code, such as reestablishing prior year 130448
non-operating encumbrances canceled or modified in error. The 130449
reestablished encumbrance amounts are hereby appropriated. 130450

Section 503.70. TEMPORARY REVENUE HOLDING 130451

The Director of Budget and Management may create funds in the 130452
state treasury solely for the purpose of temporarily holding 130453
revenue required to be credited to a fund in the state treasury, 130454
whose disposition is not immediately known at the time of receipt. 130455
Once identified, the Director shall credit the revenue to the 130456
appropriate fund in the state treasury. 130457

Notwithstanding section 153.63 of the Revised Code or any 130458
other provision of law to the contrary, upon certification by a 130459
director or head of a state agency, in lieu of banks, buildings 130460
and loan associations, or other institutions, the Director of 130461
Budget and Management may create funds in the state treasury on 130462
behalf of an agency when the agency is required by law to detain 130463
funds in escrow. All investment earnings of the fund shall be 130464
credited to the fund while the detained amounts remain in escrow. 130465
The Director of Budget and Management may transfer cash between 130466
funds within the state treasury to satisfy escrow requirements. 130467

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 130468
RE-ESTABLISHMENT OF ENCUMBRANCES 130469

Any cash transferred by the Director of Budget and Management 130470
under section 126.15 of the Revised Code is hereby appropriated. 130471
Any amounts necessary to re-establish appropriations or 130472
encumbrances under section 126.15 of the Revised Code are hereby 130473

appropriated. 130474

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 130475

The Director of Budget and Management may transfer 130476
appropriations between the Third Frontier Research and Development 130477
Fund (Fund 7011) and the Third Frontier Research and Development 130478
Taxable Bond Fund (Fund 7014) as necessary to maintain the 130479
exclusion from the calculation of gross income for federal income 130480
taxation purposes under the Internal Revenue Code with respect to 130481
obligations issued to fund projects appropriated from the Third 130482
Frontier Research and Development Fund (Fund 7011). 130483

The Director may also create new appropriation items within 130484
the Third Frontier Research and Development Taxable Bond Fund 130485
(Fund 7014) and make transfers of appropriations to them for 130486
projects originally funded from appropriations made from the Third 130487
Frontier Research and Development Fund (Fund 7011). 130488

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 130489

There are hereby appropriated out of any moneys in the state 130490
treasury to the credit of the General Revenue Fund, which are not 130491
otherwise appropriated, funds sufficient to make any payment 130492
required by division (B)(2) of section 5747.03 of the Revised 130493
Code. 130494

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 130495

APPROVED BY THE CONTROLLING BOARD 130496

Any money that the Controlling Board approves for expenditure 130497
or any increase in appropriation that the Controlling Board 130498
approves under sections 127.14, 131.35, and 131.39 of the Revised 130499
Code or any other provision of law is hereby appropriated for the 130500
period ending June 30, 2025. 130501

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S	130502
RESIDENCE	130503
If the Governor's Residence Fund (Fund 4H20) receives payment	130504
for use of the residence pursuant to section 107.40 of the Revised	130505
Code, the amounts so received are hereby appropriated to	130506
appropriation item 100604, Governor's Residence Gift.	130507
Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	130508
Certain appropriations are in this act for the purpose of	130509
paying debt service and financing costs on general obligation	130510
bonds or notes of the state issued pursuant to the Ohio	130511
Constitution, Revised Code, and acts of the General Assembly. If	130512
it is determined that additional appropriations are necessary for	130513
this purpose, such amounts are hereby appropriated.	130514
Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE	130515
Certain appropriations are in this act for the purpose of	130516
making lease rental payments pursuant to leases and agreements	130517
relating to bonds, notes, or other obligations issued by or on	130518
behalf of the state pursuant to the Ohio Constitution, Revised	130519
Code, and acts of the General Assembly. If it is determined that	130520
additional appropriations are necessary for this purpose, such	130521
amounts are hereby appropriated.	130522
Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM	130523
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS	130524
The Office of Budget and Management shall process payments	130525
from general obligation and lease rental payment appropriation	130526
items during the period from July 1, 2023, through June 30, 2025,	130527
relating to bonds, notes, or other obligations issued by or on	130528
behalf of the state pursuant to the Ohio Constitution, Revised	130529

Code, and acts of the General Assembly. Payments shall be made 130530
upon certification by the Treasurer of State of the dates and the 130531
amounts due on those dates. 130532

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 130533

If it is determined that a payment is necessary in the amount 130534
computed at the time to represent the portion of investment income 130535
to be rebated or amounts in lieu of or in addition to any rebate 130536
amount to be paid to the federal government in order to maintain 130537
the exclusion from gross income for federal income tax purposes of 130538
interest on those state obligations under section 148(f) of the 130539
Internal Revenue Code, such an amount is hereby appropriated from 130540
those funds designated by or pursuant to the applicable 130541
proceedings authorizing the issuance of state obligations. 130542

Payments for this purpose shall be approved and vouchered by 130543
the Office of Budget and Management. 130544

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 130545

Whenever the Director of Budget and Management determines 130546
that an appropriation made to a state agency from a fund of the 130547
state is insufficient to provide for the recovery of statewide 130548
indirect costs under section 126.12 of the Revised Code, the 130549
amount required for such purpose is hereby appropriated from the 130550
available receipts of such fund. 130551

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 130552
COST ALLOCATION PLAN 130553

The total transfers made from the General Revenue Fund by the 130554
Director of Budget and Management under this section shall not 130555
exceed the amounts transferred into the General Revenue Fund under 130556
section 126.12 of the Revised Code. 130557

The director of an agency may certify to the Director of 130558

Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 130591

Notwithstanding any provision of law to the contrary, on or 130592
before the first day of September of each fiscal year, the 130593
Director of Budget and Management, in order to reduce the payment 130594
of adjustments to the federal government, as determined by the 130595
plan prepared under division (A) of section 126.12 of the Revised 130596
Code, may designate such funds as the Director considers necessary 130597
to retain their own interest earnings. 130598

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 130599

Pursuant to the plan for compliance with the Federal Cash 130600
Management Improvement Act required by section 131.36 of the 130601
Revised Code, the Director of Budget and Management may cancel and 130602
re-establish all or part of encumbrances in like amounts within 130603
the funds identified by the plan. The amounts necessary to 130604
re-establish all or part of encumbrances are hereby appropriated. 130605

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 130606

Notwithstanding section 113.09 of the Revised Code, the 130607
Director of Budget and Management may designate any fund within 130608
the state treasury that receives federal revenue to be credited 130609
with investment earnings to comply with federal law. 130610

Section 505.70. REPAYMENT OF FEDERAL FUNDS 130611

Any unexpended federal revenue received into the state 130612
treasury remaining at the end of its applicable period for 130613
expenditure which must be returned in compliance with federal law, 130614
is hereby appropriated to the fund in which it was received, for 130615
that purpose. 130616

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS 130617

Amounts equal to the unexpended portions of appropriation 130618
items under the following recovery and relief funds, at the end of 130619
fiscal year 2024, are hereby reappropriated to the same 130620
appropriation items and shall be used for the same purposes in 130621
fiscal year 2025: Governor's Emergency Education Relief Fund (Fund 130622
3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental 130623
Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 130624
5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital 130625
Projects Fund (Fund 5CV5), and the Health and Human Services 130626
Reserve Fund (Fund 5SA4). 130627

Section 509.10. TRANSFERS IN TO GENERAL REVENUE FUND 130628

INTEREST EARNED 130629

Notwithstanding any provision of law to the contrary, the 130630
Director of Budget and Management, through June 30, 2025, may 130631
transfer interest earned by any state fund to the General Revenue 130632
Fund. This section does not apply to funds whose source of revenue 130633
is restricted or protected by the Ohio Constitution, federal tax 130634
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 130635
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 130636

NON-GRF FUNDS 130637

Notwithstanding any provision of law to the contrary, the 130638
Director of Budget and Management may transfer up to \$200,000,000 130639
cash, during the biennium ending June 30, 2025, from non-General 130640
Revenue Funds that are not constitutionally restricted to the 130641
General Revenue Fund. 130642

Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND 130643

STATE MARKETING OFFICE FUND 130644

On July 1, 2023, or as soon as possible thereafter, the 130645
Director of Budget and Management shall transfer up to \$20,000,000 130646

cash from the General Revenue Fund to the State Marketing Office 130647
Fund (Fund 5MJ0). 130648

CREDIT SCORE COST ASSISTANCE FUND 130649

On July 1, 2023, or as soon as possible thereafter, the 130650
Director of Budget and Management shall transfer \$3,000,000 cash 130651
from the General Revenue Fund to the Credit Score Cost Assistance 130652
Fund (Fund 5ZM0), which is hereby created in the state treasury. 130653

TARGETED ADDICTION PROGRAM FUND 130654

Notwithstanding any provision of law to the contrary, in each 130655
fiscal year, the Director of Budget and Management may transfer up 130656
to \$24,129,706 cash from the General Revenue Fund to the Targeted 130657
Addiction Program Fund (Fund 5TZ0). 130658

PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 130659

On July 1 of each fiscal year, or as soon as possible 130660
thereafter, the Director of Budget and Management shall transfer 130661
\$5,000,000 cash from the General Revenue Fund to the Persian Gulf, 130662
Afghanistan, Iraq Compensation Fund (Fund 7041). 130663

TOBACCO USE PREVENTION FUND 130664

On July 1, 2023, or as soon as possible thereafter, the 130665
Director of Budget and Management shall transfer \$40,000,000 cash 130666
from the General Revenue Fund to the Tobacco Use Prevention Fund 130667
(Fund 5BX0). 130668

FOUNDATION FUNDING - ALL STUDENTS FUND 130669

Notwithstanding any provision of law to the contrary, the 130670
Director of Budget and Management may transfer up to \$600,000,000 130671
cash, in each fiscal year, from the General Revenue Fund to the 130672
Foundation Funding - All Students Fund (Fund 5VS0). 130673

TEACHER CERTIFICATION FUND 130674

On July 1, 2023, or as soon as possible thereafter, the 130675

Director of Budget and Management shall transfer \$10,000,000 cash 130676
from the General Revenue Fund to the State Board of Education 130677
Licensure Fund (Fund 4L20). 130678

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND 130679

On July 1, 2023, or as soon as possible thereafter, the 130680
Director of Budget and Management shall transfer \$14,000,000 cash 130681
from the General Revenue Fund to the OhioMeansJobs Workforce 130682
Development Revolving Loan Fund (Fund 5NH0) to support the 130683
appropriations made for need-based financial aid to students who 130684
are enrolled in a state-supported community college, state 130685
community college, technical college, or an Ohio Technical Center 130686
in a program that may be completed in less than one year and for 130687
which a certificate or industry-recognized credential is awarded 130688
in an in-demand job. 130689

SECOND CHANCE GRANT PILOT PROGRAM FUND 130690

On July 1, 2023, or as soon as possible thereafter, the 130691
Director of Budget and Management shall transfer up to \$4,000,000 130692
cash from the General Revenue Fund to the Second Chance Grant 130693
Pilot Program Fund (Fund 5YD0). 130694

INFORMATION TECHNOLOGY DEVELOPMENT FUND 130695

Upon the request of the Director of Administrative Services, 130696
the Director of Budget and Management may transfer up to 130697
\$2,500,000 cash in each fiscal year from the General Revenue Fund 130698
to the Information Technology Development Fund (Fund 5LJ0) to 130699
support the operations of the Office of InnovateOhio. 130700

PROFESSIONAL DEVELOPMENT FUND 130701

On July 1, 2023, or as soon as possible thereafter, the 130702
Director of Budget and Management shall transfer \$6,600,000 cash 130703
from the General Revenue Fund to the Professional Development Fund 130704
(Fund 5L70). 130705

WILDLIFE FUND	130706
On July 1 of each fiscal year, or as soon as possible	130707
thereafter, the Director of Budget and Management shall transfer	130708
\$511,000 cash from the General Revenue Fund to the Wildlife Fund	130709
(Fund 7015).	130710
CAPITAL FUND TRANSFERS	130711
Up to the remaining amount authorized in Section 529.10 of	130712
H.B. 687 of the 134th General Assembly, but not yet transferred as	130713
of June 30, 2023, shall remain in the General Revenue Fund until	130714
deemed necessary to be transferred in accordance with that	130715
section.	130716
Section 513.10. FISCAL YEAR 2023 GENERAL REVENUE FUND ENDING	130717
BALANCE	130718
The Director of Budget and Management shall determine the	130719
surplus General Revenue Fund revenue that existed on June 30,	130720
2023. Notwithstanding section 131.44 of the Revised Code or any	130721
other provision of law to the contrary, the remaining surplus	130722
revenue, except for the transfers listed in this section, shall	130723
remain in the General Revenue Fund. The Director shall transfer	130724
cash, not to exceed the amount of the remaining surplus revenue	130725
from the General Revenue Fund in the following order:	130726
(A) Up to \$2,400,000,000 cash to the All Ohio Future Fund	130727
(Fund 5XM0);	130728
(B) Up to \$1,000,000,000 cash to the Health and Human	130729
Services Reserve Fund (Fund 5SA4);	130730
(C) Up to \$307,196,000 cash to the H2Ohio Fund (Fund 6H20);	130731
(D) Up to \$200,000,000 cash to the Career-Technical	130732
Construction Program Fund (Fund 5ZJ0);	130733
(E) Up to \$190,000,000 cash to the EXPO 2050 Fund (Fund	130734

5ZN0);					130735
(F) Up to \$150,000,000 cash to the Innovation Hubs Fund (Fund					130736
5ZK0);					130737
(G) Up to \$140,000,000 cash to the Statewide Treatment and					130738
Prevention Fund (Fund 4750);					130739
(H) Up to \$125,000,000 cash to the Rail Safety Crossing Fund					130740
(Fund 5ZP0);					130741
(I) Up to \$65,000,000 cash to the Veterans Homes					130742
Modernization Fund (Fund 5ZO0);					130743
(J) Up to \$50,000,000 cash to the Emergency Purposes Fund					130744
(Fund 5KM0); and					130745
(K) Up to \$50,000,000 cash to the Local Jail Grants Fund					130746
(Fund 5ZQ0).					130747
Section 513.20. FISCAL YEAR 2024 GENERAL REVENUE FUND ENDING					130748
BALANCE					130749
Notwithstanding section 131.44 of the Revised Code, the cash					130750
balance of the General Revenue Fund on June 30, 2024, shall remain					130751
in the General Revenue Fund.					130752
Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS					130753
Unless the agency and nuclear electric utility mutually agree					130754
to a higher amount by contract, the maximum amounts that may be					130755
assessed against nuclear electric utilities under division (B)(2)					130756
of section 4937.05 of the Revised Code and deposited into the					130757
specified funds are as follows:					130758
<u>Fund</u>	<u>User</u>		<u>FY 2024</u>	<u>FY 2025</u>	130759
Utility	Department of	\$	109,800 \$	112,900	130760
Radiological	Agriculture				
Safety Fund					

(Fund 4E40)

Radiation	Department of	\$	1,405,870	\$	1,474,757	130761
Emergency	Health					
Response Fund						

(Fund 6100)

ER Radiological	Environmental	\$	332,287	\$	332,287	130762
Safety Fund	Protection Agency					

(Fund 6440)

Emergency	Department of	\$	1,435,000	\$	1,449,000	130763
Response Plan	Public Safety					
Fund (Fund 6570)						

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 130764

(A) On July 1, 2023, or as soon as possible thereafter, the 130765
 Director of Budget and Management shall transfer the cash balance 130766
 from each of the funds as indicated in the table below to the fund 130767
 also indicated in the table below. Upon completion of each 130768
 transfer and on the effective date of its repeal by this act, 130769
 where applicable, the fund from which the cash balance was 130770
 transferred is hereby abolished. 130771

User	Transfer from:	Transfer to:	
Agency Fund	Fund Name	Fund Fund Name	
COM 5470	Real Estate Education/Research Fund	5490 Division of Real Estate Operating Fund	130772 130773 130774
COM 5VC0	Real Estate Home Inspector Operating Fund	5490 Division of Real Estate Operating Fund	130775
COM 5SE0	Cemetery Grant Program Fund	4H90 Cemetery Registration Fund	130776
COM 5SU0	Manufactured Homes Regulation Fund	5490 Division of Real Estate Operating Fund	130777

COM	6A40	Real Estate Appraiser Operating Fund	5490	Division of Real Estate Operating Fund	130778
DAS	1880	State EEO Fund	1250	Human Resources Services Fund	130779
DAS	5JQ0	Professionals Licensing System Fund	4K90	Occupational Licensing and Regulatory Fund	130780
DEV	3BJ0	TANF Heating Assistance Fund	1350	Supportive Services Fund	130781
DEV	5RD0	Local Government Safety Capital Grant Fund	1350	Supportive Services Fund	130782
DEV	5RQ0	Lakes in Economic Distress Fund	1350	Supportive Services Fund	130783
DEV	5X10	Exempt Facility Inspection Fund	1350	Supportive Services Fund	130784
DEV	7008	Logistics and Distribution Infrastructure Fund	GRF	General Revenue Fund	130785
DMH	1500	Special Education Fund	1490	Sale of Goods and Services Fund	130786
DPS	3390	Personnel Administration Subdivisions Fund	3370	Federal Disaster Relief Fund	130787
DPS	5TJ0	Security Grants Fund	7021	Public School Building Fund	130788
ETC	3X80	Assistive Technology Infusion Fund	GRF	General Revenue Fund	130789
ETC	5D30	High Definition Television Fund	GRF	General Revenue Fund	130790
FCC	5S60	Classroom Facility Loan Guarantee Fund	GRF	General Revenue Fund	130791
INS	5550	Superintendent's	5540	Department of	130792

		Examination Fund		Insurance Operating Fund	
INS	5PT0	Captive Insurance Regulation and Supervision Fund	5540	Department of Insurance Operating Fund	130793
JFS	4Z70	Human Services Stabilization Fund	5RY0	Human Services Projects Fund	130794
JFS	5DP0	Adoption Assistance Loan Fund	5RY0	Human Services Projects Fund	130795
PUB	4X70	Trumbull County-County Share Fund	4C70	Multi-County County Share Fund	130796

(B) The following funds are hereby abolished on the effective date of their repeal by this act: 130797
130798

User	Fund	Fund Name			
DEV	5LU0	Racetrack Facility Community Economic Redevelopment Fund			130800
DMH	3FR0	RTTT Early Learning Challenge Fund			130801
DMH	3HB0	21st Century Cures Opioid State Targeted Response Fund			130802
DMH	3J80	Medicaid Fund			130803
DMH	5CH0	Residential State Supplemental Fund			130804
DMH	5DU0	Energy Projects Fund			130805
EPA	6780	Toxic Chemical Release Reporting Fund			130806

(C) On the effective date of this section or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Central Service Agency Fund (Fund 1150) to the Accounting and Budgeting Fund (Fund 1050). Upon completion of the transfer, Fund 1150 is abolished. The Director shall cancel any existing encumbrances against appropriation item 100632, Central Service Agency, and reestablish them against either appropriation item 042603, Financial Management, or appropriation item 042620, Shared Services Operating. The reestablished encumbrance amounts are hereby appropriated. 130807
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Section 516.20. HEALTH AND HUMAN SERVICES RESERVE FUND 130818

The Health and Human Services Fund (Fund 5SA4) created under 130819
Section 751.40 of H.B. 64 of the 131st General Assembly is hereby 130820
renamed the Health and Human Services Reserve Fund. 130821

Section 525.10. On the effective date of the amendments to 130822
section 125.22 (126.42) of the Revised Code as renumbered and 130823
amended by this act, or as soon as reasonably possible thereafter, 130824
the Central Service Agency is abolished. The administration of all 130825
duties performed by the Agency shall be transferred from the 130826
Department of Administrative Services to the Office of Budget and 130827
Management. Employment records and actions shall be transferred 130828
with the employee, and all equipment and assets shall be 130829
transferred from the Department of Administrative Services to the 130830
Office of Budget and Management. 130831

Business related to the Central Service Agency commenced but 130832
not completed by the Department of Administrative Services shall 130833
be completed by the Office of Budget and Management, as 130834
appropriate consistent with the amendments to section 125.22 130835
(126.42) of the Revised Code as renumbered and amended by this act 130836
and with the amendments to section 126.25 of the Revised Code as 130837
amended by this act. 130838

Whenever the Department of Administrative Services, Director 130839
of Administrative Services, or Central Service Agency is referred 130840
to in any law, contract, or other document, related to the Central 130841
Service Agency, the reference shall be deemed to refer to the 130842
Office of Budget and Management or the Director of Budget and 130843
Management, whichever is appropriate in context. 130844

Section 525.20. (A)(1) On or before December 31, 2023, the 130845

Department of Commerce and the State Board of Pharmacy shall 130846
transfer regulation of the Medical Marijuana Control Program to 130847
the Division of Marijuana Control in the Department of Commerce. 130848
Until the transfer is complete, the State Board of Pharmacy 130849
retains regulatory authority over licensing of retail 130850
dispensaries, registering patients and caregivers, and related 130851
duties. 130852

(2) Upon completion of the transfer, the Medical Marijuana 130853
Control Program in the State Board of Pharmacy is abolished. All 130854
records of the Medical Marijuana Control Program in the State 130855
Board of Pharmacy shall be transferred to the Division, and all of 130856
its other assets and liabilities relating to the Medical Marijuana 130857
Control Program shall be transferred to the Division. The Division 130858
is successor to, and assumes the obligations of the Medical 130859
Marijuana Control Program in the State Board of Pharmacy. Any 130860
business commenced, but not completed by the State Board of 130861
Pharmacy Medical Marijuana Control Program on the date of the 130862
completion of the transfer shall be completed by the Division in 130863
the same manner, and with the same effect, as if completed by the 130864
State Board of Pharmacy. No validation, cure, right, privilege, 130865
remedy, obligation, or liability is lost or impaired by reason of 130866
the transfer required by this section. 130867

(B) Upon this transfer, the Division is responsible for 130868
adopting rules establishing standards and procedures for the 130869
Medical Marijuana Control Program. The rules regulating the 130870
Medical Marijuana Control Program in existence on the effective 130871
date of this section continue in effect until repealed or amended 130872
by the Division of Marijuana Control. 130873

(C) On or before March 1, 2024, the Division shall review and 130874
propose revisions to the rules in the Administrative Code related 130875
to medical marijuana retail dispensaries. 130876

(D) A license to operate as a retail dispensary issued by the State Board of Pharmacy pursuant to section 3796.10 of the Revised Code as it existed immediately prior to the effective date of this section, and a registration issued by the State Board of Pharmacy pursuant to section 3796.08 of the Revised Code as it existed immediately prior to the effective date of this section, remain in effect for the remainder of the license's or registration's term, unless earlier suspended or revoked. Renewals shall be issued by the State Board of Pharmacy until the transfer is complete, at which time renewals shall be issued by the Division of Marijuana Control.

(E) Any form of medical marijuana approved by the State Board of Pharmacy under section 3796.061 of the Revised Code as it existed immediately prior to the effective date of this section remains approved until that approval is revoked by the Division of Marijuana Control, after giving notice to the petitioner described in section 3796.061 of the Revised Code. The Division shall post notice of that revocation on its web site.

Section 525.30. (A) "State schools" means the State School for the Deaf and the State School for the Blind.

(B) On the effective date of this section, all records of the state schools shall be transferred to Ohio Deaf and Blind Education Agency Services established in section 3325.01 of the Revised Code, and all of their other assets and liabilities shall be transferred to Ohio Deaf and Blind Education Services. Ohio Deaf and Blind Education Services is the successor to, and assumes the obligations of, the state schools.

(C) Any business commenced, but not completed by the state schools or their superintendents on the effective date of this section shall be completed by the superintendent of Ohio Deaf and Blind Education Services in the same manner, and with the same

effect, as if completed by the state schools or their 130908
superintendents. No validation, cure, right, privilege, remedy, 130909
obligation, or liability is lost or impaired by reason of the 130910
transfer required under this section. 130911

(D) Subject to the lay-off provisions of sections 124.321 to 130912
124.328 of the Revised Code, all of the employees of the state 130913
schools are transferred to Ohio Deaf and Blind Education Services 130914
and retain their positions and all of the benefits accruing 130915
thereto. 130916

(E) On and after the effective date of this section, pursuant 130917
to section 126.15 of the Revised Code, the Director of Budget and 130918
Management shall transfer the balance of all appropriations made 130919
to the state schools to Ohio Deaf and Blind Education Services. 130920

(F) Wherever the state schools or their superintendents are 130921
referred to in any law, contract, or other document, the reference 130922
shall be deemed to refer to Ohio Deaf and Blind Education Services 130923
or its superintendent, whichever is appropriate. 130924

(G) No action or proceeding pending on the effective date of 130925
this section is affected by the transfer, and any such action or 130926
proceeding shall be prosecuted or defined in the name of Ohio Deaf 130927
and Blind Education Services or its superintendent. In all such 130928
actions and proceedings, the superintendent or Ohio Deaf and Blind 130929
Education Services, on application to the court, shall be 130930
substituted as a party. 130931

Section 610.10. That Section 213.10 of H.B. 687 of the 134th 130932
General Assembly be amended to read as follows: 130933

Sec. 213.10. 130934

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 130935

Building Improvement Fund (Fund 5KZ0) 130936

C10035	Building Improvement	\$	45,436,000	130937
TOTAL	Building Improvement Fund	\$	45,436,000	130938
	Administrative Building Taxable Bond Fund (Fund 7016)			130939
C10041	MARCS - Taxable	\$	16,888,000	130940
C10055	Highland County MARCS Tower	\$	750,000	130941
C10056	BGSU Public Safety Radio System - MARCS	\$	175,000	130942
TOTAL	Administrative Building Taxable Bond Fund	\$	17,813,000	130943
	Administrative Building Fund (Fund 7026)			130944
C10000	Governor's Residence	\$	1,436,000	130945
C10020	North High Building Complex Renovation	\$	14,209,000	130946
C10021	Office Space Planning	\$	24,907,000	130947
C10034	Aronoff Center Systems Replacements and Upgrades	\$	375,000	130948
C10036	Rhodes Tower Renovations	\$	7,131,000	130949
C10038	Riffe Renovations	\$	10,470,000	130950
C10042	IT Projects	\$	24,345,375	130951
C10051	Fleet Sustainability	\$	500,000	130952
TOTAL	Administrative Building Fund	\$	83,373,375	130953
	Capital IT Projects Fund (Fund 7091)			130954
C10054	Statewide IT Projects	\$	33,085,524	130955
TOTAL	Capital IT Projects Fund	\$	33,085,524	130956
TOTAL	ALL FUNDS	\$	179,707,899	130957
	MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM			130958
	<u>(A)</u> There is hereby continued a Multi-Agency Radio			130959
	Communications System (MARCS) Steering Committee consisting of <u>all</u>			130960
	<u>of the following members:</u>			130961
	<u>(1) The directors, or designees thereof, of the Directors of</u>			130962
	Administrative Services, Public Safety, Natural Resources,			130963
	Transportation, Rehabilitation and Correction, and Budget and			130964
	Management, and the State Fire Marshal or the State Fire Marshal's			130965
	designee;			130966

<u>(2) The following members appointed by the Governor:</u>	130967
<u>(a) One representative of the Ohio Chapter of the Association of Public Safety Communications Officials or its successor organization;</u>	130968
	130969
	130970
<u>(b) One representative of the Buckeye State Sheriff's Association or its successor organization;</u>	130971
	130972
<u>(c) One representative of the Ohio Association of Chiefs of Police or its successor organization;</u>	130973
	130974
<u>(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.</u>	130975
	130976
<u>(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party;</u>	130977
	130978
	130979
<u>(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party. The</u>	130980
	130981
	130982
<u>(B) The Director of Administrative Services or the Director's designee shall chair the Committee. The</u>	130983
	130984
<u>(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.</u>	130985
	130986
	130987
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	130990
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	130992
<u>(D) The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.</u>	130993
	130994
	130995
	130996

(E) The foregoing appropriation item C10041, MARCS - Taxable, 130997
shall be used to purchase or construct the components of MARCS 130998
that are not specific to any one agency. The equipment may 130999
include, but is not limited to, computer and telecommunications 131000
equipment used for the functioning and integration of the system, 131001
communications towers, tower sites, tower equipment, and linkages 131002
among towers. The Director of Administrative Services shall, with 131003
the concurrence of the MARCS Steering Committee, determine the 131004
specific use of funds. Expenditures from this appropriation shall 131005
not be subject to Chapters 123. and 153. of the Revised Code. 131006

Section 610.11. That existing Section 213.10 of H.B. 687 of 131007
the 134th General Assembly is hereby repealed. 131008

Section 610.20. That Section 21 of H.B. 790 of the 120th 131009
General Assembly, as amended by Section 11 of H.B. 670 of the 131010
121st General Assembly is hereby repealed. 131011

Section 701.10. The Tax Commissioner and Treasurer of State, 131012
or their appointed representatives, shall jointly study and design 131013
a tax-favored savings program for home purchases and related home 131014
improvements. The study may consider the potential for family 131015
member and employer contributions, lifetime caps, eligibility 131016
requirements, and any other items the Commissioner and Treasurer 131017
of State, or their representatives, find appropriate. 131018

Section 701.20. As soon as practicable after the effective 131019
date of this section, the Director of the Legislative Service 131020
Commission shall remove rules adopted before the effective date of 131021
this section by a state institution of higher education or its 131022
governing body that the state institution of higher education 131023
posted on its web site in accordance with section 3345.033 of the 131024
Revised Code from the electronic Administrative Code published by 131025

or under contract with the Director. 131026

Section 737.10. (A) Not later than thirty days after the 131027
effective date of this section, the State Lottery Commission shall 131028
publish all of its operating procedures adopted under section 131029
3770.03 of the Revised Code, as amended by this act, on the 131030
Commission's official web site. 131031

(B) Notwithstanding division (A)(5) of section 3770.03 of the 131032
Revised Code, as amended by this act, the State Lottery Commission 131033
may eliminate any rule of the Commission that it replaces with an 131034
operating procedure on or before the date that is thirty days 131035
after the effective date of this section, without rescinding the 131036
rule in accordance with section 111.15 or Chapter 119. of the 131037
Revised Code, as applicable. The State Lottery Commission shall 131038
notify the Director of the Legislative Service Commission of any 131039
such eliminated rule, and the Director of the Legislative Service 131040
Commission shall remove the rule from the Ohio Administrative 131041
Code. 131042

Section 737.20. Section 3772.031 of the Revised Code, as 131043
amended by this act, applies to any threat, attempted threat, or 131044
illegal activity that impacts the integrity of sports gaming, 131045
regardless of whether it occurs before, during, or after a 131046
sporting event. This section enhances and in no way decreases the 131047
Ohio Casino Control Commission's already existing broad powers and 131048
broad authority in this area. 131049

Section 747.10. Individuals, who are members of the 131050
Architects Board before the effective date of section 4703.01 of 131051
the Revised Code as amended in this act, may continue to hold that 131052
office until the expiration of the terms to which they were 131053
appointed, unless removed in accordance with that section. Upon 131054

the next vacancy on the Architects Board, the Governor shall 131055
appoint an individual who is a member of the general public, and 131056
who is not an architect, to the Architects Board. 131057

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 131058

There is hereby established in the Highway Operating Fund 131059
(Fund 7002), used by the Department of Transportation, a Diesel 131060
Emissions Reduction Grant Program. The Director of Environmental 131061
Protection shall administer the program and shall solicit, 131062
evaluate, score, and select projects submitted by public and 131063
private entities that are eligible for the federal Congestion 131064
Mitigation and Air Quality (CMAQ) Program. The Director of 131065
Transportation shall process Federal Highway 131066
Administration-approved projects as recommended by the Director of 131067
Environmental Protection. 131068

In addition to the allowable expenditures set forth in 131069
section 122.861 of the Revised Code, Diesel Emissions Reduction 131070
Grant Program funds also may be used to fund projects involving 131071
the purchase or use of hybrid and alternative fuel vehicles that 131072
are allowed under guidance developed by the Federal Highway 131073
Administration for the CMAQ Program. 131074

Public entities eligible to receive funds under section 131075
122.861 of the Revised Code and CMAQ shall be reimbursed from 131076
moneys in Fund 7002 designated for the Department of 131077
Transportation's Diesel Emissions Reduction Grant Program. 131078

Private entities eligible to receive funds under section 131079
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 131080
direction of the local public agency sponsor and upon approval of 131081
the Department of Transportation, through direct payments. These 131082
reimbursements shall be made from moneys in Fund 7002 designated 131083
for the Department of Transportation's Diesel Emissions Reduction 131084

Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2024 and fiscal year 2025.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 757.10. Notwithstanding section 5743.15 of the Revised Code, any license issued under division (B), (C), or (F) of that section that is active on the effective date of the amendment by this act of that section shall remain valid until June 1, 2024, rather than May 27, 2024.

Section 757.20. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2024-2025 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2024-2025 biennium and future biennium.

	Biennial Business Incentive Tax Credit Estimates					131115
						131116
	Estimate of total		Estimate of tax		Expected	131117
	value of tax credits		credits		Outstanding	
	authorized		issued/claimed		credits	
			(All figures in			131118
			thousands of			
			dollars)			
						131119
Tax Credit	FY 2024	FY 2025	FY 2024	FY 2025	End of	131120
					Biennium	
						131121
Job Creation	\$160,000	\$165,000	\$151,000	\$155,000	\$705,000	131122
Tax Credit						
						131123
Job Retention	\$0	\$0	\$28,700	\$20,300	\$23,000	131124
Tax Credit						
						131125
Historic	\$120,000	\$60,000	\$98,000	\$95,000	\$240,000	131126
Preservation						
Tax Credit						
						131127
Motion Picture	\$40,000	\$40,000	\$51,000	\$46,000	\$110,000	131128
Tax Credit						
						131129
New Markets	\$10,000	\$10,000	\$7,500	\$6,600	\$39,600	131130
Tax Credit						
						131131
R&D Loan Tax	\$0	\$0	\$1,450	\$1,450	\$5,000	131132
Credit						
						131133
InvestOhio Tax	\$4,900	\$5,000	\$3,675	\$3,750	\$7,500	131134
Credit						

						131135
Ohio Rural	\$0	\$0	\$22,500	\$11,250	\$22,500	131136
Business						131137
Ohio	\$50,000	\$25,000	\$50,000	\$25,000	\$0	131138
Opportunity						
Zone						
Transformational	\$100,000	\$100,000	\$60,300	\$66,200	\$255,200	131139
Mixed-Use						
Development						

Section 757.30. All amended reports and applications for refund filed pursuant to section 5733.031 of the Revised Code, as amended by this act, must be received by the Department of Taxation on or before December 31, 2023. The Department shall deny all applications for refund related to reports amended pursuant to that section and received after December 31, 2023, and any such denial is not subject to appeal. The Department shall not issue any assessments related to any amended report filed pursuant to that section if the amended report is received by the Department after December 31, 2023. For purposes of this section, a report or application is "received" on or before December 31, 2023, if it is postmarked on or before that date.

Section 803.10. The amendment by this act of section 718.01 of the Revised Code applies to taxable years beginning on or after January 1, 2023. In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation that levies a tax on income shall adopt an ordinance or resolution incorporating that amendment and applying it to taxable years beginning on or after January 1, 2023.

Section 803.20. The amendment by this act of sections 1710.06

and 3706.12 shall not be construed or otherwise interpreted in 131160
derogation of any issuance of a bond or note by the Ohio air 131161
quality development authority, the levy of any special assessment 131162
by a municipal corporation or special improvement district, or the 131163
assignment or remittance of any such assessment to the authority, 131164
issued, levied, assigned, or remitted before the effective date of 131165
this section. 131166

Section 803.30. The amendment by this act of section 5751.033 131167
of the Revised Code is intended to be remedial in nature and to 131168
clarify the law as it existed prior to that amendment, and shall 131169
be construed accordingly. 131170

Section 803.40. The amendment by this act of section 5753.021 131171
of the Revised Code applies to sports gaming receipts received on 131172
and after July 1, 2023. 131173

Section 803.50. The amendment by this act of section 5739.02 131174
of the Revised Code applies on and after October 1, 2023. 131175

Section 803.60. The amendment by this act of division (E) of 131176
section 5747.07 of the Revised Code applies to filings and 131177
payments due on or after January 1, 2024. 131178

Section 803.70. The amendment by this act of section 5726.01 131179
of the Revised Code is intended to be remedial in nature and to 131180
clarify the law as it existed prior to that amendment, and shall 131181
be construed accordingly. 131182

Section 803.80. The amendment by this act of section 718.84 131183
of the Revised Code applies beginning to the first report required 131184
to be filed under division (B) of that section on or after the 131185
effective date of that amendment. 131186

Section 806.10. SEVERABILITY	131187
The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.	131188 131189 131190 131191 131192 131193
Section 809.10. NO EFFECT AFTER END OF BIENNIUM	131194
An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2025, unless its context clearly indicates otherwise.	131195 131196 131197 131198
Section 812.10. SUBJECT TO REFERENDUM	131199
Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.	131200 131201 131202 131203 131204 131205
Section 812.11. (A) The following sections of this act take effect six months after the effective date of this section:	131206 131207
(1) The amendment or enactment of sections 2151.231, 3103.03, 3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29	131208 131209 131210 131211 131212 131213 131214

of the Revised Code; 131215

(2) The repeal of section 3121.46 of the Revised Code. 131216

(B) During the six-month period after the effective date of 131217
this section, the Ohio Department of Job and Family Services shall 131218
perform system changes, create rules and forms, and make any other 131219
changes as necessary to implement the amendments, enactments, and 131220
repeals listed in this section. 131221

Section 812.20. The amendment or enactment by this act of the 131222
sections listed below is exempt from the referendum under Ohio 131223
Constitution, Article II, section 1d and section 1.471 of the 131224
Revised Code and therefore takes effect immediately when this act 131225
becomes law or, if a later effective date is specified below, on 131226
that date. 131227

Sections 122.4017, 122.4037, 122.4040, 5753.021, 5913.01, and 131228
5922.01 of the Revised Code. 131229

Section 812.30. Sections of this act prefixed with numbers in 131230
the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are 131231
exempt from the referendum under Ohio Constitution, Article II, 131232
Section 1d, and therefore take immediate effect when this act 131233
becomes law. 131234

Section 820.10. The General Assembly, applying the principle 131235
stated in division (B) of section 1.52 of the Revised Code that 131236
amendments are to be harmonized if reasonably capable of 131237
simultaneous operation, finds that the following sections, 131238
presented in this act as composites of the sections as amended by 131239
the acts indicated, are the resulting versions of the sections in 131240
effect prior to the effective date of the sections as presented in 131241
this act: 131242

Section 109.57 of the Revised Code as amended by both H.B. 131243
405 and S.B. 288 of the 134th General Assembly. 131244

Section 119.12 of the Revised Code as amended by both H.B. 52 and H.B. 64 of the 131st General Assembly.	131245 131246
Section 127.16 of the Revised Code as amended by both H.B. 442 and S.B. 276 of the 133rd General Assembly.	131247 131248
Section 718.01 of the Revised Code as amended by both H.B. 228 and S.B. 217 of the 134th General Assembly, and both H.B. 197 and S.B. 276 of the 133rd General Assembly.	131249 131250 131251
Section 3119.06 of the Revised Code as amended by both H.B. 366 and S.B. 70 of the 132nd General Assembly.	131252 131253
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	131254 131255
Section 4513.17 of the Revised Code as amended by both H.B. 30 and S.B. 224 of the 134th General Assembly.	131256 131257
Section 4715.30 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.	131258 131259
Section 4731.22 of the Revised Code as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly.	131260 131261
Section 4741.22 of the Revised Code as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly.	131262 131263
Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	131264 131265
Section 5153.162 of the Revised Code as amended by both H.B. 215 and H.B. 408 of the 122nd General Assembly.	131266 131267
Section 5725.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.	131268 131269
Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.	131270 131271
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	131272 131273

Section 5739.99 of the Revised Code as amended by both S.B. 131274
143 and S.B. 200 of the 124th General Assembly. 131275

Section 5747.98 of the Revised Code as amended by both H.B. 131276
45 and H.B. 66 of the 134th General Assembly. 131277