

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 694

Representative Hillyer

**Cosponsors: Representatives Wiggam, Brennan, Carruthers, Dell'Aquila, Dobos,
Fischer, Gross, Hall, Mathews, Peterson, Roemer, Rogers, Schmidt, Seitz,
Williams, Willis**

A BILL

To amend sections 101.82, 101.83, 145.012, 146.02, 1
718.051, 1731.03, 1731.05, 1731.09, 1739.05, 2
1751.18, 3335.27, 3335.29, 3506.04, 3506.05, 3
3506.06, 3506.07, 3506.10, 3701.931, 3743.53, 4
3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 5
3923.57, 3924.01, 3924.02, 3924.06, 3924.73, 6
4125.041, 4141.131, 4141.25, 4141.292, 4715.03, 7
4715.032, 4715.033, 4715.034, 4715.035, 4715.30, 8
5104.39, and 5104.50; to enact section 113.78; 9
and to repeal sections 107.40, 122.98, 924.14, 10
924.212, 1751.15, 1751.16, 1751.17, 3337.16, 11
3701.507, 3701.89, 3701.932, 3743.67, 3783.08, 12
3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 13
3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 14
3924.111, 3924.12, 3924.13, 3924.14, 4141.08, 15
4141.12, 4749.021, 5104.08, and 5703.57 of the 16
Revised Code and to repeal Sections 5 as 17
subsequently amended and 6 of H.B. 29 of the 18
134th General Assembly, Sections 307.300, 19
381.630, 701.70 as subsequently amended, 733.30, 20
and 757.70 of H.B. 110 of the 134th General 21
Assembly, Section 1 of H.B. 12 of the 133rd 22

General Assembly, Sections 265.510, 333.67, 23
381.610, 733.51, and 737.40 of H.B. 166 of the 24
133rd General Assembly, Section 7 of S.B. 310 of 25
the 133rd General Assembly, and Section 3 of 26
S.B. 9 of the 130th General Assembly, as 27
subsequently amended, to implement the 28
recommendations of the Sunset Review Committee, 29
to eliminate certain Ohio insurance laws that 30
have been suspended since the enactment by 31
Congress of the Affordable Care Act, and to 32
declare an emergency. 33

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

Section 1. That sections 101.82, 101.83, 145.012, 146.02, 34
718.051, 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 3335.27, 35
3335.29, 3506.04, 3506.05, 3506.06, 3506.07, 3506.10, 3701.931, 36
3743.53, 3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 3923.57, 37
3924.01, 3924.02, 3924.06, 3924.73, 4125.041, 4141.131, 4141.25, 38
4141.292, 4715.03, 4715.032, 4715.033, 4715.034, 4715.035, 39
4715.30, 5104.39, and 5104.50 be amended and section 113.78 of 40
the Revised Code be enacted to read as follows: 41

Sec. 101.82. As used in sections 101.82 to 101.87 of the 42
Revised Code: 43

(A) "Agency" means any board, commission, committee, or 44
council, or any other similar state public body required to be 45
established pursuant to state statutes for the exercise of any 46
function of state government and to which members are appointed 47
or elected. "Agency" does not include the following: 48

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| (1) The general assembly, or any commission, committee, or other body composed entirely of members of the general assembly; | 49 50 |
| (2) Any court; | 51 |
| (3) Any public body created by or directly pursuant to the constitution of this state; | 52 53 |
| (4) The board of trustees of any institution of higher education financially supported in whole or in part by the state; | 54 55 56 |
| (5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid; | 57 58 59 |
| (6) The public utilities commission of Ohio; | 60 |
| (7) The consumers' counsel governing board; | 61 |
| (8) The Ohio board of regents; | 62 |
| (9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code; | 63 64 65 66 |
| (10) Any board of elections; | 67 |
| (11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association; | 68 69 70 |
| (12) The Ohio public employees deferred compensation board; | 71 72 |
| (13) The Ohio retirement study council; | 73 |
| (14) The board of trustees of the Ohio police and fire | 74 |

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| pension fund, public employees retirement board, school | 75 |
| employees retirement board, state highway patrol retirement | 76 |
| board, and state teachers retirement board; | 77 |
| (15) The industrial commission; | 78 |
| (16) The parole board; | 79 |
| (17) The board of tax appeals; | 80 |
| (18) The controlling board; | 81 |
| (19) The release authority of department of youth | 82 |
| services; | 83 |
| (20) The environmental review appeals commission; | 84 |
| (21) The Ohio ethics commission; | 85 |
| (22) The Ohio public works commission; | 86 |
| (23) The self-insuring employers evaluation board; | 87 |
| (24) The state board of deposit; | 88 |
| (25) The state employment relations board; and | 89 |
| (26) An agency that is exempted from the requirements of | 90 |
| sections 101.82 to 101.87 of the Revised Code by the agency's | 91 |
| enabling statutes; <u>and</u> | 92 |
| <u>(27) The following agencies, deemed to have a purpose</u> | 93 |
| <u>related to federal law:</u> | 94 |
| <u>(a) The early childhood advisory council, under section</u> | 95 |
| <u>5104.50 of the Revised Code;</u> | 96 |
| <u>(b) The emergency response commission under section</u> | 97 |
| <u>3750.02 of the Revised Code;</u> | 98 |
| <u>(c) The public defender commission under section 120.01 of</u> | 99 |

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| <u>the Revised Code;</u> | 100 |
| <u>(d) The homeland security advisory council under division</u> | 101 |
| <u>(E) of section 5502.011 of the Revised Code;</u> | 102 |
| <u>(e) The unemployment compensation review commission under</u> | 103 |
| <u>section 4141.06 of the Revised Code.</u> | 104 |
| (B) "Abolish" means to repeal the statutes creating and | 105 |
| empowering an agency, remove its personnel, and transfer its | 106 |
| records to the department of administrative services pursuant to | 107 |
| division (E) of section 149.331 of the Revised Code. | 108 |
| (C) "Terminate" means to amend or repeal the statutes | 109 |
| creating and empowering an agency, remove its personnel, and | 110 |
| reassign its functions and records to another agency or officer | 111 |
| designated by the general assembly. | 112 |
| (D) "Transfer" means to amend the statutes creating and | 113 |
| empowering an agency so that its functions, records, and | 114 |
| personnel are conveyed to another agency or officer. | 115 |
| (E) "Renew" means to continue an agency, and may include | 116 |
| amendment of the statutes creating and empowering the agency, or | 117 |
| recommendations for changes in agency operation or personnel. | 118 |
| Sec. 101.83. (A) It is the intent of the general assembly | 119 |
| that an agency shall expire by operation of sunset review law, | 120 |
| sections 101.82 to 101.87 of the Revised Code, four years more | 121 |
| or less after the effective date of the act that established the | 122 |
| agency. Unless renewed in accordance with division (E) of this | 123 |
| section: | 124 |
| (1) An agency created during an even-numbered general | 125 |
| assembly expires at the end of the thirty-first day of December | 126 |
| in the second year of the next odd-numbered general assembly; | 127 |

(2) An agency created during an odd-numbered general assembly expires at the end of the thirty-first day of December in the second year of the next even-numbered general assembly; and

(3) An agency renewed by a prior sunset review committee expires on the expiration date specified in the act that renewed the agency.

(B) Any act renewing an agency shall contain a distinct section providing a specific expiration date for the agency in accordance with this section. With respect to an agency scheduled to expire through operation of sunset review law, sections 101.82 to 101.87 of the Revised Code, the specific expiration date shall be the thirty-first day of December in the second year of a general assembly.

(C) If the general assembly does not renew or transfer an agency on or before its expiration date, it expires on that date.

The director of budget and management shall not authorize the expenditure of any moneys for any agency on or after the date of its expiration.

(D) The general assembly may provide by law for the orderly, efficient, and expeditious conclusion of an agency's business and operation. The rules, orders, licenses, contracts, and other actions made, taken, granted, or performed by the agency continue in effect according to their terms notwithstanding the agency's abolition, unless the general assembly provides otherwise by law. The general assembly may provide by law for the temporary or permanent transfer of some or all of a terminated or transferred agency's functions and

personnel to a successor agency or officer. 157

The abolition, termination, or transfer of an agency does 158
not cause the termination or dismissal of any claim pending 159
against the agency by any person, or any claim pending against 160
any person by the agency. Unless the general assembly provides 161
otherwise by law for the substitution of parties, the attorney 162
general shall succeed the agency with reference to any pending 163
claim. 164

(E) An agency may be renewed by passage of a bill that 165
continues the statutes creating and empowering the agency, that 166
amends or repeals those statutes, or that enacts new statutes, 167
to improve agency usefulness, performance, or effectiveness. 168

(F) The chairperson of an agency listed in division (A) 169
(27) of section 101.82 of the Revised Code shall notify the 170
speaker of the house of representatives and the president of the 171
senate, in the manner specified in section 101.68 of the Revised 172
Code, and shall notify the governor, if federal law is modified 173
to eliminate the purpose or necessity for the agency's 174
existence. The notification shall be in writing and include the 175
following disclosure: 176

"The agency known as the _____ was exempted from sunset 177
review law because it had a purpose related to federal law. The 178
federal law specifying that purpose has been amended or repealed 179
eliminating the purpose or necessity for the agency. The sunset 180
review committee, next convened under section 101.82 to 101.87 181
of the Revised Code, shall schedule the agency for review and 182
shall make a recommendation with respect to the agency in 183
accordance with section 101.87 of the Revised Code." 184

Sec. 113.78. The medical quality assurance fund is 185

created, which shall be in the custody of the treasurer of state 186
but shall not be part of the state treasury. The fund shall 187
consist of all money transferred to it as a result of the repeal 188
of section 3701.89 of the Revised Code on January 1, 2026, by 189
H.B. 694 of the 135th General Assembly and its requirements 190
related to the repeal of that section. All money in the fund 191
shall be used as directed by the general assembly, which may 192
include funding any of the following programs that the former 193
Ohio medical quality foundation was authorized to fund in a 194
similar manner under division (F) of section 3701.89 of the 195
Revised Code as that section existed before its repeal by this 196
act: 197

(A) Programs approved under criteria established under 198
section 4731.251 of the Revised Code; 199

(B) Programs designed to improve the quality of graduate 200
medical education; 201

(C) Programs designed to improve risk management and 202
quality assurance in hospitals, as defined in section 3722.01 of 203
the Revised Code, and in outpatient settings, including 204
physician offices; 205

(D) Other programs, meetings, and educational seminars 206
that are designed to improve the quality of medical care in this 207
state. 208

Sec. 145.012. (A) "Public employee," as defined in 209
division (A) of section 145.01 of the Revised Code, does not 210
include any person: 211

(1) Who is employed by a private, temporary-help service 212
and performs services under the direction of a public employer 213
or is employed on a contractual basis as an independent 214

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| contractor under a personal service contract with a public employer; | 215 216 |
| (2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency; | 217 218 219 |
| (3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501; | 220 221 222 |
| (4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code; | 223 224 225 226 |
| (5) Who is employed as an election worker and paid less than six hundred dollars per calendar year for that service, except for a calendar year in which more than one primary election and one general election are held, the person is paid six hundred dollars plus an amount not to exceed four hundred dollars for that service; | 227 228 229 230 231 232 |
| (6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following: | 233 234 235 236 237 |
| (a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system; | 238 239 240 |
| (b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code | 241 242 243 |

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| and did not elect to transfer; | 244 |
| (c) Any firefighter who has elected under section 742.516 | 245 |
| of the Revised Code to transfer from the Ohio police and fire | 246 |
| pension fund to the public employees retirement system. | 247 |
| (7) Who is a member of the board of health of a city or | 248 |
| general health district, which pursuant to sections 3709.051 and | 249 |
| 3709.07 of the Revised Code includes a combined health district, | 250 |
| and whose compensation for attendance at meetings of the board | 251 |
| is set forth in division (B) of section 3709.02 or division (B) | 252 |
| of section 3709.05 of the Revised Code, as appropriate; | 253 |
| (8) Who participates in an alternative retirement plan | 254 |
| established under Chapter 3305. of the Revised Code; | 255 |
| (9) Who is a member of the board of directors of a | 256 |
| sanitary district established under Chapter 6115. of the Revised | 257 |
| Code; | 258 |
| (10) Who is a member of the unemployment compensation- | 259 |
| advisory council; | 260 |
| (11) Who is an employee, officer, or governor-appointed | 261 |
| member of the board of directors of the nonprofit corporation | 262 |
| formed under section 187.01 of the Revised Code; | 263 |
| (12) (11) Who is employed by the nonprofit entity | 264 |
| established to provide advocacy services and a client assistance | 265 |
| program for people with disabilities under Section 319.20 of Am. | 266 |
| Sub. H.B. 153 of the 129th general assembly and whose employment | 267 |
| begins on or after October 1, 2012. | 268 |
| (B) No inmate of a correctional institution operated by | 269 |
| the department of rehabilitation and correction, no patient in a | 270 |
| hospital for persons with mental illnesses operated by the | 271 |

department of mental health and addiction services, no resident 272
in an institution for persons with intellectual disabilities 273
operated by the department of developmental disabilities, no 274
resident admitted as a patient of a veterans' home operated 275
under Chapter 5907. of the Revised Code, and no resident of a 276
county home shall be considered as a public employee for the 277
purpose of establishing membership or calculating service credit 278
or benefits under this chapter. Nothing in this division shall 279
be construed to affect any service credit attained by any person 280
who was a public employee before becoming an inmate, patient, or 281
resident at any institution listed in this division, or the 282
payment of any benefit for which such a person or such a 283
person's beneficiaries otherwise would be eligible. 284

Sec. 146.02. (A) Each political subdivision or fire 285
district having a fire department employing volunteer fire 286
fighters is a member of the volunteer fire fighters' dependents 287
fund and shall establish a volunteer fire fighters' dependents 288
fund board. 289

(B) A private volunteer fire company which has contracted 290
to afford fire protection to a political subdivision or fire 291
district may become a member of the volunteer fire fighters' 292
dependents fund by election and shall, if it so elects, 293
establish a volunteer fire fighters' dependents fund board. The 294
company shall notify the state fire marshal and the governing 295
body of the political subdivision or fire district with which it 296
has its major contract of the election to become a member of the 297
fund. 298

(C) A volunteer fire fighters' dependents fund board is 299
not subject to sections 101.82 to 101.87 of the Revised Code. 300

Sec. 718.051. (A) Any taxpayer subject to municipal income 301

taxation with respect to the taxpayer's net profit from a 302
business or profession may file any municipal income tax return, 303
estimated municipal income tax return, or extension for filing a 304
municipal income tax return, and may make payment of amounts 305
shown to be due on such returns, by using the Ohio business 306
gateway. 307

(B) Any employer, agent of an employer, or other payer may 308
report the amount of municipal income tax withheld from 309
qualifying wages, and may make remittance of such amounts, by 310
using the Ohio business gateway. 311

(C) Nothing in this section affects the due dates for 312
filing employer withholding tax returns. 313

(D) No municipal corporation shall be required to pay any 314
fee or charge for the operation or maintenance of the Ohio 315
business gateway. 316

(E) The use of the Ohio business gateway by municipal 317
corporations, taxpayers, or other persons pursuant to this 318
section does not affect the legal rights of municipalities or 319
taxpayers as otherwise permitted by law. This state shall not be 320
a party to the administration of municipal income taxes or to an 321
appeal of a municipal income tax matter, except as otherwise 322
specifically provided by law. 323

~~(F) (1)~~ (F) The tax commissioner shall adopt rules 324
establishing: 325

~~(a) (1)~~ (1) The format of documents to be used by taxpayers to 326
file returns and make payments through the Ohio business 327
gateway; and 328

~~(b) (2)~~ (2) The information taxpayers must submit when filing 329
municipal income tax returns through the Ohio business gateway. 330

The commissioner shall not adopt rules under this division 331
that conflict with the requirements of section 718.05 of the 332
Revised Code. 333

~~(2) The commissioner shall consult with the Ohio business 334
gateway steering committee before adopting the rules described 335
in division (F)(1) of this section. 336~~

(G) Nothing in this section shall be construed as limiting 337
or removing the authority of any municipal corporation to 338
administer, audit, and enforce the provisions of its municipal 339
income tax. 340

Sec. 1731.03. (A) A small employer health care alliance 341
may do any of the following: 342

(1) Negotiate and enter into agreements with one or more 343
insurers for the insurers to offer and provide one or more 344
health benefit plans to small employers for their employees and 345
retirees, and the dependents and members of the families of such 346
employees and retirees, which coverage may be made available to 347
enrolled small employers without regard to industrial, rating, 348
or other classifications among the enrolled small employers 349
under an alliance program, except as otherwise provided under 350
the alliance program, and for the alliance to perform, or 351
contract with others for the performance of, functions under or 352
with respect to the alliance program; 353

(2) Contract with another alliance for the inclusion of 354
the small employer members of one in the alliance program of the 355
other; 356

(3) Provide or cause to be provided to small employers 357
information concerning the availability, coverage, benefits, 358
premiums, and other information regarding an alliance program 359

and promote the alliance program; 360

(4) Provide, or contract with others to provide, 361
enrollment, record keeping, information, premium billing, 362
collection and transmittal, and other services under an alliance 363
program; 364

(5) Receive reports and information from the insurer and 365
negotiate and enter into agreements with respect to inspection 366
and audit of the books and records of the insurer; 367

(6) Provide services to and on behalf of an alliance 368
program sponsored by another alliance, including entering into 369
an agreement described in division (B) of section 1731.01 of the 370
Revised Code on behalf of the other alliance; 371

(7) If it is a nonprofit corporation created under Chapter 372
1702. of the Revised Code, exercise all powers and authority of 373
such corporations under the laws of the state, or, if otherwise 374
constituted, exercise such powers and authority as apply to it 375
under the applicable laws, and its articles, regulations, 376
constitution, bylaws, or other relevant governing instruments. 377

(B) A small employer health care alliance is not and shall 378
not be regarded for any purpose of law as an insurer, an offeror 379
or seller of any insurance, a partner of or joint venturer with 380
any insurer, an agent of, or solicitor for an agent of, or 381
representative of, an insurer or an offeror or seller of any 382
insurance, an adjuster of claims, or a third-party 383
administrator, and will not be liable under or by reason of any 384
insurance coverage or other health benefit plan provided or not 385
provided by any insurer or by reason of any conditions or 386
restrictions on eligibility or benefits under an alliance 387
program or any insurance or other health benefit plan provided 388

under an alliance program or by reason of the application of 389
those conditions or restrictions. 390

(C) The promotion of an alliance program by an alliance or 391
by an insurer is not and shall not be regarded for any purpose 392
of law as the offer, solicitation, or sale of insurance. 393

(D) (1) No alliance shall adopt, impose, or enforce medical 394
underwriting rules or underwriting rules requiring a small 395
employer to have more than a minimum number of employees for the 396
purpose of determining whether an alliance member is eligible to 397
purchase a policy, contract, or plan of health insurance or 398
health benefits from any insurer in connection with the alliance 399
health care program. 400

(2) No alliance shall reject any applicant for membership 401
in the alliance based on the health status of the applicant's 402
employees or their dependents or because the small employer does 403
not have more than a minimum number of employees. 404

(3) A violation of division (D) (1) or (2) of this section 405
is deemed to be an unfair and deceptive act or practice in the 406
business of insurance under sections 3901.19 to 3901.26 of the 407
Revised Code. 408

(4) Nothing in division (D) (1) or (2) of this section 409
shall be construed as inhibiting or preventing an alliance from 410
adopting, imposing, and enforcing rules, conditions, 411
limitations, or restrictions that are based on factors other 412
than the health status of employees or their dependents or the 413
size of the small employer for the purpose of determining 414
whether a small employer is eligible to become a member of the 415
alliance. Division (D) (1) of this section does not apply to an 416
insurer that sells health coverage to an alliance member under 417

an alliance health care program. 418

(E) Except as otherwise specified in section 1731.09 of 419
the Revised Code, health benefit plans offered and sold to 420
alliance members that are small employers as defined in section 421
3924.01 of the Revised Code are subject to sections 3924.01 to 422
~~3924.14~~3924.06 of the Revised Code. 423

(F) Any person who represents an alliance in bargaining or 424
negotiating a health benefit plan with an insurer shall disclose 425
to the governing board of the alliance any direct or indirect 426
financial relationship the person has or had during the past two 427
years with the insurer. 428

Sec. 1731.05. If a qualified alliance, or an alliance 429
that, based upon evidence of interest satisfactory to the 430
superintendent of insurance, will be a qualified alliance within 431
a reasonable time, submits a request for a proposal on a health 432
benefit plan to at least three insurers and does not receive at 433
least one reasonably responsive proposal within ninety days from 434
the date the last such request is submitted, the superintendent, 435
at the request of such alliance, may require that insurers offer 436
proposals to such alliance for health benefit plans for the 437
small employers within such alliance. Such proposals shall 438
include such coverage and benefits for such premiums, as shall 439
take into account the functions provided by the alliance and the 440
economies of scale, and have other terms and provisions as are 441
approved by the superintendent, consistent with the purposes and 442
standards set forth in section 1731.02 of the Revised Code. ~~In-~~ 443
~~making the determination as to which insurers shall be asked to~~ 444
~~submit proposals under this section, the superintendent shall~~ 445
~~apply the standards set forth in division (G) (4) (a) of section~~ 446
~~3924.11 of the Revised Code. Any insurer that does not submit a~~ 447

proposal when required to do so by the superintendent hereunder, 448
shall be deemed to be in violation of section 3901.20 of the 449
Revised Code and shall be subject to all of the provisions of 450
section 3901.22 of the Revised Code, including division (D) (1) 451
of section 3901.22 of the Revised Code as if it provided that 452
the superintendent may suspend or revoke an insurer's license to 453
engage in the business of insurance. 454

Nothing in this section shall be construed as requiring an 455
insurer to enter into an agreement with an alliance under 456
contractual terms that are not acceptable to the insurer or to 457
authorize the superintendent to require an insurer to enter into 458
an agreement with an alliance under contractual terms that are 459
not acceptable to the insurer. 460

This section applies beginning eighteen months after its 461
effective date. 462

Sec. 1731.09. (A) Nothing contained in this chapter is 463
intended to or shall inhibit or prevent the application of the 464
provisions of Chapter 3924. of the Revised Code to any health 465
benefit plan or insurer to which they would otherwise apply in 466
the absence of this chapter, except as otherwise specified in 467
divisions (B) and (C) of this section or unless such application 468
conflicts with the provisions of section 1731.05 of the Revised 469
Code. 470

(B) An insurer may establish one or more separate classes 471
of business solely comprised of one or more alliances. All of 472
the following shall apply to health plans covering small 473
employers in each class of business established pursuant to this 474
division: 475

(1) The premium rate limitations set forth in section 476

3924.04 of the Revised Code apply to each class of business 477
separate and apart from the insurer's other business; 478

(2) For purposes of applying sections 3924.01 to ~~3924.14~~ 479
3924.06 of the Revised Code to a class of business, the base 480
premium rate and midpoint rate shall be determined with respect 481
to each class of business separate and apart from the insurer's 482
other business. 483

(3) The midpoint rate for a class of business shall not 484
exceed the midpoint rate for any other class of business or the 485
insurer's non-alliance business by more than fifteen per cent. 486

(4) The insurer annually shall file with the 487
superintendent of insurance an actuarial certification 488
consistent with section 3924.06 of the Revised Code for each 489
class of business demonstrating that the underwriting and rating 490
methods of the insurer do all of the following: 491

(a) Comply with accepted actuarial practices; 492

(b) Are uniformly applied to health benefit plans covering 493
small employers within the class of business; 494

(c) Comply with the applicable provisions of this section 495
and sections 3924.01 to ~~3924.14~~ 3924.06 of the Revised Code. 496

(5) An insurer shall apply sections 3924.01 to ~~3924.14~~ 497
3924.06 of the Revised Code to the insurer's non-alliance 498
business and coverage sold through alliances not established as 499
a separate class of business. 500

(6) An insurer shall file with the superintendent a 501
notification identifying any alliance or alliances to be treated 502
as a separate class of business at least sixty days prior to the 503
date the rates for that class of business take effect. 504

(7) Any application for a certificate of authority filed 505
pursuant to section 1731.021 of the Revised Code shall include a 506
disclosure as to whether the alliance will be underwritten or 507
rated as part of a separate class of business. 508

(C) As used in this section: 509

(1) "Class of business" means a group of small employers, 510
as defined in section 3924.01 of the Revised Code, that are 511
enrolled employers in one or more alliances. 512

(2) "Actuarial certification," "base premium rate," and 513
"midpoint rate" have the same meanings as in section 3924.01 of 514
the Revised Code. 515

Sec. 1739.05. (A) A multiple employer welfare arrangement 516
that is created pursuant to sections 1739.01 to 1739.22 of the 517
Revised Code and that operates a group self-insurance program 518
may be established only if any of the following applies: 519

(1) The arrangement has and maintains a minimum enrollment 520
of three hundred employees of two or more employers. 521

(2) The arrangement has and maintains a minimum enrollment 522
of three hundred self-employed individuals. 523

(3) The arrangement has and maintains a minimum enrollment 524
of three hundred employees or self-employed individuals in any 525
combination of divisions (A) (1) and (2) of this section. 526

(B) A multiple employer welfare arrangement that is 527
created pursuant to sections 1739.01 to 1739.22 of the Revised 528
Code and that operates a group self-insurance program shall 529
comply with all laws applicable to self-funded programs in this 530
state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 531
3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 532

3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 533
3923.30, 3923.301, 3923.38, ~~3923.581~~, 3923.602, 3923.63, 534
3923.80, 3923.84, 3923.85, 3923.851, 3923.86, 3923.87, 3923.89, 535
3923.90, 3924.031, 3924.032, and 3924.27 of the Revised Code. 536

(C) A multiple employer welfare arrangement created 537
pursuant to sections 1739.01 to 1739.22 of the Revised Code 538
shall solicit enrollments only through agents or solicitors 539
licensed pursuant to Chapter 3905. of the Revised Code to sell 540
or solicit sickness and accident insurance. 541

(D) A multiple employer welfare arrangement created 542
pursuant to sections 1739.01 to 1739.22 of the Revised Code 543
shall provide benefits only to individuals who are members, 544
employees of members, or the dependents of members or employees, 545
or are eligible for continuation of coverage under section 546
1751.53 or 3923.38 of the Revised Code or under Title X of the 547
"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 548
Stat. 227, 29 U.S.C.A. 1161, as amended. 549

(E) A multiple employer welfare arrangement created 550
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 551
subject to, and shall comply with, sections 3903.81 to 3903.93 552
of the Revised Code in the same manner as other life or health 553
insurers, as defined in section 3903.81 of the Revised Code. 554

Sec. 1751.18. (A) (1) No health insuring corporation shall 555
cancel or fail to renew the coverage of a subscriber or enrollee 556
because of any health status-related factor in relation to the 557
subscriber or enrollee, the subscriber's or enrollee's 558
requirements for health care services, or for any other reason 559
designated under rules adopted by the superintendent of 560
insurance. 561

(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider through which the health insuring corporation has made arrangements to provide health care services, shall discriminate against any individual with regard to enrollment, disenrollment, or the quality of health care services rendered, on the basis of the individual's race, color, sex, age, religion, military status as defined in section 4112.01 of the Revised Code, or status as a recipient of medicare or medicaid, or any health status-related factor in relation to the individual. However, a health insuring corporation shall not be required to accept a recipient of medicare or medical assistance, if an agreement has not been reached on appropriate payment mechanisms between the health insuring corporation and the governmental agency administering these programs. Further, ~~except for open enrollment coverage under sections 3923.58 and 3923.581 of the Revised Code and except~~ as provided in section 1751.65 of the Revised Code, a health insuring corporation may reject an applicant for nongroup enrollment on the basis of any health status-related factor in relation to the applicant.

(B) A health insuring corporation may cancel or decide not to renew the coverage of an enrollee if the enrollee has performed an act or practice that constitutes fraud or intentional misrepresentation of material fact under the terms of the coverage and if the cancellation or nonrenewal is not based, either directly or indirectly, on any health status-related factor in relation to the enrollee.

(C) An enrollee may appeal any action or decision of a health insuring corporation taken pursuant to section 2742(b) to (e) of the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A.

300gg-42, as amended. To appeal, the enrollee may submit a written complaint to the health insuring corporation pursuant to section 1751.19 of the Revised Code. The enrollee may, within thirty days after receiving a written response from the health insuring corporation, appeal the health insuring corporation's action or decision to the superintendent.

(D) As used in this section, "health status-related factor" means any of the following:

- (1) Health status;
- (2) Medical condition, including both physical and mental illnesses;
- (3) Claims experience;
- (4) Receipt of health care;
- (5) Medical history;
- (6) Genetic information;
- (7) Evidence of insurability, including conditions arising out of acts of domestic violence;
- (8) Disability.

Sec. 3335.27. The engineering experiment station shall be under the control of the board of trustees of the Ohio state university, through the regular administrative and fiscal officers. The board shall appoint a director on recommendation of the president of the university. ~~There shall be an advisory committee of seven members appointed by the board of which committee the director shall be ex officio a member, and chairperson, said director, and the other six members to be chosen from the faculty of the college of engineering. The term~~

~~of these members shall be for three years.~~ The director and 620
~~advisory committee~~ shall select suitable subjects for 621
investigation, apportion the available funds, and with the 622
consent of the board may provide for the dissemination of the 623
results to the people of the state. 624

Sec. 3335.29. The engineering experiment station of the 625
Ohio state university shall not be conducted for the private or 626
personal gain of anyone connected with it, or for the sole 627
benefit of any individual, firm, or corporation. 628

Any commission, board, bureau, or department of the state, 629
or any institution owned by the state, may seek assistance from 630
the station, and such requests shall have precedence over all 631
other outside requests. The ~~advisory committee~~ director of the 632
station may decline such requests or require that the expense of 633
such investigations be borne in part or in whole by the 634
commission, board, bureau, or department of state, or 635
institution owned by the state, making such requests. 636

Any individual, firm, or corporation may seek the 637
assistance of the station; the ~~advisory committee of said~~ 638
~~station~~ director may decline to render such assistance or may 639
require that any expense incidental to such assistance be borne 640
in part or in whole by the individual, firm, or corporation 641
seeking such assistance, and the ~~advisory committee of the~~ 642
~~station~~ director may publish the results of such investigations. 643

~~Sections 3335.25 to 3335.29 of the Revised Code, do not~~ 644
~~limit the powers of the advisory committee of the station to~~ 645
~~carry on lines of investigation upon its own initiative.~~ 646

Sec. 3506.04. (A) If it is impracticable to supply each 647
election precinct with voting machines or marking devices for 648

use at the next election following the adoption of such 649
equipment, as many shall be supplied for that election and the 650
succeeding elections as it is practicable to procure either by 651
purchase or lease, or by a combination of both, and such 652
equipment may be used in election precincts within the county as 653
the board of elections directs until such time as it is 654
practicable to provide the total number of voting machines or 655
marking devices necessary to supply all precincts within the 656
county, provided that the total number of voting machines or 657
marking devices necessary to supply all precincts shall be 658
procured by purchase or lease, or by a combination of both as 659
soon as practicable after their adoption. 660

(B) The board of elections shall be charged with the 661
custody of all equipment acquired by the county, and shall see 662
that all such equipment is kept in proper working order and in 663
good repair. The board of county commissioners of any county or 664
the board of elections, upon recommendation of the board of 665
elections, may, prior to the adoption of such equipment, acquire 666
by purchase or lease or by loan, for the experimental use in a 667
limited number of precincts, such equipment, and such 668
experimental use shall be valid for all purposes as if such 669
equipment had been formally adopted, provided that such 670
equipment has been approved by the board of voting ~~machine-~~ 671
systems examiners for experimental use. 672

(C) All equipment acquired by any county by any of the 673
methods provided for in this section shall be exempt from levy 674
and taxation. 675

Sec. 3506.05. (A) As used in this section: 676

(1) "Electronic pollbook" means an electronic list of 677
registered voters for a particular precinct or polling location 678

that may be transported to a polling location. 679

(2) Except when used as part of the phrase "tabulating 680
equipment" or "automatic tabulating equipment," "equipment" 681
means a voting machine, marking device, automatic tabulating 682
equipment, software, or an electronic pollbook. 683

(3) "Vendor" means the person that owns, manufactures, 684
distributes, or has the legal right to control the use of 685
equipment, or the person's agent. 686

(B) No voting machine, marking device, automatic 687
tabulating equipment, or software for the purpose of casting or 688
tabulating votes or for communications among systems involved in 689
the tabulation, storage, or casting of votes, and no electronic 690
pollbook, shall be purchased, leased, put in use, or continued 691
to be used, except for experimental use as provided in division 692
(B) of section 3506.04 of the Revised Code, unless it, a manual 693
of procedures governing its use, and training materials, 694
service, and other support arrangements have been certified by 695
the secretary of state and unless the board of elections of each 696
county where the equipment will be used has assured that a 697
demonstration of the use of the equipment has been made 698
available to all interested electors. The secretary of state 699
shall appoint a board of voting ~~machine~~-systems examiners to 700
examine and approve equipment and its related manuals and 701
support arrangements. The board shall consist of four voting 702
members and one nonvoting member, who shall be appointed as 703
follows: 704

(1) Two members appointed by the secretary of state-; 705

(2) One member appointed by either the speaker of the 706
house of representatives or the minority leader of the house of 707

representatives, whichever is a member of the opposite political 708
party from the one to which the secretary of state belongs; 709

(3) One member appointed by either the president of the 710
senate or the minority leader of the senate, whichever is a 711
member of the opposite political party from the one to which the 712
secretary of state belongs; 713

(4) The secretary of state also shall appoint a 714
cybersecurity expert, who shall serve as a nonvoting member of 715
the board. 716

In all cases of a tie vote or a disagreement in the board, 717
if no decision can be arrived at, the board shall submit the 718
matter in controversy to the secretary of state, who shall 719
summarily decide the question, and the secretary of state's 720
decision shall be final. Each member of the board shall be a 721
competent and experienced election officer or a person who is 722
knowledgeable about the operation of voting equipment and shall 723
serve during the secretary of state's term. Any vacancy on the 724
board shall be filled in the same manner as the original 725
appointment. The secretary of state shall provide staffing 726
assistance to the board, at the board's request. 727

For the member's service, each member of the board shall 728
receive three hundred dollars per day for each combination of 729
marking device, tabulating equipment, voting machine, or 730
electronic pollbook examined and reported, but in no event shall 731
a member receive more than six hundred dollars to examine and 732
report on any one marking device, item of tabulating equipment, 733
voting machine, or electronic pollbook. Each member of the board 734
shall be reimbursed for expenses the member incurs during an 735
examination or during the performance of any related duties that 736
may be required by the secretary of state. Reimbursement of 737

these expenses shall be made in accordance with, and shall not 738
exceed, the rates provided for under section 126.31 of the 739
Revised Code. 740

Neither the secretary of state nor the board, nor any 741
public officer who participates in the authorization, 742
examination, testing, or purchase of equipment, shall have any 743
pecuniary interest in the equipment or any affiliation with the 744
vendor. 745

(C) (1) A vendor who desires to have the secretary of state 746
certify equipment shall first submit the equipment, all current 747
related procedural manuals, and a current description of all 748
related support arrangements to the board of voting machine 749
examiners for examination, testing, and approval. The submission 750
shall be accompanied by a fee of two thousand four hundred 751
dollars and a detailed explanation of the construction and 752
method of operation of the equipment, a full statement of its 753
advantages, and a list of the patents and copyrights used in 754
operations essential to the processes of vote recording and 755
tabulating, vote storage, system security, pollbook storage and 756
security, and other crucial operations of the equipment as may 757
be determined by the board. An additional fee, in an amount to 758
be set by rules promulgated by the board, may be imposed to pay 759
for the costs of alternative testing or testing by persons other 760
than board members, record-keeping, and other extraordinary 761
costs incurred in the examination process. Moneys not used shall 762
be returned to the person or entity submitting the equipment for 763
examination. 764

(2) Fees collected by the secretary of state under this 765
section shall be deposited into the state treasury to the credit 766
of the board of voting machine examiners fund, which is hereby 767

created. All moneys credited to this fund shall be used solely 768
for the purpose of paying for the services and expenses of each 769
member of the board or for other expenses incurred relating to 770
the examination, testing, reporting, or certification of 771
equipment, the performance of any related duties as required by 772
the secretary of state, or the reimbursement of any person 773
submitting an examination fee as provided in this chapter. 774

(D) Within sixty days after the submission of the 775
equipment and payment of the fee, or as soon thereafter as is 776
reasonably practicable, but in any event within not more than 777
ninety days after the submission and payment, the board of 778
voting ~~machine~~-systems examiners shall examine the equipment and 779
file with the secretary of state a written report on the 780
equipment with its recommendations and, if applicable, its 781
determination or condition of approval regarding whether the 782
equipment, manual, and other related materials or arrangements 783
meet the criteria set forth in sections 3506.07 and 3506.10 of 784
the Revised Code and can be safely used by the voters at 785
elections under the conditions prescribed in Title XXXV of the 786
Revised Code, or a written statement of reasons for which 787
testing requires a longer period. The board may grant temporary 788
approval for the purpose of allowing experimental use of 789
equipment. If the board finds that the equipment meets any 790
applicable criteria set forth in sections 3506.06, 3506.07, and 791
3506.10 of the Revised Code, can be used safely and, if 792
applicable, can be depended upon to record and count accurately 793
and continuously the votes of electors, and has the capacity to 794
be warranted, maintained, and serviced, it shall approve the 795
equipment and recommend that the secretary of state certify the 796
equipment. The secretary of state shall notify all boards of 797
elections of any such certification. Equipment of the same model 798

and make, if it operates in an identical manner, may then be 799
adopted for use at elections. 800

(E) The vendor shall notify the secretary of state, who 801
shall then notify the board of voting ~~machine-systems~~ examiners, 802
of any enhancement and any significant adjustment to the 803
hardware or software that could result in a patent or copyright 804
change or that significantly alters the methods of recording 805
voter intent, system security, voter privacy, retention of the 806
vote, communication of records, and connections between the 807
system and other systems. The vendor shall provide the secretary 808
of state with an updated operations manual for the equipment, 809
and the secretary of state shall forward the manual to the 810
board. Upon receiving such a notification and manual, the board 811
may require the vendor to submit the equipment to an examination 812
and test in order for the equipment to remain certified. The 813
board or the secretary of state shall periodically examine, 814
test, and inspect certified equipment to determine continued 815
compliance with the requirements of this chapter and the initial 816
certification. Any examination, test, or inspection conducted 817
for the purpose of continuing certification of any equipment in 818
which a significant problem has been uncovered or in which a 819
record of continuing problems exists shall be performed pursuant 820
to divisions (C) and (D) of this section, in the same manner as 821
the examination, test, or inspection is performed for initial 822
approval and certification. 823

(F) If, at any time after the certification of equipment, 824
the board of voting ~~machine-systems~~ examiners or the secretary 825
of state is notified by a board of elections of any significant 826
problem with the equipment or determines that the equipment 827
fails to meet the requirements necessary for approval or 828
continued compliance with the requirements of this chapter, or 829

if the board of voting ~~machine~~-systems examiners determines that 830
there are significant enhancements or adjustments to the 831
hardware or software, or if notice of such enhancements or 832
adjustments has not been given as required by division (E) of 833
this section, the secretary of state shall notify the users and 834
vendors of that equipment that certification of the equipment 835
may be withdrawn. 836

(G) (1) The notice given by the secretary of state under 837
division (F) of this section shall be in writing and shall 838
specify both of the following: 839

(a) The reasons why the certification may be withdrawn; 840

(b) The date on which certification will be withdrawn 841
unless the vendor takes satisfactory corrective measures or 842
explains why there are no problems with the equipment or why the 843
enhancements or adjustments to the equipment are not 844
significant. 845

(2) A vendor who receives a notice under division (F) of 846
this section shall, within thirty days after receiving it, 847
submit to the board of voting ~~machine~~-systems examiners in 848
writing a description of the corrective measures taken and the 849
date on which they were taken, or the explanation required under 850
division (G) (1) (b) of this section. 851

(3) Not later than fifteen days after receiving a written 852
description or explanation under division (G) (2) of this section 853
from a vendor, the board shall determine whether the corrective 854
measures taken or the explanation is satisfactory to allow 855
continued certification of the equipment, and the secretary of 856
state shall send the vendor a written notice of the board's 857
determination, specifying the reasons for it. If the board has 858

determined that the measures taken or the explanation given is 859
unsatisfactory, the notice shall include the effective date of 860
withdrawal of the certification. This date may be different from 861
the date originally specified in division (G) (1) (b) of this 862
section. 863

(4) A vendor who receives a notice under division (G) (3) 864
of this section indicating a decision to withdraw certification 865
may, within thirty days after receiving it, request in writing 866
that the board hold a hearing to reconsider its decision. Any 867
interested party shall be given the opportunity to submit 868
testimony or documentation in support of or in opposition to the 869
board's recommendation to withdraw certification. Failure of the 870
vendor to take appropriate steps as described in division (G) (1) 871
(b) or to comply with division (G) (2) of this section results in 872
a waiver of the vendor's rights under division (G) (4) of this 873
section. 874

(H) (1) The secretary of state, in consultation with the 875
board of voting ~~machine systems~~ examiners, shall establish, by 876
rule, guidelines for the approval, certification, and continued 877
certification of the voting machines, marking devices, 878
tabulating equipment, and electronic pollbooks to be used under 879
Title XXXV of the Revised Code. The guidelines shall establish 880
procedures requiring vendors or computer software developers to 881
place in escrow with an independent escrow agent approved by the 882
secretary of state a copy of all source code and related 883
documentation, together with periodic updates as they become 884
known or available. The secretary of state shall require that 885
the documentation include a system configuration and that the 886
source code include all relevant program statements in low- or 887
high-level languages. As used in this division, "source code" 888
does not include variable codes created for specific elections. 889

(2) Nothing in any rule adopted under division (H) of this section shall be construed to limit the ability of the secretary of state to follow or adopt, or to preclude the secretary of state from following or adopting, any guidelines proposed by the federal election commission, any entity authorized by the federal election commission to propose guidelines, the election assistance commission, or any entity authorized by the election assistance commission to propose guidelines.

(3) (a) Before the initial certification of any direct recording electronic voting machine with a voter verified paper audit trail, and as a condition for the continued certification and use of those machines, the secretary of state shall establish, by rule, standards for the certification of those machines. Those standards shall include, but are not limited to, all of the following:

(i) A definition of a voter verified paper audit trail as a paper record of the voter's choices that is verified by the voter prior to the casting of the voter's ballot and that is securely retained by the board of elections;

(ii) Requirements that the voter verified paper audit trail shall not be retained by any voter and shall not contain individual voter information;

(iii) A prohibition against the production by any direct recording electronic voting machine of anything that legally could be removed by the voter from the polling place, such as a receipt or voter confirmation;

(iv) A requirement that paper used in producing a voter verified paper audit trail be sturdy, clean, and resistant to degradation;

(v) A requirement that the voter verified paper audit trail shall be capable of being optically scanned for the purpose of conducting a recount or other audit of the voting machine and shall be readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic codes;

(vi) A requirement, for office-type ballots, that the voter verified paper audit trail include the name of each candidate selected by the voter;

(vii) A requirement, for questions and issues ballots, that the voter verified paper audit trail include the title of the question or issue, the name of the entity that placed the question or issue on the ballot, and the voter's ballot selection on that question or issue, but not the entire text of the question or issue.

(b) The secretary of state, by rule adopted under Chapter 119. of the Revised Code, may waive the requirement under division (H) (3) (a) (v) of this section, if the secretary of state determines that the requirement is cost prohibitive.

(4) (a) Except as otherwise provided in divisions (H) (4) (b) and (c) of this section, any voting machine, marking device, or automatic tabulating equipment used in this state shall meet, as a condition of continued certification and use, the voting system standards adopted by the federal election commission in 2002 or the voluntary voting system guidelines most recently adopted by the federal election assistance commission. A voting machine, marking device, or automatic tabulating equipment initially certified or acquired on or after December 1, 2008, also shall have the most recent federal certification number issued by the election assistance commission.

(b) Division (H) (4) (a) of this section does not apply to 949
any voting machine, marking device, or automatic tabulating 950
equipment that the federal election assistance commission does 951
not certify as part of its testing and certification program. 952

(c) A county that acquires additional voting machines, 953
marking devices, or automatic tabulating equipment on or after 954
December 1, 2008, shall not be considered to have acquired those 955
machines, devices, or equipment on or after December 1, 2008, 956
for the purpose of division (H) (4) (a) of this section if all of 957
the following apply: 958

(i) The voting machines, marking devices, or automatic 959
tabulating equipment acquired are the same as the machines, 960
devices, or equipment currently used in that county. 961

(ii) The acquisition of the voting machines, marking 962
devices, or automatic tabulating equipment does not replace or 963
change the primary voting system used in that county. 964

(iii) The acquisition of the voting machines, marking 965
devices, or automatic tabulating equipment is for the purpose of 966
replacing inoperable machines, devices, or equipment or for the 967
purpose of providing additional machines, devices, or equipment 968
required to meet the allocation requirements established 969
pursuant to division (I) of section 3501.11 of the Revised Code. 970

Sec. 3506.06. No marking device shall be approved by the 971
board of voting ~~machine-systems~~ examiners or certified by the 972
secretary of state, or be purchased, rented, or otherwise 973
acquired, or used, unless it fulfills the following 974
requirements: 975

(A) It shall permit and require voting in absolute 976
secrecy, and shall be so constructed that no person can see or 977

know for whom any other elector has voted or is voting, except 978
an elector who is assisting a voter as prescribed by section 979
3505.24 of the Revised Code. 980

(B) It shall permit each elector to vote at any election 981
for all persons and offices for whom and for which the elector 982
is lawfully entitled to vote, whether or not the name of any 983
such person appears on a ballot as a candidate; to vote for as 984
many persons for an office as the elector is entitled to vote 985
for; and to vote for or against any question upon which the 986
elector is entitled to vote. 987

(C) It shall permit each elector to write in the names of 988
persons for whom the elector desires to vote, whose names do not 989
appear upon the ballot, if such write-in candidates are 990
permitted by law. 991

(D) It shall permit each elector, at all presidential 992
elections, by one mark to vote for candidates of one party for 993
president, vice president, and presidential electors. 994

(E) It shall be durably constructed of material of good 995
quality in a neat and workerlike manner, and in form that shall 996
make it safely transportable. 997

(F) It shall be so constructed that a voter may readily 998
learn the method of operating it and may expeditiously cast the 999
voter's vote for all candidates of the voter's choice. 1000

(G) It shall not provide to a voter any type of receipt or 1001
voter confirmation that the voter legally may retain after 1002
leaving the polling place. 1003

Sec. 3506.07. No automatic tabulating equipment shall be 1004
approved by the board of voting ~~machine~~-systems examiners or 1005
certified by the secretary of state, or be purchased, rented, or 1006

otherwise acquired, or used, unless it has been or is capable of 1007
being manufactured for use and distribution beyond a prototype 1008
and can be set by election officials, to examine ballots and to 1009
count votes accurately for each candidate, question, and issue, 1010
excluding any ballots marked contrary to the instructions 1011
printed on such ballots, provided that such equipment shall not 1012
be required to count write-in votes or the votes on any ballots 1013
that have been voted other than at the regular polling place on 1014
election day. 1015

Sec. 3506.10. No voting machine shall be approved by the 1016
board of voting ~~machine~~-systems examiners or certified by the 1017
secretary of state, or be purchased, rented, or otherwise 1018
acquired, or used, except when specifically allowed for 1019
experimental use, as provided in section 3506.04 of the Revised 1020
Code, unless it fulfills the following requirements: 1021

(A) It shall permit and require voting in absolute 1022
secrecy, and shall be so constructed that no person can see or 1023
know for whom any other elector has voted or is voting, except 1024
an elector who is assisting a voter as prescribed by section 1025
3505.24 of the Revised Code. 1026

(B) It shall permit each elector to vote at any election 1027
for all persons and offices for whom and for which the elector 1028
is lawfully entitled to vote, whether or not the name of any 1029
such person appears on a ballot label as a candidate; to vote 1030
for as many persons for an office as the elector is entitled to 1031
vote for; and to vote for or against any question upon which the 1032
elector is entitled to vote. 1033

(C) It shall preclude each elector from voting for any 1034
candidate or upon any question for whom or upon which the 1035
elector is not entitled to vote, from voting for more persons 1036

for any office than the elector is entitled to vote for, and 1037
from voting for any candidates for the same office or upon any 1038
question more than once. 1039

(D) It shall permit each voter to deposit, write in, or 1040
affix, upon devices provided for that purpose, ballots 1041
containing the names of persons for whom the voter desires to 1042
vote, whose names do not appear upon the voting machine. Those 1043
devices shall be susceptible of identification as to party 1044
affiliations when used at a primary election. 1045

(E) It shall permit each elector to change the elector's 1046
vote for any candidate or upon any question appearing upon the 1047
ballot labels, up to the time the elector starts to register the 1048
elector's vote. 1049

(F) It shall permit each elector, at all presidential 1050
elections, by one device to vote for candidates of one party for 1051
president, vice-president, and presidential electors. 1052

(G) It shall be capable of adjustment by election officers 1053
so as to permit each elector, at a primary election, to vote 1054
only for the candidates of the party with which the elector has 1055
declared the elector's affiliation and shall preclude the 1056
elector from voting for any candidate seeking nomination by any 1057
other political party; and to vote for the candidates for 1058
nonpartisan nomination or election. 1059

(H) It shall have separate voting devices for candidates 1060
and questions, which shall be arranged in separate rows or 1061
columns. It shall be so arranged that one or more adjacent rows 1062
or columns may be assigned to the candidates of each political 1063
party at primary elections. 1064

(I) It shall have a counter, or other device, the register 1065

of which is visible from the outside of the machine, and which 1066
will show at any time during the voting the total number of 1067
electors who have voted; and also a protective counter, or other 1068
device, the register of which cannot be reset, which will record 1069
the cumulative total number of movements of the internal 1070
counters. 1071

(J) It shall be provided with locks and seals by the use 1072
of which, immediately after the polls are closed or the 1073
operation of the machine for an election is completed, no 1074
further changes to the internal counters can be allowed. 1075

(K) It shall have the capacity to contain the names of 1076
candidates constituting the tickets of at least five political 1077
parties, and independent groups and such number of questions not 1078
exceeding fifteen as the secretary of state shall specify. 1079

(L) It shall be durably constructed of material of good 1080
quality in a neat and workerlike manner, and in form that shall 1081
make it safely transportable. 1082

(M) It shall be so constructed that a voter may readily 1083
learn the method of operating it, may expeditiously cast a vote 1084
for all candidates of the voter's choice, and when operated 1085
properly shall register and record correctly and accurately 1086
every vote cast. 1087

(N) It shall be provided with a screen, hood, or curtain, 1088
which will conceal the voter while voting. During the voting, it 1089
shall preclude every person from seeing or knowing the number of 1090
votes registered for any candidate or question and from 1091
tampering with any of the internal counters. 1092

(O) It shall not provide to a voter any type of receipt or 1093
voter confirmation that the voter legally may retain after 1094

leaving the polling place. 1095

(P) On and after the first federal election that occurs 1096
after January 1, 2006, unless required sooner by the Help 1097
America Vote Act of 2002, if the voting machine is a direct 1098
recording electronic voting machine, it shall include a voter 1099
verified paper audit trail. 1100

Before any voting machine is purchased, rented, or 1101
otherwise acquired, or used, the person or corporation owning or 1102
manufacturing that machine or having the legal right to control 1103
the use of that machine shall give an adequate guarantee in 1104
writing and post a bond in an amount sufficient to cover the 1105
cost of any recount or new election resulting from or directly 1106
related to the use or malfunction of the equipment, accompanied 1107
by satisfactory surety, all as determined by the secretary of 1108
state, with the board of county commissioners, guaranteeing and 1109
securing that those machines have been and continue to be 1110
certified by the secretary of state in accordance with section 1111
3506.05 of the Revised Code, comply fully with the requirements 1112
of this section, and will correctly, accurately, and 1113
continuously register and record every vote cast, and further 1114
guaranteeing those machines against defects in workmanship and 1115
materials for a period of five years from the date of their 1116
acquisition. 1117

Sec. 3701.931. The director of health, through the Ohio 1118
violent death reporting system, shall do all of the following 1119
regarding violent death information, data, and records 1120
maintained in the system: 1121

(A) Monitor the incidence and causes of the various types 1122
of violent deaths; 1123

(B) Make appropriate epidemiologic studies of the violent deaths; 1124
1125

(C) Analyze trends and patterns in, and circumstances related to, the violent deaths; 1126
1127

~~(D) With the assistance of the advisory group established pursuant to section 3701.932 of the Revised Code, recommend~~ 1128
Recommend actions to relevant entities to prevent violent deaths 1129
and make any other such recommendations the director of health 1130
determines necessary. 1131
1132

(E) For years in which the department of health receives sufficient federal funding for the Ohio violent death reporting system, prepare and publish a report summarizing the activities of the Ohio violent death reporting system as set forth in this section on or before the first day of October of the following year. The director shall submit a copy of the report to the general assembly in accordance with section 101.68 of the Revised Code, to the governor, and the chairpersons of the committees of the general assembly having primary jurisdiction over issues relating to health care. 1133
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Sec. 3743.53. (A) The fire marshal shall adopt rules in accordance with Chapter 119. of the Revised Code that establish qualifications that all applicants for licensure as an exhibitor of fireworks shall satisfy. These rules shall be designed to provide a reasonable degree of assurance that individuals conducting public fireworks exhibitions in this state are proficient in handling and discharging fireworks, are capable of handling the responsibilities associated with exhibitions as prescribed by rule of the fire marshal pursuant to divisions (B) and (E) of this section or as prescribed by sections 3743.50 to 3743.55 of the Revised Code, and will conduct fireworks 1143
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exhibitions in a manner that emphasizes the safety and security 1154
of the public. The rules shall be consistent with sections 1155
3743.50 to 3743.55 of the Revised Code and may include, in 1156
addition to other requirements prescribed by the fire marshal, a 1157
requirement that the applicant for licensure successfully 1158
complete a written examination or otherwise successfully 1159
demonstrate its proficiency in the handling and discharging of 1160
fireworks in a safe manner and its ability to handle the 1161
responsibilities associated with exhibitions. 1162

(B) The fire marshal shall adopt rules in accordance with 1163
Chapter 119. of the Revised Code that govern the nature and 1164
conduct of public fireworks exhibitions by licensed exhibitors 1165
of fireworks. These rules shall be designed to promote the 1166
safety and security of persons viewing a fireworks exhibition, 1167
to promote the safety of persons who, although not viewing an 1168
exhibition, could be affected by fireworks used at it, and to 1169
promote the safety and security of exhibitors and their 1170
assistants. 1171

The rules shall be consistent with sections 3743.50 to 1172
3743.55 of the Revised Code; except as otherwise provided in 1173
this section, shall be substantially equivalent to the most 1174
recent versions of chapters 1123, 1124, and 1126 of the most 1175
recent national fire protection association standards; and shall 1176
apply to, but not be limited to, the following subject matters: 1177

(1) The construction of shells used in a fireworks 1178
exhibition; 1179

(2) Except as the storage and securing of fireworks is 1180
addressed by the rules adopted under division (E) of this 1181
section, the storage, securing, and supervision of fireworks 1182
pending their use in, and during the course of, a fireworks 1183

exhibition, and inspections by exhibitors of fireworks to be 1184
used in an exhibition prior to their use. These rules shall 1185
regulate, among other relevant matters, the storage of fireworks 1186
in manners that will effectively eliminate or reduce the 1187
likelihood of the fireworks becoming wet or being exposed to 1188
flame, and appropriate distances between storage sites and the 1189
sites at which fireworks will be discharged. 1190

(3) The installation and nature of mortars used in a 1191
fireworks exhibition, and inspections by exhibitors of mortars 1192
prior to their use; 1193

(4) Minimum distances between storage sites, discharge 1194
sites, spectator viewing sites, parking areas, and potential 1195
landing areas of fireworks, and minimum distances between 1196
discharge sites, potential landing areas, and residential or 1197
other types of buildings or structures; 1198

(5) The nature of discharge sites and potential landing 1199
sites; 1200

(6) Fire protection, the use and location of monitors for 1201
crowd control, the use of fences and rope barriers for crowd 1202
control, illumination, smoking and the use of open flame, and 1203
posting of warning signs concerning smoking or the use of open 1204
flame in connection with fireworks exhibitions. These rules may 1205
provide some authority to local officials in determining 1206
adequate fire protection, and numbers and locations of monitors. 1207

(7) Procedures to be followed in the discharging of 1208
fireworks; 1209

(8) Weather and crowd-related conditions under which 1210
fireworks may and may not be discharged, including circumstances 1211
under which exhibitions should be postponed; 1212

(9) Inspections of premises following a fireworks 1213
exhibition for purposes of locating and disposing of defective 1214
or unexploded fireworks. Inspections shall be required 1215
immediately following an exhibition, and, if an exhibition is 1216
conducted at night, also at sunrise the following morning. 1217

(C) All mortars used in a fireworks exhibition that are 1218
greater than or equal to eight inches in diameter shall be 1219
equipped with electronic ignition equipment in accordance with 1220
chapter 1123 of the most recent edition of the national fire 1221
protection association standards. 1222

(D) Only persons who are employees of licensed exhibitors 1223
of fireworks and who are registered with the fire marshal under 1224
section 3743.56 of the Revised Code shall be permitted within 1225
the discharge perimeter of an exhibition. 1226

(E) (1) The fire marshal shall adopt rules in accordance 1227
with Chapter 119. of the Revised Code and consistent with 1228
division (E) (3) of this section that establish both of the 1229
following: 1230

(a) Uniform standards for the stability and securing of 1231
fireworks storage racks used at a fireworks exhibition; 1232

(b) A detailed checklist that a fire chief or fire 1233
prevention officer, in consultation with a police chief or other 1234
similar chief law enforcement officer of a municipal 1235
corporation, township, or township or joint police district or 1236
with a designee of such a police chief or other similar chief 1237
law enforcement officer, shall complete, while conducting the 1238
inspection required under division (C) of section 3743.54 of the 1239
Revised Code at the premises at which a fireworks exhibition 1240
will take place, to ensure that the exhibition will comply with 1241

all applicable requirements of this chapter, and all applicable 1242
rules adopted under this chapter, that regulate the conduct of a 1243
fireworks exhibition. 1244

(2) Each licensed exhibitor of fireworks shall comply with 1245
the rules that the fire marshal adopts under division (E) (1) (a) 1246
of this section. 1247

~~(3) Prior to the fire marshal's adoption of the rules 1248
referred to in divisions (E) (1) (a) and (b) of this section, the 1249
director of commerce shall appoint a committee consisting of the 1250
fire marshal, three representatives of the fireworks industry, 1251
and three representatives of the fire service industry to assist 1252
the fire marshal in adopting those rules. The fire marshal shall 1253
adopt initial rules under those divisions by not later than May 1254
1, 2001. 1255~~

(F) A fire chief or fire prevention officer, in 1256
consultation with a police chief or other similar chief law 1257
enforcement officer of a municipal corporation, township, or 1258
township or joint police district or with a designee of such a 1259
police chief or other similar chief law enforcement officer, 1260
shall conduct the inspection referred to in division (E) (1) (b) 1261
of this section, complete the checklist referred to in division 1262
(E) (1) (b) of this section while conducting the inspection, and 1263
provide a copy of the completed checklist to the fire marshal. 1264

(G) A designee, if any, designated by a police chief or 1265
other similar chief law enforcement officer under this section 1266
or section 3743.54 of the Revised Code shall be a law 1267
enforcement officer serving in the same law enforcement agency 1268
as the police chief or other similar chief law enforcement 1269
officer. 1270

Sec. 3745.21. (A) There is hereby created within the 1271
environmental protection agency the Ohio environmental education 1272
fund advisory council consisting of the directors of 1273
environmental protection, natural resources, and education and 1274
workforce, or their designees, as members ex officio, one member 1275
of the house of representatives to be appointed by the speaker 1276
of the house of representatives or the member's designee, one 1277
member of the senate to be appointed by the president of the 1278
senate or the member's designee, one member to be appointed by 1279
the chancellor of higher education who shall have experience in 1280
providing environmental education at the university or college 1281
level, and six members to be appointed by the governor with the 1282
advice and consent of the senate. Of the members appointed by 1283
the governor, two shall be from statewide environmental advocacy 1284
organizations, one shall represent the interests of the 1285
industrial community in this state, one shall represent the 1286
interests of employers in this state with one hundred fifty or 1287
fewer employees, one shall represent municipal corporations, and 1288
one shall represent the interests of elementary and secondary 1289
school teachers in this state. Within thirty days after October 1290
1, 1990, the appointing authorities shall make their initial 1291
appointments to the council. The initial appointment to the 1292
council by the chancellor shall be for a term ending two years 1293
after October 1, 1990. Of the initial appointments made to the 1294
council by the governor, three shall be for a term ending one 1295
year after October 1, 1990, and three shall be for a term ending 1296
two years after October 1, 1990. Thereafter, the terms of office 1297
of the members appointed by the chancellor and the governor 1298
shall be for two years, with each term ending on the same day of 1299
the same month as the term that it succeeds. Each member shall 1300
hold office from the date of appointment until the end of the 1301
term for which the member was appointed. Members may be 1302

reappointed. Vacancies shall be filled in the manner provided 1303
for original appointments. Any member appointed to fill a 1304
vacancy occurring prior to the expiration date of the term for 1305
which the member's predecessor was appointed shall hold office 1306
as a member of the board of trustees for the remainder of that 1307
term. A member of the council appointed by the chancellor or the 1308
governor shall continue in office subsequent to the expiration 1309
date of the member's term until the member's successor takes 1310
office or until a period of sixty days has elapsed, whichever 1311
occurs first. 1312

The council shall hold at least two regular, semiannual 1313
meetings each year. Special meetings may be held at the behest 1314
of the chairperson or a majority of the members. The director of 1315
environmental protection shall serve as the chairperson of the 1316
council. The council annually shall select from among its 1317
members a vice-chairperson and a secretary to keep a record of 1318
its proceedings. A majority vote of the members of the council 1319
is necessary to take action on any matter. 1320

Serving as a member of the council does not constitute 1321
holding a public office or a position of employment under the 1322
laws of this state and does not constitute grounds for the 1323
removal of public officers or employees from their offices or 1324
positions of employment. The chancellor may at any time remove a 1325
member of the council appointed by the chancellor for 1326
misfeasance, malfeasance, or nonfeasance in office. The governor 1327
may at any time remove a member of the council appointed by the 1328
governor for misfeasance, malfeasance, or nonfeasance in office. 1329

Members of the council appointed by the chancellor and the 1330
governor shall serve without compensation. Members of the 1331
council shall be reimbursed for their actual and necessary 1332

expenses incurred in the performance of their duties as members 1333
of the council from moneys credited to the environmental 1334
education fund created in section 3745.22 of the Revised Code. 1335

(B) The council shall advise and assist the director of 1336
environmental protection in the implementation and 1337
administration of section 3745.22 of the Revised Code and shall 1338
review and comment on all expenditures from the fund proposed by 1339
the director. 1340

(C) The council may adopt bylaws for the regulation and 1341
conduct of the council's affairs and may propose to the director 1342
of environmental protection expenditures from the fund. 1343

Sec. 3745.22. (A) As used in this section, "eligible 1344
institution of higher education" means any of the state 1345
universities listed in section 3345.011 of the Revised Code, or 1346
a community college, technical college, university branch, state 1347
community college, or an institution that is nonprofit and holds 1348
a certificate of authorization issued under section 1713.02 of 1349
the Revised Code. 1350

(B) There is hereby created in the state treasury the 1351
environmental education fund consisting of moneys credited to 1352
the fund pursuant to sections 3704.06 and 6111.09 of the Revised 1353
Code and any gifts, grants, or contributions received by the 1354
director of environmental protection for the purposes of the 1355
fund. The fund shall be administered by the director with the 1356
advice and assistance of the Ohio environmental education fund 1357
advisory council created in section 3745.21 of the Revised Code. 1358
Moneys in the fund shall be used exclusively to develop, 1359
implement, and administer a program to enhance public awareness 1360
and the objective understanding within this state of issues 1361
affecting environmental quality. Toward that end, moneys in the 1362

fund may be used for purposes that include, without limitation, 1363
developing elementary and secondary school and collegiate 1364
curricula on environmental issues; providing training for this 1365
state's elementary and secondary school teachers on 1366
environmental issues; providing educational seminars for 1367
concerned members of the public regarding the scientific and 1368
technical aspects of environmental issues; providing educational 1369
seminars regarding pollution prevention and waste minimization 1370
for persons regulated by the environmental protection agency; 1371
providing educational seminars for persons regulated by the 1372
environmental protection agency, including, without limitation, 1373
small businesses, regarding the regulatory requirements of the 1374
agency and the means of achieving and maintaining compliance 1375
with them; and providing one or more scholarships in 1376
environmental sciences or environmental engineering for students 1377
enrolled at an eligible institution of higher education. 1378

The director may expend not more than one million five 1379
hundred thousand dollars of the moneys credited to the 1380
environmental education fund under sections 3704.06 and 6111.09 1381
of the Revised Code in any fiscal year for the purposes 1382
specified in this division. The director may request authority 1383
from the controlling board to expend any moneys credited to that 1384
fund in any fiscal year in excess of that amount. 1385

(C) Not later than the first day of April each year, the 1386
director, with the advice and assistance of the council, shall 1387
prepare and submit to the governor, the president of the senate, 1388
and the speaker of the house of representatives an environmental 1389
education agenda that describes the proposed uses of the 1390
environmental education fund during the following fiscal year. 1391
Prior to submitting the agenda the director, in conjunction with 1392
the council, shall hold a public hearing in Franklin county to 1393

receive comments on the agenda. After the public hearing and 1394
before submitting the agenda to the governor, the president, and 1395
the speaker, the director, with the advice and assistance of the 1396
council, may make any modifications to the agenda that the 1397
director considers appropriate based upon the comments received 1398
at the public hearing. 1399

(D) Not later than the first day of September each year, 1400
the director, with the advice and assistance of the council, 1401
shall prepare and submit to the governor, the president of the 1402
senate, and the speaker of the house of representatives a report 1403
on the revenues credited to and expenditures from the 1404
environmental education fund during the immediately preceding 1405
fiscal year. 1406

Sec. 3783.01. As used in sections 3783.01 to 1407
~~3783.08~~3783.07, inclusive, of the Revised Code: 1408

(A) "Electrical safety inspector" means a person who is 1409
certified as provided in Chapter 3783. of the Revised Code. 1410

(B) The "practice of electrical inspection" includes any 1411
ascertainment of compliance with the Ohio building code, or the 1412
electrical code of a political subdivision of this state by a 1413
person, who, for compensation, inspects the construction and 1414
installation of electrical conductors, fittings, devices, and 1415
fixtures for light, heat or power services equipment, or the 1416
installation, alteration, replacement, maintenance, or repair of 1417
any electrical wiring and equipment that is subject to any of 1418
the aforementioned codes. 1419

(C) "Ohio building code" means the rules and regulations 1420
adopted by the board of building standards under Chapter 3781. 1421
of the Revised Code. 1422

(D) "Board of building standards" or "board" means the board established by section 3781.07 of the Revised Code.

Sec. 3783.02. Nothing in sections 3783.01 to ~~3783.08~~ 3783.07 of the Revised Code shall apply to inspection of the design, construction, maintenance, or replacement of any of the following:

(A) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles;

(B) Installations underground in mines;

(C) Installations of railways for the generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes;

(D) Installations of communication equipment under control of communication utilities, located outdoors or in building spaces used for such installations;

(E) Installations under the control of electric utilities for the purpose of communication, metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in building spaces used by utilities for such purposes or located on property owned or leased by the utility or on public highways, streets, roads, etc., or by established rights on private property;

(F) Installations of elevators, dumbwaiters, and escalators as regulated by the bureau of workers' compensation.

Sec. 3923.51. (A) As used in this section, "official poverty line" means the poverty line as defined by the United States office of management and budget and revised by the

secretary of health and human services under 95 Stat. 511, 42 1451
U.S.C.A. 9902, as amended. 1452

(B) Every insurer that is authorized to write sickness and 1453
accident insurance in this state may offer group contracts of 1454
sickness and accident insurance to any charitable foundation 1455
that is certified as exempt from taxation under section 501(c) 1456
(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1457
U.S.C.A. 1, as amended, and that has the sole purpose of issuing 1458
certificates of coverage under these contracts to persons under 1459
the age of nineteen who are members of families that have 1460
incomes that are no greater than three hundred per cent of the 1461
official poverty line. 1462

(C) Contracts offered pursuant to division (B) of this 1463
section are not subject to any of the following: 1464

(1) Sections ~~3923.122~~, 3923.24, 3923.28, 3923.281, and 1465
3923.29 of the Revised Code; 1466

(2) Any other sickness and accident insurance coverage 1467
required under this chapter on August 3, 1989. Any requirement 1468
of sickness and accident insurance coverage enacted after that 1469
date applies to this section only if the subsequent enactment 1470
specifically refers to this section. 1471

(3) Chapter 1751. of the Revised Code. 1472

Sec. 3923.57. Notwithstanding any provision of this 1473
chapter, every individual policy of sickness and accident 1474
insurance that is delivered, issued for delivery, or renewed in 1475
this state is subject to the following conditions, as 1476
applicable: 1477

(A) Pre-existing conditions provisions shall not exclude 1478
or limit coverage for a period beyond twelve months following 1479

the policyholder's effective date of coverage and may only 1480
relate to conditions during the six months immediately preceding 1481
the effective date of coverage. 1482

(B) In determining whether a pre-existing conditions 1483
provision applies to a policyholder or dependent, each policy 1484
shall credit the time the policyholder or dependent was covered 1485
under a previous policy, contract, or plan if the previous 1486
coverage was continuous to a date not more than thirty days 1487
prior to the effective date of the new coverage, exclusive of 1488
any applicable service waiting period under the policy. 1489

(C) (1) Except as otherwise provided in division (C) of 1490
this section, an insurer that provides an individual sickness 1491
and accident insurance policy to an individual shall renew or 1492
continue in force such coverage at the option of the individual. 1493

(2) An insurer may nonrenew or discontinue coverage of an 1494
individual in the individual market based only on one or more of 1495
the following reasons: 1496

(a) The individual failed to pay premiums or contributions 1497
in accordance with the terms of the policy or the insurer has 1498
not received timely premium payments. 1499

(b) The individual performed an act or practice that 1500
constitutes fraud or made an intentional misrepresentation of 1501
material fact under the terms of the policy. 1502

(c) The insurer is ceasing to offer coverage in the 1503
individual market in accordance with division (D) of this 1504
section and the applicable laws of this state. 1505

(d) If the insurer offers coverage in the market through a 1506
network plan, the individual no longer resides, lives, or works 1507
in the service area, or in an area for which the insurer is 1508

authorized to do business; provided, however, that such coverage 1509
is terminated uniformly without regard to any health status- 1510
related factor of covered individuals. 1511

(e) If the coverage is made available in the individual 1512
market only through one or more bona fide associations, the 1513
membership of the individual in the association, on the basis of 1514
which the coverage is provided, ceases; provided, however, that 1515
such coverage is terminated under division (C) (2) (e) of this 1516
section uniformly without regard to any health status-related 1517
factor of covered individuals. 1518

~~An insurer offering coverage to individuals solely through 1519
membership in a bona fide association shall not be deemed, by 1520
virtue of that offering, to be in the individual market for 1521
purposes of sections 3923.58 and 3923.581 of the Revised Code. 1522
Such an insurer shall not be required to accept applicants for 1523
coverage in the individual market pursuant to sections 3923.58 1524
and 3923.581 of the Revised Code unless the insurer also offers 1525
coverage to individuals other than through bona fide 1526
associations. 1527~~

(3) An insurer may cancel or decide not to renew the 1528
coverage of a dependent of an individual if the dependent has 1529
performed an act or practice that constitutes fraud or made an 1530
intentional misrepresentation of material fact under the terms 1531
of the coverage and if the cancellation or nonrenewal is not 1532
based, either directly or indirectly, on any health status- 1533
related factor in relation to the dependent. 1534

(D) (1) If an insurer decides to discontinue offering a 1535
particular type of health insurance coverage offered in the 1536
individual market, coverage of such type may be discontinued by 1537
the insurer if the insurer does all of the following: 1538

(a) Provides notice to each individual provided coverage 1539
of this type in such market of the discontinuation at least 1540
ninety days prior to the date of the discontinuation of the 1541
coverage; 1542

(b) Offers to each individual provided coverage of this 1543
type in such market, the option to purchase any other individual 1544
health insurance coverage currently being offered by the insurer 1545
for individuals in that market; 1546

(c) In exercising the option to discontinue coverage of 1547
this type and in offering the option of coverage under division 1548
(D) (1) (b) of this section, acts uniformly without regard to any 1549
health status-related factor of covered individuals or of 1550
individuals who may become eligible for such coverage. 1551

(2) If an insurer elects to discontinue offering all 1552
health insurance coverage in the individual market in this 1553
state, health insurance coverage may be discontinued by the 1554
insurer only if both of the following apply: 1555

(a) The insurer provides notice to the department of 1556
insurance and to each individual of the discontinuation at least 1557
one hundred eighty days prior to the date of the expiration of 1558
the coverage. 1559

(b) All health insurance delivered or issued for delivery 1560
in this state in such market is discontinued and coverage under 1561
that health insurance in that market is not renewed. 1562

(3) In the event of a discontinuation under division (D) 1563
(2) of this section in the individual market, the insurer shall 1564
not provide for the issuance of any health insurance coverage in 1565
the market and this state during the five-year period beginning 1566
on the date of the discontinuation of the last health insurance 1567

coverage not so renewed. 1568

(E) Notwithstanding divisions (C) and (D) of this section, 1569
an insurer may, at the time of coverage renewal, modify the 1570
health insurance coverage for a policy form offered to 1571
individuals in the individual market if the modification is 1572
consistent with the law of this state and effective on a uniform 1573
basis among all individuals with that policy form. 1574

(F) Such policies are subject to sections 2743 and 2747 of 1575
the "Health Insurance Portability and Accountability Act of 1576
1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-43 1577
and 300gg-47, as amended. 1578

(G) Sections 3924.031 and 3924.032 of the Revised Code 1579
shall apply to sickness and accident insurance policies offered 1580
in the individual market in the same manner as they apply to 1581
health benefit plans offered in the small employer market. 1582

In accordance with 45 C.F.R. 148.102, divisions (C) to (G) 1583
of this section also apply to all group sickness and accident 1584
insurance policies that are not sold in connection with an 1585
employment-related group health plan and that provide more than 1586
short-term, limited duration coverage. 1587

In applying divisions (C) to (G) of this section with 1588
respect to health insurance coverage that is made available by 1589
an insurer in the individual market to individuals only through 1590
one or more associations, the term "individual" includes the 1591
association of which the individual is a member. 1592

For purposes of this section, any policy issued pursuant 1593
to division (C) of section 3923.13 of the Revised Code in 1594
connection with a public or private college or university 1595
student health insurance program is considered to be issued to a 1596

bona fide association. 1597

As used in this section, "bona fide association" has the 1598
same meaning as in section 3924.03 of the Revised Code, and 1599
"health status-related factor" and "network plan" have the same 1600
meanings as in section 3924.031 of the Revised Code. 1601

This section does not apply to any policy that provides 1602
coverage for specific diseases or accidents only, or to any 1603
hospital indemnity, medicare supplement, long-term care, 1604
disability income, one-time-limited-duration policy that is less 1605
than twelve months, or other policy that offers only 1606
supplemental benefits. 1607

Sec. 3924.01. As used in sections 3924.01 to ~~3924.14~~ 1608
3924.06 of the Revised Code: 1609

(A) "Actuarial certification" means a written statement 1610
prepared by a member of the American academy of actuaries, or by 1611
any other person acceptable to the superintendent of insurance, 1612
that states that, based upon the person's examination, a carrier 1613
offering health benefit plans to small employers is in 1614
compliance with sections 3924.01 to ~~3924.14~~ 3924.06 of the 1615
Revised Code. "Actuarial certification" shall include a review 1616
of the appropriate records of, and the actuarial assumptions and 1617
methods used by, the carrier relative to establishing premium 1618
rates for the health benefit plans. 1619

(B) ~~"Adjusted average market premium price" means the~~ 1620
~~average market premium price as determined by the board of~~ 1621
~~directors of the Ohio health reinsurance program either on the~~ 1622
~~basis of the arithmetic mean of all carriers' premium rates for~~ 1623
~~an OHC plan sold to groups with similar case characteristics by~~ 1624
~~all carriers selling OHC plans in the state, or on any other~~ 1625

~~equitable basis determined by the board.~~ 1626

~~(C)~~—"Base premium rate" means, as to any health benefit 1627
plan that is issued by a carrier and that covers at least two 1628
but no more than fifty employees of a small employer, the lowest 1629
premium rate for a new or existing business prescribed by the 1630
carrier for the same or similar coverage under a plan or 1631
arrangement covering any small employer with similar case 1632
characteristics. 1633

~~(D)~~~~(C)~~ "Carrier" means any sickness and accident 1634
insurance company or health insuring corporation authorized to 1635
issue health benefit plans in this state or a MEWA. A sickness 1636
and accident insurance company that owns or operates a health 1637
insuring corporation, either as a separate corporation or as a 1638
line of business, shall be considered as a separate carrier from 1639
that health insuring corporation for purposes of sections 1640
3924.01 to ~~3924.14~~3924.06 of the Revised Code. 1641

~~(E)~~~~(D)~~ "Case characteristics" means, with respect to a 1642
small employer, the geographic area in which the employees work; 1643
the age and sex of the individual employees and their 1644
dependents; the appropriate industry classification as 1645
determined by the carrier; the number of employees and 1646
dependents; and such other objective criteria as may be 1647
established by the carrier. "Case characteristics" does not 1648
include claims experience, health status, or duration of 1649
coverage from the date of issue. 1650

~~(F)~~~~(E)~~ "Dependent" means the spouse or child of an 1651
eligible employee, subject to applicable terms of the health 1652
benefits plan covering the employee. 1653

~~(G)~~~~(F)~~ "Eligible employee" means an employee who works a 1654

normal work week of thirty or more hours. "Eligible employee" 1655
does not include a temporary or substitute employee, or a 1656
seasonal employee who works only part of the calendar year on 1657
the basis of natural or suitable times or circumstances. 1658

~~(H)~~ (G) "Health benefit plan" means any hospital or 1659
medical expense policy or certificate or any health plan 1660
provided by a carrier, that is delivered, issued for delivery, 1661
renewed, or used in this state on or after the date occurring 1662
six months after November 24, 1995. "Health benefit plan" does 1663
not include policies covering only accident, credit, dental, 1664
disability income, long-term care, hospital indemnity, medicare 1665
supplement, specified disease, or vision care; coverage under a 1666
one-time-limited-duration policy that is less than twelve 1667
months; coverage issued as a supplement to liability insurance; 1668
insurance arising out of a workers' compensation or similar law; 1669
automobile medical-payment insurance; or insurance under which 1670
benefits are payable with or without regard to fault and which 1671
is statutorily required to be contained in any liability 1672
insurance policy or equivalent self-insurance. 1673

~~(I)~~ (H) "Late enrollee" means an eligible employee or 1674
dependent who enrolls in a small employer's health benefit plan 1675
other than during the first period in which the employee or 1676
dependent is eligible to enroll under the plan or during a 1677
special enrollment period described in section 2701(f) of the 1678
"Health Insurance Portability and Accountability Act of 1996," 1679
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg, as 1680
amended. 1681

~~(J)~~ (I) "MEWA" means any "multiple employer welfare 1682
arrangement" as defined in section 3 of the "Federal Employee 1683
Retirement Income Security Act of 1974," 88 Stat. 832, 29 1684

U.S.C.A. 1001, as amended, except for any arrangement which is 1685
fully insured as defined in division (b) (6) (D) of section 514 of 1686
that act. 1687

~~(K)~~ (J) "Midpoint rate" means, for small employers with 1688
similar case characteristics and plan designs and as determined 1689
by the applicable carrier for a rating period, the arithmetic 1690
average of the applicable base premium rate and the 1691
corresponding highest premium rate. 1692

~~(L)~~ (K) "Pre-existing conditions provision" means a policy 1693
provision that excludes or limits coverage for charges or 1694
expenses incurred during a specified period following the 1695
insured's enrollment date as to a condition for which medical 1696
advice, diagnosis, care, or treatment was recommended or 1697
received during a specified period immediately preceding the 1698
enrollment date. Genetic information shall not be treated as 1699
such a condition in the absence of a diagnosis of the condition 1700
related to such information. 1701

For purposes of this division, "enrollment date" means, 1702
with respect to an individual covered under a group health 1703
benefit plan, the date of enrollment of the individual in the 1704
plan or, if earlier, the first day of the waiting period for 1705
such enrollment. 1706

~~(M)~~ (L) "Service waiting period" means the period of time 1707
after employment begins before an employee is eligible to be 1708
covered for benefits under the terms of any applicable health 1709
benefit plan offered by the small employer. 1710

~~(N) (1)~~ (M) (1) "Small employer" means, in connection with a 1711
group health benefit plan and with respect to a calendar year 1712
and a plan year, an employer who employed an average of at least 1713

two but no more than fifty eligible employees on business days 1714
during the preceding calendar year and who employs at least two 1715
employees on the first day of the plan year. 1716

(2) For purposes of division ~~(N)(1)~~ (M)(1) of this 1717
section, all persons treated as a single employer under 1718
subsection (b), (c), (m), or (o) of section 414 of the "Internal 1719
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 1720
amended, shall be considered one employer. In the case of an 1721
employer that was not in existence throughout the preceding 1722
calendar year, the determination of whether the employer is a 1723
small or large employer shall be based on the average number of 1724
eligible employees that it is reasonably expected the employer 1725
will employ on business days in the current calendar year. Any 1726
reference in division ~~(N)~~ (M) of this section to an "employer" 1727
includes any predecessor of the employer. Except as otherwise 1728
specifically provided, provisions of sections 3924.01 to ~~3924.14~~ 1729
3924.06 of the Revised Code that apply to a small employer that 1730
has a health benefit plan shall continue to apply until the plan 1731
anniversary following the date the employer no longer meets the 1732
requirements of this division. 1733

~~(O) "OHC plan" means an Ohio health care plan, which is 1734
the basic, standard, or carrier reimbursement plan for small- 1735
employers and individuals established in accordance with section 1736
3924.10 of the Revised Code. 1737~~

Sec. 3924.02. (A) An individual or group health benefit 1738
plan is subject to sections 3924.01 to ~~3924.14~~ 3924.06 of the 1739
Revised Code if it provides health care benefits covering at 1740
least two but no more than fifty employees of a small employer, 1741
and if it meets either of the following conditions: 1742

(1) Any portion of the premium or benefits is paid by a 1743

small employer, or any covered individual is reimbursed, whether 1744
through wage adjustments or otherwise, by a small employer for 1745
any portion of the premium. 1746

(2) The health benefit plan is treated by the employer or 1747
any of the covered individuals as part of a plan or program for 1748
purposes of section 106 or 162 of the "Internal Revenue Code of 1749
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 1750

(B) Notwithstanding division (A) of this section, 1751
divisions (D), (E) (2), (F), and (G) of section 3924.03 of the 1752
Revised Code and section 3924.04 of the Revised Code do not 1753
apply to health benefit policies that are not sold to owners of 1754
small businesses as an employment benefit plan. Such policies 1755
shall clearly state that they are not being sold as an 1756
employment benefit plan and that the owner of the business is 1757
not responsible, either directly or indirectly, for paying the 1758
premium or benefits. 1759

(C) Every health benefit plan offered or delivered by a 1760
carrier, other than a health insuring corporation, to a small 1761
employer is subject to sections 3923.23, 3923.231, 3923.232, 1762
3923.233, and 3923.234 of the Revised Code and any other 1763
provision of the Revised Code that requires the reimbursement, 1764
utilization, or consideration of a specific category of a 1765
licensed or certified health care practitioner. 1766

(D) Except as expressly provided in sections 3924.01 to 1767
~~3924.14~~ 3924.06 of the Revised Code, no health benefit plan 1768
offered to a small employer is subject to any of the following: 1769

(1) Any law that would inhibit any carrier from 1770
contracting with providers or groups of providers with respect 1771
to health care services or benefits; 1772

(2) Any law that would impose any restriction on the ability to negotiate with providers regarding the level or method of reimbursing care or services provided under the health benefit plan;

(3) Any law that would require any carrier to either include a specific provider or class of provider when contracting for health care services or benefits, or to exclude any class of provider that is generally authorized by statute to provide such care.

Sec. 3924.06. (A) Compliance with the underwriting and rating requirements contained in sections 3924.01 to ~~3924.14~~ 3924.06 of the Revised Code shall be demonstrated through actuarial certification. Carriers offering health benefit plans to small employers shall file annually with the superintendent of insurance an actuarial certification stating that the underwriting and rating methods of the carrier do all of the following:

(1) Comply with accepted actuarial practices;

(2) Are uniformly applied to health benefit plans covering small employers;

(3) Comply with the applicable provisions of sections 3924.01 to ~~3924.14~~ 3924.06 of the Revised Code.

(B) If a carrier has established a separate class of business for one or more small employer health care alliances in accordance with section 1731.09 of the Revised Code, this section shall apply in accordance with section 1731.09 of the Revised Code.

(C) Carriers offering health benefit plans to small employers shall file premium rates with the superintendent in

accordance with section 3923.02 of the Revised Code with respect 1802
to the carrier's sickness and accident insurance policies sold 1803
to small employers and in accordance with section 1751.12 of the 1804
Revised Code with respect to the carrier's health insuring 1805
corporation policies sold to small employers. 1806

Sec. 3924.73. (A) As used in this section: 1807

(1) "Health care insurer" means any person legally engaged 1808
in the business of providing sickness and accident insurance 1809
contracts in this state, a health insuring corporation organized 1810
under Chapter 1751. of the Revised Code, or any legal entity 1811
that is self-insured and provides health care benefits to its 1812
employees or members. 1813

(2) "Small employer" has the same meaning as in section 1814
3924.01 of the Revised Code. 1815

(B) (1) Subject to division (B) (2) of this section, nothing 1816
in sections 3924.61 to 3924.74 of the Revised Code shall be 1817
construed to limit the rights, privileges, or protections of 1818
employees or small employers under sections 3924.01 to ~~3924.14~~ 1819
3924.06 of the Revised Code. 1820

(2) If any account holder enrolls or applies to enroll in 1821
a policy or contract offered by a health care insurer providing 1822
sickness and accident coverage that is more comprehensive than, 1823
and has a deductible amount that is less than, the coverage and 1824
deductible amount of the policy under which the account holder 1825
currently is enrolled, the health care insurer to which the 1826
account holder applies may subject the account holder to the 1827
same medical review, waiting periods, and underwriting 1828
requirements to which the health care insurer generally subjects 1829
other enrollees or applicants, unless the account holder enrolls 1830

or applies to enroll during a designated period of open 1831
enrollment. 1832

Sec. 4125.041. A shared employee under a professional 1833
employer organization agreement shall not, solely as a result of 1834
being a shared employee, be considered an employee of the 1835
professional employer organization for purposes of general 1836
liability insurance, fidelity bonds, surety bonds, employer 1837
liability not otherwise covered by Chapters 4121. and 4123. of 1838
the Revised Code, or liquor liability insurance carried by the 1839
professional employer organization, unless the professional 1840
employer organization agreement and applicable prearranged 1841
employment contract, insurance contract, or bond specifically 1842
states otherwise. 1843

A shared employee shall be considered an employee of the 1844
professional employer organization for purposes of determining 1845
whether a professional employer organization who sponsors a 1846
group health benefit plan is a small employer under division ~~(N)~~ 1847
~~(i)~~ (M) (1) of section 3924.01 of the Revised Code. A fully 1848
insured health benefit plan sponsored by a professional employer 1849
organization is not subject to sections 3924.01 to ~~3924.14~~ 1850
3924.06 of the Revised Code if the professional employer 1851
organization is not a small employer for purposes of those 1852
sections. 1853

Sec. 4141.131. The director of job and family services may 1854
enter into contracts for the sale of real property no longer 1855
needed by the director of job and family services for the 1856
operations of the director of job and family services under this 1857
title. Any costs attributable to the director of job and family 1858
services that are associated with the sale of real property 1859
under this section shall be paid out of the unemployment 1860

compensation special administrative fund established pursuant to 1861
section 4141.11 of the Revised Code. ~~The director of job and 1862~~
~~family services shall submit a report summarizing the use of 1863~~
~~that fund for the purpose of this section at least annually to 1864~~
~~the unemployment compensation advisory council as prescribed by 1865~~
~~the council. 1866~~

The director of administrative services, with the 1867
assistance of the attorney general, shall prepare a deed to the 1868
real property being sold upon notice from the director of job 1869
and family services that a contract for the sale of that 1870
property has been executed in accordance with this section. The 1871
deed shall state the consideration and any conditions placed 1872
upon the sale. The deed shall be executed by the governor in the 1873
name of the state, countersigned by the secretary of state, 1874
sealed with the great seal of the state, presented in the office 1875
of the director of administrative services for recording, and 1876
delivered to the buyer upon payment of the balance of the 1877
purchase price. 1878

The buyer shall present the deed for recording in the 1879
county recorder's office of the county in which the real 1880
property is located. 1881

Sec. 4141.25. (A) The director of job and family services 1882
shall determine as of each computation date the contribution 1883
rate of each contributing employer subject to this chapter for 1884
the next succeeding contribution period. The director shall 1885
determine a standard rate of contribution or an experience rate 1886
for each contributing employer. Once a rate of contribution has 1887
been established under this section for a contribution period, 1888
except as provided in division (D) of section 4141.26 of the 1889
Revised Code, that rate shall remain effective throughout such 1890

contribution period. The rate of contribution shall be 1891
determined in accordance with the following requirements: 1892

(1) An employer whose experience does not meet the terms 1893
of division (A) (2) of this section shall be assigned a standard 1894
rate of contribution. Effective for contribution periods 1895
beginning on and after January 1, 1998, an employer's standard 1896
rate of contribution shall be a rate of two and seven-tenths per 1897
cent, except that the rate for employers engaged in the 1898
construction industry shall be the average contribution rate 1899
computed for the construction industry or a rate of two and 1900
seven-tenths per cent, whichever is greater. The standard rate 1901
set forth in this division shall be applicable to a nonprofit 1902
organization whose election to make payments in lieu of 1903
contributions is voluntarily terminated or canceled by the 1904
director under section 4141.241 of the Revised Code, and 1905
thereafter pays contributions as required by this section. If 1906
such nonprofit organization had been a contributory employer 1907
prior to its election to make payments in lieu of contributions, 1908
then any prior balance in the contributory account shall become 1909
part of the reactivated account. 1910

As used in division (A) of this section, "the average 1911
contribution rate computed for the construction industry" means 1912
the most recent annual average rate attributable to the 1913
construction industry as prescribed by the director. 1914

(2) A contributing employer subject to this chapter shall 1915
qualify for an experience rate only if there have been four 1916
consecutive quarters, ending on the thirtieth day of June 1917
immediately prior to the computation date, throughout which the 1918
employer's account was chargeable with benefits. Upon meeting 1919
the qualifying requirements provided in division (A) (2) of this 1920

section, the director shall calculate the total credits to each 1921
employer's account consisting of the contributions other than 1922
mutualized contributions including all contributions paid prior 1923
to the computation date for all past periods plus: 1924

(a) The contributions owing on the computation date that 1925
are paid within thirty days after the computation date, and 1926
credited to the employer's account; 1927

(b) All voluntary contributions paid by an employer 1928
pursuant to division (B) of section 4141.24 of the Revised Code. 1929

(3) The director also shall determine the benefits which 1930
are chargeable to each employer's account and which were paid 1931
prior to the computation date with respect to weeks of 1932
unemployment ending prior to the computation date. The director 1933
then shall determine the positive or negative balance of each 1934
employer's account by calculating the excess of such 1935
contributions and interest over the benefits chargeable, or the 1936
excess of such benefits over such contributions and interest. 1937
Any resulting negative balance then shall be subject to 1938
adjustment as provided in division (A) (2) of section 4141.24 of 1939
the Revised Code after which the positive or negative balance 1940
shall be expressed in terms of a percentage of the employer's 1941
average annual payroll. If the total standing to the credit of 1942
an employer's account exceeds the total charges, as provided in 1943
this division, the employer has a positive balance and if such 1944
charges exceed such credits the employer has a negative balance. 1945
Each employer's contribution rate shall then be determined in 1946
accordance with the following schedule: 1947

Contribution Rate Schedule 1948

| 1 | 2 | 3 |
|---|---|---|
| A | If, as of the computation date the contribution rate balance of an employer's account as a percentage of the employer's average annual payroll is | The employer's contribution rate for the next succeeding contribution period shall be |
| B | (a) A negative balance of: | |
| C | 20.0% or more | 6.5% |
| D | 19.0% but less than 20.0% | 6.4% |
| E | 17.0% but less than 19.0% | 6.3% |
| F | 15.0% but less than 17.0% | 6.2% |
| G | 13.0% but less than 15.0% | 6.1% |
| H | 11.0% but less than 13.0% | 6.0% |
| I | 9.0% but less than 11.0% | 5.9% |
| J | 5.0% but less than 9.0% | 5.7% |
| K | 4.0% but less than 5.0% | 5.5% |
| L | 3.0% but less than 4.0% | 5.3% |
| M | 2.0% but less than 3.0% | 5.1% |
| N | 1.0% but less than 2.0% | 4.9% |

| | | |
|----|--|------|
| O | more than 0.0% but less than 1.0% | 4.8% |
| P | (b) A 0.0% or a positive balance of less than 1.0% | 4.7% |
| Q | (c) A positive balance of: | |
| R | 1.0% or more, but less than 1.5% | 4.6% |
| S | 1.5% or more, but less than 2.0% | 4.5% |
| T | 2.0% or more, but less than 2.5% | 4.3% |
| U | 2.5% or more, but less than 3.0% | 4.0% |
| V | 3.0% or more, but less than 3.5% | 3.8% |
| W | 3.5% or more, but less than 4.0% | 3.5% |
| X | 4.0% or more, but less than 4.5% | 3.3% |
| Y | 4.5% or more, but less than 5.0% | 3.0% |
| Z | 5.0% or more, but less than 5.5% | 2.8% |
| AA | 5.5% or more, but less than 6.0% | 2.5% |
| AB | 6.0% or more, but less than 6.5% | 2.2% |
| AC | 6.5% or more, but less than 7.0% | 2.0% |
| AD | 7.0% or more, but less than 7.5% | 1.8% |
| AE | 7.5% or more, but less than 8.0% | 1.6% |
| AF | 8.0% or more, but less than 8.5% | 1.4% |

| | | |
|----|------------------------------------|------|
| AG | 8.5% or more, but less than 9.0% | 1.3% |
| AH | 9.0% or more, but less than 9.5% | 1.1% |
| AI | 9.5% or more, but less than 10.0% | 1.0% |
| AJ | 10.0% or more, but less than 10.5% | .9% |
| AK | 10.5% or more, but less than 11.0% | .7% |
| AL | 11.0% or more, but less than 11.5% | .6% |
| AM | 11.5% or more, but less than 12.0% | .5% |
| AN | 12.0% or more, but less than 12.5% | .4% |
| AO | 12.5% or more, but less than 13.0% | .3% |
| AP | 13.0% or more, but less than 14.0% | .2% |
| AQ | 14.0% or more | .1% |

(d) The contribution rates shall be as specified in 1950
divisions (a), (b), and (c) of the contribution rate schedule 1951
except that notwithstanding the amendments made to division (a) 1952
of the contribution rate schedule in this section, if, as of the 1953
computation date: for 1991, the negative balance is 5.0% or 1954
more, the contribution rate shall be 5.7%; for 1992, if the 1955
negative balance is 11.0% or more, the contribution rate shall 1956
be 6.0%; and for 1993, if the negative balance is 17.0% or more, 1957
the contribution rate shall be 6.3%. Thereafter, the 1958
contribution rates shall be as specified in the contribution 1959
rate schedule. 1960

(B) (1) The director shall establish and maintain a 1961

separate account to be known as the "mutualized account." As of 1962
each computation date there shall be charged to this account: 1963

(a) As provided in division (A)(2) of section 4141.24 of 1964
the Revised Code, an amount equal to the sum of that portion of 1965
the negative balances of employer accounts which exceeds the 1966
applicable limitations as such balances are computed under 1967
division (A) of this section as of such date; 1968

(b) An amount equal to the sum of the negative balances 1969
remaining in employer accounts which have been closed during the 1970
year immediately preceding such computation date pursuant to 1971
division (E) of section 4141.24 of the Revised Code; 1972

(c) An amount equal to the sum of all benefits improperly 1973
paid preceding such computation date which are not recovered but 1974
which are not charged to an employer's account, or which after 1975
being charged, are credited back to an employer's account; 1976

(d) An amount equal to the sum of any other benefits paid 1977
preceding such computation date which, under this chapter, are 1978
not chargeable to an employer's account; 1979

(e) An amount equal to the sum of any refunds made during 1980
the year immediately preceding such computation date of 1981
erroneously collected mutualized contributions required by this 1982
division which were previously credited to this account; 1983

(f) An amount equal to the sum of any repayments made to 1984
the federal government during the year immediately preceding 1985
such computation date of amounts which may have been advanced by 1986
it to the unemployment compensation fund under section 1201 of 1987
the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301; 1988

(g) Any amounts appropriated by the general assembly out 1989
of funds paid by the federal government, under section 903 of 1990

| | |
|--|------|
| the "Social Security Act," to the account of this state in the federal unemployment trust fund. | 1991 |
| | 1992 |
| (2) As of every computation date there shall be credited to the mutualized account provided for in this division: | 1993 |
| | 1994 |
| (a) The proceeds of the mutualized contributions as provided in this division; | 1995 |
| | 1996 |
| (b) Any positive balances remaining in employer accounts which are closed as provided in division (E) of section 4141.24 of the Revised Code; | 1997 |
| | 1998 |
| | 1999 |
| (c) Any benefits improperly paid which are recovered but which cannot be credited to an employer's account; | 2000 |
| | 2001 |
| (d) All amounts which may be paid by the federal government under section 903 of the "Social Security Act" to the account of this state in the federal unemployment trust fund; | 2002 |
| | 2003 |
| | 2004 |
| (e) Amounts advanced by the federal government to the account of this state in the federal unemployment trust fund under section 1201 of the "Social Security Act" to the extent such advances have been repaid to or recovered by the federal government; | 2005 |
| | 2006 |
| | 2007 |
| | 2008 |
| | 2009 |
| (f) Interest credited to the Ohio unemployment trust fund as deposited with the secretary of the treasury of the United States; | 2010 |
| | 2011 |
| | 2012 |
| (g) Amounts deposited into the unemployment compensation fund for penalties collected pursuant to division (A) (4) of section 4141.35 of the Revised Code. | 2013 |
| | 2014 |
| | 2015 |
| (3) Annually, as of the computation date, the director shall determine the total credits and charges made to the mutualized account during the preceding twelve months and the | 2016 |
| | 2017 |
| | 2018 |

overall condition of the account. The director shall issue an 2019
annual statement containing this information and such other 2020
information as the director deems pertinent, including a report 2021
that the sum of the balances in the mutualized account, 2022
employers' accounts, and any subsidiary accounts equal the 2023
balance in the state's unemployment trust fund maintained under 2024
section 904 of the "Social Security Act." 2025

(4) As used in this division: 2026

(a) "Fund as of the computation date" means as of any 2027
computation date, the aggregate amount of the unemployment 2028
compensation fund, including all contributions owing on the 2029
computation date that are paid within thirty days thereafter, 2030
all payments in lieu of contributions that are paid within sixty 2031
days after the computation date, all reimbursements of the 2032
federal share of extended benefits described in section 4141.301 2033
of the Revised Code that are owing on the computation date, and 2034
all interest earned by the fund and received on or before the 2035
computation date from the federal government. 2036

(b) "Minimum safe level" means an amount equal to two 2037
standard deviations above the average of the adjusted annual 2038
average unemployment compensation benefit payment from 1970 to 2039
the most recent calendar year prior to the computation date, as 2040
determined by the director pursuant to division (B) (4) (b) of 2041
this section. To determine the adjusted annual payment of 2042
unemployment compensation benefits, the director first shall 2043
multiply the number of weeks compensated during each calendar 2044
year beginning with 1970 by the most recent annual average 2045
weekly unemployment compensation benefit payment and then 2046
compute the average and standard deviation of the resultant 2047
products. 2048

(c) "Annual average weekly unemployment compensation benefit payment" means the amount resulting from dividing the unemployment compensation benefits paid from the benefit account maintained within the unemployment compensation fund pursuant to section 4141.09 of the Revised Code, by the number of weeks compensated during the same time period.

(5) If, as of any computation date, the charges to the mutualized account during the entire period subsequent to the computation date, July 1, 1966, made in accordance with division (B) (1) of this section, exceed the credits to such account including mutualized contributions during such period, made in accordance with division (B) (2) of this section, the amount of such excess charges shall be recovered during the next contribution period. To recover such amount, the director shall compute the percentage ratio of such excess charges to the average annual payroll of all employers eligible for an experience rate under division (A) of this section. The percentage so determined shall be computed to the nearest tenth of one per cent and shall be an additional contribution rate to be applied to the wages paid by each employer whose rate is computed under the provisions of division (A) of this section in the contribution period next following such computation date, but such percentage shall not exceed five-tenths of one per cent; however, when there are any excess charges in the mutualized account, as computed in this division, then the mutualized contribution rate shall not be less than one-tenth of one per cent.

(6) If the fund as of the computation date is above or below minimum safe level, the contribution rates provided for in each classification in division (A) (3) of this section for the next contribution period shall be adjusted as follows:

(a) If the fund is thirty per cent or more above minimum safe level, the contribution rates provided in division (A) (3) of this section shall be decreased two-tenths of one per cent.

(b) If the fund is more than fifteen per cent but less than thirty per cent above minimum safe level, the contribution rates provided in division (A) (3) of this section shall be decreased one-tenth of one per cent.

(c) If the fund is more than fifteen per cent but less than thirty per cent below minimum safe level, the contribution rates of all employers shall be increased twenty-five one-thousandths of one per cent plus a per cent increase calculated and rounded pursuant to division (B) (6) (g) of this section.

(d) If the fund is more than thirty per cent but less than forty-five per cent below minimum safe level, the contribution rates of all employers shall be increased seventy-five one-thousandths of one per cent plus a per cent increase calculated and rounded pursuant to division (B) (6) (g) of this section.

(e) If the fund is more than forty-five per cent but less than sixty per cent below minimum safe level, the contribution rates of all employers shall be increased one-eighth of one per cent plus a per cent increase calculated and rounded pursuant to division (B) (6) (g) of this section.

(f) If the fund is sixty per cent or more below minimum safe level, the contribution rates of all employers shall be increased two-tenths of one per cent plus a per cent increase calculated and rounded pursuant to division (B) (6) (g) of this section.

(g) The additional per cent increase in contribution rates required by divisions (B) (6) (c), (d), (e), and (f) of this

section that is payable by each individual employer shall be 2109
calculated in the following manner. The flat rate increase 2110
required by a particular division shall be multiplied by three 2111
and the product divided by the average experienced-rated 2112
contribution rate for all employers as determined by the 2113
director for the most recent calendar year. The resulting 2114
quotient shall be multiplied by an individual employer's 2115
contribution rate determined pursuant to division (A) (3) of this 2116
section. The resulting product shall be rounded to the nearest 2117
tenth of one per cent, added to the flat rate increase required 2118
by division (B) (6) (c), (d), (e), or (f) of this section, as 2119
appropriate, and the total shall be rounded to the nearest tenth 2120
of one per cent. As used in division (B) (6) (g) of this section, 2121
the "average experienced-rated contribution rate" means the most 2122
recent annual average contribution rate reported by the director 2123
contained in report RS 203.2 less the mutualized and minimum 2124
safe level contribution rates included in such rate. 2125

(h) If any of the increased contribution rates of division 2126
(B) (6) (c), (d), (e), or (f) of this section are imposed, the 2127
rate shall remain in effect for the calendar year in which it is 2128
imposed and for each calendar year thereafter until the director 2129
determines as of the computation date for calendar year 1991 and 2130
as of the computation date for any calendar year thereafter 2131
pursuant to this section, that the level of the unemployment 2132
compensation fund equals or exceeds the minimum safe level as 2133
defined in division (B) (4) (b) of this section. Nothing in 2134
division (B) (6) (h) of this section shall be construed as 2135
restricting the imposition of the increased contribution rates 2136
provided in divisions (B) (6) (c), (d), (e), and (f) of this 2137
section if the fund falls below the percentage of the minimum 2138
safe level as specified in those divisions. 2139

(7) The additional contributions required by division (B) 2140
(5) of this section shall be credited to the mutualized account. 2141
The additional contributions required by division (B) (6) of this 2142
section shall be credited fifty per cent to individual employer 2143
accounts and fifty per cent to the mutualized account. 2144

(C) If an employer makes a payment of contributions which 2145
is less than the full amount required by this section and 2146
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, 2147
and 4141.27 of the Revised Code, such partial payment shall be 2148
applied first against the mutualized contributions required 2149
under this chapter. Any remaining partial payment shall be 2150
credited to the employer's individual account. 2151

(D) Whenever there are any increases in contributions 2152
resulting from an increase in wages subject to contributions as 2153
defined in division (G) of section 4141.01 of the Revised Code, 2154
or from an increase in the mutualized rate of contributions 2155
provided in division (B) of this section, or from a revision of 2156
the contribution rate schedule provided in division (A) of this 2157
section, except for that portion of the increase attributable to 2158
a change in the positive or negative balance in an employer's 2159
account, which increases become effective after a contract for 2160
the construction of real property, as defined in section 5701.02 2161
of the Revised Code, has been entered into, the contractee upon 2162
written notice by a prime contractor shall reimburse the 2163
contractor for all increased contributions paid by the prime 2164
contractor or by subcontractors upon wages for services 2165
performed under the contract. Upon reimbursement by the 2166
contractee to the prime contractor, the prime contractor shall 2167
reimburse each subcontractor for the increased contributions. 2168

(E) Effective only for the contribution period beginning 2169

on January 1, 1996, and ending on December 31, 1996, mutualized 2170
contributions collected or received by the director pursuant to 2171
division (B) (5) of this section and amounts credited to the 2172
mutualized account pursuant to division (B) (7) of this section 2173
shall be deposited into or credited to the unemployment 2174
compensation benefit reserve fund that is created under division 2175
(F) of this section, except that amounts collected, received, or 2176
credited in excess of two hundred million dollars shall be 2177
deposited into or credited to the unemployment trust fund 2178
established pursuant to section 4141.09 of the Revised Code. 2179

(F) The state unemployment compensation benefit reserve 2180
fund is hereby created as a trust fund in the custody of the 2181
treasurer of state and shall not be part of the state treasury. 2182
The fund shall consist of all moneys collected or received as 2183
mutualized contributions pursuant to division (B) (5) of this 2184
section and amounts credited to the mutualized account pursuant 2185
to division (B) (7) of this section as provided by division (E) 2186
of this section. All moneys in the fund shall be used solely to 2187
pay unemployment compensation benefits in the event that funds 2188
are no longer available for that purpose from the unemployment 2189
trust fund established pursuant to section 4141.09 of the 2190
Revised Code. 2191

(G) The balance in the unemployment compensation benefit 2192
reserve fund remaining at the end of the contribution period 2193
beginning January 1, 2000, and any mutualized contribution 2194
amounts for the contribution period beginning on January 1, 2195
1996, that may be received after December 31, 2000, shall be 2196
deposited into the unemployment trust fund established pursuant 2197
to section 4141.09 of the Revised Code. Income earned on moneys 2198
in the state unemployment compensation benefit reserve fund 2199
shall be available for use by the director only for the purposes 2200

described in division (I) of this section, and shall not be used 2201
for any other purpose. 2202

(H) The unemployment compensation benefit reserve fund 2203
balance shall be added to the unemployment trust fund balance in 2204
determining the minimum safe level tax to be imposed pursuant to 2205
division (B) of this section and shall be included in the 2206
mutualized account balance for the purpose of determining the 2207
mutualized contribution rate pursuant to division (B) (5) of this 2208
section. 2209

(I) All income earned on moneys in the unemployment 2210
compensation benefit reserve fund from the investment of the 2211
fund by the treasurer of state shall accrue to the department of 2212
job and family services automation administration fund, which is 2213
hereby established in the state treasury. Moneys within the 2214
automation administration fund shall be used to meet the costs 2215
related to automation of the department and the administrative 2216
costs related to collecting and accounting for unemployment 2217
compensation benefit reserve fund revenue. Any funds remaining 2218
in the automation administration fund upon completion of the 2219
department's automation projects that are funded by that fund 2220
shall be deposited into the unemployment trust fund established 2221
pursuant to section 4141.09 of the Revised Code. 2222

~~(J) The director shall prepare and submit monthly reports 2223
to the unemployment compensation advisory commission with 2224
respect to the status of efforts to collect and account for 2225
unemployment compensation benefit reserve fund revenue and the 2226
costs related to collecting and accounting for that revenue. The 2227
director shall obtain approval from the unemployment 2228
compensation advisory commission for expenditure of funds from 2229
the department of job and family services automation 2230~~

~~administration fund. Funds may be approved approve funds for~~ 2231
expenditure for purposes set forth in division (I) of this 2232
section only to the extent that federal or other funds are not 2233
available. 2234

Sec. 4141.292. An individual suffering total or partial 2235
unemployment directly attributable to a major disaster declared 2236
by the president of the United States pursuant to the "Disaster 2237
Relief Act of 1974," 88 Stat. 143, 42 U.S.C. 5121, who is not 2238
eligible to be paid unemployment compensation benefits under 2239
this chapter or any other state or federal unemployment 2240
compensation law for the first week of the individual's 2241
unemployment caused by the disaster is eligible to be paid a 2242
state disaster unemployment benefit payment for that week. 2243

The director shall compute the state disaster unemployment 2244
benefit payment as if the individual was otherwise qualified and 2245
claiming weekly unemployment compensation benefits under this 2246
chapter. The director shall pay the state disaster unemployment 2247
benefit payment from the unemployment compensation special 2248
administrative fund created in section 4141.11 of the Revised 2249
Code. The director shall maintain appropriate records of 2250
payments made under this section ~~and shall submit those records~~ 2251
~~at least annually to the unemployment compensation advisory~~ 2252
~~council as prescribed by the council.~~ 2253

Sec. 4715.03. (A) The state dental board shall organize by 2254
electing from its members a president, vice-president, 2255
secretary, and vice-secretary. The secretary and vice-secretary 2256
shall be elected from the members of the board who are dentists. 2257
It shall hold meetings monthly at least eight months a year at 2258
such times and places as the board designates. A majority of the 2259
members of the board shall constitute a quorum. The board shall 2260

make such reasonable rules as it determines necessary pursuant 2261
to Chapter 119. of the Revised Code. 2262

(B) A concurrence of a majority of the members of the 2263
board shall be required to do any of the following: 2264

(1) Grant, refuse, suspend, place on probationary status, 2265
revoke, refuse to renew, or refuse to reinstate a license or 2266
censure a license holder or take any other action authorized 2267
under section 4715.30 of the Revised Code; 2268

(2) Seek an injunction under section 4715.05 of the 2269
Revised Code; 2270

(3) Enter into a consent agreement with a license holder; 2271

(4) If the board develops and implements the quality 2272
intervention program under section 4715.031 of the Revised Code, 2273
refer a license holder to the program; 2274

(5) Terminate an investigation conducted under division 2275
(D) of this section; 2276

(6) Dismiss any complaint filed with the board. 2277

(C) (1) The board shall adopt rules in accordance with 2278
Chapter 119. of the Revised Code to do both of the following: 2279

(a) Establish standards for the safe practice of dentistry 2280
and dental hygiene by qualified practitioners and shall, through 2281
its policies and activities, promote such practice; 2282

(b) Establish universal blood and body fluid precautions 2283
that shall be used by each person licensed under this chapter 2284
who performs exposure prone invasive procedures. 2285

(2) The rules adopted under division (C) (1) (b) of this 2286
section shall define and establish requirements for universal 2287

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| blood and body fluid precautions that include the following: | 2288 |
| (a) Appropriate use of hand washing; | 2289 |
| (b) Disinfection and sterilization of equipment; | 2290 |
| (c) Handling and disposal of needles and other sharp instruments; | 2291 2292 |
| (d) Wearing and disposal of gloves and other protective garments and devices. | 2293 2294 |
| (D) The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of making the report or providing testimony. If after investigation and reviewing the recommendation of the supervisory investigative panel <u>secretary</u> <u>and vice-secretary</u> issued pursuant to section 4715.034 of the Revised Code the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall, except as provided in this chapter, conduct disciplinary proceedings pursuant to Chapter 119. of the Revised Code, seek an injunction under section 4715.05 of the Revised Code, enter into a consent agreement with a license holder, or provide for a license holder to participate in the quality intervention program established under section 4715.031 | 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 |

of the Revised Code if the board develops and implements that 2317
program. 2318

For the purpose of any disciplinary proceeding or any 2319
investigation conducted under this division, the board may 2320
administer oaths, order the taking of depositions, issue 2321
subpoenas in accordance with section 4715.033 of the Revised 2322
Code, compel the attendance and testimony of persons at 2323
depositions, and compel the production of books, accounts, 2324
papers, documents, or other tangible things. The hearings and 2325
investigations of the board shall be considered civil actions 2326
for the purposes of section 2305.252 of the Revised Code. 2327
Notwithstanding section 121.22 of the Revised Code and except as 2328
provided in section 4715.036 of the Revised Code, proceedings of 2329
the board relative to the investigation of a complaint or the 2330
determination whether there are reasonable grounds to believe 2331
that a violation of this chapter has occurred are confidential 2332
and are not subject to discovery in any civil action. 2333

(E) (1) The board shall examine or cause to be examined 2334
eligible applicants to practice dental hygiene. The board may 2335
distinguish by rule different classes of qualified personnel 2336
according to skill levels and require all or only certain of 2337
these classes of qualified personnel to be examined and 2338
certified by the board. 2339

(2) The board shall administer a written jurisprudence 2340
examination to each applicant for a license to practice 2341
dentistry. The examination shall cover only the statutes and 2342
administrative rules governing the practice of dentistry in this 2343
state. 2344

(F) (1) In accordance with Chapter 119. of the Revised 2345
Code, subject to division (F) (2) of this section the board shall 2346

adopt, and may amend or rescind, rules establishing the 2347
eligibility criteria, the application and permit renewal 2348
procedures, and safety standards applicable to a dentist 2349
licensed under this chapter who applies for a permit to employ 2350
or use conscious sedation. These rules shall include all of the 2351
following: 2352

(a) The eligibility requirements and application 2353
procedures for an eligible dentist to obtain a conscious 2354
sedation permit; 2355

(b) The minimum educational and clinical training 2356
standards required of applicants, which shall include 2357
satisfactory completion of an advanced cardiac life support 2358
course; 2359

(c) The facility equipment and inspection requirements; 2360

(d) Safety standards; 2361

(e) Requirements for reporting adverse occurrences. 2362

(2) The board shall issue a permit to employ or use 2363
conscious sedation in accordance with Chapter 4796. of the 2364
Revised Code to a dentist licensed under this chapter if either 2365
of the following applies: 2366

(a) The dentist holds a license or permit to employ or use 2367
conscious sedation in another state. 2368

(b) The dentist has satisfactory work experience, a 2369
government certification, or a private certification as 2370
described in Chapter 4796. of the Revised Code in employing or 2371
using conscious sedation in a state that does not issue that 2372
license. 2373

(G) (1) In accordance with Chapter 119. of the Revised 2374

Code, subject to division (G)(2) of this section the board shall 2375
adopt rules establishing eligibility criteria, application and 2376
permit renewal procedures, and safety standards applicable to a 2377
dentist licensed under this chapter who applies for a general 2378
anesthesia permit. 2379

(2) The board shall issue a general anesthesia permit in 2380
accordance with Chapter 4796. of the Revised Code to a dentist 2381
licensed under this chapter if either of the following applies: 2382

(a) The dentist holds a general anesthesia license or 2383
permit in another state. 2384

(b) The dentist has satisfactory work experience, a 2385
government certification, or a private certification as 2386
described in Chapter 4796. of the Revised Code utilizing general 2387
anesthesia in a state that does not issue that license or 2388
permit. 2389

Sec. 4715.032. ~~There is hereby created the supervisory~~ 2390
~~investigative panel of the state dental board. The supervisory~~ 2391
~~investigative panel shall consist solely of the board's Pursuant~~ 2392
~~to sections 4715.03, 4715.033, 4715.034, 4715.035, and 4715.30~~ 2393
~~of the Revised Code, the secretary and vice-secretary. The~~ 2394
~~supervisory investigative panel of the state dental board shall~~ 2395
~~jointly supervise all of the board's investigations.~~ 2396

Sec. 4715.033. (A) All subpoenas the state dental board 2397
seeks to issue with respect to an investigation shall, subject 2398
to division (B) of this section, be authorized by the 2399
~~supervisory investigative panel~~ secretary and vice-secretary of 2400
the state dental board. 2401

(B) Before the ~~supervisory investigative panel authorizes~~ 2402
secretary and vice-secretary of the state dental board authorize 2403

the state dental board to issue a subpoena, the ~~panel~~-secretary 2404
and vice-secretary shall consult with the office of the attorney 2405
general and determine whether there is probable cause to believe 2406
that the complaint filed alleges a violation of this chapter or 2407
any rule adopted under it and that the information sought 2408
pursuant to the subpoena is relevant to the alleged violation 2409
and material to the investigation. 2410

(C) (1) Any subpoena to compel the production of records 2411
that the board issues ~~after authorization by the supervisory~~
~~investigative panel~~ shall pertain to records that cover a 2412
reasonable period of time surrounding the alleged violation. 2413
2414

(2) (a) Except as provided in division (C) (2) (b) of this 2415
section, the subpoena shall state that the person being 2416
subpoenaed has a reasonable period of time that is not less than 2417
seven calendar days to comply with the subpoena. 2418

(b) If the board's secretary determines that the person 2419
being subpoenaed represents a clear and immediate danger to the 2420
public health and safety, the subpoena shall state that the 2421
person being subpoenaed must immediately comply with the 2422
subpoena. 2423

(D) On a person's failure to comply with a subpoena issued 2424
by the board and after reasonable notice to that person of the 2425
failure, the board may move for an order compelling the 2426
production of persons or records pursuant to the Rules of Civil 2427
Procedure. 2428

Sec. 4715.034. (A) At any time during an investigation, 2429
the ~~supervisory investigative panel~~-secretary and vice-secretary 2430
of the state dental board may ask to meet with the individual 2431
who is the subject of the investigation. At the conclusion of 2432

the investigation, the ~~panel~~ secretary and vice-secretary shall 2433
recommend that the state dental board do one of the following: 2434

(1) Pursue disciplinary action under section 4715.30 of 2435
the Revised Code; 2436

(2) Seek an injunction under section 4715.05 of the 2437
Revised Code; 2438

(3) Enter into a consent agreement if the subject of the 2439
investigation is a licensee; 2440

(4) Refer the individual to the quality intervention 2441
program, if that program is developed and implemented under 2442
section 4715.031 of the Revised Code and the subject of the 2443
investigation is a licensee; 2444

(5) Terminate the investigation. 2445

(B) The ~~supervisory investigative panel's~~ recommendation 2446
of the secretary and vice-secretary shall be in writing and 2447
specify the reasons for the recommendation. Except as provided 2448
in section 4715.035 of the Revised Code, the ~~panel~~ secretary and 2449
vice-secretary shall make ~~its~~ their recommendation not later 2450
than one year after the date the ~~panel begins~~ secretary and 2451
vice-secretary begin to supervise the investigation or, if the 2452
investigation pertains to an alleged violation of division (A) 2453
(9) of section 4715.30 of the Revised Code, not later than two 2454
years after the ~~panel begins to~~ secretary and vice-secretary 2455
begin to supervise the investigation. 2456

Once the panel makes its recommendation, the members of 2457
the panel shall not participate in any deliberations the board 2458
has on the case. 2459

Sec. 4715.035. Both of the following periods of time shall 2460

not be counted for purposes of determining the time within which 2461
the ~~supervisory investigative panel is secretary and vice-~~ 2462
~~secretary of the state dental board are~~ required to make ~~its-~~ 2463
~~their~~ recommendation to the state dental board under section 2464
4715.034 of the Revised Code: 2465

(A) The period during which the ~~panel suspends secretary~~ 2466
~~and vice-secretary suspend~~ the investigation of an individual 2467
because the individual is also the subject of a criminal 2468
investigation and ~~the panel is~~ are asked to do so by the entity 2469
conducting the criminal investigation or the ~~panel determines-~~ 2470
~~secretary and vice-secretary determine~~ it is necessary to do so 2471
as a result of the criminal investigation. 2472

(B) The period beginning when the board moves for an order 2473
compelling the production of persons or records, as permitted by 2474
division (D) of section 4715.033 of the Revised Code, and ending 2475
when either of the following occurs: 2476

(1) The court renders a decision not to issue the order. 2477

(2) The court renders a decision to issue the order and 2478
the person subject to the order produces the persons or records. 2479

Sec. 4715.30. (A) Except as provided in division (K) of 2480
this section, an applicant for or holder of a certificate or 2481
license issued under this chapter is subject to disciplinary 2482
action by the state dental board for any of the following 2483
reasons: 2484

(1) Employing or cooperating in fraud or material 2485
deception in applying for or obtaining a license or certificate; 2486

(2) Obtaining or attempting to obtain money or anything of 2487
value by intentional misrepresentation or material deception in 2488
the course of practice; 2489

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| (3) Advertising services in a false or misleading manner | 2490 |
| or violating the board's rules governing time, place, and manner | 2491 |
| of advertising; | 2492 |
| (4) Commission of an act that constitutes a felony in this | 2493 |
| state, regardless of the jurisdiction in which the act was | 2494 |
| committed; | 2495 |
| (5) Commission of an act in the course of practice that | 2496 |
| constitutes a misdemeanor in this state, regardless of the | 2497 |
| jurisdiction in which the act was committed; | 2498 |
| (6) Conviction of, a plea of guilty to, a judicial finding | 2499 |
| of guilt of, a judicial finding of guilt resulting from a plea | 2500 |
| of no contest to, or a judicial finding of eligibility for | 2501 |
| intervention in lieu of conviction for, any felony or of a | 2502 |
| misdemeanor committed in the course of practice; | 2503 |
| (7) Engaging in lewd or immoral conduct in connection with | 2504 |
| the provision of dental services; | 2505 |
| (8) Selling, prescribing, giving away, or administering | 2506 |
| drugs for other than legal and legitimate therapeutic purposes, | 2507 |
| or conviction of, a plea of guilty to, a judicial finding of | 2508 |
| guilt of, a judicial finding of guilt resulting from a plea of | 2509 |
| no contest to, or a judicial finding of eligibility for | 2510 |
| intervention in lieu of conviction for, a violation of any | 2511 |
| federal or state law regulating the possession, distribution, or | 2512 |
| use of any drug; | 2513 |
| (9) Providing or allowing dental hygienists, expanded | 2514 |
| function dental auxiliaries, or other practitioners of auxiliary | 2515 |
| dental occupations working under the certificate or license | 2516 |
| holder's supervision, or a dentist holding a temporary limited | 2517 |
| continuing education license under division (C) of section | 2518 |

4715.16 of the Revised Code working under the certificate or 2519
license holder's direct supervision, to provide dental care that 2520
departs from or fails to conform to accepted standards for the 2521
profession, whether or not injury to a patient results; 2522

(10) Inability to practice under accepted standards of the 2523
profession because of physical or mental disability, dependence 2524
on alcohol or other drugs, or excessive use of alcohol or other 2525
drugs; 2526

(11) Violation of any provision of this chapter or any 2527
rule adopted thereunder; 2528

(12) Failure to use universal blood and body fluid 2529
precautions established by rules adopted under section 4715.03 2530
of the Revised Code; 2531

(13) Except as provided in division (H) of this section, 2532
either of the following: 2533

(a) Waiving the payment of all or any part of a deductible 2534
or copayment that a patient, pursuant to a health insurance or 2535
health care policy, contract, or plan that covers dental 2536
services, would otherwise be required to pay if the waiver is 2537
used as an enticement to a patient or group of patients to 2538
receive health care services from that certificate or license 2539
holder; 2540

(b) Advertising that the certificate or license holder 2541
will waive the payment of all or any part of a deductible or 2542
copayment that a patient, pursuant to a health insurance or 2543
health care policy, contract, or plan that covers dental 2544
services, would otherwise be required to pay. 2545

(14) Failure to comply with section 4715.302 or 4729.79 of 2546
the Revised Code, unless the state board of pharmacy no longer 2547

maintains a drug database pursuant to section 4729.75 of the Revised Code; 2548
2549

(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 2550
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(16) Failure to cooperate in an investigation conducted by the board under division (D) of section 4715.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 2560
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(17) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 2570
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(18) Failure to comply with the requirements of sections 4715.71 and 4715.72 of the Revised Code regarding the operation of a mobile dental facility; 2574
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| (19) A pattern of continuous or repeated violations of | 2577 |
| division (F) (2) of section 3963.02 of the Revised Code. | 2578 |
| (B) A manager, proprietor, operator, or conductor of a | 2579 |
| dental facility shall be subject to disciplinary action if any | 2580 |
| dentist, dental hygienist, expanded function dental auxiliary, | 2581 |
| or qualified personnel providing services in the facility is | 2582 |
| found to have committed a violation listed in division (A) of | 2583 |
| this section and the manager, proprietor, operator, or conductor | 2584 |
| knew of the violation and permitted it to occur on a recurring | 2585 |
| basis. | 2586 |
| (C) Subject to Chapter 119. of the Revised Code, the board | 2587 |
| may take one or more of the following disciplinary actions if | 2588 |
| one or more of the grounds for discipline listed in divisions | 2589 |
| (A) and (B) of this section exist: | 2590 |
| (1) Censure the license or certificate holder; | 2591 |
| (2) Place the license or certificate on probationary | 2592 |
| status for such period of time the board determines necessary | 2593 |
| and require the holder to: | 2594 |
| (a) Report regularly to the board upon the matters which | 2595 |
| are the basis of probation; | 2596 |
| (b) Limit practice to those areas specified by the board; | 2597 |
| (c) Continue or renew professional education until a | 2598 |
| satisfactory degree of knowledge or clinical competency has been | 2599 |
| attained in specified areas. | 2600 |
| (3) Suspend the certificate or license; | 2601 |
| (4) Revoke the certificate or license. | 2602 |
| Where the board places a holder of a license or | 2603 |

certificate on probationary status pursuant to division (C) (2) 2604
of this section, the board may subsequently suspend or revoke 2605
the license or certificate if it determines that the holder has 2606
not met the requirements of the probation or continues to engage 2607
in activities that constitute grounds for discipline pursuant to 2608
division (A) or (B) of this section. 2609

Any order suspending a license or certificate shall state 2610
the conditions under which the license or certificate will be 2611
restored, which may include a conditional restoration during 2612
which time the holder is in a probationary status pursuant to 2613
division (C) (2) of this section. The board shall restore the 2614
license or certificate unconditionally when such conditions are 2615
met. 2616

(D) If the physical or mental condition of an applicant or 2617
a license or certificate holder is at issue in a disciplinary 2618
proceeding, the board may order the license or certificate 2619
holder to submit to reasonable examinations by an individual 2620
designated or approved by the board and at the board's expense. 2621
The physical examination may be conducted by any individual 2622
authorized by the Revised Code to do so, including a physician 2623
assistant, a clinical nurse specialist, a certified nurse 2624
practitioner, or a certified nurse-midwife. Any written 2625
documentation of the physical examination shall be completed by 2626
the individual who conducted the examination. 2627

Failure to comply with an order for an examination shall 2628
be grounds for refusal of a license or certificate or summary 2629
suspension of a license or certificate under division (E) of 2630
this section. 2631

(E) If a license or certificate holder has failed to 2632
comply with an order under division (D) of this section, the 2633

board may apply to the court of common pleas of the county in 2634
which the holder resides for an order temporarily suspending the 2635
holder's license or certificate, without a prior hearing being 2636
afforded by the board, until the board conducts an adjudication 2637
hearing pursuant to Chapter 119. of the Revised Code. If the 2638
court temporarily suspends a holder's license or certificate, 2639
the board shall give written notice of the suspension personally 2640
or by certified mail to the license or certificate holder. Such 2641
notice shall inform the license or certificate holder of the 2642
right to a hearing pursuant to Chapter 119. of the Revised Code. 2643

(F) Any holder of a certificate or license issued under 2644
this chapter who has pleaded guilty to, has been convicted of, 2645
or has had a judicial finding of eligibility for intervention in 2646
lieu of conviction entered against the holder in this state for 2647
aggravated murder, murder, voluntary manslaughter, felonious 2648
assault, kidnapping, rape, sexual battery, gross sexual 2649
imposition, aggravated arson, aggravated robbery, or aggravated 2650
burglary, or who has pleaded guilty to, has been convicted of, 2651
or has had a judicial finding of eligibility for treatment or 2652
intervention in lieu of conviction entered against the holder in 2653
another jurisdiction for any substantially equivalent criminal 2654
offense, is automatically suspended from practice under this 2655
chapter in this state and any certificate or license issued to 2656
the holder under this chapter is automatically suspended, as of 2657
the date of the guilty plea, conviction, or judicial finding, 2658
whether the proceedings are brought in this state or another 2659
jurisdiction. Continued practice by an individual after the 2660
suspension of the individual's certificate or license under this 2661
division shall be considered practicing without a certificate or 2662
license. The board shall notify the suspended individual of the 2663
suspension of the individual's certificate or license under this 2664

division in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose certificate or license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the individual's certificate or license.

(G) If the ~~supervisory investigative panel determines~~ secretary and vice-secretary of the state dental board determine both of the following, ~~the panel~~ they may recommend that the board suspend an individual's certificate or license without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four dentist members of the board and seven of its members in total, excluding ~~any member on the supervisory investigative panel~~ the secretary and vice-secretary, may suspend a certificate or license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency or any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for

the hearing shall be within fifteen days, but not earlier than 2694
seven days, after the individual requests the hearing, unless 2695
otherwise agreed to by both the board and the individual. 2696

Any summary suspension imposed under this division shall 2697
remain in effect, unless reversed on appeal, until a final 2698
adjudicative order issued by the board pursuant to this section 2699
and Chapter 119. of the Revised Code becomes effective. The 2700
board shall issue its final adjudicative order within seventy- 2701
five days after completion of its hearing. A failure to issue 2702
the order within seventy-five days shall result in dissolution 2703
of the summary suspension order but shall not invalidate any 2704
subsequent, final adjudicative order. 2705

(H) Sanctions shall not be imposed under division (A) (13) 2706
of this section against any certificate or license holder who 2707
waives deductibles and copayments as follows: 2708

(1) In compliance with the health benefit plan that 2709
expressly allows such a practice. Waiver of the deductibles or 2710
copayments shall be made only with the full knowledge and 2711
consent of the plan purchaser, payer, and third-party 2712
administrator. Documentation of the consent shall be made 2713
available to the board upon request. 2714

(2) For professional services rendered to any other person 2715
who holds a certificate or license issued pursuant to this 2716
chapter to the extent allowed by this chapter and the rules of 2717
the board. 2718

(I) In no event shall the board consider or raise during a 2719
hearing required by Chapter 119. of the Revised Code the 2720
circumstances of, or the fact that the board has received, one 2721
or more complaints about a person unless the one or more 2722

complaints are the subject of the hearing or resulted in the 2723
board taking an action authorized by this section against the 2724
person on a prior occasion. 2725

(J) The board may share any information it receives 2726
pursuant to an investigation under division (D) of section 2727
4715.03 of the Revised Code, including patient records and 2728
patient record information, with law enforcement agencies, other 2729
licensing boards, and other governmental agencies that are 2730
prosecuting, adjudicating, or investigating alleged violations 2731
of statutes or administrative rules. An agency or board that 2732
receives the information shall comply with the same requirements 2733
regarding confidentiality as those with which the state dental 2734
board must comply, notwithstanding any conflicting provision of 2735
the Revised Code or procedure of the agency or board that 2736
applies when it is dealing with other information in its 2737
possession. In a judicial proceeding, the information may be 2738
admitted into evidence only in accordance with the Rules of 2739
Evidence, but the court shall require that appropriate measures 2740
are taken to ensure that confidentiality is maintained with 2741
respect to any part of the information that contains names or 2742
other identifying information about patients or complainants 2743
whose confidentiality was protected by the state dental board 2744
when the information was in the board's possession. Measures to 2745
ensure confidentiality that may be taken by the court include 2746
sealing its records or deleting specific information from its 2747
records. 2748

(K) The board shall not refuse to issue a license or 2749
certificate to an applicant for either of the following reasons 2750
unless the refusal is in accordance with section 9.79 of the 2751
Revised Code: 2752

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| (1) A conviction or plea of guilty to an offense; | 2753 |
| (2) A judicial finding of eligibility for treatment or intervention in lieu of a conviction. | 2754 2755 |
| Sec. 5104.39. (A) The director of children and youth shall | 2756 |
| adopt rules in accordance with Chapter 119. of the Revised Code | 2757 |
| establishing a procedure for monitoring the expenditures for | 2758 |
| publicly funded child care to ensure that expenditures do not | 2759 |
| exceed the available federal and state funds for publicly funded | 2760 |
| child care. The department of children and youth, with the | 2761 |
| assistance of the office of budget and management and the child- | 2762 |
| care advisory council created pursuant to section 5104.08 of the | 2763 |
| Revised Code , shall monitor the anticipated future expenditures | 2764 |
| for publicly funded child care and shall compare those | 2765 |
| anticipated future expenditures to available federal and state | 2766 |
| funds for publicly funded child care. Whenever the department | 2767 |
| determines that the anticipated future expenditures for publicly | 2768 |
| funded child care will exceed the available federal and state | 2769 |
| funds, the department shall promptly notify the county | 2770 |
| departments of job and family services and, before the available | 2771 |
| state and federal funds are used, the director shall issue and | 2772 |
| implement an administrative order that shall specify both of the | 2773 |
| following: | 2774 |
| (1) Priorities for expending the remaining available | 2775 |
| federal and state funds for publicly funded child care; | 2776 |
| (2) Instructions and procedures to be used by the county | 2777 |
| departments regarding eligibility determinations. | 2778 |
| (B) The order may do any or all of the following: | 2779 |
| (1) Suspend enrollment of all new participants in any | 2780 |
| program of publicly funded child care; | 2781 |

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| (2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line; | 2782 2783 2784 |
| (3) Disenroll existing participants with income above a specified percentage of the federal poverty line; | 2785 2786 |
| (4) Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code; | 2787 2788 2789 |
| (5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code. | 2790 2791 2792 |
| (C) Each county department shall comply with the order no later than thirty days after it is issued. | 2793 2794 |
| (D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued. | 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 |
| (E) The department of children and youth shall do all of the following: | 2806 2807 |
| (1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code; | 2808 2809 2810 |

(2) Prepare reports based upon the evaluations that 2811
specify for each county the number of participants and amount of 2812
expenditures; 2813

(3) Provide copies of the reports to both houses of the 2814
general assembly and, on request, to interested parties. 2815

Sec. 5104.50. The governor shall create the early 2816
childhood advisory council in accordance with 42 U.S.C. 9837b(b) 2817
(1) and shall appoint one of its members to serve as chairperson 2818
of the council. The council shall serve as the state advisory 2819
council on early childhood education and care, as described in 2820
42 U.S.C. 9837b(b) (1). In addition to the duties specified in 42 2821
U.S.C. 9837b(b) (1), the council shall promote family-centered 2822
programs and services that acknowledge and support the social, 2823
emotional, cognitive, intellectual, and physical development of 2824
children and the vital role of families in ensuring the well- 2825
being and success of children. 2826

The early childhood advisory council shall advise the 2827
director of children and youth on matters affecting the 2828
licensing of centers, type A homes, and type B homes and the 2829
certification of in-home aides. The council shall make an annual 2830
report to the director that addresses the availability, 2831
affordability, accessibility, and quality of child care and that 2832
summarizes the recommendations and plans of action that the 2833
council has proposed to the director during the preceding fiscal 2834
year. The director shall provide copies of the report to the 2835
governor, speaker and minority leader of the house of 2836
representatives, and the president and minority leader of the 2837
senate and, on request, shall make copies available to the 2838
public. 2839

Section 2. That existing sections 101.82, 101.83, 145.012, 2840

146.02, 718.051, 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 2841
3335.27, 3335.29, 3506.04, 3506.05, 3506.06, 3506.07, 3506.10, 2842
3701.931, 3743.53, 3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 2843
3923.57, 3924.01, 3924.02, 3924.06, 3924.73, 4125.041, 4141.131, 2844
4141.25, 4141.292, 4715.03, 4715.032, 4715.033, 4715.034, 2845
4715.035, 4715.30, 5104.39, and 5104.50 of the Revised Code are 2846
hereby repealed. 2847

Section 3. That sections 107.40, 122.98, 924.14, 924.212, 2848
1751.15, 1751.16, 1751.17, 3337.16, 3701.507, 3701.89, 3701.932, 2849
3743.67, 3783.08, 3923.122, 3923.58, 3923.581, 3923.582, 2850
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 2851
3924.12, 3924.13, 3924.14, 4141.08, 4141.12, 4749.021, 5104.08, 2852
and 5703.57 of the Revised Code are hereby repealed. 2853

Section 4. The repeal of section 3701.89 of the Revised 2854
Code by this act takes effect January 1, 2026. 2855

Section 5. The following agencies are retained under 2856
division (E) of section 101.83 of the Revised Code and expire at 2857
the end of December 31, of the year indicated in column 3 of the 2858
table below: 2859

| | 1 | 2 | 3 |
|---|--|---------------|------|
| A | Advisory Committee on Advance Practice Registered Nursing | R.C. 4723.493 | 2026 |
| B | Aging, Ohio Advisory Council for the | R.C. 173.03 | 2026 |
| C | Agricultural Commodity Marketing Programs, Operating Committee(s) | R.C. 924.07 | 2028 |

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| D | Alzheimer's Disease and Related Dementias Task Force | Sections 1, 2, 3, and 4 of S.B. 24 of the 133rd G.A. | 2028 |
| E | AMBER Alert Advisory Committee | R.C. 5502.521 | 2028 |
| F | Amusement Ride Safety, Advisory Council on | R.C. 1711.51 | 2028 |
| G | Apprenticeship Council | R.C. 4139.02 | 2026 |
| H | Automated Title Processing Board | R.C. 4505.09(C) (1) | 2028 |
| I | Backflow Advisory Board | R.C. 3703.21 | 2028 |
| J | Banking Commission | R.C. 1123.01 | 2028 |
| K | Brain Injury Advisory Committee | R.C. 3335.61 | 2026 |
| L | Broadcast Educational Media Commission | R.C. 3353.02 | 2026 |
| M | Capitol Square Review and Advisory Board | R.C. 105.41 | 2026 |
| N | Cemetery Dispute Resolution Commission, Ohio | R.C. 4767.05 | 2028 |
| O | Child Abuse and Child Neglect Prevention Regional Councils (8) | R.C. 3109.172(B) | 2026 |
| P | Child Support Guideline Advisory Council | R.C. 3119.023 | 2026 |
| Q | Children's Trust Fund Board | R.C. 3109.15 | 2026 |

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| R | Chiropractic Loan Repayment Advisory Board | R.C. 3702.987 | 2026 |
| S | Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities) | R.C. 5123.092 | 2026 |
| T | Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio | R.C. 4112.04 (B) (4) | 2028 |
| U | Clean Ohio, Trail Advisory Board | R.C. 1519.06 | 2028 |
| V | Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio | R.C. 1551.35 | 2028 |
| W | College Credit Plus Advisory Committee | R.C. 3365.15 | 2026 |
| X | Commercial Dog Breeding Advisory Board | R.C. 956.17 | 2028 |
| Y | Commercial Insurance Joint Underwriting Association Board of Governors, Ohio | R.C. 3930.03 | 2026 |
| Z | Commodity Advisory Commission | R.C. 926.32 | 2028 |
| AA | Continuing Education Committee (concerned with continuing education of sheriffs) | R.C. 109.80 (B) | 2028 |

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| AB | County Law Library Resources Boards, Statewide Consortium of | R.C. 3375.481 | 2028 |
| AC | County Sheriff's Standard Car-Marking and Uniform Commission | R.C. 311.25 | 2028 |
| AD | Credential Review Board | R.C. 3319.65 | 2026 |
| AE | Credit Union Council | R.C. 1733.329 | 2028 |
| AF | Criminal Sentencing Commission, State | R.C. 181.21 | 2028 |
| AG | Cystic Fibrosis Legislative Task Force, Ohio | R.C. 101.38 | 2026 |
| AH | Dentist Loan Repayment Advisory Board | R.C. 3702.92 | 2026 |
| AI | Department Advisory Boards | R.C. 121.13 | 2026 |
| AJ | Developmental Disabilities Council, Ohio | R.C. 5123.35 | 2026 |
| AK | Developmental Disabilities Technology First Task Force | R.C. 5123.026 | 2026 |
| AL | Dietetics Advisory Council | R.C. 4759.051 | 2026 |
| AM | Education Management Information System Advisory Council | R.C. 3301.0713 | 2026 |
| AN | Educator Standards Board | R.C. 3319.60 | 2026 |
| AO | Employment First Task Force | R.C. 5123.023 | 2026 |
| AP | Ex-Offender Reentry Coalition | R.C. 5120.07 | 2028 |

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| AQ | Expositions Commission, Ohio | R.C. 991.02 | 2026 |
| AR | Faith-Based and Community Initiatives, Advisory Board of Governor's Office of | R.C. 107.12 | 2026 |
| AS | Family and Children First Cabinet Council, Ohio | R.C. 121.37 | 2026 |
| AT | Farmland Preservation Advisory Board | R.C. 901.23 | 2028 |
| AU | Forestry Advisory Council | R.C. 1503.40 | 2028 |
| AV | Grain Marketing Program Operating Committee | R.C. 924.22 | 2028 |
| AW | Grape Industries Committee, Ohio | R.C. 924.51 | 2028 |
| AX | Hispanic-Latino Affairs, Commission on | R.C. 121.31 | 2026 |
| AY | Historic Site Preservation Advisory Board, Ohio | R.C. 149.301 | 2026 |
| AZ | History Connection, Ohio, Board of Trustees | R.C. 149.30 | 2026 |
| BA | Holocaust and Genocide Memorial and Education Commission | R.C. 197.03 | 2026 |
| BB | Home Medical Equipment Services Advisory Council | R.C. 4752.24 | 2026 |
| BC | Housing Trust Fund Advisory Committee | R.C. 174.06 | 2028 |

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| BD | Industrial Commission Nominating Council | R.C. 4121.04 | 2028 |
| BE | Interagency Council of the New African Immigrants Commission | R.C. 4112.31 | 2028 |
| BF | Interagency Workgroup on Autism | R.C. 5123.0419 | 2026 |
| BG | Judicial Conference, Ohio | R.C. 105.91 | 2028 |
| BH | Lake Erie Commission, Ohio | R.C. 1506.21 | 2028 |
| BI | Legislative Programming Committee of the Ohio Government Telecommunications Service | R.C. 3353.07 | 2026 |
| BJ | Livestock Exhibitions, Advisory Committee on | R.C. 901.71 | 2028 |
| BK | Materials Management Advisory Council | R.C. 3734.49 | 2028 |
| BL | Medical Liability Underwriting Association, Board of Governors of the | R.C. 3929.64 | 2026 |
| BM | Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the | R.C. 3929.631 | 2026 |
| BN | Medically Handicapped Children's Medical Advisory Council | R.C. 3701.025 | 2026 |
| BO | Milk Sanitation Board | R.C. 917.03 | 2028 |

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| BP | Mine Subsidence Insurance Governing Board | R.C. 3929.51 | 2028 |
| BQ | Minority Development Financing Advisory Board | R.C. 122.72 | 2028 |
| BR | Minority Health, Commission on | R.C. 3701.78 | 2026 |
| BS | New African Immigrants Commission | R.C. 4112.32 | 2028 |
| BT | Office of Enterprise Development Advisory Board | R.C. 5145.162 | 2028 |
| BU | Ohioana Library Association, Martha Kinney Cooper Memorial, Board of Trustees | R.C. 3375.62 | 2026 |
| BV | Ohio Arts Council | R.C. 3379.02 | 2026 |
| BW | Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the | R.C. 3323.33 | 2026 |
| BX | Ohio Commission on Service and Volunteerism | R.C. 121.40 | 2026 |
| BY | Ohio Dyslexia Committee | R.C. 3323.25 | 2026 |
| BZ | Ohio Environmental Education Fund Advisory Council | R.C. 3745.21 | 2028 |
| CA | Ohio Geographically Referenced Information Program Council | R.C. 125.901 | 2028 |

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| CB | Ohio Livestock Care Standards Board | R.C. 904.02 | 2028 |
| CC | Ohio Public Library Information Network Board of Trustees | R.C. 3375.65 | 2026 |
| CD | Ohio Tuition Trust Authority Investment Board | R.C. 3334.03 | 2026 |
| CE | Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board | R.C. 5910.02 | 2026 |
| CF | Oil and Gas Land Management Commission | R.C. 155.31 | 2028 |
| CG | Oil and Gas Marketing Program, An Operating Committee of the | R.C. 1510.06 | 2028 |
| CH | Oil and Gas, Technical Advisory Council on | R.C. 1509.38 | 2028 |
| CI | Opportunities for Ohioans with Disabilities Council | R.C. 3304.12 | 2026 |
| CJ | Organized Crime Investigations Commission | R.C. 177.01 | 2028 |
| CK | Pharmacy and Therapeutics Committee of the Department of Medicaid | R.C. 5164.7510 | 2026 |
| CL | Physician Assistant Policy Committee of the State Medical Board | R.C. 4730.05 | 2026 |
| CM | Power Siting Board | R.C. 4906.02 | 2028 |

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| CN | Propane Council | R.C. 936.02 | 2028 |
| CO | Prequalification Review Board | R.C. 5525.07 | 2028 |
| CP | Public Utilities Commission Nominating Council | R.C. 4901.021 | 2028 |
| CQ | Radiation Advisory Council | R.C. 3748.20 | 2026 |
| CR | Radio Communications System Steering Committee, Multi-Agency | Section 15.02, H.B. 640 of the 123rd G.A. | 2028 |
| CS | Rare Disease Advisory Council | R.C. 103.60 | 2026 |
| CT | Reclaim Advisory Committee | R.C. 5139.44 | 2028 |
| CU | Reclamation Commission | R.C. 1513.05 | 2028 |
| CV | Reclamation Forfeiture Fund Advisory Board | R.C. 1513.182 | 2028 |
| CW | Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on | R.C. 103.51 | 2026 |
| CX | Respiratory Care Advisory Council | R.C. 4761.032 | 2026 |
| CY | Small Business Advisory Council | R.C. 107.63 | 2028 |
| CZ | Small Business Stationary Source Technical and Environmental Compliance Assistance Council | R.C. 3704.19 | 2028 |
| DA | Small Government Capital Improvements | R.C. 164.02(C) | 2028 |

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| | Commission, Ohio | | |
| DB | Soil and Water Conservation Commission, Ohio | R.C. 940.02 | 2028 |
| DC | STABLE Account Program Advisory Board | R.C. 113.56 | 2026 |
| DD | Standardbred Development Commission, Ohio | R.C. 3769.085 | 2028 |
| DE | State Audit Committee | R.C. 126.46 | 2026 |
| DF | State Fire Council | R.C. 3737.81 | 2028 |
| DG | STEM Committee of the Department of Education | R.C. 3326.02 | 2026 |
| DH | Student Tuition Recovery Authority | R.C. 3332.081 | 2026 |
| DI | Tax Credit Authority | R.C. 122.17 (M) | 2028 |
| DJ | Thoroughbred Racing Advisory Committee, Ohio | R.C. 3769.084 | 2028 |
| DK | TourismOhio Advisory Board | R.C. 122.071 | 2028 |
| DL | Transportation Review Advisory Council | R.C. 5512.07 | 2028 |
| DM | Underground Technical Committee | R.C. 3781.34 | 2028 |
| DN | Uniform State Laws, State Council of | R.C. 105.21 | 2028 |
| DO | Utility Radiological Safety Board | R.C. 4937.02 | 2028 |

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| DP | Vendors Representative Committee, Ohio | R.C. 3304.34 | 2026 |
| DQ | Veterans Advisory Committee | R.C. 5902.02 (J) | 2028 |
| DR | Victims Assistance Advisory Council, State | R.C. 109.91 | 2028 |
| DS | Voting Systems Examiners, Board of | R.C. 3506.05 | 2028 |
| DT | Waterways Safety Council | R.C. 1547.73 | 2028 |
| DU | Wild, Scenic, or Recreational River Area, Advisory Council for each | R.C. 1547.84 | 2028 |
| DV | Wildlife Council | R.C. 1531.03 | 2028 |
| DW | Workers' Compensation Board of Directors Nominating Committee | R.C. 4121.123 | 2026 |
| DX | Workers' Compensation Board of Directors, Bureau of | R.C. 4121.12 | 2026 |

Section 6. It is the intent of the General Assembly, 2861
through the amendment and repeal in this act of statutes that 2862
create and empower the agency, to abolish the following agencies 2863
upon the effective date of this section: 2864

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| A | Agriculture Commodity Marketing Programs, Coordinating Committee | R.C. 924.14 | |
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| B | Child Care Advisory Council | R.C. 5104.08 |
| C | Director of Health's Advisory Group on Violent Deaths | R.C. 3701.932 |
| D | Electrical Safety Inspector Advisory Committee | R.C. 3783.08 |
| E | Engineering Experiment Station Advisory Committee | R.C. 3335.27 |
| F | Federally Subsidized Housing Study Committee | Section 757.70 of H.B. 110 of the 134th G.A. |
| G | Fireworks Rules, Committee to Assist the State Fire Marshal in Adopting | R.C. 3743.53 |
| H | Governor's Residence Advisory Commission | R.C. 107.40 |
| I | Health Reinsurance Program, Board of Directors of the Ohio | R.C. 3924.08 |
| J | Hemp Marketing Program Operating Committee | R.C. 924.212 |
| K | Infant Hearing Screening Subcommittee | R.C. 3701.507 |
| L | Joint Legislative Study Committee Regarding Career Pathways and Post-secondary Workforce Training Programs in Ohio | Section 733.30 of H.B. 110 of the 134th G.A. |
| M | Joint Legislative Task Force to | Section 7 of |

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| | Examine Transportation of Community School and Nonpublic School Students | S.B. 310 of the 133rd G.A. |
| N | Land Use Advisory Committee to the President of Ohio University | R.C. 3337.16 |
| O | Law Enforcement Training Funding Study Committee | Section 701.70 of H.B. 110 of the 134th G.A. |
| P | Legislative Committee on Public Health Futures | Section 737.40 of H.B. 166 of the 133rd G.A. |
| Q | Ohio Aerospace and Aviation Technology Committee | R.C. 122.98 |
| R | Ohio Business Gateway Steering Committee | R.C. 5703.57 |
| S | Ohio Children's Behavioral Health Prevention Network Stakeholder Group | Section 1 of H.B. 12 of the 133rd G.A. |
| T | Ohio Fire Code Rule Recommendation Committee | R.C. 3743.67 |

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| U | Ohio Physician and Allied Health Care Workforce Preparation Task Force | Section 381.610 of H.B. 166 of the 133rd G.A. |
| V | Performance Indicators for Children's Hospitals Study Committee | Section 333.67 of H.B. 166 of the 133rd G.A. |
| W | Private Investigation and Security Services Commission, Ohio | R.C. 4749.021 |
| X | Public Assistance Benefits Accountability Task Force | Section 307.300 of H.B. 110 of the 134th G.A. |
| Y | Select Committee on Sports Gaming and Problem Gambling | Section 6 of H.B. 29 of the 134th G.A. |
| Z | State Report Card Study Committee | Section 265.510 of H.B. 166 of the 133rd. G.A. |
| AA | Study Commission on the Future of Gaming in Ohio | Section 5 of H.B. 29 of the 134th G.A. |

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| AB | Study Committee Regarding Students Retaking Grade 12 | Section 733.51 of H.B. 166 of the 133rd G.A. |
| AC | Supervisory Investigative Panel of the State Dental Board | R.C. 4715.032 |
| AD | Task Force to Evaluate Current Operational Structures and Procedures at Wright State University's Lake Campus | Section 381.630 of H.B. 110 of the 134th G.A. |
| AE | Unemployment Compensation Advisory Council | R.C. 4141.08 |
| AF | Unemployment Compensation Modernization Improvement Council | R.C. 4141.12 |

Section 7. The amendments to sections 5104.39 and 5104.50, 2866
and the repeal of sections 3701.507 and 5104.08 of the Revised 2867
Code, as presented in this act, take effect on the later of 2868
January 1, 2025, or the effective date of this section. (January 2869
1, 2025, is the effective date of an earlier amendment to these 2870
sections by H.B. 33 of the 135th General Assembly.) 2871

Section 8. That Sections 5 (as amended by H.B. 33 of the 2872
135th General Assembly) and 6 of H.B. 29 of the 134th General 2873
Assembly, Sections 307.300, 381.630, 701.70 (as amended by H.B. 2874
45 of the 134th General Assembly), 733.30, and 757.70 of H.B. 2875
110 of the 134th General Assembly, Section 1 of H.B. 12 of the 2876
133rd General Assembly, Sections 265.510, 333.67, 381.610, 2877

733.51, and 737.40 of H.B. 166 of the 133rd General Assembly, 2878
and Section 7 of S.B. 310 of the 133rd General Assembly are 2879
hereby repealed. 2880

Section 9. That Section 3 of S.B. 9 of the 130th General 2881
Assembly (as amended by H.B. 122 of the 134th General Assembly) 2882
is hereby repealed. 2883

Section 10. (A) The Ohio Medical Quality Foundation, 2884
described in section 3701.89 of the Revised Code, is retained 2885
under division (E) of section 101.83 of the Revised Code and 2886
expires as a statutory entity at the end of December 31, 2025. 2887

(B) It is the intent of the General Assembly, through the 2888
repeal by this act of section 3701.89 of the Revised Code, to 2889
abolish the Ohio Medical Quality Foundation as a statutory 2890
entity on January 1, 2026. 2891

(C) As soon as practicable after the effective date of 2892
this section but not later than April 1, 2025, the Foundation, 2893
through its corporate trustee, shall transfer all of its 2894
remaining unencumbered funds, to the extent possible under law 2895
and contract, to the Medical Quality Assurance Fund established 2896
under section 113.78 of the Revised Code. 2897

(D) As soon as practicable after the transfer described in 2898
division (C) of this section, the trustees of the Foundation 2899
shall prepare a written report identifying the following: 2900

(1) Any encumbered funds unable to be transferred to the 2901
Medical Quality Assurance Fund, including the amounts still to 2902
be distributed pursuant to contracts in effect at the time of 2903
the report's preparation; 2904

(2) The duration of any contracts in effect at the time of 2905
the report's preparation; 2906

(3) The dates on which any remaining funds will be 2907
considered unencumbered. 2908

The trustees shall submit the report to the Treasurer of 2909
State, Governor, Senate President, and Speaker of the House of 2910
Representatives. 2911

(E) Following the repeal of section 3701.89 of the Revised 2912
Code on January 1, 2026, the Treasurer of State shall assume the 2913
contractual duties of the Foundation, its trustees, and its 2914
corporate trustee, as identified under any contracts in effect 2915
on that date. If any payments owed by the Foundation remain in 2916
arrears on or after January 1, 2026, the Treasurer of State may 2917
make the payments on behalf of the Foundation. 2918

For the purposes specified in this division and any others 2919
that the Treasurer of State considers necessary in winding down 2920
the affairs of the Foundation, the Treasurer of State shall be 2921
given access to the Foundation's records. 2922

Section 11. Notwithstanding Section 3 of S.B. 24 of the 2923
133rd General Assembly, the Alzheimer's Disease and Related 2924
Dementias Task Force shall approve and submit the report 2925
required under that section not later than December 31, 2028. 2926

Section 12. Section 145.012 of the Revised Code is 2927
presented in this act as a composite of the section as amended 2928
by both H.B. 281 and H.B. 377 of the 134th General Assembly. The 2929
General Assembly, applying the principle stated in division (B) 2930
of section 1.52 of the Revised Code that amendments are to be 2931
harmonized if reasonably capable of simultaneous operation, 2932
finds that the composite is the resulting version of the section 2933
in effect prior to the effective date of the section as 2934
presented in this act. 2935

Section 13. This act is an emergency measure necessary for 2936
the immediate preservation of the public peace, health, and 2937
safety. The sunset review law is scheduled to operate on 2938
December 31, 2024, as a matter of law. If the sunset review law 2939
operates before the effective date of this act, uncertainty and 2940
confusion, with respect to the authority for certain agencies to 2941
operate, could result. Therefore, this act goes into immediate 2942
effect. 2943