

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 335

Senator Wilkin

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, Sections 1, 2, 3, and 4 25
of S.B. 24 of the 133rd General Assembly, 26
Section 7 of S.B. 310 of the 133rd General 27
Assembly, and Section 3 of S.B. 9 of the 130th 28
General Assembly, as subsequently amended, to 29
implement the recommendations of the Sunset 30
Review Committee, to eliminate certain Ohio 31
insurance laws that have been suspended since 32
the enactment by Congress of the Affordable Care 33
Act, and to declare an emergency. 34

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

Section 1. That sections 101.82, 101.83, 145.012, 146.02, 35
718.051, 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 3335.27, 36
3335.29, 3506.04, 3506.05, 3506.06, 3506.07, 3506.10, 3701.931, 37
3743.53, 3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 3923.57, 38
3924.01, 3924.02, 3924.06, 3924.73, 4125.041, 4141.131, 4141.25, 39
4141.292, 4715.03, 4715.032, 4715.033, 4715.034, 4715.035, 40
4715.30, 5104.39, and 5104.50 be amended and section 113.78 of 41
the Revised Code be enacted to read as follows: 42

Sec. 101.82. As used in sections 101.82 to 101.87 of the 43
Revised Code: 44

(A) "Agency" means any board, commission, committee, or 45
council, or any other similar state public body required to be 46
established pursuant to state statutes for the exercise of any 47
function of state government and to which members are appointed 48
or elected. "Agency" does not include the following: 49

(1) The general assembly, or any commission, committee, or 50

other body composed entirely of members of the general assembly;	51
(2) Any court;	52
(3) Any public body created by or directly pursuant to the constitution of this state;	53 54
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	55 56 57
(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;	58 59 60
(6) The public utilities commission of Ohio;	61
(7) The consumers' counsel governing board;	62
(8) The Ohio board of regents;	63
(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;	64 65 66 67
(10) Any board of elections;	68
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	69 70 71
(12) The Ohio public employees deferred compensation board;	72 73
(13) The Ohio retirement study council;	74
(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school	75 76

employees retirement board, state highway patrol retirement	77
board, and state teachers retirement board;	78
(15) The industrial commission;	79
(16) The parole board;	80
(17) The board of tax appeals;	81
(18) The controlling board;	82
(19) The release authority of department of youth	83
services;	84
(20) The environmental review appeals commission;	85
(21) The Ohio ethics commission;	86
(22) The Ohio public works commission;	87
(23) The self-insuring employers evaluation board;	88
(24) The state board of deposit;	89
(25) The state employment relations board; and	90
(26) An agency that is exempted from the requirements of	91
sections 101.82 to 101.87 of the Revised Code by the agency's	92
enabling statutes-; <u>and</u>	93
<u>(27) The following agencies, deemed to have a purpose</u>	94
<u>related to federal law:</u>	95
<u>(a) The early childhood advisory council, under section</u>	96
<u>5104.50 of the Revised Code;</u>	97
<u>(b) The emergency response commission under section</u>	98
<u>3750.02 of the Revised Code;</u>	99
<u>(c) The public defender commission under section 120.01 of</u>	100
<u>the Revised Code;</u>	101

<u>(d) The homeland security advisory council under division</u>	102
<u>(E) of section 5502.011 of the Revised Code;</u>	103
<u>(e) The unemployment compensation review commission under</u>	104
<u>section 4141.06 of the Revised Code.</u>	105
(B) "Abolish" means to repeal the statutes creating and	106
empowering an agency, remove its personnel, and transfer its	107
records to the department of administrative services pursuant to	108
division (E) of section 149.331 of the Revised Code.	109
(C) "Terminate" means to amend or repeal the statutes	110
creating and empowering an agency, remove its personnel, and	111
reassign its functions and records to another agency or officer	112
designated by the general assembly.	113
(D) "Transfer" means to amend the statutes creating and	114
empowering an agency so that its functions, records, and	115
personnel are conveyed to another agency or officer.	116
(E) "Renew" means to continue an agency, and may include	117
amendment of the statutes creating and empowering the agency, or	118
recommendations for changes in agency operation or personnel.	119
Sec. 101.83. (A) It is the intent of the general assembly	120
that an agency shall expire by operation of sunset review law,	121
sections 101.82 to 101.87 of the Revised Code, four years more	122
or less after the effective date of the act that established the	123
agency. Unless renewed in accordance with division (E) of this	124
section:	125
(1) An agency created during an even-numbered general	126
assembly expires at the end of the thirty-first day of December	127
in the second year of the next odd-numbered general assembly;	128
(2) An agency created during an odd-numbered general	129

assembly expires at the end of the thirty-first day of December 130
in the second year of the next even-numbered general assembly; 131
and 132

(3) An agency renewed by a prior sunset review committee 133
expires on the expiration date specified in the act that renewed 134
the agency. 135

(B) Any act renewing an agency shall contain a distinct 136
section providing a specific expiration date for the agency in 137
accordance with this section. With respect to an agency 138
scheduled to expire through operation of sunset review law, 139
sections 101.82 to 101.87 of the Revised Code, the specific 140
expiration date shall be the thirty-first day of December in the 141
second year of a general assembly. 142

(C) If the general assembly does not renew or transfer an 143
agency on or before its expiration date, it expires on that 144
date. 145

The director of budget and management shall not authorize 146
the expenditure of any moneys for any agency on or after the 147
date of its expiration. 148

(D) The general assembly may provide by law for the 149
orderly, efficient, and expeditious conclusion of an agency's 150
business and operation. The rules, orders, licenses, contracts, 151
and other actions made, taken, granted, or performed by the 152
agency continue in effect according to their terms 153
notwithstanding the agency's abolition, unless the general 154
assembly provides otherwise by law. The general assembly may 155
provide by law for the temporary or permanent transfer of some 156
or all of a terminated or transferred agency's functions and 157
personnel to a successor agency or officer. 158

The abolition, termination, or transfer of an agency does 159
not cause the termination or dismissal of any claim pending 160
against the agency by any person, or any claim pending against 161
any person by the agency. Unless the general assembly provides 162
otherwise by law for the substitution of parties, the attorney 163
general shall succeed the agency with reference to any pending 164
claim. 165

(E) An agency may be renewed by passage of a bill that 166
continues the statutes creating and empowering the agency, that 167
amends or repeals those statutes, or that enacts new statutes, 168
to improve agency usefulness, performance, or effectiveness. 169

(F) The chairperson of an agency listed in division (A) 170
(27) of section 101.82 of the Revised Code shall notify the 171
speaker of the house of representatives and the president of the 172
senate, in the manner specified in section 101.68 of the Revised 173
Code, and shall notify the governor, if federal law is modified 174
to eliminate the purpose or necessity for the agency's 175
existence. The notification shall be in writing and include the 176
following disclosure: 177

"The agency known as the _____ was exempted from sunset 178
review law because it had a purpose related to federal law. The 179
federal law specifying that purpose has been amended or repealed 180
eliminating the purpose or necessity for the agency. The sunset 181
review committee, next convened under section 101.82 to 101.87 182
of the Revised Code, shall schedule the agency for review and 183
shall make a recommendation with respect to the agency in 184
accordance with section 101.87 of the Revised Code." 185

Sec. 113.78. The medical quality fund is created in the 186
state treasury. The fund shall consist of all money transferred 187
to it as a result of the repeal of section 3701.89 of the 188

Revised Code by this act on January 1, 2026, and requirements of 189
this act related to the repeal. The treasurer of state shall use 190
the money in the fund as directed by the general assembly. 191

Sec. 145.012. (A) "Public employee," as defined in 192
division (A) of section 145.01 of the Revised Code, does not 193
include any person: 194

(1) Who is employed by a private, temporary-help service 195
and performs services under the direction of a public employer 196
or is employed on a contractual basis as an independent 197
contractor under a personal service contract with a public 198
employer; 199

(2) Who is an emergency employee serving on a temporary 200
basis in case of fire, snow, earthquake, flood, or other similar 201
emergency; 202

(3) Who is employed in a program established pursuant to 203
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 204
U.S.C.A. 1501; 205

(4) Who is an appointed member of either the motor vehicle 206
salvage dealers board or the motor vehicle dealer's board whose 207
rate and method of payment are determined pursuant to division 208
(J) of section 124.15 of the Revised Code; 209

(5) Who is employed as an election worker and paid less 210
than six hundred dollars per calendar year for that service, 211
except for a calendar year in which more than one primary 212
election and one general election are held, the person is paid 213
six hundred dollars plus an amount not to exceed four hundred 214
dollars for that service; 215

(6) Who is employed as a firefighter in a position 216
requiring satisfactory completion of a firefighter training 217

course approved under former section 3303.07 or section 4765.55	218
of the Revised Code or conducted under section 3737.33 of the	219
Revised Code except for the following:	220
(a) Any firefighter who has elected under section 145.013	221
of the Revised Code to remain a contributing member of the	222
public employees retirement system;	223
(b) Any firefighter who was eligible to transfer from the	224
public employees retirement system to the Ohio police and fire	225
pension fund under section 742.51 or 742.515 of the Revised Code	226
and did not elect to transfer;	227
(c) Any firefighter who has elected under section 742.516	228
of the Revised Code to transfer from the Ohio police and fire	229
pension fund to the public employees retirement system.	230
(7) Who is a member of the board of health of a city or	231
general health district, which pursuant to sections 3709.051 and	232
3709.07 of the Revised Code includes a combined health district,	233
and whose compensation for attendance at meetings of the board	234
is set forth in division (B) of section 3709.02 or division (B)	235
of section 3709.05 of the Revised Code, as appropriate;	236
(8) Who participates in an alternative retirement plan	237
established under Chapter 3305. of the Revised Code;	238
(9) Who is a member of the board of directors of a	239
sanitary district established under Chapter 6115. of the Revised	240
Code;	241
(10) Who is a member of the unemployment compensation	242
advisory council;	243
(11) Who is an employee, officer, or governor-appointed	244
member of the board of directors of the nonprofit corporation	245

formed under section 187.01 of the Revised Code;	246
(12) (11) Who is employed by the nonprofit entity	247
established to provide advocacy services and a client assistance	248
program for people with disabilities under Section 319.20 of Am.	249
Sub. H.B. 153 of the 129th general assembly and whose employment	250
begins on or after October 1, 2012.	251
(B) No inmate of a correctional institution operated by	252
the department of rehabilitation and correction, no patient in a	253
hospital for persons with mental illnesses operated by the	254
department of mental health and addiction services, no resident	255
in an institution for persons with intellectual disabilities	256
operated by the department of developmental disabilities, no	257
resident admitted as a patient of a veterans' home operated	258
under Chapter 5907. of the Revised Code, and no resident of a	259
county home shall be considered as a public employee for the	260
purpose of establishing membership or calculating service credit	261
or benefits under this chapter. Nothing in this division shall	262
be construed to affect any service credit attained by any person	263
who was a public employee before becoming an inmate, patient, or	264
resident at any institution listed in this division, or the	265
payment of any benefit for which such a person or such a	266
person's beneficiaries otherwise would be eligible.	267
Sec. 146.02. (A) Each political subdivision or fire	268
district having a fire department employing volunteer fire	269
fighters is a member of the volunteer fire fighters' dependents	270
fund and shall establish a volunteer fire fighters' dependents	271
fund board.	272
(B) A private volunteer fire company which has contracted	273
to afford fire protection to a political subdivision or fire	274
district may become a member of the volunteer fire fighters'	275

dependents fund by election and shall, if it so elects, 276
establish a volunteer fire fighters' dependents fund board. The 277
company shall notify the state fire marshal and the governing 278
body of the political subdivision or fire district with which it 279
has its major contract of the election to become a member of the 280
fund. 281

(C) A volunteer fire fighters' dependents fund board is 282
not subject to sections 101.82 to 101.87 of the Revised Code. 283

Sec. 718.051. (A) Any taxpayer subject to municipal income 284
taxation with respect to the taxpayer's net profit from a 285
business or profession may file any municipal income tax return, 286
estimated municipal income tax return, or extension for filing a 287
municipal income tax return, and may make payment of amounts 288
shown to be due on such returns, by using the Ohio business 289
gateway. 290

(B) Any employer, agent of an employer, or other payer may 291
report the amount of municipal income tax withheld from 292
qualifying wages, and may make remittance of such amounts, by 293
using the Ohio business gateway. 294

(C) Nothing in this section affects the due dates for 295
filing employer withholding tax returns. 296

(D) No municipal corporation shall be required to pay any 297
fee or charge for the operation or maintenance of the Ohio 298
business gateway. 299

(E) The use of the Ohio business gateway by municipal 300
corporations, taxpayers, or other persons pursuant to this 301
section does not affect the legal rights of municipalities or 302
taxpayers as otherwise permitted by law. This state shall not be 303
a party to the administration of municipal income taxes or to an 304

appeal of a municipal income tax matter, except as otherwise 305
specifically provided by law. 306

~~(F)(1)~~(F) The tax commissioner shall adopt rules 307
establishing: 308

~~(a)(1)~~The format of documents to be used by taxpayers to 309
file returns and make payments through the Ohio business 310
gateway; and 311

~~(b)(2)~~The information taxpayers must submit when filing 312
municipal income tax returns through the Ohio business gateway. 313

The commissioner shall not adopt rules under this division 314
that conflict with the requirements of section 718.05 of the 315
Revised Code. 316

~~(2) The commissioner shall consult with the Ohio business-~~ 317
~~gateway steering committee before adopting the rules described-~~ 318
~~in division (F)(1) of this section.~~ 319

(G) Nothing in this section shall be construed as limiting 320
or removing the authority of any municipal corporation to 321
administer, audit, and enforce the provisions of its municipal 322
income tax. 323

Sec. 1731.03. (A) A small employer health care alliance 324
may do any of the following: 325

(1) Negotiate and enter into agreements with one or more 326
insurers for the insurers to offer and provide one or more 327
health benefit plans to small employers for their employees and 328
retirees, and the dependents and members of the families of such 329
employees and retirees, which coverage may be made available to 330
enrolled small employers without regard to industrial, rating, 331
or other classifications among the enrolled small employers 332

under an alliance program, except as otherwise provided under 333
the alliance program, and for the alliance to perform, or 334
contract with others for the performance of, functions under or 335
with respect to the alliance program; 336

(2) Contract with another alliance for the inclusion of 337
the small employer members of one in the alliance program of the 338
other; 339

(3) Provide or cause to be provided to small employers 340
information concerning the availability, coverage, benefits, 341
premiums, and other information regarding an alliance program 342
and promote the alliance program; 343

(4) Provide, or contract with others to provide, 344
enrollment, record keeping, information, premium billing, 345
collection and transmittal, and other services under an alliance 346
program; 347

(5) Receive reports and information from the insurer and 348
negotiate and enter into agreements with respect to inspection 349
and audit of the books and records of the insurer; 350

(6) Provide services to and on behalf of an alliance 351
program sponsored by another alliance, including entering into 352
an agreement described in division (B) of section 1731.01 of the 353
Revised Code on behalf of the other alliance; 354

(7) If it is a nonprofit corporation created under Chapter 355
1702. of the Revised Code, exercise all powers and authority of 356
such corporations under the laws of the state, or, if otherwise 357
constituted, exercise such powers and authority as apply to it 358
under the applicable laws, and its articles, regulations, 359
constitution, bylaws, or other relevant governing instruments. 360

(B) A small employer health care alliance is not and shall 361

not be regarded for any purpose of law as an insurer, an offeror 362
or seller of any insurance, a partner of or joint venturer with 363
any insurer, an agent of, or solicitor for an agent of, or 364
representative of, an insurer or an offeror or seller of any 365
insurance, an adjuster of claims, or a third-party 366
administrator, and will not be liable under or by reason of any 367
insurance coverage or other health benefit plan provided or not 368
provided by any insurer or by reason of any conditions or 369
restrictions on eligibility or benefits under an alliance 370
program or any insurance or other health benefit plan provided 371
under an alliance program or by reason of the application of 372
those conditions or restrictions. 373

(C) The promotion of an alliance program by an alliance or 374
by an insurer is not and shall not be regarded for any purpose 375
of law as the offer, solicitation, or sale of insurance. 376

(D) (1) No alliance shall adopt, impose, or enforce medical 377
underwriting rules or underwriting rules requiring a small 378
employer to have more than a minimum number of employees for the 379
purpose of determining whether an alliance member is eligible to 380
purchase a policy, contract, or plan of health insurance or 381
health benefits from any insurer in connection with the alliance 382
health care program. 383

(2) No alliance shall reject any applicant for membership 384
in the alliance based on the health status of the applicant's 385
employees or their dependents or because the small employer does 386
not have more than a minimum number of employees. 387

(3) A violation of division (D) (1) or (2) of this section 388
is deemed to be an unfair and deceptive act or practice in the 389
business of insurance under sections 3901.19 to 3901.26 of the 390
Revised Code. 391

(4) Nothing in division (D) (1) or (2) of this section 392
shall be construed as inhibiting or preventing an alliance from 393
adopting, imposing, and enforcing rules, conditions, 394
limitations, or restrictions that are based on factors other 395
than the health status of employees or their dependents or the 396
size of the small employer for the purpose of determining 397
whether a small employer is eligible to become a member of the 398
alliance. Division (D) (1) of this section does not apply to an 399
insurer that sells health coverage to an alliance member under 400
an alliance health care program. 401

(E) Except as otherwise specified in section 1731.09 of 402
the Revised Code, health benefit plans offered and sold to 403
alliance members that are small employers as defined in section 404
3924.01 of the Revised Code are subject to sections 3924.01 to 405
~~3924.14~~3924.06 of the Revised Code. 406

(F) Any person who represents an alliance in bargaining or 407
negotiating a health benefit plan with an insurer shall disclose 408
to the governing board of the alliance any direct or indirect 409
financial relationship the person has or had during the past two 410
years with the insurer. 411

Sec. 1731.05. If a qualified alliance, or an alliance 412
that, based upon evidence of interest satisfactory to the 413
superintendent of insurance, will be a qualified alliance within 414
a reasonable time, submits a request for a proposal on a health 415
benefit plan to at least three insurers and does not receive at 416
least one reasonably responsive proposal within ninety days from 417
the date the last such request is submitted, the superintendent, 418
at the request of such alliance, may require that insurers offer 419
proposals to such alliance for health benefit plans for the 420
small employers within such alliance. Such proposals shall 421

include such coverage and benefits for such premiums, as shall 422
take into account the functions provided by the alliance and the 423
economies of scale, and have other terms and provisions as are 424
approved by the superintendent, consistent with the purposes and 425
standards set forth in section 1731.02 of the Revised Code. ~~In-~~ 426
~~making the determination as to which insurers shall be asked to~~ 427
~~submit proposals under this section, the superintendent shall~~ 428
~~apply the standards set forth in division (G) (4) (a) of section~~ 429
~~3924.11 of the Revised Code.~~ Any insurer that does not submit a 430
proposal when required to do so by the superintendent hereunder, 431
shall be deemed to be in violation of section 3901.20 of the 432
Revised Code and shall be subject to all of the provisions of 433
section 3901.22 of the Revised Code, including division (D) (1) 434
of section 3901.22 of the Revised Code as if it provided that 435
the superintendent may suspend or revoke an insurer's license to 436
engage in the business of insurance. 437

Nothing in this section shall be construed as requiring an 438
insurer to enter into an agreement with an alliance under 439
contractual terms that are not acceptable to the insurer or to 440
authorize the superintendent to require an insurer to enter into 441
an agreement with an alliance under contractual terms that are 442
not acceptable to the insurer. 443

This section applies beginning eighteen months after its 444
effective date. 445

Sec. 1731.09. (A) Nothing contained in this chapter is 446
intended to or shall inhibit or prevent the application of the 447
provisions of Chapter 3924. of the Revised Code to any health 448
benefit plan or insurer to which they would otherwise apply in 449
the absence of this chapter, except as otherwise specified in 450
divisions (B) and (C) of this section or unless such application 451

conflicts with the provisions of section 1731.05 of the Revised Code. 452
453

(B) An insurer may establish one or more separate classes of business solely comprised of one or more alliances. All of the following shall apply to health plans covering small employers in each class of business established pursuant to this division: 454
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(1) The premium rate limitations set forth in section 3924.04 of the Revised Code apply to each class of business separate and apart from the insurer's other business; 459
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(2) For purposes of applying sections 3924.01 to ~~3924.14~~ 3924.06 of the Revised Code to a class of business, the base premium rate and midpoint rate shall be determined with respect to each class of business separate and apart from the insurer's other business. 462
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(3) The midpoint rate for a class of business shall not exceed the midpoint rate for any other class of business or the insurer's non-alliance business by more than fifteen per cent. 467
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(4) The insurer annually shall file with the superintendent of insurance an actuarial certification consistent with section 3924.06 of the Revised Code for each class of business demonstrating that the underwriting and rating methods of the insurer do all of the following: 470
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474

(a) Comply with accepted actuarial practices; 475

(b) Are uniformly applied to health benefit plans covering small employers within the class of business; 476
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(c) Comply with the applicable provisions of this section and sections 3924.01 to ~~3924.14~~ 3924.06 of the Revised Code. 478
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(5) An insurer shall apply sections 3924.01 to ~~3924.14~~ 480
3924.06 of the Revised Code to the insurer's non-alliance 481
business and coverage sold through alliances not established as 482
a separate class of business. 483

(6) An insurer shall file with the superintendent a 484
notification identifying any alliance or alliances to be treated 485
as a separate class of business at least sixty days prior to the 486
date the rates for that class of business take effect. 487

(7) Any application for a certificate of authority filed 488
pursuant to section 1731.021 of the Revised Code shall include a 489
disclosure as to whether the alliance will be underwritten or 490
rated as part of a separate class of business. 491

(C) As used in this section: 492

(1) "Class of business" means a group of small employers, 493
as defined in section 3924.01 of the Revised Code, that are 494
enrolled employers in one or more alliances. 495

(2) "Actuarial certification," "base premium rate," and 496
"midpoint rate" have the same meanings as in section 3924.01 of 497
the Revised Code. 498

Sec. 1739.05. (A) A multiple employer welfare arrangement 499
that is created pursuant to sections 1739.01 to 1739.22 of the 500
Revised Code and that operates a group self-insurance program 501
may be established only if any of the following applies: 502

(1) The arrangement has and maintains a minimum enrollment 503
of three hundred employees of two or more employers. 504

(2) The arrangement has and maintains a minimum enrollment 505
of three hundred self-employed individuals. 506

(3) The arrangement has and maintains a minimum enrollment 507

of three hundred employees or self-employed individuals in any 508
combination of divisions (A) (1) and (2) of this section. 509

(B) A multiple employer welfare arrangement that is 510
created pursuant to sections 1739.01 to 1739.22 of the Revised 511
Code and that operates a group self-insurance program shall 512
comply with all laws applicable to self-funded programs in this 513
state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 514
3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 515
3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 516
3923.30, 3923.301, 3923.38, ~~3923.581~~, 3923.602, 3923.63, 517
3923.80, 3923.84, 3923.85, 3923.851, 3923.86, 3923.87, 3923.89, 518
3923.90, 3924.031, 3924.032, and 3924.27 of the Revised Code. 519

(C) A multiple employer welfare arrangement created 520
pursuant to sections 1739.01 to 1739.22 of the Revised Code 521
shall solicit enrollments only through agents or solicitors 522
licensed pursuant to Chapter 3905. of the Revised Code to sell 523
or solicit sickness and accident insurance. 524

(D) A multiple employer welfare arrangement created 525
pursuant to sections 1739.01 to 1739.22 of the Revised Code 526
shall provide benefits only to individuals who are members, 527
employees of members, or the dependents of members or employees, 528
or are eligible for continuation of coverage under section 529
1751.53 or 3923.38 of the Revised Code or under Title X of the 530
"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 531
Stat. 227, 29 U.S.C.A. 1161, as amended. 532

(E) A multiple employer welfare arrangement created 533
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 534
subject to, and shall comply with, sections 3903.81 to 3903.93 535
of the Revised Code in the same manner as other life or health 536
insurers, as defined in section 3903.81 of the Revised Code. 537

Sec. 1751.18. (A) (1) No health insuring corporation shall 538
cancel or fail to renew the coverage of a subscriber or enrollee 539
because of any health status-related factor in relation to the 540
subscriber or enrollee, the subscriber's or enrollee's 541
requirements for health care services, or for any other reason 542
designated under rules adopted by the superintendent of 543
insurance. 544

(2) Unless otherwise required by state or federal law, no 545
health insuring corporation, or health care facility or provider 546
through which the health insuring corporation has made 547
arrangements to provide health care services, shall discriminate 548
against any individual with regard to enrollment, disenrollment, 549
or the quality of health care services rendered, on the basis of 550
the individual's race, color, sex, age, religion, military 551
status as defined in section 4112.01 of the Revised Code, or 552
status as a recipient of medicare or medicaid, or any health 553
status-related factor in relation to the individual. However, a 554
health insuring corporation shall not be required to accept a 555
recipient of medicare or medical assistance, if an agreement has 556
not been reached on appropriate payment mechanisms between the 557
health insuring corporation and the governmental agency 558
administering these programs. Further, ~~except for open~~ 559
~~enrollment coverage under sections 3923.58 and 3923.581 of the~~ 560
~~Revised Code and except~~ as provided in section 1751.65 of the 561
Revised Code, a health insuring corporation may reject an 562
applicant for nongroup enrollment on the basis of any health 563
status-related factor in relation to the applicant. 564

(B) A health insuring corporation may cancel or decide not 565
to renew the coverage of an enrollee if the enrollee has 566
performed an act or practice that constitutes fraud or 567
intentional misrepresentation of material fact under the terms 568

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 596
officers. The board shall appoint a director on recommendation 597
of the president of the university. ~~There shall be an advisory~~ 598
~~committee of seven members appointed by the board of which~~ 599
~~committee the director shall be ex officio a member, and~~ 600
~~chairperson, said director, and the other six members to be~~ 601
~~chosen from the faculty of the college of engineering. The term~~ 602
~~of these members shall be for three years. The director and~~ 603
~~advisory committee~~ shall select suitable subjects for 604
investigation, apportion the available funds, and with the 605
consent of the board may provide for the dissemination of the 606
results to the people of the state. 607

Sec. 3335.29. The engineering experiment station of the 608
Ohio state university shall not be conducted for the private or 609
personal gain of anyone connected with it, or for the sole 610
benefit of any individual, firm, or corporation. 611

Any commission, board, bureau, or department of the state, 612
or any institution owned by the state, may seek assistance from 613
the station, and such requests shall have precedence over all 614
other outside requests. The ~~advisory committee~~ director of the 615
station may decline such requests or require that the expense of 616
such investigations be borne in part or in whole by the 617
commission, board, bureau, or department of state, or 618
institution owned by the state, making such requests. 619

Any individual, firm, or corporation may seek the 620
assistance of the station; the ~~advisory committee of said~~ 621
~~station~~ director may decline to render such assistance or may 622
require that any expense incidental to such assistance be borne 623
in part or in whole by the individual, firm, or corporation 624
seeking such assistance, and the ~~advisory committee of the~~ 625

~~station director~~ may publish the results of such investigations. 626

~~Sections 3335.25 to 3335.29 of the Revised Code, do not~~ 627
~~limit the powers of the advisory committee of the station to~~ 628
~~carry on lines of investigation upon its own initiative.~~ 629

Sec. 3506.04. (A) If it is impracticable to supply each 630
election precinct with voting machines or marking devices for 631
use at the next election following the adoption of such 632
equipment, as many shall be supplied for that election and the 633
succeeding elections as it is practicable to procure either by 634
purchase or lease, or by a combination of both, and such 635
equipment may be used in election precincts within the county as 636
the board of elections directs until such time as it is 637
practicable to provide the total number of voting machines or 638
marking devices necessary to supply all precincts within the 639
county, provided that the total number of voting machines or 640
marking devices necessary to supply all precincts shall be 641
procured by purchase or lease, or by a combination of both as 642
soon as practicable after their adoption. 643

(B) The board of elections shall be charged with the 644
custody of all equipment acquired by the county, and shall see 645
that all such equipment is kept in proper working order and in 646
good repair. The board of county commissioners of any county or 647
the board of elections, upon recommendation of the board of 648
elections, may, prior to the adoption of such equipment, acquire 649
by purchase or lease or by loan, for the experimental use in a 650
limited number of precincts, such equipment, and such 651
experimental use shall be valid for all purposes as if such 652
equipment had been formally adopted, provided that such 653
equipment has been approved by the board of voting ~~machine-~~ 654
systems examiners for experimental use. 655

(C) All equipment acquired by any county by any of the 656
methods provided for in this section shall be exempt from levy 657
and taxation. 658

Sec. 3506.05. (A) As used in this section: 659

(1) "Electronic pollbook" means an electronic list of 660
registered voters for a particular precinct or polling location 661
that may be transported to a polling location. 662

(2) Except when used as part of the phrase "tabulating 663
equipment" or "automatic tabulating equipment," "equipment" 664
means a voting machine, marking device, automatic tabulating 665
equipment, software, or an electronic pollbook. 666

(3) "Vendor" means the person that owns, manufactures, 667
distributes, or has the legal right to control the use of 668
equipment, or the person's agent. 669

(B) No voting machine, marking device, automatic 670
tabulating equipment, or software for the purpose of casting or 671
tabulating votes or for communications among systems involved in 672
the tabulation, storage, or casting of votes, and no electronic 673
pollbook, shall be purchased, leased, put in use, or continued 674
to be used, except for experimental use as provided in division 675
(B) of section 3506.04 of the Revised Code, unless it, a manual 676
of procedures governing its use, and training materials, 677
service, and other support arrangements have been certified by 678
the secretary of state and unless the board of elections of each 679
county where the equipment will be used has assured that a 680
demonstration of the use of the equipment has been made 681
available to all interested electors. The secretary of state 682
shall appoint a board of voting ~~machine~~-systems examiners to 683
examine and approve equipment and its related manuals and 684

support arrangements. The board shall consist of four voting 685
members and one nonvoting member, who shall be appointed as 686
follows: 687

(1) Two members appointed by the secretary of state~~;~~ 688

(2) One member appointed by either the speaker of the 689
house of representatives or the minority leader of the house of 690
representatives, whichever is a member of the opposite political 691
party from the one to which the secretary of state belongs~~;~~ 692

(3) One member appointed by either the president of the 693
senate or the minority leader of the senate, whichever is a 694
member of the opposite political party from the one to which the 695
secretary of state belongs; 696

(4) The secretary of state also shall appoint a 697
cybersecurity expert, who shall serve as a nonvoting member of 698
the board. 699

In all cases of a tie vote or a disagreement in the board, 700
if no decision can be arrived at, the board shall submit the 701
matter in controversy to the secretary of state, who shall 702
summarily decide the question, and the secretary of state's 703
decision shall be final. Each member of the board shall be a 704
competent and experienced election officer or a person who is 705
knowledgeable about the operation of voting equipment and shall 706
serve during the secretary of state's term. Any vacancy on the 707
board shall be filled in the same manner as the original 708
appointment. The secretary of state shall provide staffing 709
assistance to the board, at the board's request. 710

For the member's service, each member of the board shall 711
receive three hundred dollars per day for each combination of 712
marking device, tabulating equipment, voting machine, or 713

electronic pollbook examined and reported, but in no event shall 714
a member receive more than six hundred dollars to examine and 715
report on any one marking device, item of tabulating equipment, 716
voting machine, or electronic pollbook. Each member of the board 717
shall be reimbursed for expenses the member incurs during an 718
examination or during the performance of any related duties that 719
may be required by the secretary of state. Reimbursement of 720
these expenses shall be made in accordance with, and shall not 721
exceed, the rates provided for under section 126.31 of the 722
Revised Code. 723

Neither the secretary of state nor the board, nor any 724
public officer who participates in the authorization, 725
examination, testing, or purchase of equipment, shall have any 726
pecuniary interest in the equipment or any affiliation with the 727
vendor. 728

(C) (1) A vendor who desires to have the secretary of state 729
certify equipment shall first submit the equipment, all current 730
related procedural manuals, and a current description of all 731
related support arrangements to the board of voting machine 732
examiners for examination, testing, and approval. The submission 733
shall be accompanied by a fee of two thousand four hundred 734
dollars and a detailed explanation of the construction and 735
method of operation of the equipment, a full statement of its 736
advantages, and a list of the patents and copyrights used in 737
operations essential to the processes of vote recording and 738
tabulating, vote storage, system security, pollbook storage and 739
security, and other crucial operations of the equipment as may 740
be determined by the board. An additional fee, in an amount to 741
be set by rules promulgated by the board, may be imposed to pay 742
for the costs of alternative testing or testing by persons other 743
than board members, record-keeping, and other extraordinary 744

costs incurred in the examination process. Moneys not used shall 745
be returned to the person or entity submitting the equipment for 746
examination. 747

(2) Fees collected by the secretary of state under this 748
section shall be deposited into the state treasury to the credit 749
of the board of voting machine examiners fund, which is hereby 750
created. All moneys credited to this fund shall be used solely 751
for the purpose of paying for the services and expenses of each 752
member of the board or for other expenses incurred relating to 753
the examination, testing, reporting, or certification of 754
equipment, the performance of any related duties as required by 755
the secretary of state, or the reimbursement of any person 756
submitting an examination fee as provided in this chapter. 757

(D) Within sixty days after the submission of the 758
equipment and payment of the fee, or as soon thereafter as is 759
reasonably practicable, but in any event within not more than 760
ninety days after the submission and payment, the board of 761
voting ~~machine~~-systems examiners shall examine the equipment and 762
file with the secretary of state a written report on the 763
equipment with its recommendations and, if applicable, its 764
determination or condition of approval regarding whether the 765
equipment, manual, and other related materials or arrangements 766
meet the criteria set forth in sections 3506.07 and 3506.10 of 767
the Revised Code and can be safely used by the voters at 768
elections under the conditions prescribed in Title XXXV of the 769
Revised Code, or a written statement of reasons for which 770
testing requires a longer period. The board may grant temporary 771
approval for the purpose of allowing experimental use of 772
equipment. If the board finds that the equipment meets any 773
applicable criteria set forth in sections 3506.06, 3506.07, and 774
3506.10 of the Revised Code, can be used safely and, if 775

applicable, can be depended upon to record and count accurately 776
and continuously the votes of electors, and has the capacity to 777
be warranted, maintained, and serviced, it shall approve the 778
equipment and recommend that the secretary of state certify the 779
equipment. The secretary of state shall notify all boards of 780
elections of any such certification. Equipment of the same model 781
and make, if it operates in an identical manner, may then be 782
adopted for use at elections. 783

(E) The vendor shall notify the secretary of state, who 784
shall then notify the board of voting ~~machine~~-systems examiners, 785
of any enhancement and any significant adjustment to the 786
hardware or software that could result in a patent or copyright 787
change or that significantly alters the methods of recording 788
voter intent, system security, voter privacy, retention of the 789
vote, communication of records, and connections between the 790
system and other systems. The vendor shall provide the secretary 791
of state with an updated operations manual for the equipment, 792
and the secretary of state shall forward the manual to the 793
board. Upon receiving such a notification and manual, the board 794
may require the vendor to submit the equipment to an examination 795
and test in order for the equipment to remain certified. The 796
board or the secretary of state shall periodically examine, 797
test, and inspect certified equipment to determine continued 798
compliance with the requirements of this chapter and the initial 799
certification. Any examination, test, or inspection conducted 800
for the purpose of continuing certification of any equipment in 801
which a significant problem has been uncovered or in which a 802
record of continuing problems exists shall be performed pursuant 803
to divisions (C) and (D) of this section, in the same manner as 804
the examination, test, or inspection is performed for initial 805
approval and certification. 806

(F) If, at any time after the certification of equipment, 807
the board of voting ~~machine-systems~~ examiners or the secretary 808
of state is notified by a board of elections of any significant 809
problem with the equipment or determines that the equipment 810
fails to meet the requirements necessary for approval or 811
continued compliance with the requirements of this chapter, or 812
if the board of voting ~~machine-systems~~ examiners determines that 813
there are significant enhancements or adjustments to the 814
hardware or software, or if notice of such enhancements or 815
adjustments has not been given as required by division (E) of 816
this section, the secretary of state shall notify the users and 817
vendors of that equipment that certification of the equipment 818
may be withdrawn. 819

(G) (1) The notice given by the secretary of state under 820
division (F) of this section shall be in writing and shall 821
specify both of the following: 822

(a) The reasons why the certification may be withdrawn; 823

(b) The date on which certification will be withdrawn 824
unless the vendor takes satisfactory corrective measures or 825
explains why there are no problems with the equipment or why the 826
enhancements or adjustments to the equipment are not 827
significant. 828

(2) A vendor who receives a notice under division (F) of 829
this section shall, within thirty days after receiving it, 830
submit to the board of voting ~~machine-systems~~ examiners in 831
writing a description of the corrective measures taken and the 832
date on which they were taken, or the explanation required under 833
division (G) (1) (b) of this section. 834

(3) Not later than fifteen days after receiving a written 835

description or explanation under division (G) (2) of this section 836
from a vendor, the board shall determine whether the corrective 837
measures taken or the explanation is satisfactory to allow 838
continued certification of the equipment, and the secretary of 839
state shall send the vendor a written notice of the board's 840
determination, specifying the reasons for it. If the board has 841
determined that the measures taken or the explanation given is 842
unsatisfactory, the notice shall include the effective date of 843
withdrawal of the certification. This date may be different from 844
the date originally specified in division (G) (1) (b) of this 845
section. 846

(4) A vendor who receives a notice under division (G) (3) 847
of this section indicating a decision to withdraw certification 848
may, within thirty days after receiving it, request in writing 849
that the board hold a hearing to reconsider its decision. Any 850
interested party shall be given the opportunity to submit 851
testimony or documentation in support of or in opposition to the 852
board's recommendation to withdraw certification. Failure of the 853
vendor to take appropriate steps as described in division (G) (1) 854
(b) or to comply with division (G) (2) of this section results in 855
a waiver of the vendor's rights under division (G) (4) of this 856
section. 857

(H) (1) The secretary of state, in consultation with the 858
board of voting ~~machine~~ systems examiners, shall establish, by 859
rule, guidelines for the approval, certification, and continued 860
certification of the voting machines, marking devices, 861
tabulating equipment, and electronic pollbooks to be used under 862
Title XXXV of the Revised Code. The guidelines shall establish 863
procedures requiring vendors or computer software developers to 864
place in escrow with an independent escrow agent approved by the 865
secretary of state a copy of all source code and related 866

documentation, together with periodic updates as they become 867
known or available. The secretary of state shall require that 868
the documentation include a system configuration and that the 869
source code include all relevant program statements in low- or 870
high-level languages. As used in this division, "source code" 871
does not include variable codes created for specific elections. 872

(2) Nothing in any rule adopted under division (H) of this 873
section shall be construed to limit the ability of the secretary 874
of state to follow or adopt, or to preclude the secretary of 875
state from following or adopting, any guidelines proposed by the 876
federal election commission, any entity authorized by the 877
federal election commission to propose guidelines, the election 878
assistance commission, or any entity authorized by the election 879
assistance commission to propose guidelines. 880

(3) (a) Before the initial certification of any direct 881
recording electronic voting machine with a voter verified paper 882
audit trail, and as a condition for the continued certification 883
and use of those machines, the secretary of state shall 884
establish, by rule, standards for the certification of those 885
machines. Those standards shall include, but are not limited to, 886
all of the following: 887

(i) A definition of a voter verified paper audit trail as 888
a paper record of the voter's choices that is verified by the 889
voter prior to the casting of the voter's ballot and that is 890
securely retained by the board of elections; 891

(ii) Requirements that the voter verified paper audit 892
trail shall not be retained by any voter and shall not contain 893
individual voter information; 894

(iii) A prohibition against the production by any direct 895

recording electronic voting machine of anything that legally 896
could be removed by the voter from the polling place, such as a 897
receipt or voter confirmation; 898

(iv) A requirement that paper used in producing a voter 899
verified paper audit trail be sturdy, clean, and resistant to 900
degradation; 901

(v) A requirement that the voter verified paper audit 902
trail shall be capable of being optically scanned for the 903
purpose of conducting a recount or other audit of the voting 904
machine and shall be readable in a manner that makes the voter's 905
ballot choices obvious to the voter without the use of computer 906
or electronic codes; 907

(vi) A requirement, for office-type ballots, that the 908
voter verified paper audit trail include the name of each 909
candidate selected by the voter; 910

(vii) A requirement, for questions and issues ballots, 911
that the voter verified paper audit trail include the title of 912
the question or issue, the name of the entity that placed the 913
question or issue on the ballot, and the voter's ballot 914
selection on that question or issue, but not the entire text of 915
the question or issue. 916

(b) The secretary of state, by rule adopted under Chapter 917
119. of the Revised Code, may waive the requirement under 918
division (H) (3) (a) (v) of this section, if the secretary of state 919
determines that the requirement is cost prohibitive. 920

(4) (a) Except as otherwise provided in divisions (H) (4) (b) 921
and (c) of this section, any voting machine, marking device, or 922
automatic tabulating equipment used in this state shall meet, as 923
a condition of continued certification and use, the voting 924

system standards adopted by the federal election commission in 925
2002 or the voluntary voting system guidelines most recently 926
adopted by the federal election assistance commission. A voting 927
machine, marking device, or automatic tabulating equipment 928
initially certified or acquired on or after December 1, 2008, 929
also shall have the most recent federal certification number 930
issued by the election assistance commission. 931

(b) Division (H) (4) (a) of this section does not apply to 932
any voting machine, marking device, or automatic tabulating 933
equipment that the federal election assistance commission does 934
not certify as part of its testing and certification program. 935

(c) A county that acquires additional voting machines, 936
marking devices, or automatic tabulating equipment on or after 937
December 1, 2008, shall not be considered to have acquired those 938
machines, devices, or equipment on or after December 1, 2008, 939
for the purpose of division (H) (4) (a) of this section if all of 940
the following apply: 941

(i) The voting machines, marking devices, or automatic 942
tabulating equipment acquired are the same as the machines, 943
devices, or equipment currently used in that county. 944

(ii) The acquisition of the voting machines, marking 945
devices, or automatic tabulating equipment does not replace or 946
change the primary voting system used in that county. 947

(iii) The acquisition of the voting machines, marking 948
devices, or automatic tabulating equipment is for the purpose of 949
replacing inoperable machines, devices, or equipment or for the 950
purpose of providing additional machines, devices, or equipment 951
required to meet the allocation requirements established 952
pursuant to division (I) of section 3501.11 of the Revised Code. 953

Sec. 3506.06. No marking device shall be approved by the 954
board of voting ~~machine~~-systems examiners or certified by the 955
secretary of state, or be purchased, rented, or otherwise 956
acquired, or used, unless it fulfills the following 957
requirements: 958

(A) It shall permit and require voting in absolute 959
secrecy, and shall be so constructed that no person can see or 960
know for whom any other elector has voted or is voting, except 961
an elector who is assisting a voter as prescribed by section 962
3505.24 of the Revised Code. 963

(B) It shall permit each elector to vote at any election 964
for all persons and offices for whom and for which the elector 965
is lawfully entitled to vote, whether or not the name of any 966
such person appears on a ballot as a candidate; to vote for as 967
many persons for an office as the elector is entitled to vote 968
for; and to vote for or against any question upon which the 969
elector is entitled to vote. 970

(C) It shall permit each elector to write in the names of 971
persons for whom the elector desires to vote, whose names do not 972
appear upon the ballot, if such write-in candidates are 973
permitted by law. 974

(D) It shall permit each elector, at all presidential 975
elections, by one mark to vote for candidates of one party for 976
president, vice president, and presidential electors. 977

(E) It shall be durably constructed of material of good 978
quality in a neat and workerlike manner, and in form that shall 979
make it safely transportable. 980

(F) It shall be so constructed that a voter may readily 981
learn the method of operating it and may expeditiously cast the 982

voter's vote for all candidates of the voter's choice. 983

(G) It shall not provide to a voter any type of receipt or 984
voter confirmation that the voter legally may retain after 985
leaving the polling place. 986

Sec. 3506.07. No automatic tabulating equipment shall be 987
approved by the board of voting ~~machine~~-systems examiners or 988
certified by the secretary of state, or be purchased, rented, or 989
otherwise acquired, or used, unless it has been or is capable of 990
being manufactured for use and distribution beyond a prototype 991
and can be set by election officials, to examine ballots and to 992
count votes accurately for each candidate, question, and issue, 993
excluding any ballots marked contrary to the instructions 994
printed on such ballots, provided that such equipment shall not 995
be required to count write-in votes or the votes on any ballots 996
that have been voted other than at the regular polling place on 997
election day. 998

Sec. 3506.10. No voting machine shall be approved by the 999
board of voting ~~machine~~-systems examiners or certified by the 1000
secretary of state, or be purchased, rented, or otherwise 1001
acquired, or used, except when specifically allowed for 1002
experimental use, as provided in section 3506.04 of the Revised 1003
Code, unless it fulfills the following requirements: 1004

(A) It shall permit and require voting in absolute 1005
secrecy, and shall be so constructed that no person can see or 1006
know for whom any other elector has voted or is voting, except 1007
an elector who is assisting a voter as prescribed by section 1008
3505.24 of the Revised Code. 1009

(B) It shall permit each elector to vote at any election 1010
for all persons and offices for whom and for which the elector 1011

is lawfully entitled to vote, whether or not the name of any 1012
such person appears on a ballot label as a candidate; to vote 1013
for as many persons for an office as the elector is entitled to 1014
vote for; and to vote for or against any question upon which the 1015
elector is entitled to vote. 1016

(C) It shall preclude each elector from voting for any 1017
candidate or upon any question for whom or upon which the 1018
elector is not entitled to vote, from voting for more persons 1019
for any office than the elector is entitled to vote for, and 1020
from voting for any candidates for the same office or upon any 1021
question more than once. 1022

(D) It shall permit each voter to deposit, write in, or 1023
affix, upon devices provided for that purpose, ballots 1024
containing the names of persons for whom the voter desires to 1025
vote, whose names do not appear upon the voting machine. Those 1026
devices shall be susceptible of identification as to party 1027
affiliations when used at a primary election. 1028

(E) It shall permit each elector to change the elector's 1029
vote for any candidate or upon any question appearing upon the 1030
ballot labels, up to the time the elector starts to register the 1031
elector's vote. 1032

(F) It shall permit each elector, at all presidential 1033
elections, by one device to vote for candidates of one party for 1034
president, vice-president, and presidential electors. 1035

(G) It shall be capable of adjustment by election officers 1036
so as to permit each elector, at a primary election, to vote 1037
only for the candidates of the party with which the elector has 1038
declared the elector's affiliation and shall preclude the 1039
elector from voting for any candidate seeking nomination by any 1040

other political party; and to vote for the candidates for 1041
nonpartisan nomination or election. 1042

(H) It shall have separate voting devices for candidates 1043
and questions, which shall be arranged in separate rows or 1044
columns. It shall be so arranged that one or more adjacent rows 1045
or columns may be assigned to the candidates of each political 1046
party at primary elections. 1047

(I) It shall have a counter, or other device, the register 1048
of which is visible from the outside of the machine, and which 1049
will show at any time during the voting the total number of 1050
electors who have voted; and also a protective counter, or other 1051
device, the register of which cannot be reset, which will record 1052
the cumulative total number of movements of the internal 1053
counters. 1054

(J) It shall be provided with locks and seals by the use 1055
of which, immediately after the polls are closed or the 1056
operation of the machine for an election is completed, no 1057
further changes to the internal counters can be allowed. 1058

(K) It shall have the capacity to contain the names of 1059
candidates constituting the tickets of at least five political 1060
parties, and independent groups and such number of questions not 1061
exceeding fifteen as the secretary of state shall specify. 1062

(L) It shall be durably constructed of material of good 1063
quality in a neat and workerlike manner, and in form that shall 1064
make it safely transportable. 1065

(M) It shall be so constructed that a voter may readily 1066
learn the method of operating it, may expeditiously cast a vote 1067
for all candidates of the voter's choice, and when operated 1068
properly shall register and record correctly and accurately 1069

every vote cast. 1070

(N) It shall be provided with a screen, hood, or curtain, 1071
which will conceal the voter while voting. During the voting, it 1072
shall preclude every person from seeing or knowing the number of 1073
votes registered for any candidate or question and from 1074
tampering with any of the internal counters. 1075

(O) It shall not provide to a voter any type of receipt or 1076
voter confirmation that the voter legally may retain after 1077
leaving the polling place. 1078

(P) On and after the first federal election that occurs 1079
after January 1, 2006, unless required sooner by the Help 1080
America Vote Act of 2002, if the voting machine is a direct 1081
recording electronic voting machine, it shall include a voter 1082
verified paper audit trail. 1083

Before any voting machine is purchased, rented, or 1084
otherwise acquired, or used, the person or corporation owning or 1085
manufacturing that machine or having the legal right to control 1086
the use of that machine shall give an adequate guarantee in 1087
writing and post a bond in an amount sufficient to cover the 1088
cost of any recount or new election resulting from or directly 1089
related to the use or malfunction of the equipment, accompanied 1090
by satisfactory surety, all as determined by the secretary of 1091
state, with the board of county commissioners, guaranteeing and 1092
securing that those machines have been and continue to be 1093
certified by the secretary of state in accordance with section 1094
3506.05 of the Revised Code, comply fully with the requirements 1095
of this section, and will correctly, accurately, and 1096
continuously register and record every vote cast, and further 1097
guaranteeing those machines against defects in workmanship and 1098
materials for a period of five years from the date of their 1099

acquisition. 1100

Sec. 3701.931. The director of health, through the Ohio 1101
violent death reporting system, shall do all of the following 1102
regarding violent death information, data, and records 1103
maintained in the system: 1104

(A) Monitor the incidence and causes of the various types 1105
of violent deaths; 1106

(B) Make appropriate epidemiologic studies of the violent 1107
deaths; 1108

(C) Analyze trends and patterns in, and circumstances 1109
related to, the violent deaths; 1110

(D) ~~With the assistance of the advisory group established~~ 1111
~~pursuant to section 3701.932 of the Revised Code, recommend~~ 1112
Recommend actions to relevant entities to prevent violent deaths 1113
and make any other such recommendations the director of health 1114
determines necessary. 1115

(E) For years in which the department of health receives 1116
sufficient federal funding for the Ohio violent death reporting 1117
system, prepare and publish a report summarizing the activities 1118
of the Ohio violent death reporting system as set forth in this 1119
section on or before the first day of October of the following 1120
year. The director shall submit a copy of the report to the 1121
general assembly in accordance with section 101.68 of the 1122
Revised Code, to the governor, and the chairpersons of the 1123
committees of the general assembly having primary jurisdiction 1124
over issues relating to health care. 1125

Sec. 3743.53. (A) The fire marshal shall adopt rules in 1126
accordance with Chapter 119. of the Revised Code that establish 1127
qualifications that all applicants for licensure as an exhibitor 1128

of fireworks shall satisfy. These rules shall be designed to 1129
provide a reasonable degree of assurance that individuals 1130
conducting public fireworks exhibitions in this state are 1131
proficient in handling and discharging fireworks, are capable of 1132
handling the responsibilities associated with exhibitions as 1133
prescribed by rule of the fire marshal pursuant to divisions (B) 1134
and (E) of this section or as prescribed by sections 3743.50 to 1135
3743.55 of the Revised Code, and will conduct fireworks 1136
exhibitions in a manner that emphasizes the safety and security 1137
of the public. The rules shall be consistent with sections 1138
3743.50 to 3743.55 of the Revised Code and may include, in 1139
addition to other requirements prescribed by the fire marshal, a 1140
requirement that the applicant for licensure successfully 1141
complete a written examination or otherwise successfully 1142
demonstrate its proficiency in the handling and discharging of 1143
fireworks in a safe manner and its ability to handle the 1144
responsibilities associated with exhibitions. 1145

(B) The fire marshal shall adopt rules in accordance with 1146
Chapter 119. of the Revised Code that govern the nature and 1147
conduct of public fireworks exhibitions by licensed exhibitors 1148
of fireworks. These rules shall be designed to promote the 1149
safety and security of persons viewing a fireworks exhibition, 1150
to promote the safety of persons who, although not viewing an 1151
exhibition, could be affected by fireworks used at it, and to 1152
promote the safety and security of exhibitors and their 1153
assistants. 1154

The rules shall be consistent with sections 3743.50 to 1155
3743.55 of the Revised Code; except as otherwise provided in 1156
this section, shall be substantially equivalent to the most 1157
recent versions of chapters 1123, 1124, and 1126 of the most 1158
recent national fire protection association standards; and shall 1159

apply to, but not be limited to, the following subject matters:	1160
(1) The construction of shells used in a fireworks exhibition;	1161 1162
(2) Except as the storage and securing of fireworks is addressed by the rules adopted under division (E) of this section, the storage, securing, and supervision of fireworks pending their use in, and during the course of, a fireworks exhibition, and inspections by exhibitors of fireworks to be used in an exhibition prior to their use. These rules shall regulate, among other relevant matters, the storage of fireworks in manners that will effectively eliminate or reduce the likelihood of the fireworks becoming wet or being exposed to flame, and appropriate distances between storage sites and the sites at which fireworks will be discharged.	1163 1164 1165 1166 1167 1168 1169 1170 1171 1172 1173
(3) The installation and nature of mortars used in a fireworks exhibition, and inspections by exhibitors of mortars prior to their use;	1174 1175 1176
(4) Minimum distances between storage sites, discharge sites, spectator viewing sites, parking areas, and potential landing areas of fireworks, and minimum distances between discharge sites, potential landing areas, and residential or other types of buildings or structures;	1177 1178 1179 1180 1181
(5) The nature of discharge sites and potential landing sites;	1182 1183
(6) Fire protection, the use and location of monitors for crowd control, the use of fences and rope barriers for crowd control, illumination, smoking and the use of open flame, and posting of warning signs concerning smoking or the use of open flame in connection with fireworks exhibitions. These rules may	1184 1185 1186 1187 1188

provide some authority to local officials in determining 1189
adequate fire protection, and numbers and locations of monitors. 1190

(7) Procedures to be followed in the discharging of 1191
fireworks; 1192

(8) Weather and crowd-related conditions under which 1193
fireworks may and may not be discharged, including circumstances 1194
under which exhibitions should be postponed; 1195

(9) Inspections of premises following a fireworks 1196
exhibition for purposes of locating and disposing of defective 1197
or unexploded fireworks. Inspections shall be required 1198
immediately following an exhibition, and, if an exhibition is 1199
conducted at night, also at sunrise the following morning. 1200

(C) All mortars used in a fireworks exhibition that are 1201
greater than or equal to eight inches in diameter shall be 1202
equipped with electronic ignition equipment in accordance with 1203
chapter 1123 of the most recent edition of the national fire 1204
protection association standards. 1205

(D) Only persons who are employees of licensed exhibitors 1206
of fireworks and who are registered with the fire marshal under 1207
section 3743.56 of the Revised Code shall be permitted within 1208
the discharge perimeter of an exhibition. 1209

(E) (1) The fire marshal shall adopt rules in accordance 1210
with Chapter 119. of the Revised Code and consistent with 1211
division (E) (3) of this section that establish both of the 1212
following: 1213

(a) Uniform standards for the stability and securing of 1214
fireworks storage racks used at a fireworks exhibition; 1215

(b) A detailed checklist that a fire chief or fire 1216

prevention officer, in consultation with a police chief or other 1217
similar chief law enforcement officer of a municipal 1218
corporation, township, or township or joint police district or 1219
with a designee of such a police chief or other similar chief 1220
law enforcement officer, shall complete, while conducting the 1221
inspection required under division (C) of section 3743.54 of the 1222
Revised Code at the premises at which a fireworks exhibition 1223
will take place, to ensure that the exhibition will comply with 1224
all applicable requirements of this chapter, and all applicable 1225
rules adopted under this chapter, that regulate the conduct of a 1226
fireworks exhibition. 1227

(2) Each licensed exhibitor of fireworks shall comply with 1228
the rules that the fire marshal adopts under division (E) (1) (a) 1229
of this section. 1230

~~(3) Prior to the fire marshal's adoption of the rules 1231
referred to in divisions (E) (1) (a) and (b) of this section, the 1232
director of commerce shall appoint a committee consisting of the 1233
fire marshal, three representatives of the fireworks industry, 1234
and three representatives of the fire service industry to assist 1235
the fire marshal in adopting those rules. The fire marshal shall 1236
adopt initial rules under those divisions by not later than May 1237
1, 2001. 1238~~

(F) A fire chief or fire prevention officer, in 1239
consultation with a police chief or other similar chief law 1240
enforcement officer of a municipal corporation, township, or 1241
township or joint police district or with a designee of such a 1242
police chief or other similar chief law enforcement officer, 1243
shall conduct the inspection referred to in division (E) (1) (b) 1244
of this section, complete the checklist referred to in division 1245
(E) (1) (b) of this section while conducting the inspection, and 1246

provide a copy of the completed checklist to the fire marshal. 1247

(G) A designee, if any, designated by a police chief or 1248
other similar chief law enforcement officer under this section 1249
or section 3743.54 of the Revised Code shall be a law 1250
enforcement officer serving in the same law enforcement agency 1251
as the police chief or other similar chief law enforcement 1252
officer. 1253

Sec. 3745.21. (A) There is hereby created within the 1254
environmental protection agency the Ohio environmental education 1255
fund advisory council consisting of the directors of 1256
environmental protection, natural resources, and education and 1257
workforce, or their designees, as members ex officio, one member 1258
of the house of representatives to be appointed by the speaker 1259
of the house of representatives or the member's designee, one 1260
member of the senate to be appointed by the president of the 1261
senate or the member's designee, one member to be appointed by 1262
the chancellor of higher education who shall have experience in 1263
providing environmental education at the university or college 1264
level, and six members to be appointed by the governor with the 1265
advice and consent of the senate. Of the members appointed by 1266
the governor, two shall be from statewide environmental advocacy 1267
organizations, one shall represent the interests of the 1268
industrial community in this state, one shall represent the 1269
interests of employers in this state with one hundred fifty or 1270
fewer employees, one shall represent municipal corporations, and 1271
one shall represent the interests of elementary and secondary 1272
school teachers in this state. Within thirty days after October 1273
1, 1990, the appointing authorities shall make their initial 1274
appointments to the council. The initial appointment to the 1275
council by the chancellor shall be for a term ending two years 1276
after October 1, 1990. Of the initial appointments made to the 1277

council by the governor, three shall be for a term ending one 1278
year after October 1, 1990, and three shall be for a term ending 1279
two years after October 1, 1990. Thereafter, the terms of office 1280
of the members appointed by the chancellor and the governor 1281
shall be for two years, with each term ending on the same day of 1282
the same month as the term that it succeeds. Each member shall 1283
hold office from the date of appointment until the end of the 1284
term for which the member was appointed. Members may be 1285
reappointed. Vacancies shall be filled in the manner provided 1286
for original appointments. Any member appointed to fill a 1287
vacancy occurring prior to the expiration date of the term for 1288
which the member's predecessor was appointed shall hold office 1289
as a member of the board of trustees for the remainder of that 1290
term. A member of the council appointed by the chancellor or the 1291
governor shall continue in office subsequent to the expiration 1292
date of the member's term until the member's successor takes 1293
office or until a period of sixty days has elapsed, whichever 1294
occurs first. 1295

The council shall hold at least two regular, semiannual 1296
meetings each year. Special meetings may be held at the behest 1297
of the chairperson or a majority of the members. The director of 1298
environmental protection shall serve as the chairperson of the 1299
council. The council annually shall select from among its 1300
members a vice-chairperson and a secretary to keep a record of 1301
its proceedings. A majority vote of the members of the council 1302
is necessary to take action on any matter. 1303

Serving as a member of the council does not constitute 1304
holding a public office or a position of employment under the 1305
laws of this state and does not constitute grounds for the 1306
removal of public officers or employees from their offices or 1307
positions of employment. The chancellor may at any time remove a 1308

member of the council appointed by the chancellor for 1309
misfeasance, malfeasance, or nonfeasance in office. The governor 1310
may at any time remove a member of the council appointed by the 1311
governor for misfeasance, malfeasance, or nonfeasance in office. 1312

Members of the council appointed by the chancellor and the 1313
governor shall serve without compensation. Members of the 1314
council shall be reimbursed for their actual and necessary 1315
expenses incurred in the performance of their duties as members 1316
of the council from moneys credited to the environmental 1317
education fund created in section 3745.22 of the Revised Code. 1318

(B) The council shall advise and assist the director of 1319
environmental protection in the implementation and 1320
administration of section 3745.22 of the Revised Code and shall 1321
review and comment on all expenditures from the fund proposed by 1322
the director. 1323

(C) The council may adopt bylaws for the regulation and 1324
conduct of the council's affairs and may propose to the director 1325
of environmental protection expenditures from the fund. 1326

Sec. 3745.22. (A) As used in this section, "eligible 1327
institution of higher education" means any of the state 1328
universities listed in section 3345.011 of the Revised Code, or 1329
a community college, technical college, university branch, state 1330
community college, or an institution that is nonprofit and holds 1331
a certificate of authorization issued under section 1713.02 of 1332
the Revised Code. 1333

(B) There is hereby created in the state treasury the 1334
environmental education fund consisting of moneys credited to 1335
the fund pursuant to sections 3704.06 and 6111.09 of the Revised 1336
Code and any gifts, grants, or contributions received by the 1337

director of environmental protection for the purposes of the 1338
fund. The fund shall be administered by the director with the 1339
advice and assistance of the Ohio environmental education fund 1340
advisory council created in section 3745.21 of the Revised Code. 1341
Moneys in the fund shall be used exclusively to develop, 1342
implement, and administer a program to enhance public awareness 1343
and the objective understanding within this state of issues 1344
affecting environmental quality. Toward that end, moneys in the 1345
fund may be used for purposes that include, without limitation, 1346
developing elementary and secondary school and collegiate 1347
curricula on environmental issues; providing training for this 1348
state's elementary and secondary school teachers on 1349
environmental issues; providing educational seminars for 1350
concerned members of the public regarding the scientific and 1351
technical aspects of environmental issues; providing educational 1352
seminars regarding pollution prevention and waste minimization 1353
for persons regulated by the environmental protection agency; 1354
providing educational seminars for persons regulated by the 1355
environmental protection agency, including, without limitation, 1356
small businesses, regarding the regulatory requirements of the 1357
agency and the means of achieving and maintaining compliance 1358
with them; and providing one or more scholarships in 1359
environmental sciences or environmental engineering for students 1360
enrolled at an eligible institution of higher education. 1361

The director may expend not more than one million five 1362
hundred thousand dollars of the moneys credited to the 1363
environmental education fund under sections 3704.06 and 6111.09 1364
of the Revised Code in any fiscal year for the purposes 1365
specified in this division. The director may request authority 1366
from the controlling board to expend any moneys credited to that 1367
fund in any fiscal year in excess of that amount. 1368

(C) Not later than the first day of April each year, the 1369
director, with the advice and assistance of the council, shall 1370
prepare and submit to the governor, the president of the senate, 1371
and the speaker of the house of representatives an environmental 1372
education agenda that describes the proposed uses of the 1373
environmental education fund during the following fiscal year. 1374
Prior to submitting the agenda the director, in conjunction with 1375
the council, shall hold a public hearing in Franklin county to 1376
receive comments on the agenda. After the public hearing and 1377
before submitting the agenda to the governor, the president, and 1378
the speaker, the director, with the advice and assistance of the 1379
council, may make any modifications to the agenda that the 1380
director considers appropriate based upon the comments received 1381
at the public hearing. 1382

(D) Not later than the first day of September each year, 1383
the director, with the advice and assistance of the council, 1384
shall prepare and submit to the governor, the president of the 1385
senate, and the speaker of the house of representatives a report 1386
on the revenues credited to and expenditures from the 1387
environmental education fund during the immediately preceding 1388
fiscal year. 1389

Sec. 3783.01. As used in sections 3783.01 to 1390
~~3783.08~~3783.07, inclusive, of the Revised Code: 1391

(A) "Electrical safety inspector" means a person who is 1392
certified as provided in Chapter 3783. of the Revised Code. 1393

(B) The "practice of electrical inspection" includes any 1394
ascertainment of compliance with the Ohio building code, or the 1395
electrical code of a political subdivision of this state by a 1396
person, who, for compensation, inspects the construction and 1397
installation of electrical conductors, fittings, devices, and 1398

fixtures for light, heat or power services equipment, or the 1399
installation, alteration, replacement, maintenance, or repair of 1400
any electrical wiring and equipment that is subject to any of 1401
the aforementioned codes. 1402

(C) "Ohio building code" means the rules and regulations 1403
adopted by the board of building standards under Chapter 3781. 1404
of the Revised Code. 1405

(D) "Board of building standards" or "board" means the 1406
board established by section 3781.07 of the Revised Code. 1407

Sec. 3783.02. Nothing in sections 3783.01 to ~~3783.08~~ 1408
3783.07 of the Revised Code shall apply to inspection of the 1409
design, construction, maintenance, or replacement of any of the 1410
following: 1411

(A) Installations in ships, watercraft, railway rolling 1412
stock, aircraft, or automotive vehicles; 1413

(B) Installations underground in mines; 1414

(C) Installations of railways for the generation, 1415
transformation, transmission, or distribution of power used 1416
exclusively for operation of rolling stock or installations used 1417
exclusively for signaling and communication purposes; 1418

(D) Installations of communication equipment under control 1419
of communication utilities, located outdoors or in building 1420
spaces used for such installations; 1421

(E) Installations under the control of electric utilities 1422
for the purpose of communication, metering, or for the 1423
generation, control, transformation, transmission, and 1424
distribution of electric energy located in building spaces used 1425
by utilities for such purposes or located on property owned or 1426

leased by the utility or on public highways, streets, roads, 1427
etc., or by established rights on private property; 1428

(F) Installations of elevators, dumbwaiters, and 1429
escalators as regulated by the bureau of workers' compensation. 1430

Sec. 3923.51. (A) As used in this section, "official 1431
poverty line" means the poverty line as defined by the United 1432
States office of management and budget and revised by the 1433
secretary of health and human services under 95 Stat. 511, 42 1434
U.S.C.A. 9902, as amended. 1435

(B) Every insurer that is authorized to write sickness and 1436
accident insurance in this state may offer group contracts of 1437
sickness and accident insurance to any charitable foundation 1438
that is certified as exempt from taxation under section 501(c) 1439
(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1440
U.S.C.A. 1, as amended, and that has the sole purpose of issuing 1441
certificates of coverage under these contracts to persons under 1442
the age of nineteen who are members of families that have 1443
incomes that are no greater than three hundred per cent of the 1444
official poverty line. 1445

(C) Contracts offered pursuant to division (B) of this 1446
section are not subject to any of the following: 1447

(1) Sections ~~3923.122~~, 3923.24, 3923.28, 3923.281, and 1448
3923.29 of the Revised Code; 1449

(2) Any other sickness and accident insurance coverage 1450
required under this chapter on August 3, 1989. Any requirement 1451
of sickness and accident insurance coverage enacted after that 1452
date applies to this section only if the subsequent enactment 1453
specifically refers to this section. 1454

(3) Chapter 1751. of the Revised Code. 1455

Sec. 3923.57. Notwithstanding any provision of this 1456
chapter, every individual policy of sickness and accident 1457
insurance that is delivered, issued for delivery, or renewed in 1458
this state is subject to the following conditions, as 1459
applicable: 1460

(A) Pre-existing conditions provisions shall not exclude 1461
or limit coverage for a period beyond twelve months following 1462
the policyholder's effective date of coverage and may only 1463
relate to conditions during the six months immediately preceding 1464
the effective date of coverage. 1465

(B) In determining whether a pre-existing conditions 1466
provision applies to a policyholder or dependent, each policy 1467
shall credit the time the policyholder or dependent was covered 1468
under a previous policy, contract, or plan if the previous 1469
coverage was continuous to a date not more than thirty days 1470
prior to the effective date of the new coverage, exclusive of 1471
any applicable service waiting period under the policy. 1472

(C) (1) Except as otherwise provided in division (C) of 1473
this section, an insurer that provides an individual sickness 1474
and accident insurance policy to an individual shall renew or 1475
continue in force such coverage at the option of the individual. 1476

(2) An insurer may nonrenew or discontinue coverage of an 1477
individual in the individual market based only on one or more of 1478
the following reasons: 1479

(a) The individual failed to pay premiums or contributions 1480
in accordance with the terms of the policy or the insurer has 1481
not received timely premium payments. 1482

(b) The individual performed an act or practice that 1483
constitutes fraud or made an intentional misrepresentation of 1484

material fact under the terms of the policy. 1485

(c) The insurer is ceasing to offer coverage in the 1486
individual market in accordance with division (D) of this 1487
section and the applicable laws of this state. 1488

(d) If the insurer offers coverage in the market through a 1489
network plan, the individual no longer resides, lives, or works 1490
in the service area, or in an area for which the insurer is 1491
authorized to do business; provided, however, that such coverage 1492
is terminated uniformly without regard to any health status- 1493
related factor of covered individuals. 1494

(e) If the coverage is made available in the individual 1495
market only through one or more bona fide associations, the 1496
membership of the individual in the association, on the basis of 1497
which the coverage is provided, ceases; provided, however, that 1498
such coverage is terminated under division (C) (2) (e) of this 1499
section uniformly without regard to any health status-related 1500
factor of covered individuals. 1501

~~An insurer offering coverage to individuals solely through 1502
membership in a bona fide association shall not be deemed, by 1503
virtue of that offering, to be in the individual market for 1504
purposes of sections 3923.58 and 3923.581 of the Revised Code. 1505
Such an insurer shall not be required to accept applicants for 1506
coverage in the individual market pursuant to sections 3923.58 1507
and 3923.581 of the Revised Code unless the insurer also offers 1508
coverage to individuals other than through bona fide 1509
associations. 1510~~

(3) An insurer may cancel or decide not to renew the 1511
coverage of a dependent of an individual if the dependent has 1512
performed an act or practice that constitutes fraud or made an 1513

intentional misrepresentation of material fact under the terms 1514
of the coverage and if the cancellation or nonrenewal is not 1515
based, either directly or indirectly, on any health status- 1516
related factor in relation to the dependent. 1517

(D) (1) If an insurer decides to discontinue offering a 1518
particular type of health insurance coverage offered in the 1519
individual market, coverage of such type may be discontinued by 1520
the insurer if the insurer does all of the following: 1521

(a) Provides notice to each individual provided coverage 1522
of this type in such market of the discontinuation at least 1523
ninety days prior to the date of the discontinuation of the 1524
coverage; 1525

(b) Offers to each individual provided coverage of this 1526
type in such market, the option to purchase any other individual 1527
health insurance coverage currently being offered by the insurer 1528
for individuals in that market; 1529

(c) In exercising the option to discontinue coverage of 1530
this type and in offering the option of coverage under division 1531
(D) (1) (b) of this section, acts uniformly without regard to any 1532
health status-related factor of covered individuals or of 1533
individuals who may become eligible for such coverage. 1534

(2) If an insurer elects to discontinue offering all 1535
health insurance coverage in the individual market in this 1536
state, health insurance coverage may be discontinued by the 1537
insurer only if both of the following apply: 1538

(a) The insurer provides notice to the department of 1539
insurance and to each individual of the discontinuation at least 1540
one hundred eighty days prior to the date of the expiration of 1541
the coverage. 1542

(b) All health insurance delivered or issued for delivery 1543
in this state in such market is discontinued and coverage under 1544
that health insurance in that market is not renewed. 1545

(3) In the event of a discontinuation under division (D) 1546
(2) of this section in the individual market, the insurer shall 1547
not provide for the issuance of any health insurance coverage in 1548
the market and this state during the five-year period beginning 1549
on the date of the discontinuation of the last health insurance 1550
coverage not so renewed. 1551

(E) Notwithstanding divisions (C) and (D) of this section, 1552
an insurer may, at the time of coverage renewal, modify the 1553
health insurance coverage for a policy form offered to 1554
individuals in the individual market if the modification is 1555
consistent with the law of this state and effective on a uniform 1556
basis among all individuals with that policy form. 1557

(F) Such policies are subject to sections 2743 and 2747 of 1558
the "Health Insurance Portability and Accountability Act of 1559
1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-43 1560
and 300gg-47, as amended. 1561

(G) Sections 3924.031 and 3924.032 of the Revised Code 1562
shall apply to sickness and accident insurance policies offered 1563
in the individual market in the same manner as they apply to 1564
health benefit plans offered in the small employer market. 1565

In accordance with 45 C.F.R. 148.102, divisions (C) to (G) 1566
of this section also apply to all group sickness and accident 1567
insurance policies that are not sold in connection with an 1568
employment-related group health plan and that provide more than 1569
short-term, limited duration coverage. 1570

In applying divisions (C) to (G) of this section with 1571

respect to health insurance coverage that is made available by 1572
an insurer in the individual market to individuals only through 1573
one or more associations, the term "individual" includes the 1574
association of which the individual is a member. 1575

For purposes of this section, any policy issued pursuant 1576
to division (C) of section 3923.13 of the Revised Code in 1577
connection with a public or private college or university 1578
student health insurance program is considered to be issued to a 1579
bona fide association. 1580

As used in this section, "bona fide association" has the 1581
same meaning as in section 3924.03 of the Revised Code, and 1582
"health status-related factor" and "network plan" have the same 1583
meanings as in section 3924.031 of the Revised Code. 1584

This section does not apply to any policy that provides 1585
coverage for specific diseases or accidents only, or to any 1586
hospital indemnity, medicare supplement, long-term care, 1587
disability income, one-time-limited-duration policy that is less 1588
than twelve months, or other policy that offers only 1589
supplemental benefits. 1590

Sec. 3924.01. As used in sections 3924.01 to ~~3924.14~~ 1591
3924.06 of the Revised Code: 1592

(A) "Actuarial certification" means a written statement 1593
prepared by a member of the American academy of actuaries, or by 1594
any other person acceptable to the superintendent of insurance, 1595
that states that, based upon the person's examination, a carrier 1596
offering health benefit plans to small employers is in 1597
compliance with sections 3924.01 to ~~3924.14~~ 3924.06 of the 1598
Revised Code. "Actuarial certification" shall include a review 1599
of the appropriate records of, and the actuarial assumptions and 1600

methods used by, the carrier relative to establishing premium 1601
rates for the health benefit plans. 1602

~~(B) "Adjusted average market premium price" means the 1603
average market premium price as determined by the board of 1604
directors of the Ohio health reinsurance program either on the 1605
basis of the arithmetic mean of all carriers' premium rates for 1606
an OHC plan sold to groups with similar case characteristics by 1607
all carriers selling OHC plans in the state, or on any other 1608
equitable basis determined by the board. 1609~~

~~(C)~~ "Base premium rate" means, as to any health benefit 1610
plan that is issued by a carrier and that covers at least two 1611
but no more than fifty employees of a small employer, the lowest 1612
premium rate for a new or existing business prescribed by the 1613
carrier for the same or similar coverage under a plan or 1614
arrangement covering any small employer with similar case 1615
characteristics. 1616

~~(D)~~ (C) "Carrier" means any sickness and accident 1617
insurance company or health insuring corporation authorized to 1618
issue health benefit plans in this state or a MEWA. A sickness 1619
and accident insurance company that owns or operates a health 1620
insuring corporation, either as a separate corporation or as a 1621
line of business, shall be considered as a separate carrier from 1622
that health insuring corporation for purposes of sections 1623
3924.01 to ~~3924.14~~ 3924.06 of the Revised Code. 1624

~~(E)~~ (D) "Case characteristics" means, with respect to a 1625
small employer, the geographic area in which the employees work; 1626
the age and sex of the individual employees and their 1627
dependents; the appropriate industry classification as 1628
determined by the carrier; the number of employees and 1629
dependents; and such other objective criteria as may be 1630

established by the carrier. "Case characteristics" does not 1631
include claims experience, health status, or duration of 1632
coverage from the date of issue. 1633

~~(F)~~ (E) "Dependent" means the spouse or child of an 1634
eligible employee, subject to applicable terms of the health 1635
benefits plan covering the employee. 1636

~~(G)~~ (F) "Eligible employee" means an employee who works a 1637
normal work week of thirty or more hours. "Eligible employee" 1638
does not include a temporary or substitute employee, or a 1639
seasonal employee who works only part of the calendar year on 1640
the basis of natural or suitable times or circumstances. 1641

~~(H)~~ (G) "Health benefit plan" means any hospital or 1642
medical expense policy or certificate or any health plan 1643
provided by a carrier, that is delivered, issued for delivery, 1644
renewed, or used in this state on or after the date occurring 1645
six months after November 24, 1995. "Health benefit plan" does 1646
not include policies covering only accident, credit, dental, 1647
disability income, long-term care, hospital indemnity, medicare 1648
supplement, specified disease, or vision care; coverage under a 1649
one-time-limited-duration policy that is less than twelve 1650
months; coverage issued as a supplement to liability insurance; 1651
insurance arising out of a workers' compensation or similar law; 1652
automobile medical-payment insurance; or insurance under which 1653
benefits are payable with or without regard to fault and which 1654
is statutorily required to be contained in any liability 1655
insurance policy or equivalent self-insurance. 1656

~~(I)~~ (H) "Late enrollee" means an eligible employee or 1657
dependent who enrolls in a small employer's health benefit plan 1658
other than during the first period in which the employee or 1659
dependent is eligible to enroll under the plan or during a 1660

special enrollment period described in section 2701(f) of the 1661
"Health Insurance Portability and Accountability Act of 1996," 1662
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg, as 1663
amended. 1664

~~(J)~~ (I) "MEWA" means any "multiple employer welfare 1665
arrangement" as defined in section 3 of the "Federal Employee 1666
Retirement Income Security Act of 1974," 88 Stat. 832, 29 1667
U.S.C.A. 1001, as amended, except for any arrangement which is 1668
fully insured as defined in division (b) (6) (D) of section 514 of 1669
that act. 1670

~~(K)~~ (J) "Midpoint rate" means, for small employers with 1671
similar case characteristics and plan designs and as determined 1672
by the applicable carrier for a rating period, the arithmetic 1673
average of the applicable base premium rate and the 1674
corresponding highest premium rate. 1675

~~(I)~~ (K) "Pre-existing conditions provision" means a policy 1676
provision that excludes or limits coverage for charges or 1677
expenses incurred during a specified period following the 1678
insured's enrollment date as to a condition for which medical 1679
advice, diagnosis, care, or treatment was recommended or 1680
received during a specified period immediately preceding the 1681
enrollment date. Genetic information shall not be treated as 1682
such a condition in the absence of a diagnosis of the condition 1683
related to such information. 1684

For purposes of this division, "enrollment date" means, 1685
with respect to an individual covered under a group health 1686
benefit plan, the date of enrollment of the individual in the 1687
plan or, if earlier, the first day of the waiting period for 1688
such enrollment. 1689

~~(M)~~(L) "Service waiting period" means the period of time 1690
after employment begins before an employee is eligible to be 1691
covered for benefits under the terms of any applicable health 1692
benefit plan offered by the small employer. 1693

~~(N)(1)~~(M)(1) "Small employer" means, in connection with a 1694
group health benefit plan and with respect to a calendar year 1695
and a plan year, an employer who employed an average of at least 1696
two but no more than fifty eligible employees on business days 1697
during the preceding calendar year and who employs at least two 1698
employees on the first day of the plan year. 1699

(2) For purposes of division ~~(N)(1)~~(M)(1) of this 1700
section, all persons treated as a single employer under 1701
subsection (b), (c), (m), or (o) of section 414 of the "Internal 1702
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 1703
amended, shall be considered one employer. In the case of an 1704
employer that was not in existence throughout the preceding 1705
calendar year, the determination of whether the employer is a 1706
small or large employer shall be based on the average number of 1707
eligible employees that it is reasonably expected the employer 1708
will employ on business days in the current calendar year. Any 1709
reference in division ~~(N)~~(M) of this section to an "employer" 1710
includes any predecessor of the employer. Except as otherwise 1711
specifically provided, provisions of sections 3924.01 to ~~3924.14~~ 1712
3924.06 of the Revised Code that apply to a small employer that 1713
has a health benefit plan shall continue to apply until the plan 1714
anniversary following the date the employer no longer meets the 1715
requirements of this division. 1716

~~(O) "OHC plan" means an Ohio health care plan, which is 1717
the basic, standard, or carrier reimbursement plan for small 1718
employers and individuals established in accordance with section 1719~~

~~3924.10 of the Revised Code.~~ 1720

Sec. 3924.02. (A) An individual or group health benefit 1721
plan is subject to sections 3924.01 to ~~3924.14~~ 3924.06 of the 1722
Revised Code if it provides health care benefits covering at 1723
least two but no more than fifty employees of a small employer, 1724
and if it meets either of the following conditions: 1725

(1) Any portion of the premium or benefits is paid by a 1726
small employer, or any covered individual is reimbursed, whether 1727
through wage adjustments or otherwise, by a small employer for 1728
any portion of the premium. 1729

(2) The health benefit plan is treated by the employer or 1730
any of the covered individuals as part of a plan or program for 1731
purposes of section 106 or 162 of the "Internal Revenue Code of 1732
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 1733

(B) Notwithstanding division (A) of this section, 1734
divisions (D), (E) (2), (F), and (G) of section 3924.03 of the 1735
Revised Code and section 3924.04 of the Revised Code do not 1736
apply to health benefit policies that are not sold to owners of 1737
small businesses as an employment benefit plan. Such policies 1738
shall clearly state that they are not being sold as an 1739
employment benefit plan and that the owner of the business is 1740
not responsible, either directly or indirectly, for paying the 1741
premium or benefits. 1742

(C) Every health benefit plan offered or delivered by a 1743
carrier, other than a health insuring corporation, to a small 1744
employer is subject to sections 3923.23, 3923.231, 3923.232, 1745
3923.233, and 3923.234 of the Revised Code and any other 1746
provision of the Revised Code that requires the reimbursement, 1747
utilization, or consideration of a specific category of a 1748

licensed or certified health care practitioner.	1749
(D) Except as expressly provided in sections 3924.01 to	1750
3924.14 <u>3924.06</u> of the Revised Code, no health benefit plan	1751
offered to a small employer is subject to any of the following:	1752
(1) Any law that would inhibit any carrier from	1753
contracting with providers or groups of providers with respect	1754
to health care services or benefits;	1755
(2) Any law that would impose any restriction on the	1756
ability to negotiate with providers regarding the level or	1757
method of reimbursing care or services provided under the health	1758
benefit plan;	1759
(3) Any law that would require any carrier to either	1760
include a specific provider or class of provider when	1761
contracting for health care services or benefits, or to exclude	1762
any class of provider that is generally authorized by statute to	1763
provide such care.	1764
Sec. 3924.06. (A) Compliance with the underwriting and	1765
rating requirements contained in sections 3924.01 to 3924.14	1766
<u>3924.06</u> of the Revised Code shall be demonstrated through	1767
actuarial certification. Carriers offering health benefit plans	1768
to small employers shall file annually with the superintendent	1769
of insurance an actuarial certification stating that the	1770
underwriting and rating methods of the carrier do all of the	1771
following:	1772
(1) Comply with accepted actuarial practices;	1773
(2) Are uniformly applied to health benefit plans covering	1774
small employers;	1775
(3) Comply with the applicable provisions of sections	1776

3924.01 to ~~3924.14~~3924.06 of the Revised Code. 1777

(B) If a carrier has established a separate class of 1778
business for one or more small employer health care alliances in 1779
accordance with section 1731.09 of the Revised Code, this 1780
section shall apply in accordance with section 1731.09 of the 1781
Revised Code. 1782

(C) Carriers offering health benefit plans to small 1783
employers shall file premium rates with the superintendent in 1784
accordance with section 3923.02 of the Revised Code with respect 1785
to the carrier's sickness and accident insurance policies sold 1786
to small employers and in accordance with section 1751.12 of the 1787
Revised Code with respect to the carrier's health insuring 1788
corporation policies sold to small employers. 1789

Sec. 3924.73. (A) As used in this section: 1790

(1) "Health care insurer" means any person legally engaged 1791
in the business of providing sickness and accident insurance 1792
contracts in this state, a health insuring corporation organized 1793
under Chapter 1751. of the Revised Code, or any legal entity 1794
that is self-insured and provides health care benefits to its 1795
employees or members. 1796

(2) "Small employer" has the same meaning as in section 1797
3924.01 of the Revised Code. 1798

(B) (1) Subject to division (B) (2) of this section, nothing 1799
in sections 3924.61 to 3924.74 of the Revised Code shall be 1800
construed to limit the rights, privileges, or protections of 1801
employees or small employers under sections 3924.01 to ~~3924.14~~ 1802
3924.06 of the Revised Code. 1803

(2) If any account holder enrolls or applies to enroll in 1804
a policy or contract offered by a health care insurer providing 1805

sickness and accident coverage that is more comprehensive than, 1806
and has a deductible amount that is less than, the coverage and 1807
deductible amount of the policy under which the account holder 1808
currently is enrolled, the health care insurer to which the 1809
account holder applies may subject the account holder to the 1810
same medical review, waiting periods, and underwriting 1811
requirements to which the health care insurer generally subjects 1812
other enrollees or applicants, unless the account holder enrolls 1813
or applies to enroll during a designated period of open 1814
enrollment. 1815

Sec. 4125.041. A shared employee under a professional 1816
employer organization agreement shall not, solely as a result of 1817
being a shared employee, be considered an employee of the 1818
professional employer organization for purposes of general 1819
liability insurance, fidelity bonds, surety bonds, employer 1820
liability not otherwise covered by Chapters 4121. and 4123. of 1821
the Revised Code, or liquor liability insurance carried by the 1822
professional employer organization, unless the professional 1823
employer organization agreement and applicable prearranged 1824
employment contract, insurance contract, or bond specifically 1825
states otherwise. 1826

A shared employee shall be considered an employee of the 1827
professional employer organization for purposes of determining 1828
whether a professional employer organization who sponsors a 1829
group health benefit plan is a small employer under division ~~(N)~~ 1830
~~(I)~~ (M) (1) of section 3924.01 of the Revised Code. A fully 1831
insured health benefit plan sponsored by a professional employer 1832
organization is not subject to sections 3924.01 to ~~3924.14~~ 1833
3924.06 of the Revised Code if the professional employer 1834
organization is not a small employer for purposes of those 1835
sections. 1836

Sec. 4141.131. The director of job and family services may 1837
enter into contracts for the sale of real property no longer 1838
needed by the director of job and family services for the 1839
operations of the director of job and family services under this 1840
title. Any costs attributable to the director of job and family 1841
services that are associated with the sale of real property 1842
under this section shall be paid out of the unemployment 1843
compensation special administrative fund established pursuant to 1844
section 4141.11 of the Revised Code. ~~The director of job and~~ 1845
~~family services shall submit a report summarizing the use of~~ 1846
~~that fund for the purpose of this section at least annually to~~ 1847
~~the unemployment compensation advisory council as prescribed by~~ 1848
~~the council.~~ 1849

The director of administrative services, with the 1850
assistance of the attorney general, shall prepare a deed to the 1851
real property being sold upon notice from the director of job 1852
and family services that a contract for the sale of that 1853
property has been executed in accordance with this section. The 1854
deed shall state the consideration and any conditions placed 1855
upon the sale. The deed shall be executed by the governor in the 1856
name of the state, countersigned by the secretary of state, 1857
sealed with the great seal of the state, presented in the office 1858
of the director of administrative services for recording, and 1859
delivered to the buyer upon payment of the balance of the 1860
purchase price. 1861

The buyer shall present the deed for recording in the 1862
county recorder's office of the county in which the real 1863
property is located. 1864

Sec. 4141.25. (A) The director of job and family services 1865
shall determine as of each computation date the contribution 1866

rate of each contributing employer subject to this chapter for 1867
the next succeeding contribution period. The director shall 1868
determine a standard rate of contribution or an experience rate 1869
for each contributing employer. Once a rate of contribution has 1870
been established under this section for a contribution period, 1871
except as provided in division (D) of section 4141.26 of the 1872
Revised Code, that rate shall remain effective throughout such 1873
contribution period. The rate of contribution shall be 1874
determined in accordance with the following requirements: 1875

(1) An employer whose experience does not meet the terms 1876
of division (A) (2) of this section shall be assigned a standard 1877
rate of contribution. Effective for contribution periods 1878
beginning on and after January 1, 1998, an employer's standard 1879
rate of contribution shall be a rate of two and seven-tenths per 1880
cent, except that the rate for employers engaged in the 1881
construction industry shall be the average contribution rate 1882
computed for the construction industry or a rate of two and 1883
seven-tenths per cent, whichever is greater. The standard rate 1884
set forth in this division shall be applicable to a nonprofit 1885
organization whose election to make payments in lieu of 1886
contributions is voluntarily terminated or canceled by the 1887
director under section 4141.241 of the Revised Code, and 1888
thereafter pays contributions as required by this section. If 1889
such nonprofit organization had been a contributory employer 1890
prior to its election to make payments in lieu of contributions, 1891
then any prior balance in the contributory account shall become 1892
part of the reactivated account. 1893

As used in division (A) of this section, "the average 1894
contribution rate computed for the construction industry" means 1895
the most recent annual average rate attributable to the 1896
construction industry as prescribed by the director. 1897

(2) A contributing employer subject to this chapter shall 1898
qualify for an experience rate only if there have been four 1899
consecutive quarters, ending on the thirtieth day of June 1900
immediately prior to the computation date, throughout which the 1901
employer's account was chargeable with benefits. Upon meeting 1902
the qualifying requirements provided in division (A) (2) of this 1903
section, the director shall calculate the total credits to each 1904
employer's account consisting of the contributions other than 1905
mutualized contributions including all contributions paid prior 1906
to the computation date for all past periods plus: 1907

(a) The contributions owing on the computation date that 1908
are paid within thirty days after the computation date, and 1909
credited to the employer's account; 1910

(b) All voluntary contributions paid by an employer 1911
pursuant to division (B) of section 4141.24 of the Revised Code. 1912

(3) The director also shall determine the benefits which 1913
are chargeable to each employer's account and which were paid 1914
prior to the computation date with respect to weeks of 1915
unemployment ending prior to the computation date. The director 1916
then shall determine the positive or negative balance of each 1917
employer's account by calculating the excess of such 1918
contributions and interest over the benefits chargeable, or the 1919
excess of such benefits over such contributions and interest. 1920
Any resulting negative balance then shall be subject to 1921
adjustment as provided in division (A) (2) of section 4141.24 of 1922
the Revised Code after which the positive or negative balance 1923
shall be expressed in terms of a percentage of the employer's 1924
average annual payroll. If the total standing to the credit of 1925
an employer's account exceeds the total charges, as provided in 1926
this division, the employer has a positive balance and if such 1927

charges exceed such credits the employer has a negative balance. 1928
Each employer's contribution rate shall then be determined in 1929
accordance with the following schedule: 1930

Contribution Rate Schedule 1931

1932

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 1933
divisions (a), (b), and (c) of the contribution rate schedule 1934
except that notwithstanding the amendments made to division (a) 1935
of the contribution rate schedule in this section, if, as of the 1936
computation date: for 1991, the negative balance is 5.0% or 1937

more, the contribution rate shall be 5.7%; for 1992, if the 1938
negative balance is 11.0% or more, the contribution rate shall 1939
be 6.0%; and for 1993, if the negative balance is 17.0% or more, 1940
the contribution rate shall be 6.3%. Thereafter, the 1941
contribution rates shall be as specified in the contribution 1942
rate schedule. 1943

(B) (1) The director shall establish and maintain a 1944
separate account to be known as the "mutualized account." As of 1945
each computation date there shall be charged to this account: 1946

(a) As provided in division (A) (2) of section 4141.24 of 1947
the Revised Code, an amount equal to the sum of that portion of 1948
the negative balances of employer accounts which exceeds the 1949
applicable limitations as such balances are computed under 1950
division (A) of this section as of such date; 1951

(b) An amount equal to the sum of the negative balances 1952
remaining in employer accounts which have been closed during the 1953
year immediately preceding such computation date pursuant to 1954
division (E) of section 4141.24 of the Revised Code; 1955

(c) An amount equal to the sum of all benefits improperly 1956
paid preceding such computation date which are not recovered but 1957
which are not charged to an employer's account, or which after 1958
being charged, are credited back to an employer's account; 1959

(d) An amount equal to the sum of any other benefits paid 1960
preceding such computation date which, under this chapter, are 1961
not chargeable to an employer's account; 1962

(e) An amount equal to the sum of any refunds made during 1963
the year immediately preceding such computation date of 1964
erroneously collected mutualized contributions required by this 1965
division which were previously credited to this account; 1966

(f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;	1967 1968 1969 1970 1971
(g) Any amounts appropriated by the general assembly out of funds 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.	1972 1973 1974 1975
(2) As of every computation date there shall be credited to the mutualized account provided for in this division:	1976 1977
(a) The proceeds of the mutualized contributions as provided in this division;	1978 1979
(b) Any positive balances remaining in employer accounts which are closed as provided in division (E) of section 4141.24 of the Revised Code;	1980 1981 1982
(c) Any benefits improperly paid which are recovered but which cannot be credited to an employer's account;	1983 1984
(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;	1985 1986 1987
(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;	1988 1989 1990 1991 1992
(f) Interest credited to the Ohio unemployment trust fund as deposited with the secretary of the treasury of the United	1993 1994

States;	1995
(g) Amounts deposited into the unemployment compensation fund for penalties collected pursuant to division (A) (4) of section 4141.35 of the Revised Code.	1996 1997 1998
(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 overall condition of the account. The director shall issue an annual statement containing this information and such other information as the director deems pertinent, including a report that the sum of the balances in the mutualized account, employers' accounts, and any subsidiary accounts equal the balance in the state's unemployment trust fund maintained under section 904 of the "Social Security Act."	1999 2000 2001 2002 2003 2004 2005 2006 2007 2008
(4) As used in this division:	2009
(a) "Fund as of the computation date" means as of any computation date, the aggregate amount of the unemployment compensation fund, including all contributions owing on the computation date that are paid within thirty days thereafter, all payments in lieu of contributions that are paid within sixty days after the computation date, all reimbursements of the federal share of extended benefits described in section 4141.301 of the Revised Code that are owing on the computation date, and all interest earned by the fund and received on or before the computation date from the federal government.	2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
(b) "Minimum safe level" means an amount equal to two standard deviations above the average of the adjusted annual average unemployment compensation benefit payment from 1970 to the most recent calendar year prior to the computation date, as	2020 2021 2022 2023

determined by the director pursuant to division (B) (4) (b) of 2024
this section. To determine the adjusted annual payment of 2025
unemployment compensation benefits, the director first shall 2026
multiply the number of weeks compensated during each calendar 2027
year beginning with 1970 by the most recent annual average 2028
weekly unemployment compensation benefit payment and then 2029
compute the average and standard deviation of the resultant 2030
products. 2031

(c) "Annual average weekly unemployment compensation 2032
benefit payment" means the amount resulting from dividing the 2033
unemployment compensation benefits paid from the benefit account 2034
maintained within the unemployment compensation fund pursuant to 2035
section 4141.09 of the Revised Code, by the number of weeks 2036
compensated during the same time period. 2037

(5) If, as of any computation date, the charges to the 2038
mutualized account during the entire period subsequent to the 2039
computation date, July 1, 1966, made in accordance with division 2040
(B) (1) of this section, exceed the credits to such account 2041
including mutualized contributions during such period, made in 2042
accordance with division (B) (2) of this section, the amount of 2043
such excess charges shall be recovered during the next 2044
contribution period. To recover such amount, the director shall 2045
compute the percentage ratio of such excess charges to the 2046
average annual payroll of all employers eligible for an 2047
experience rate under division (A) of this section. The 2048
percentage so determined shall be computed to the nearest tenth 2049
of one per cent and shall be an additional contribution rate to 2050
be applied to the wages paid by each employer whose rate is 2051
computed under the provisions of division (A) of this section in 2052
the contribution period next following such computation date, 2053
but such percentage shall not exceed five-tenths of one per 2054

cent; however, when there are any excess charges in the 2055
mutualized account, as computed in this division, then the 2056
mutualized contribution rate shall not be less than one-tenth of 2057
one per cent. 2058

(6) If the fund as of the computation date is above or 2059
below minimum safe level, the contribution rates provided for in 2060
each classification in division (A) (3) of this section for the 2061
next contribution period shall be adjusted as follows: 2062

(a) If the fund is thirty per cent or more above minimum 2063
safe level, the contribution rates provided in division (A) (3) 2064
of this section shall be decreased two-tenths of one per cent. 2065

(b) If the fund is more than fifteen per cent but less 2066
than thirty per cent above minimum safe level, the contribution 2067
rates provided in division (A) (3) of this section shall be 2068
decreased one-tenth of one per cent. 2069

(c) If the fund is more than fifteen per cent but less 2070
than thirty per cent below minimum safe level, the contribution 2071
rates of all employers shall be increased twenty-five one- 2072
thousandths of one per cent plus a per cent increase calculated 2073
and rounded pursuant to division (B) (6) (g) of this section. 2074

(d) If the fund is more than thirty per cent but less than 2075
forty-five per cent below minimum safe level, the contribution 2076
rates of all employers shall be increased seventy-five one- 2077
thousandths of one per cent plus a per cent increase calculated 2078
and rounded pursuant to division (B) (6) (g) of this section. 2079

(e) If the fund is more than forty-five per cent but less 2080
than sixty per cent below minimum safe level, the contribution 2081
rates of all employers shall be increased one-eighth of one per 2082
cent plus a per cent increase calculated and rounded pursuant to 2083

division (B) (6) (g) of this section. 2084

(f) If the fund is sixty per cent or more below minimum 2085
safe level, the contribution rates of all employers shall be 2086
increased two-tenths of one per cent plus a per cent increase 2087
calculated and rounded pursuant to division (B) (6) (g) of this 2088
section. 2089

(g) The additional per cent increase in contribution rates 2090
required by divisions (B) (6) (c), (d), (e), and (f) of this 2091
section that is payable by each individual employer shall be 2092
calculated in the following manner. The flat rate increase 2093
required by a particular division shall be multiplied by three 2094
and the product divided by the average experienced-rated 2095
contribution rate for all employers as determined by the 2096
director for the most recent calendar year. The resulting 2097
quotient shall be multiplied by an individual employer's 2098
contribution rate determined pursuant to division (A) (3) of this 2099
section. The resulting product shall be rounded to the nearest 2100
tenth of one per cent, added to the flat rate increase required 2101
by division (B) (6) (c), (d), (e), or (f) of this section, as 2102
appropriate, and the total shall be rounded to the nearest tenth 2103
of one per cent. As used in division (B) (6) (g) of this section, 2104
the "average experienced-rated contribution rate" means the most 2105
recent annual average contribution rate reported by the director 2106
contained in report RS 203.2 less the mutualized and minimum 2107
safe level contribution rates included in such rate. 2108

(h) If any of the increased contribution rates of division 2109
(B) (6) (c), (d), (e), or (f) of this section are imposed, the 2110
rate shall remain in effect for the calendar year in which it is 2111
imposed and for each calendar year thereafter until the director 2112
determines as of the computation date for calendar year 1991 and 2113

as of the computation date for any calendar year thereafter 2114
pursuant to this section, that the level of the unemployment 2115
compensation fund equals or exceeds the minimum safe level as 2116
defined in division (B) (4) (b) of this section. Nothing in 2117
division (B) (6) (h) of this section shall be construed as 2118
restricting the imposition of the increased contribution rates 2119
provided in divisions (B) (6) (c), (d), (e), and (f) of this 2120
section if the fund falls below the percentage of the minimum 2121
safe level as specified in those divisions. 2122

(7) The additional contributions required by division (B) 2123
(5) of this section shall be credited to the mutualized account. 2124
The additional contributions required by division (B) (6) of this 2125
section shall be credited fifty per cent to individual employer 2126
accounts and fifty per cent to the mutualized account. 2127

(C) If an employer makes a payment of contributions which 2128
is less than the full amount required by this section and 2129
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, 2130
and 4141.27 of the Revised Code, such partial payment shall be 2131
applied first against the mutualized contributions required 2132
under this chapter. Any remaining partial payment shall be 2133
credited to the employer's individual account. 2134

(D) Whenever there are any increases in contributions 2135
resulting from an increase in wages subject to contributions as 2136
defined in division (G) of section 4141.01 of the Revised Code, 2137
or from an increase in the mutualized rate of contributions 2138
provided in division (B) of this section, or from a revision of 2139
the contribution rate schedule provided in division (A) of this 2140
section, except for that portion of the increase attributable to 2141
a change in the positive or negative balance in an employer's 2142
account, which increases become effective after a contract for 2143

the construction of real property, as defined in section 5701.02 2144
of the Revised Code, has been entered into, the contractee upon 2145
written notice by a prime contractor shall reimburse the 2146
contractor for all increased contributions paid by the prime 2147
contractor or by subcontractors upon wages for services 2148
performed under the contract. Upon reimbursement by the 2149
contractee to the prime contractor, the prime contractor shall 2150
reimburse each subcontractor for the increased contributions. 2151

(E) Effective only for the contribution period beginning 2152
on January 1, 1996, and ending on December 31, 1996, mutualized 2153
contributions collected or received by the director pursuant to 2154
division (B) (5) of this section and amounts credited to the 2155
mutualized account pursuant to division (B) (7) of this section 2156
shall be deposited into or credited to the unemployment 2157
compensation benefit reserve fund that is created under division 2158
(F) of this section, except that amounts collected, received, or 2159
credited in excess of two hundred million dollars shall be 2160
deposited into or credited to the unemployment trust fund 2161
established pursuant to section 4141.09 of the Revised Code. 2162

(F) The state unemployment compensation benefit reserve 2163
fund is hereby created as a trust fund in the custody of the 2164
treasurer of state and shall not be part of the state treasury. 2165
The fund shall consist of all moneys collected or received as 2166
mutualized contributions pursuant to division (B) (5) of this 2167
section and amounts credited to the mutualized account pursuant 2168
to division (B) (7) of this section as provided by division (E) 2169
of this section. All moneys in the fund shall be used solely to 2170
pay unemployment compensation benefits in the event that funds 2171
are no longer available for that purpose from the unemployment 2172
trust fund established pursuant to section 4141.09 of the 2173
Revised Code. 2174

(G) The balance in the unemployment compensation benefit 2175
reserve fund remaining at the end of the contribution period 2176
beginning January 1, 2000, and any mutualized contribution 2177
amounts for the contribution period beginning on January 1, 2178
1996, that may be received after December 31, 2000, shall be 2179
deposited into the unemployment trust fund established pursuant 2180
to section 4141.09 of the Revised Code. Income earned on moneys 2181
in the state unemployment compensation benefit reserve fund 2182
shall be available for use by the director only for the purposes 2183
described in division (I) of this section, and shall not be used 2184
for any other purpose. 2185

(H) The unemployment compensation benefit reserve fund 2186
balance shall be added to the unemployment trust fund balance in 2187
determining the minimum safe level tax to be imposed pursuant to 2188
division (B) of this section and shall be included in the 2189
mutualized account balance for the purpose of determining the 2190
mutualized contribution rate pursuant to division (B) (5) of this 2191
section. 2192

(I) All income earned on moneys in the unemployment 2193
compensation benefit reserve fund from the investment of the 2194
fund by the treasurer of state shall accrue to the department of 2195
job and family services automation administration fund, which is 2196
hereby established in the state treasury. Moneys within the 2197
automation administration fund shall be used to meet the costs 2198
related to automation of the department and the administrative 2199
costs related to collecting and accounting for unemployment 2200
compensation benefit reserve fund revenue. Any funds remaining 2201
in the automation administration fund upon completion of the 2202
department's automation projects that are funded by that fund 2203
shall be deposited into the unemployment trust fund established 2204
pursuant to section 4141.09 of the Revised Code. 2205

(J) ~~The director shall prepare and submit monthly reports to the unemployment compensation advisory commission with respect to the status of efforts to collect and account for unemployment compensation benefit reserve fund revenue and the costs related to collecting and accounting for that revenue. The director shall obtain approval from the unemployment compensation advisory commission for expenditure of funds from the department of job and family services automation administration fund. Funds may be approved~~ approve funds for expenditure for purposes set forth in division (I) of this section only to the extent that federal or other funds are not available.

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

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

Sec. 4715.03. (A) The state dental board shall organize by 2237
electing from its members a president, vice-president, 2238
secretary, and vice-secretary. The secretary and vice-secretary 2239
shall be elected from the members of the board who are dentists. 2240
It shall hold meetings monthly at least eight months a year at 2241
such times and places as the board designates. A majority of the 2242
members of the board shall constitute a quorum. The board shall 2243
make such reasonable rules as it determines necessary pursuant 2244
to Chapter 119. of the Revised Code. 2245

(B) A concurrence of a majority of the members of the 2246
board shall be required to do any of the following: 2247

(1) Grant, refuse, suspend, place on probationary status, 2248
revoke, refuse to renew, or refuse to reinstate a license or 2249
censure a license holder or take any other action authorized 2250
under section 4715.30 of the Revised Code; 2251

(2) Seek an injunction under section 4715.05 of the 2252
Revised Code; 2253

(3) Enter into a consent agreement with a license holder; 2254

(4) If the board develops and implements the quality 2255
intervention program under section 4715.031 of the Revised Code, 2256
refer a license holder to the program; 2257

(5) Terminate an investigation conducted under division 2258
(D) of this section; 2259

(6) Dismiss any complaint filed with the board. 2260

(C) (1) The board shall adopt rules in accordance with 2261
Chapter 119. of the Revised Code to do both of the following: 2262

(a) Establish standards for the safe practice of dentistry 2263
and dental hygiene by qualified practitioners and shall, through 2264

its policies and activities, promote such practice;	2265
(b) Establish universal blood and body fluid precautions	2266
that shall be used by each person licensed under this chapter	2267
who performs exposure prone invasive procedures.	2268
(2) The rules adopted under division (C) (1) (b) of this	2269
section shall define and establish requirements for universal	2270
blood and body fluid precautions that include the following:	2271
(a) Appropriate use of hand washing;	2272
(b) Disinfection and sterilization of equipment;	2273
(c) Handling and disposal of needles and other sharp	2274
instruments;	2275
(d) Wearing and disposal of gloves and other protective	2276
garments and devices.	2277
(D) The board shall administer and enforce the provisions	2278
of this chapter. The board shall, in accordance with sections	2279
4715.032 to 4715.035 of the Revised Code, investigate evidence	2280
which appears to show that any person has violated any provision	2281
of this chapter. Any person may report to the board under oath	2282
any information such person may have appearing to show a	2283
violation of any provision of this chapter. In the absence of	2284
bad faith, any person who reports such information or who	2285
testifies before the board in any disciplinary proceeding	2286
conducted pursuant to Chapter 119. of the Revised Code is not	2287
liable for civil damages as a result of making the report or	2288
providing testimony. If after investigation and reviewing the	2289
recommendation of the supervisory investigative panel <u>secretary</u>	2290
<u>and vice-secretary</u> issued pursuant to section 4715.034 of the	2291
Revised Code the board determines that there are reasonable	2292
grounds to believe that a violation of this chapter has	2293

occurred, the board shall, except as provided in this chapter, 2294
conduct disciplinary proceedings pursuant to Chapter 119. of the 2295
Revised Code, seek an injunction under section 4715.05 of the 2296
Revised Code, enter into a consent agreement with a license 2297
holder, or provide for a license holder to participate in the 2298
quality intervention program established under section 4715.031 2299
of the Revised Code if the board develops and implements that 2300
program. 2301

For the purpose of any disciplinary proceeding or any 2302
investigation conducted under this division, the board may 2303
administer oaths, order the taking of depositions, issue 2304
subpoenas in accordance with section 4715.033 of the Revised 2305
Code, compel the attendance and testimony of persons at 2306
depositions, and compel the production of books, accounts, 2307
papers, documents, or other tangible things. The hearings and 2308
investigations of the board shall be considered civil actions 2309
for the purposes of section 2305.252 of the Revised Code. 2310
Notwithstanding section 121.22 of the Revised Code and except as 2311
provided in section 4715.036 of the Revised Code, proceedings of 2312
the board relative to the investigation of a complaint or the 2313
determination whether there are reasonable grounds to believe 2314
that a violation of this chapter has occurred are confidential 2315
and are not subject to discovery in any civil action. 2316

(E) (1) The board shall examine or cause to be examined 2317
eligible applicants to practice dental hygiene. The board may 2318
distinguish by rule different classes of qualified personnel 2319
according to skill levels and require all or only certain of 2320
these classes of qualified personnel to be examined and 2321
certified by the board. 2322

(2) The board shall administer a written jurisprudence 2323

examination to each applicant for a license to practice 2324
dentistry. The examination shall cover only the statutes and 2325
administrative rules governing the practice of dentistry in this 2326
state. 2327

(F) (1) In accordance with Chapter 119. of the Revised 2328
Code, subject to division (F) (2) of this section the board shall 2329
adopt, and may amend or rescind, rules establishing the 2330
eligibility criteria, the application and permit renewal 2331
procedures, and safety standards applicable to a dentist 2332
licensed under this chapter who applies for a permit to employ 2333
or use conscious sedation. These rules shall include all of the 2334
following: 2335

(a) The eligibility requirements and application 2336
procedures for an eligible dentist to obtain a conscious 2337
sedation permit; 2338

(b) The minimum educational and clinical training 2339
standards required of applicants, which shall include 2340
satisfactory completion of an advanced cardiac life support 2341
course; 2342

(c) The facility equipment and inspection requirements; 2343

(d) Safety standards; 2344

(e) Requirements for reporting adverse occurrences. 2345

(2) The board shall issue a permit to employ or use 2346
conscious sedation in accordance with Chapter 4796. of the 2347
Revised Code to a dentist licensed under this chapter if either 2348
of the following applies: 2349

(a) The dentist holds a license or permit to employ or use 2350
conscious sedation in another state. 2351

(b) The dentist has satisfactory work experience, a 2352
government certification, or a private certification as 2353
described in Chapter 4796. of the Revised Code in employing or 2354
using conscious sedation in a state that does not issue that 2355
license. 2356

(G) (1) In accordance with Chapter 119. of the Revised 2357
Code, subject to division (G) (2) of this section the board shall 2358
adopt rules establishing eligibility criteria, application and 2359
permit renewal procedures, and safety standards applicable to a 2360
dentist licensed under this chapter who applies for a general 2361
anesthesia permit. 2362

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

(a) The dentist holds a general anesthesia license or 2366
permit in another state. 2367

(b) The dentist has satisfactory work experience, a 2368
government certification, or a private certification as 2369
described in Chapter 4796. of the Revised Code utilizing general 2370
anesthesia in a state that does not issue that license or 2371
permit. 2372

Sec. 4715.032. ~~There is hereby created the supervisory~~ 2373
~~investigative panel of the state dental board. The supervisory~~ 2374
~~investigative panel shall consist solely of the board's Pursuant~~ 2375
to sections 4715.03, 4715.033, 4715.034, 4715.035, and 4715.30 2376
of the Revised Code, the secretary and vice-secretary. The 2377
~~supervisory investigative panel of the state dental board shall~~ 2378
jointly supervise all of the board's investigations. 2379

Sec. 4715.033. (A) All subpoenas the state dental board 2380

seeks to issue with respect to an investigation shall, subject 2381
to division (B) of this section, be authorized by the 2382
~~supervisory investigative panel~~secretary and vice-secretary of 2383
the state dental board. 2384

(B) Before the ~~supervisory investigative panel~~ authorizes 2385
~~secretary and vice-secretary of the state dental board~~ authorize 2386
the state dental board to issue a subpoena, the ~~panel~~secretary 2387
and vice-secretary shall consult with the office of the attorney 2388
general and determine whether there is probable cause to believe 2389
that the complaint filed alleges a violation of this chapter or 2390
any rule adopted under it and that the information sought 2391
pursuant to the subpoena is relevant to the alleged violation 2392
and material to the investigation. 2393

(C) (1) Any subpoena to compel the production of records 2394
that the board issues ~~after authorization by the supervisory~~ 2395
~~investigative panel~~ shall pertain to records that cover a 2396
reasonable period of time surrounding the alleged violation. 2397

(2) (a) Except as provided in division (C) (2) (b) of this 2398
section, the subpoena shall state that the person being 2399
subpoenaed has a reasonable period of time that is not less than 2400
seven calendar days to comply with the subpoena. 2401

(b) If the board's secretary determines that the person 2402
being subpoenaed represents a clear and immediate danger to the 2403
public health and safety, the subpoena shall state that the 2404
person being subpoenaed must immediately comply with the 2405
subpoena. 2406

(D) On a person's failure to comply with a subpoena issued 2407
by the board and after reasonable notice to that person of the 2408
failure, the board may move for an order compelling the 2409

production of persons or records pursuant to the Rules of Civil Procedure. 2410
2411

Sec. 4715.034. (A) At any time during an investigation, 2412
the ~~supervisory investigative panel~~ secretary and vice-secretary 2413
of the state dental board may ask to meet with the individual 2414
who is the subject of the investigation. At the conclusion of 2415
the investigation, the ~~panel~~ secretary and vice-secretary shall 2416
recommend that the state dental board do one of the following: 2417

(1) Pursue disciplinary action under section 4715.30 of 2418
the Revised Code; 2419

(2) Seek an injunction under section 4715.05 of the 2420
Revised Code; 2421

(3) Enter into a consent agreement if the subject of the 2422
investigation is a licensee; 2423

(4) Refer the individual to the quality intervention 2424
program, if that program is developed and implemented under 2425
section 4715.031 of the Revised Code and the subject of the 2426
investigation is a licensee; 2427

(5) Terminate the investigation. 2428

(B) The ~~supervisory investigative panel's~~ recommendation 2429
of the secretary and vice-secretary shall be in writing and 2430
specify the reasons for the recommendation. Except as provided 2431
in section 4715.035 of the Revised Code, the ~~panel~~ secretary and 2432
vice-secretary shall make ~~its~~ their recommendation not later 2433
than one year after the date the ~~panel begins~~ secretary and 2434
vice-secretary begin to supervise the investigation or, if the 2435
investigation pertains to an alleged violation of division (A) 2436
(9) of section 4715.30 of the Revised Code, not later than two 2437
years after the ~~panel begins to~~ secretary and vice-secretary 2438

begin to supervise the investigation. 2439

Once the panel makes its recommendation, the members of 2440
the panel shall not participate in any deliberations the board 2441
has on the case. 2442

Sec. 4715.035. Both of the following periods of time shall 2443
not be counted for purposes of determining the time within which 2444
the ~~supervisory investigative panel is~~ secretary and vice- 2445
secretary of the state dental board are required to make ~~its-~~ 2446
their recommendation to the state dental board under section 2447
4715.034 of the Revised Code: 2448

(A) The period during which the ~~panel suspends~~ secretary 2449
and vice-secretary suspend the investigation of an individual 2450
because the individual is also the subject of a criminal 2451
investigation and ~~the panel is~~ are asked to do so by the entity 2452
conducting the criminal investigation or the ~~panel determines-~~ 2453
secretary and vice-secretary determine it is necessary to do so 2454
as a result of the criminal investigation. 2455

(B) The period beginning when the board moves for an order 2456
compelling the production of persons or records, as permitted by 2457
division (D) of section 4715.033 of the Revised Code, and ending 2458
when either of the following occurs: 2459

(1) The court renders a decision not to issue the order. 2460

(2) The court renders a decision to issue the order and 2461
the person subject to the order produces the persons or records. 2462

Sec. 4715.30. (A) Except as provided in division (K) of 2463
this section, an applicant for or holder of a certificate or 2464
license issued under this chapter is subject to disciplinary 2465
action by the state dental board for any of the following 2466
reasons: 2467

(1) Employing or cooperating in fraud or material	2468
deception in applying for or obtaining a license or certificate;	2469
(2) Obtaining or attempting to obtain money or anything of	2470
value by intentional misrepresentation or material deception in	2471
the course of practice;	2472
(3) Advertising services in a false or misleading manner	2473
or violating the board's rules governing time, place, and manner	2474
of advertising;	2475
(4) Commission of an act that constitutes a felony in this	2476
state, regardless of the jurisdiction in which the act was	2477
committed;	2478
(5) Commission of an act in the course of practice that	2479
constitutes a misdemeanor in this state, regardless of the	2480
jurisdiction in which the act was committed;	2481
(6) Conviction of, a plea of guilty to, a judicial finding	2482
of guilt of, a judicial finding of guilt resulting from a plea	2483
of no contest to, or a judicial finding of eligibility for	2484
intervention in lieu of conviction for, any felony or of a	2485
misdemeanor committed in the course of practice;	2486
(7) Engaging in lewd or immoral conduct in connection with	2487
the provision of dental services;	2488
(8) Selling, prescribing, giving away, or administering	2489
drugs for other than legal and legitimate therapeutic purposes,	2490
or conviction of, a plea of guilty to, a judicial finding of	2491
guilt of, a judicial finding of guilt resulting from a plea of	2492
no contest to, or a judicial finding of eligibility for	2493
intervention in lieu of conviction for, a violation of any	2494
federal or state law regulating the possession, distribution, or	2495
use of any drug;	2496

(9) Providing or allowing dental hygienists, expanded	2497
function dental auxiliaries, or other practitioners of auxiliary	2498
dental occupations working under the certificate or license	2499
holder's supervision, or a dentist holding a temporary limited	2500
continuing education license under division (C) of section	2501
4715.16 of the Revised Code working under the certificate or	2502
license holder's direct supervision, to provide dental care that	2503
departs from or fails to conform to accepted standards for the	2504
profession, whether or not injury to a patient results;	2505
(10) Inability to practice under accepted standards of the	2506
profession because of physical or mental disability, dependence	2507
on alcohol or other drugs, or excessive use of alcohol or other	2508
drugs;	2509
(11) Violation of any provision of this chapter or any	2510
rule adopted thereunder;	2511
(12) Failure to use universal blood and body fluid	2512
precautions established by rules adopted under section 4715.03	2513
of the Revised Code;	2514
(13) Except as provided in division (H) of this section,	2515
either of the following:	2516
(a) Waiving the payment of all or any part of a deductible	2517
or copayment that a patient, pursuant to a health insurance or	2518
health care policy, contract, or plan that covers dental	2519
services, would otherwise be required to pay if the waiver is	2520
used as an enticement to a patient or group of patients to	2521
receive health care services from that certificate or license	2522
holder;	2523
(b) Advertising that the certificate or license holder	2524
will waive the payment of all or any part of a deductible or	2525

copayment that a patient, pursuant to a health insurance or 2526
health care policy, contract, or plan that covers dental 2527
services, would otherwise be required to pay. 2528

(14) Failure to comply with section 4715.302 or 4729.79 of 2529
the Revised Code, unless the state board of pharmacy no longer 2530
maintains a drug database pursuant to section 4729.75 of the 2531
Revised Code; 2532

(15) Any of the following actions taken by an agency 2533
responsible for authorizing, certifying, or regulating an 2534
individual to practice a health care occupation or provide 2535
health care services in this state or another jurisdiction, for 2536
any reason other than the nonpayment of fees: the limitation, 2537
revocation, or suspension of an individual's license to 2538
practice; acceptance of an individual's license surrender; 2539
denial of a license; refusal to renew or reinstate a license; 2540
imposition of probation; or issuance of an order of censure or 2541
other reprimand; 2542

(16) Failure to cooperate in an investigation conducted by 2543
the board under division (D) of section 4715.03 of the Revised 2544
Code, including failure to comply with a subpoena or order 2545
issued by the board or failure to answer truthfully a question 2546
presented by the board at a deposition or in written 2547
interrogatories, except that failure to cooperate with an 2548
investigation shall not constitute grounds for discipline under 2549
this section if a court of competent jurisdiction has issued an 2550
order that either quashes a subpoena or permits the individual 2551
to withhold the testimony or evidence in issue; 2552

(17) Failure to comply with the requirements in section 2553
3719.061 of the Revised Code before issuing for a minor a 2554
prescription for an opioid analgesic, as defined in section 2555

3719.01 of the Revised Code;	2556
(18) Failure to comply with the requirements of sections	2557
4715.71 and 4715.72 of the Revised Code regarding the operation	2558
of a mobile dental facility;	2559
(19) A pattern of continuous or repeated violations of	2560
division (F) (2) of section 3963.02 of the Revised Code.	2561
(B) A manager, proprietor, operator, or conductor of a	2562
dental facility shall be subject to disciplinary action if any	2563
dentist, dental hygienist, expanded function dental auxiliary,	2564
or qualified personnel providing services in the facility is	2565
found to have committed a violation listed in division (A) of	2566
this section and the manager, proprietor, operator, or conductor	2567
knew of the violation and permitted it to occur on a recurring	2568
basis.	2569
(C) Subject to Chapter 119. of the Revised Code, the board	2570
may take one or more of the following disciplinary actions if	2571
one or more of the grounds for discipline listed in divisions	2572
(A) and (B) of this section exist:	2573
(1) Censure the license or certificate holder;	2574
(2) Place the license or certificate on probationary	2575
status for such period of time the board determines necessary	2576
and require the holder to:	2577
(a) Report regularly to the board upon the matters which	2578
are the basis of probation;	2579
(b) Limit practice to those areas specified by the board;	2580
(c) Continue or renew professional education until a	2581
satisfactory degree of knowledge or clinical competency has been	2582
attained in specified areas.	2583

(3) Suspend the certificate or license;	2584
(4) Revoke the certificate or license.	2585
Where the board places a holder of a license or	2586
certificate on probationary status pursuant to division (C) (2)	2587
of this section, the board may subsequently suspend or revoke	2588
the license or certificate if it determines that the holder has	2589
not met the requirements of the probation or continues to engage	2590
in activities that constitute grounds for discipline pursuant to	2591
division (A) or (B) of this section.	2592
Any order suspending a license or certificate shall state	2593
the conditions under which the license or certificate will be	2594
restored, which may include a conditional restoration during	2595
which time the holder is in a probationary status pursuant to	2596
division (C) (2) of this section. The board shall restore the	2597
license or certificate unconditionally when such conditions are	2598
met.	2599
(D) If the physical or mental condition of an applicant or	2600
a license or certificate holder is at issue in a disciplinary	2601
proceeding, the board may order the license or certificate	2602
holder to submit to reasonable examinations by an individual	2603
designated or approved by the board and at the board's expense.	2604
The physical examination may be conducted by any individual	2605
authorized by the Revised Code to do so, including a physician	2606
assistant, a clinical nurse specialist, a certified nurse	2607
practitioner, or a certified nurse-midwife. Any written	2608
documentation of the physical examination shall be completed by	2609
the individual who conducted the examination.	2610
Failure to comply with an order for an examination shall	2611
be grounds for refusal of a license or certificate or summary	2612

suspension of a license or certificate under division (E) of 2613
this section. 2614

(E) If a license or certificate holder has failed to 2615
comply with an order under division (D) of this section, the 2616
board may apply to the court of common pleas of the county in 2617
which the holder resides for an order temporarily suspending the 2618
holder's license or certificate, without a prior hearing being 2619
afforded by the board, until the board conducts an adjudication 2620
hearing pursuant to Chapter 119. of the Revised Code. If the 2621
court temporarily suspends a holder's license or certificate, 2622
the board shall give written notice of the suspension personally 2623
or by certified mail to the license or certificate holder. Such 2624
notice shall inform the license or certificate holder of the 2625
right to a hearing pursuant to Chapter 119. of the Revised Code. 2626

(F) Any holder of a certificate or license issued under 2627
this chapter who has pleaded guilty to, has been convicted of, 2628
or has had a judicial finding of eligibility for intervention in 2629
lieu of conviction entered against the holder in this state for 2630
aggravated murder, murder, voluntary manslaughter, felonious 2631
assault, kidnapping, rape, sexual battery, gross sexual 2632
imposition, aggravated arson, aggravated robbery, or aggravated 2633
burglary, or who has pleaded guilty to, has been convicted of, 2634
or has had a judicial finding of eligibility for treatment or 2635
intervention in lieu of conviction entered against the holder in 2636
another jurisdiction for any substantially equivalent criminal 2637
offense, is automatically suspended from practice under this 2638
chapter in this state and any certificate or license issued to 2639
the holder under this chapter is automatically suspended, as of 2640
the date of the guilty plea, conviction, or judicial finding, 2641
whether the proceedings are brought in this state or another 2642
jurisdiction. Continued practice by an individual after the 2643

suspension of the individual's certificate or license under this 2644
division shall be considered practicing without a certificate or 2645
license. The board shall notify the suspended individual of the 2646
suspension of the individual's certificate or license under this 2647
division in accordance with sections 119.05 and 119.07 of the 2648
Revised Code. If an individual whose certificate or license is 2649
suspended under this division fails to make a timely request for 2650
an adjudicatory hearing, the board shall enter a final order 2651
revoking the individual's certificate or license. 2652

(G) If the ~~supervisory investigative panel determines~~ 2653
secretary and vice-secretary of the state dental board determine 2654
both of the following, ~~the panel~~ they may recommend that the 2655
board suspend an individual's certificate or license without a 2656
prior hearing: 2657

(1) That there is clear and convincing evidence that an 2658
individual has violated division (A) of this section; 2659

(2) That the individual's continued practice presents a 2660
danger of immediate and serious harm to the public. 2661

Written allegations shall be prepared for consideration by 2662
the board. The board, upon review of those allegations and by an 2663
affirmative vote of not fewer than four dentist members of the 2664
board and seven of its members in total, excluding ~~any member on~~ 2665
~~the supervisory investigative panel~~ the secretary and vice- 2666
secretary, may suspend a certificate or license without a prior 2667
hearing. A telephone conference call may be utilized for 2668
reviewing the allegations and taking the vote on the summary 2669
suspension. 2670

The board shall serve a written order of suspension in 2671
accordance with sections 119.05 and 119.07 of the Revised Code. 2672

The order shall not be subject to suspension by the court during 2673
pendency or any appeal filed under section 119.12 of the Revised 2674
Code. If the individual subject to the summary suspension 2675
requests an adjudicatory hearing by the board, the date set for 2676
the hearing shall be within fifteen days, but not earlier than 2677
seven days, after the individual requests the hearing, unless 2678
otherwise agreed to by both the board and the individual. 2679

Any summary suspension imposed under this division shall 2680
remain in effect, unless reversed on appeal, until a final 2681
adjudicative order issued by the board pursuant to this section 2682
and Chapter 119. of the Revised Code becomes effective. The 2683
board shall issue its final adjudicative order within seventy- 2684
five days after completion of its hearing. A failure to issue 2685
the order within seventy-five days shall result in dissolution 2686
of the summary suspension order but shall not invalidate any 2687
subsequent, final adjudicative order. 2688

(H) Sanctions shall not be imposed under division (A) (13) 2689
of this section against any certificate or license holder who 2690
waives deductibles and copayments as follows: 2691

(1) In compliance with the health benefit plan that 2692
expressly allows such a practice. Waiver of the deductibles or 2693
copayments shall be made only with the full knowledge and 2694
consent of the plan purchaser, payer, and third-party 2695
administrator. Documentation of the consent shall be made 2696
available to the board upon request. 2697

(2) For professional services rendered to any other person 2698
who holds a certificate or license issued pursuant to this 2699
chapter to the extent allowed by this chapter and the rules of 2700
the board. 2701

(I) In no event shall the board consider or raise during a hearing required by Chapter 119. of the Revised Code the circumstances of, or the fact that the board has received, one or more complaints about a person unless the one or more complaints are the subject of the hearing or resulted in the board taking an action authorized by this section against the person on a prior occasion.

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

(K) The board shall not refuse to issue a license or

certificate to an applicant for either of the following reasons 2733
unless the refusal is in accordance with section 9.79 of the 2734
Revised Code: 2735

(1) A conviction or plea of guilty to an offense; 2736

(2) A judicial finding of eligibility for treatment or 2737
intervention in lieu of a conviction. 2738

Sec. 5104.39. (A) The director of children and youth shall 2739
adopt rules in accordance with Chapter 119. of the Revised Code 2740
establishing a procedure for monitoring the expenditures for 2741
publicly funded child care to ensure that expenditures do not 2742
exceed the available federal and state funds for publicly funded 2743
child care. The department of children and youth, with the 2744
assistance of the office of budget and management ~~and the child-~~ 2745
~~care advisory council created pursuant to section 5104.08 of the~~ 2746
~~Revised Code~~, shall monitor the anticipated future expenditures 2747
for publicly funded child care and shall compare those 2748
anticipated future expenditures to available federal and state 2749
funds for publicly funded child care. Whenever the department 2750
determines that the anticipated future expenditures for publicly 2751
funded child care will exceed the available federal and state 2752
funds, the department shall promptly notify the county 2753
departments of job and family services and, before the available 2754
state and federal funds are used, the director shall issue and 2755
implement an administrative order that shall specify both of the 2756
following: 2757

(1) Priorities for expending the remaining available 2758
federal and state funds for publicly funded child care; 2759

(2) Instructions and procedures to be used by the county 2760
departments regarding eligibility determinations. 2761

(B) The order may do any or all of the following:	2762
(1) Suspend enrollment of all new participants in any program of publicly funded child care;	2763 2764
(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;	2765 2766 2767
(3) Disenroll existing participants with income above a specified percentage of the federal poverty line;	2768 2769
(4) Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code;	2770 2771 2772
(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.	2773 2774 2775
(C) Each county department shall comply with the order no later than thirty days after it is issued.	2776 2777
(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.	2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788
(E) The department of children and youth shall do all of	2789

the following: 2790

(1) Conduct a quarterly evaluation of the program of 2791
publicly funded child care that is operated pursuant to sections 2792
5104.30 to 5104.43 of the Revised Code; 2793

(2) Prepare reports based upon the evaluations that 2794
specify for each county the number of participants and amount of 2795
expenditures; 2796

(3) Provide copies of the reports to both houses of the 2797
general assembly and, on request, to interested parties. 2798

Sec. 5104.50. The governor shall create the early 2799
childhood advisory council in accordance with 42 U.S.C. 9837b(b) 2800
(1) and shall appoint one of its members to serve as chairperson 2801
of the council. The council shall serve as the state advisory 2802
council on early childhood education and care, as described in 2803
42 U.S.C. 9837b(b)(1). In addition to the duties specified in 42 2804
U.S.C. 9837b(b)(1), the council shall promote family-centered 2805
programs and services that acknowledge and support the social, 2806
emotional, cognitive, intellectual, and physical development of 2807
children and the vital role of families in ensuring the well- 2808
being and success of children. 2809

The early childhood advisory council shall advise the 2810
director of children and youth on matters affecting the 2811
licensing of centers, type A homes, and type B homes and the 2812
certification of in-home aides. The council shall make an annual 2813
report to the director that addresses the availability, 2814
affordability, accessibility, and quality of child care and that 2815
summarizes the recommendations and plans of action that the 2816
council has proposed to the director during the preceding fiscal 2817
year. The director shall provide copies of the report to the 2818

governor, speaker and minority leader of the house of 2819
representatives, and the president and minority leader of the 2820
senate and, on request, shall make copies available to the 2821
public. 2822

Section 2. That existing sections 101.82, 101.83, 145.012, 2823
146.02, 718.051, 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 2824
3335.27, 3335.29, 3506.04, 3506.05, 3506.06, 3506.07, 3506.10, 2825
3701.931, 3743.53, 3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 2826
3923.57, 3924.01, 3924.02, 3924.06, 3924.73, 4125.041, 4141.131, 2827
4141.25, 4141.292, 4715.03, 4715.032, 4715.033, 4715.034, 2828
4715.035, 4715.30, 5104.39, and 5104.50 of the Revised Code are 2829
hereby repealed. 2830

Section 3. That sections 107.40, 122.98, 924.14, 924.212, 2831
1751.15, 1751.16, 1751.17, 3337.16, 3701.507, 3701.89, 3701.932, 2832
3743.67, 3783.08, 3923.122, 3923.58, 3923.581, 3923.582, 2833
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 2834
3924.12, 3924.13, 3924.14, 4141.08, 4141.12, 4749.021, 5104.08, 2835
and 5703.57 of the Revised Code are hereby repealed. 2836

Section 4. The repeal of section 3701.89 of the Revised 2837
Code by this act takes effect January 1, 2026. 2838

Section 5. The following agencies are retained under 2839
division (E) of section 101.83 of the Revised Code and expire at 2840
the end of December 31, of the year indicated in column 3 of the 2841
table below: 2842

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	Practice Registered Nursing		
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
D	AMBER Alert Advisory Committee	R.C. 5502.521	2028
E	Amusement Ride Safety, Advisory Council on	R.C. 1711.51	2028
F	Apprenticeship Council	R.C. 4139.02	2026
G	Automated Title Processing Board	R.C. 4505.09 (C) (1)	2028
H	Backflow Advisory Board	R.C. 3703.21	2028
I	Banking Commission	R.C. 1123.01	2028
J	Brain Injury Advisory Committee	R.C. 3335.61	2026
K	Broadcast Educational Media Commission	R.C. 3353.02	2026
L	Capitol Square Review and Advisory Board	R.C. 105.41	2026
M	Cemetery Dispute Resolution Commission, Ohio	R.C. 4767.05	2028
N	Child Abuse and Child Neglect Prevention Regional Councils (8)	R.C. 3109.172 (B)	2026
O	Child Support Guideline Advisory	R.C. 3119.023	2026

	Council		
P	Children's Trust Fund Board	R.C. 3109.15	2026
Q	Chiropractic Loan Repayment Advisory Board	R.C. 3702.987	2026
R	Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092	2026
S	Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio	R.C. 4112.04 (B) (4)	2028
T	Clean Ohio, Trail Advisory Board	R.C. 1519.06	2028
U	Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio	R.C. 1551.35	2028
V	College Credit Plus Advisory Committee	R.C. 3365.15	2026
W	Commercial Dog Breeding Advisory Board	R.C. 956.17	2028
X	Commercial Insurance Joint Underwriting Association Board of Governors, Ohio	R.C. 3930.03	2026
Y	Commodity Advisory Commission	R.C. 926.32	2028

Z	Continuing Education Committee (concerned with continuing education of sheriffs)	R.C. 109.80(B)	2028
AA	County Law Library Resources Boards, Statewide Consortium of	R.C. 3375.481	2028
AB	County Sheriff's Standard Car-Marking and Uniform Commission	R.C. 311.25	2028
AC	Credential Review Board	R.C. 3319.65	2026
AD	Credit Union Council	R.C. 1733.329	2028
AE	Criminal Sentencing Commission, State	R.C. 181.21	2028
AF	Cystic Fibrosis Legislative Task Force, Ohio	R.C. 101.38	2026
AG	Dentist Loan Repayment Advisory Board	R.C. 3702.92	2026
AH	Department Advisory Boards	R.C. 121.13	2026
AI	Developmental Disabilities Council, Ohio	R.C. 5123.35	2026
AJ	Developmental Disabilities Technology First Task Force	R.C. 5123.026	2026
AK	Dietetics Advisory Council	R.C. 4759.051	2026
AL	Education Management Information System Advisory Council	R.C. 3301.0713	2026
AM	Educator Standards Board	R.C. 3319.60	2026

AN	Employment First Task Force	R.C. 5123.023	2026
AO	Ex-Offender Reentry Coalition	R.C. 5120.07	2028
AP	Expositions Commission, Ohio	R.C. 991.02	2026
AQ	Faith-Based and Community Initiatives, Advisory Board of Governor's Office of	R.C. 107.12	2026
AR	Family and Children First Cabinet Council, Ohio	R.C. 121.37	2026
AS	Farmland Preservation Advisory Board	R.C. 901.23	2028
AT	Forestry Advisory Council	R.C. 1503.40	2028
AU	Grain Marketing Program Operating Committee	R.C. 924.22	2028
AV	Grape Industries Committee, Ohio	R.C. 924.51	2028
AW	Hispanic-Latino Affairs, Commission on	R.C. 121.31	2026
AX	Historic Site Preservation Advisory Board, Ohio	R.C. 149.301	2026
AY	History Connection, Ohio, Board of Trustees	R.C. 149.30	2026
AZ	Holocaust and Genocide Memorial and Education Commission	R.C. 197.03	2026
BA	Home Medical Equipment Services	R.C. 4752.24	2026

Advisory Council			
BB	Housing Trust Fund Advisory Committee	R.C. 174.06	2028
BC	Industrial Commission Nominating Council	R.C. 4121.04	2028
BD	Interagency Council of the New African Immigrants Commission	R.C. 4112.31	2028
BE	Interagency Workgroup on Autism	R.C. 5123.0419	2026
BF	Judicial Conference, Ohio	R.C. 105.91	2028
BG	Lake Erie Commission, Ohio	R.C. 1506.21	2028
BH	Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07	2026
BI	Livestock Exhibitions, Advisory Committee on	R.C. 901.71	2028
BJ	Materials Management Advisory Council	R.C. 3734.49	2028
BK	Medical Liability Underwriting Association, Board of Governors of the	R.C. 3929.64	2026
BL	Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the	R.C. 3929.631	2026
BM	Medically Handicapped Children's	R.C. 3701.025	2026

	Medical Advisory Council		
BN	Milk Sanitation Board	R.C. 917.03	2028
BO	Mine Subsidence Insurance Governing Board	R.C. 3929.51	2028
BP	Minority Development Financing Advisory Board	R.C. 122.72	2028
BQ	Minority Health, Commission on	R.C. 3701.78	2026
BR	New African Immigrants Commission	R.C. 4112.32	2028
BS	Office of Enterprise Development Advisory Board	R.C. 5145.162	2028
BT	Ohioana Library Association, Martha Kinney Cooper Memorial, Board of Trustees	R.C. 3375.62	2026
BU	Ohio Arts Council	R.C. 3379.02	2026
BV	Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the	R.C. 3323.33	2026
BW	Ohio Commission on Service and Volunteerism	R.C. 121.40	2026
BX	Ohio Dyslexia Committee	R.C. 3323.25	2026
BY	Ohio Environmental Education Fund Advisory Council	R.C. 3745.21	2028

BZ	Ohio Geographically Referenced Information Program Council	R.C. 125.901	2028
CA	Ohio Livestock Care Standards Board	R.C. 904.02	2028
CB	Ohio Public Library Information Network Board of Trustees	R.C. 3375.65	2026
CC	Ohio Tuition Trust Authority Investment Board	R.C. 3334.03	2026
CD	Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02	2026
CE	Oil and Gas Land Management Commission	R.C. 155.31	2028
CF	Oil and Gas Marketing Program, An Operating Committee of the	R.C. 1510.06	2028
CG	Oil and Gas, Technical Advisory Council on	R.C. 1509.38	2028
CH	Opportunities for Ohioans with Disabilities Council	R.C. 3304.12	2026
CI	Organized Crime Investigations Commission	R.C. 177.01	2028
CJ	Pharmacy and Therapeutics Committee of the Department of Medicaid	R.C. 5164.7510	2026
CK	Physician Assistant Policy Committee	R.C. 4730.05	2026

	of the State Medical Board		
CL	Power Siting Board	R.C. 4906.02	2028
CM	Propane Council	R.C. 936.02	2028
CN	Prequalification Review Board	R.C. 5525.07	2028
CO	Public Utilities Commission Nominating Council	R.C. 4901.021	2028
CP	Radiation Advisory Council	R.C. 3748.20	2026
CQ	Radio Communications System Steering Committee, Multi-Agency	Section 15.02, H.B. 640 of the 123rd G.A.	2028
CR	Rare Disease Advisory Council	R.C. 103.60	2026
CS	Reclaim Advisory Committee	R.C. 5139.44	2028
CT	Reclamation Commission	R.C. 1513.05	2028
CU	Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182	2028
CV	Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on	R.C. 103.51	2026
CW	Respiratory Care Advisory Council	R.C. 4761.032	2026
CX	Small Business Advisory Council	R.C. 107.63	2028
CY	Small Business Stationary Source	R.C. 3704.19	2028

	Technical and Environmental Compliance Assistance Council		
CZ	Small Government Capital Improvements Commission, Ohio	R.C. 164.02 (C)	2028
DA	Soil and Water Conservation Commission, Ohio	R.C. 940.02	2028
DB	STABLE Account Program Advisory Board	R.C. 113.56	2026
DC	Standardbred Development Commission, Ohio	R.C. 3769.085	2028
DD	State Audit Committee	R.C. 126.46	2026
DE	State Fire Council	R.C. 3737.81	2028
DF	STEM Committee of the Department of Education	R.C. 3326.02	2026
DG	Student Tuition Recovery Authority	R.C. 3332.081	2026
DH	Tax Credit Authority	R.C. 122.17 (M)	2028
DI	Thoroughbred Racing Advisory Committee, Ohio	R.C. 3769.084	2028
DJ	TourismOhio Advisory Board	R.C. 122.071	2028
DK	Transportation Review Advisory Council	R.C. 5512.07	2028
DL	Underground Technical Committee	R.C. 3781.34	2028

DM	Uniform State Laws, State Council of	R.C. 105.21	2028
DN	Utility Radiological Safety Board	R.C. 4937.02	2028
DO	Vendors Representative Committee, Ohio	R.C. 3304.34	2026
DP	Veterans Advisory Committee	R.C. 5902.02 (J)	2028
DQ	Victims Assistance Advisory Council, State	R.C. 109.91	2028
DR	Voting Systems Examiners, Board of	R.C. 3506.05	2028
DS	Waterways Safety Council	R.C. 1547.73	2028
DT	Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84	2028
DU	Wildlife Council	R.C. 1531.03	2028
DV	Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123	2026
DW	Workers' Compensation Board of Directors, Bureau of	R.C. 4121.12	2026

Section 6. It is the intent of the General Assembly, 2844
through the amendment and repeal in this act of statutes that 2845
create and empower the agency, to abolish the following agencies 2846
upon the effective date of this section: 2847

	1	2
A	Agriculture Commodity Marketing Programs, Coordinating Committee	R.C. 924.14
B	Alzheimer's Disease and Related Dementias Task Force	Sections 1, 2, 3, and 4 of S.B. 24 of the 133rd G.A.
C	Child Care Advisory Council	R.C. 5104.08
D	Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
E	Electrical Safety Inspector Advisory Committee	R.C. 3783.08
F	Engineering Experiment Station Advisory Committee	R.C. 3335.27
G	Federally Subsidized Housing Study Committee	Section 757.70 of H.B. 110 of the 134th G.A.
H	Fireworks Rules, Committee to Assist the State Fire Marshal in Adopting	R.C. 3743.53
I	Governor's Residence Advisory Commission	R.C. 107.40
J	Health Reinsurance Program, Board of Directors of the Ohio	R.C. 3924.08
K	Hemp Marketing Program Operating Committee	R.C. 924.212
L	Infant Hearing Screening Subcommittee	R.C. 3701.507

M	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.
N	Joint Legislative Task Force to Examine Transportation of Community School and Nonpublic School Students	Section 7 of S.B. 310 of the 133rd G.A.
O	Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16
P	Law Enforcement Training Funding Study Committee	Section 701.70 of H.B. 110 of the 134th G.A.
Q	Legislative Committee on Public Health Futures	Section 737.40 of H.B. 166 of the 133rd G.A.
R	Ohio Aerospace and Aviation Technology Committee	R.C. 122.98
S	Ohio Business Gateway Steering Committee	R.C. 5703.57
T	Ohio Children's Behavioral	Section 1 of

	Health Prevention Network Stakeholder Group	H.B. 12 of the 133rd G.A.
U	Ohio Fire Code Rule Recommendation Committee	R.C. 3743.67
V	Ohio Physician and Allied Health Care Workforce Preparation Task Force	Section 381.610 of H.B. 166 of the 133rd G.A.
W	Performance Indicators for Children's Hospitals Study Committee	Section 333.67 of H.B. 166 of the 133rd G.A.
X	Private Investigation and Security Services Commission, Ohio	R.C. 4749.021
Y	Public Assistance Benefits Accountability Task Force	Section 307.300 of H.B. 110 of the 134th G.A.
Z	Select Committee on Sports Gaming and Problem Gambling	Section 6 of H.B. 29 of the 134th G.A.
AA	State Report Card Study Committee	Section 265.510 of H.B. 166 of the 133rd.

		G.A.
AB	Study Commission on the Future of Gaming in Ohio	Section 5 of H.B. 29 of the 134th G.A.
AC	Study Committee Regarding Students Retaking Grade 12	Section 733.51 of H.B. 166 of the 133rd G.A.
AD	Supervisory Investigative Panel of the State Dental Board	R.C. 4715.032
AE	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.
AF	Unemployment Compensation Advisory Council	R.C. 4141.08
AG	Unemployment Compensation Modernization Improvement Council	R.C. 4141.12

Section 7. The amendments to sections 5104.39 and 5104.50, 2849
and the repeal of sections 3701.507 and 5104.08 of the Revised 2850
Code, as presented in this act, take effect on the later of 2851
January 1, 2025, or the effective date of this section. (January 2852
1, 2025, is the effective date of an earlier amendment to these 2853
sections by H.B. 33 of the 135th General Assembly.) 2854

Section 8. That Sections 5 (as amended by H.B. 33 of the 135th General Assembly) and 6 of H.B. 29 of the 134th General Assembly, Sections 307.300, 381.630, 701.70 (as amended by H.B. 45 of the 134th General Assembly), 733.30, and 757.70 of H.B. 110 of the 134th General Assembly, Section 1 of H.B. 12 of the 133rd General Assembly, Sections 265.510, 333.67, 381.610, 733.51, and 737.40 of H.B. 166 of the 133rd General Assembly, Sections 2, 3, and 4 of S.B. 24 of the 133rd General Assembly, and Section 7 of S.B. 310 of the 133rd General Assembly are hereby repealed.

Section 9. That Section 1 of S.B. 24 of the 133rd General Assembly and Section 3 of S.B. 9 of the 130th General Assembly (as amended by H.B. 122 of the 134th General Assembly) are hereby repealed.

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

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

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

(D) As soon as practicable after the transfer described in 2884
division (C) of this section, the trustees of the Foundation 2885
shall prepare a written report identifying the following: 2886

(1) Any encumbered funds unable to be transferred to the 2887
Treasurer of State, including the amounts still to be 2888
distributed pursuant to contracts in effect at the time of the 2889
report's preparation; 2890

(2) The duration of any contracts in effect at the time of 2891
the report's preparation; 2892

(3) The dates on which any remaining funds will be 2893
considered unencumbered. 2894

The trustees shall submit the report to the Treasurer of 2895
State, Governor, Senate President, and Speaker of the House of 2896
Representatives. 2897

(E) Following the January 1, 2026, repeal of section 2898
3701.89 of the Revised Code, the Treasurer of State shall assume 2899
the contractual duties of the Foundation, its trustees, and its 2900
corporate trustee, as identified under any contracts in effect 2901
on that date. 2902

Section 11. Section 145.012 of the Revised Code is 2903
presented in this act as a composite of the section as amended 2904
by both H.B. 281 and H.B. 377 of the 134th General Assembly. The 2905
General Assembly, applying the principle stated in division (B) 2906
of section 1.52 of the Revised Code that amendments are to be 2907
harmonized if reasonably capable of simultaneous operation, 2908
finds that the composite is the resulting version of the section 2909
in effect prior to the effective date of the section as 2910
presented in this act. 2911

Section 12. This act is an emergency measure necessary for 2912

the immediate preservation of the public peace, health, and 2913
safety. The sunset review law is scheduled to operate on 2914
December 31, 2024, as a matter of law. If the sunset review law 2915
operates before the effective date of this act, uncertainty and 2916
confusion, with respect to the authority for certain agencies to 2917
operate, could result. Therefore, this act goes into immediate 2918
effect. 2919