

**As Passed by the House**

**136th General Assembly**

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**Sub. H. B. No. 58**

**Representatives Pizzulli, Jarrells**

**Cosponsors: Representatives Click, Newman, Abrams, Baker, Bird, Brennan, Brewer, Brownlee, Bryant Bailey, Callender, Cockley, Daniels, Deeter, Dovilla, Ghanbari, Glassburn, Grim, Hall, D., Isaacsohn, John, Johnson, Kishman, Lawson-Rowe, Lett, McNally, Miller, J., Mohamed, Mullins, Odioso, Oelslager, Rader, Richardson, Ritter, Robb Blasdel, Rogers, Russo, Salvo, Santucci, Schmidt, Sigrist, Somani, Stephens, Synenberg, Thomas, C., Troy, Upchurch, White, A., Workman, Young**

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To amend sections 340.034, 2925.01, 5119.01, 1  
5119.36, 5119.365, 5119.39, 5119.392, 5119.393, 2  
5119.394, 5119.396, 5119.94, and 5119.99; to 3  
enact new section 5119.391 and sections 5119.02, 4  
5119.369, 5119.398, and 5119.399; and to repeal 5  
sections 5119.391, 5119.395, and 5119.397 of the 6  
Revised Code to require state certification of 7  
recovery housing residences, to establish 8  
additional duties regarding services offered by 9  
community addiction services providers, and to 10  
create the Ohio Recovery Housing Task Force. 11

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

**Section 1.** That sections 340.034, 2925.01, 5119.01, 12  
5119.36, 5119.365, 5119.39, 5119.392, 5119.393, 5119.394, 13  
5119.396, 5119.94, and 5119.99 be amended and new section 14  
5119.391 and sections 5119.02, 5119.369, 5119.398, and 5119.399 15  
of the Revised Code be enacted to read as follows: 16

**Sec. 340.034.** All of the following apply to recovery housing residences required by section 340.033 of the Revised Code to be part of included opioid and co-occurring drug addiction services and recovery supports:

(A) A recovery housing residence ~~shall comply with the requirements of being monitored~~ is subject to certification by the department of behavioral health under ~~sections~~ section 5119.39 to 5119.396 of the Revised Code and any rules adopted under section 5119.397 of the Revised Code, but the residence is not subject to residential facility licensure by the department under section 5119.34 of the Revised Code.

(B) A recovery housing residence shall not be operated by a board of alcohol, drug addiction, and mental health services unless any of the following applies:

(1) The board operated the recovery housing residence on July 1, 2017.

(2) The board utilizes local funds in the development or operation of the recovery housing residence.

(3) The board determines that there is a need for the board to assume operation of the recovery housing residence, such as when an existing operator of the residence goes out of business and the board considers the assumption of operation of the residence to be in the best interest of the community.

(C) A recovery housing residence shall have protocols for all of the following:

(1) Administrative oversight;

(2) Quality standards;

(3) Policies and procedures, including house rules, for

its residents to which the residents must agree to adhere. 45

(D) Family members of a resident of a recovery housing 46  
residence may reside in the residence to the extent permitted by 47  
protocols of the residence. 48

(E) A recovery housing residence shall not limit a 49  
resident's duration of stay to an arbitrary or fixed amount of 50  
time. Instead, each resident's duration of stay shall be 51  
determined by the resident's needs, progress, and willingness to 52  
abide by the residence's protocols, in collaboration with the 53  
residence's operator, and, if appropriate, in consultation and 54  
integration with a community addiction services provider. 55

(F) A—Except when prohibited by division (B) (1) or (2) of 56  
section 5119.396 of the Revised Code, both of the following 57  
apply: 58

(1) A recovery housing residence may permit its residents 59  
to receive medication-assisted treatment. 60

~~(G)~~ (2) A resident of a recovery housing residence may 61  
receive addiction services that are certified by the department 62  
under section 5119.36 of the Revised Code. 63

**Sec. 2925.01.** As used in this chapter: 64

(A) "Administer," "controlled substance," "controlled 65  
substance analog," "dispense," "distribute," "hypodermic," 66  
"manufacturer," "official written order," "person," 67  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 68  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 69  
have the same meanings as in section 3719.01 of the Revised 70  
Code. 71

(B) "Drug of abuse" and "person with a drug dependency" 72

have the same meanings as in section 3719.011 of the Revised Code. 73  
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(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 75  
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(D) "Bulk amount" of a controlled substance means any of the following: 79  
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(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D) (2), (5), or (6) of this section, whichever of the following is applicable: 81  
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(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 87  
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(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 91  
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(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 94  
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(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, 99  
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mixture, preparation, or substance that is or contains any 102  
amount of a schedule II opiate or opium derivative; 103

(e) An amount equal to or exceeding five grams or ten unit 104  
doses of a compound, mixture, preparation, or substance that is 105  
or contains any amount of phencyclidine; 106

(f) An amount equal to or exceeding one hundred twenty 107  
grams or thirty times the maximum daily dose in the usual dose 108  
range specified in a standard pharmaceutical reference manual of 109  
a compound, mixture, preparation, or substance that is or 110  
contains any amount of a schedule II stimulant that is in a 111  
final dosage form manufactured by a person authorized by the 112  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 113  
U.S.C.A. 301, as amended, and the federal drug abuse control 114  
laws, as defined in section 3719.01 of the Revised Code, that is 115  
or contains any amount of a schedule II depressant substance or 116  
a schedule II hallucinogenic substance; 117

(g) An amount equal to or exceeding three grams of a 118  
compound, mixture, preparation, or substance that is or contains 119  
any amount of a schedule II stimulant, or any of its salts or 120  
isomers, that is not in a final dosage form manufactured by a 121  
person authorized by the Federal Food, Drug, and Cosmetic Act 122  
and the federal drug abuse control laws. 123

(2) An amount equal to or exceeding one hundred twenty 124  
grams or thirty times the maximum daily dose in the usual dose 125  
range specified in a standard pharmaceutical reference manual of 126  
a compound, mixture, preparation, or substance that is or 127  
contains any amount of a schedule III or IV substance other than 128  
an anabolic steroid or a schedule III opiate or opium 129  
derivative; 130

(3) An amount equal to or exceeding twenty grams or five 131  
times the maximum daily dose in the usual dose range specified 132  
in a standard pharmaceutical reference manual of a compound, 133  
mixture, preparation, or substance that is or contains any 134  
amount of a schedule III opiate or opium derivative; 135

(4) An amount equal to or exceeding two hundred fifty 136  
milliliters or two hundred fifty grams of a compound, mixture, 137  
preparation, or substance that is or contains any amount of a 138  
schedule V substance; 139

(5) An amount equal to or exceeding two hundred solid 140  
dosage units, sixteen grams, or sixteen milliliters of a 141  
compound, mixture, preparation, or substance that is or contains 142  
any amount of a schedule III anabolic steroid; 143

(6) For any compound, mixture, preparation, or substance 144  
that is a combination of a fentanyl-related compound and any 145  
other compound, mixture, preparation, or substance included in 146  
schedule III, schedule IV, or schedule V, if the defendant is 147  
charged with a violation of section 2925.11 of the Revised Code 148  
and the sentencing provisions set forth in divisions (C) (10) (b) 149  
and (C) (11) of that section will not apply regarding the 150  
defendant and the violation, the bulk amount of the controlled 151  
substance for purposes of the violation is the amount specified 152  
in division (D) (1), (2), (3), (4), or (5) of this section for 153  
the other schedule III, IV, or V controlled substance that is 154  
combined with the fentanyl-related compound. 155

(E) "Unit dose" means an amount or unit of a compound, 156  
mixture, or preparation containing a controlled substance that 157  
is separately identifiable and in a form that indicates that it 158  
is the amount or unit by which the controlled substance is 159  
separately administered to or taken by an individual. 160

(F) "Cultivate" includes planting, watering, fertilizing,	161
or tilling.	162
(G) "Drug abuse offense" means any of the following:	163
(1) A violation of division (A) of section 2913.02 that	164
constitutes theft of drugs, or a violation of section 2925.02,	165
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	166
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	167
or 2925.37 of the Revised Code;	168
(2) A violation of an existing or former law of this or	169
any other state or of the United States that is substantially	170
equivalent to any section listed in division (G) (1) of this	171
section;	172
(3) An offense under an existing or former law of this or	173
any other state, or of the United States, of which planting,	174
cultivating, harvesting, processing, making, manufacturing,	175
producing, shipping, transporting, delivering, acquiring,	176
possessing, storing, distributing, dispensing, selling, inducing	177
another to use, administering to another, using, or otherwise	178
dealing with a controlled substance is an element;	179
(4) A conspiracy to commit, attempt to commit, or	180
complicity in committing or attempting to commit any offense	181
under division (G) (1), (2), or (3) of this section.	182
(H) "Felony drug abuse offense" means any drug abuse	183
offense that would constitute a felony under the laws of this	184
state, any other state, or the United States.	185
(I) "Harmful intoxicant" does not include beer or	186
intoxicating liquor but means any of the following:	187
(1) Any compound, mixture, preparation, or substance the	188

gas, fumes, or vapor of which when inhaled can induce	189
intoxication, excitement, giddiness, irrational behavior,	190
depression, stupefaction, paralysis, unconsciousness,	191
asphyxiation, or other harmful physiological effects, and	192
includes, but is not limited to, any of the following:	193
(a) Any volatile organic solvent, plastic cement, model	194
cement, fingernail polish remover, lacquer thinner, cleaning	195
fluid, gasoline, or other preparation containing a volatile	196
organic solvent;	197
(b) Any aerosol propellant;	198
(c) Any fluorocarbon refrigerant;	199
(d) Any anesthetic gas.	200
(2) Gamma Butyrolactone;	201
(3) 1,4 Butanediol.	202
(J) "Manufacture" means to plant, cultivate, harvest,	203
process, make, prepare, or otherwise engage in any part of the	204
production of a drug, by propagation, extraction, chemical	205
synthesis, or compounding, or any combination of the same, and	206
includes packaging, repackaging, labeling, and other activities	207
incident to production.	208
(K) "Possess" or "possession" means having control over a	209
thing or substance, but may not be inferred solely from mere	210
access to the thing or substance through ownership or occupation	211
of the premises upon which the thing or substance is found.	212
(L) "Sample drug" means a drug or pharmaceutical	213
preparation that would be hazardous to health or safety if used	214
without the supervision of a licensed health professional	215
authorized to prescribe drugs, or a drug of abuse, and that, at	216

one time, had been placed in a container plainly marked as a 217  
sample by a manufacturer. 218

(M) "Standard pharmaceutical reference manual" means the 219  
current edition, with cumulative changes if any, of references 220  
that are approved by the state board of pharmacy. 221

(N) "Juvenile" means a person under eighteen years of age. 222

(O) "Counterfeit controlled substance" means any of the 223  
following: 224

(1) Any drug that bears, or whose container or label 225  
bears, a trademark, trade name, or other identifying mark used 226  
without authorization of the owner of rights to that trademark, 227  
trade name, or identifying mark; 228

(2) Any unmarked or unlabeled substance that is 229  
represented to be a controlled substance manufactured, 230  
processed, packed, or distributed by a person other than the 231  
person that manufactured, processed, packed, or distributed it; 232

(3) Any substance that is represented to be a controlled 233  
substance but is not a controlled substance or is a different 234  
controlled substance; 235

(4) Any substance other than a controlled substance that a 236  
reasonable person would believe to be a controlled substance 237  
because of its similarity in shape, size, and color, or its 238  
markings, labeling, packaging, distribution, or the price for 239  
which it is sold or offered for sale. 240

(P) An offense is "committed in the vicinity of a school" 241  
if the offender commits the offense on school premises, in a 242  
school building, or within one thousand feet of the boundaries 243  
of any school premises, regardless of whether the offender knows 244

the offense is being committed on school premises, in a school 245  
building, or within one thousand feet of the boundaries of any 246  
school premises. 247

(Q) "School" means any school operated by a board of 248  
education, any community school established under Chapter 3314. 249  
of the Revised Code, or any nonpublic school for which the 250  
director of education and workforce prescribes minimum standards 251  
under section 3301.07 of the Revised Code, whether or not any 252  
instruction, extracurricular activities, or training provided by 253  
the school is being conducted at the time a criminal offense is 254  
committed. 255

(R) "School premises" means either of the following: 256

(1) The parcel of real property on which any school is 257  
situated, whether or not any instruction, extracurricular 258  
activities, or training provided by the school is being 259  
conducted on the premises at the time a criminal offense is 260  
committed; 261

(2) Any other parcel of real property that is owned or 262  
leased by a board of education of a school, the governing 263  
authority of a community school established under Chapter 3314. 264  
of the Revised Code, or the governing body of a nonpublic school 265  
for which the director of education and workforce prescribes 266  
minimum standards under section 3301.07 of the Revised Code and 267  
on which some of the instruction, extracurricular activities, or 268  
training of the school is conducted, whether or not any 269  
instruction, extracurricular activities, or training provided by 270  
the school is being conducted on the parcel of real property at 271  
the time a criminal offense is committed. 272

(S) "School building" means any building in which any of 273

the instruction, extracurricular activities, or training 274  
provided by a school is conducted, whether or not any 275  
instruction, extracurricular activities, or training provided by 276  
the school is being conducted in the school building at the time 277  
a criminal offense is committed. 278

(T) "Disciplinary counsel" means the disciplinary counsel 279  
appointed by the board of commissioners on grievances and 280  
discipline of the supreme court under the Rules for the 281  
Government of the Bar of Ohio. 282

(U) "Certified grievance committee" means a duly 283  
constituted and organized committee of the Ohio state bar 284  
association or of one or more local bar associations of the 285  
state of Ohio that complies with the criteria set forth in Rule 286  
V, section 6 of the Rules for the Government of the Bar of Ohio. 287

(V) "Professional license" means any license, permit, 288  
certificate, registration, qualification, admission, temporary 289  
license, temporary permit, temporary certificate, or temporary 290  
registration that is described in divisions (W) (1) to (37) of 291  
this section and that qualifies a person as a professionally 292  
licensed person. 293

(W) "Professionally licensed person" means any of the 294  
following: 295

(1) A person who has received a certificate or temporary 296  
certificate as a certified public accountant or who has 297  
registered as a public accountant under Chapter 4701. of the 298  
Revised Code and who holds an Ohio permit issued under that 299  
chapter; 300

(2) A person who holds a certificate of qualification to 301  
practice architecture issued or renewed and registered under 302

Chapter 4703. of the Revised Code;	303
(3) A person who is registered as a landscape architect	304
under Chapter 4703. of the Revised Code or who holds a permit as	305
a landscape architect issued under that chapter;	306
(4) A person licensed under Chapter 4707. of the Revised	307
Code;	308
(5) A person who has been issued a barber's license,	309
barber instructor's license, assistant barber instructor's	310
license, or independent contractor's license under Chapter 4709.	311
of the Revised Code;	312
(6) A person licensed and regulated to engage in the	313
business of a debt pooling company by a legislative authority,	314
under authority of Chapter 4710. of the Revised Code;	315
(7) A person who has been issued a cosmetologist's	316
license, hair designer's license, manicurist's license,	317
esthetician's license, natural hair stylist's license, advanced	318
license to practice cosmetology, advanced license to practice	319
hair design, advanced license to practice manicuring, advanced	320
license to practice esthetics, advanced license to practice	321
natural hair styling, cosmetology instructor's license, hair	322
design instructor's license, manicurist instructor's license,	323
esthetics instructor's license, natural hair style instructor's	324
license, independent contractor's license, or tanning facility	325
permit under Chapter 4713. of the Revised Code;	326
(8) A person who has been issued a license to practice	327
dentistry, a general anesthesia permit, a conscious sedation	328
permit, a limited resident's license, a limited teaching	329
license, a dental hygienist's license, or a dental hygienist's	330
teacher's certificate under Chapter 4715. of the Revised Code;	331

- (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; 332  
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- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code; 337  
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- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code; 341  
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- (12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code; 344  
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- (13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code; 346  
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- (14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; 348  
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- (15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs; 352  
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- (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; 357  
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- (17) A person who has been issued a license to practice 359

medicine and surgery, osteopathic medicine and surgery, or	360
podiatric medicine and surgery under Chapter 4731. of the	361
Revised Code or has been issued a certificate to practice a	362
limited branch of medicine under that chapter;	363
(18) A person licensed as a psychologist, independent	364
school psychologist, or school psychologist under Chapter 4732.	365
of the Revised Code;	366
(19) A person registered to practice the profession of	367
engineering or surveying under Chapter 4733. of the Revised	368
Code;	369
(20) A person who has been issued a license to practice	370
chiropractic under Chapter 4734. of the Revised Code;	371
(21) A person licensed to act as a real estate broker or	372
real estate salesperson under Chapter 4735. of the Revised Code;	373
(22) A person registered as a registered environmental	374
health specialist under Chapter 3776. of the Revised Code;	375
(23) A person licensed to operate or maintain a junkyard	376
under Chapter 4737. of the Revised Code;	377
(24) A person who has been issued a motor vehicle salvage	378
dealer's license under Chapter 4738. of the Revised Code;	379
(25) A person who has been licensed to act as a steam	380
engineer under Chapter 4739. of the Revised Code;	381
(26) A person who has been issued a license or temporary	382
permit to practice veterinary medicine or any of its branches,	383
or who is registered as a graduate animal technician under	384
Chapter 4741. of the Revised Code;	385
(27) A person who has been issued a hearing aid dealer's	386

or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	387 388
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	389 390 391
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	392 393
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	394 395 396
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	397 398 399
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	400 401 402 403 404 405
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	406 407
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	408 409 410
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	411 412
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	413 414

(37) A person who has been admitted to the bar by order of 415  
the supreme court in compliance with its prescribed and 416  
published rules; 417

(38) A person who has been issued a license to practice as 418  
a certified mental health assistant under Chapter 4772. of the 419  
Revised Code. 420

(X) "Cocaine" means any of the following: 421

(1) A cocaine salt, isomer, or derivative, a salt of a 422  
cocaine isomer or derivative, or the base form of cocaine; 423

(2) Coca leaves or a salt, compound, derivative, or 424  
preparation of coca leaves, including ecgonine, a salt, isomer, 425  
or derivative of ecgonine, or a salt of an isomer or derivative 426  
of ecgonine; 427

(3) A salt, compound, derivative, or preparation of a 428  
substance identified in division (X)(1) or (2) of this section 429  
that is chemically equivalent to or identical with any of those 430  
substances, except that the substances shall not include 431  
decocainized coca leaves or extraction of coca leaves if the 432  
extractions do not contain cocaine or ecgonine. 433

(Y) "L.S.D." means lysergic acid diethylamide. 434

(Z) "Hashish" means a resin or a preparation of a resin to 435  
which both of the following apply: 436

(1) It is contained in or derived from any part of the 437  
plant of the genus cannabis, whether in solid form or in a 438  
liquid concentrate, liquid extract, or liquid distillate form. 439

(2) It has a delta-9 tetrahydrocannabinol concentration of 440  
more than three-tenths per cent. 441

"Hashish" does not include a hemp byproduct in the 442  
possession of a licensed hemp processor under Chapter 928. of 443  
the Revised Code, provided that the hemp byproduct is being 444  
produced, stored, and disposed of in accordance with rules 445  
adopted under section 928.03 of the Revised Code. 446

(AA) "Marihuana" has the same meaning as in section 447  
3719.01 of the Revised Code, except that it does not include 448  
hashish. 449

(BB) An offense is "committed in the vicinity of a 450  
juvenile" if the offender commits the offense within one hundred 451  
feet of a juvenile or within the view of a juvenile, regardless 452  
of whether the offender knows the age of the juvenile, whether 453  
the offender knows the offense is being committed within one 454  
hundred feet of or within view of the juvenile, or whether the 455  
juvenile actually views the commission of the offense. 456

(CC) "Presumption for a prison term" or "presumption that 457  
a prison term shall be imposed" means a presumption, as 458  
described in division (D) of section 2929.13 of the Revised 459  
Code, that a prison term is a necessary sanction for a felony in 460  
order to comply with the purposes and principles of sentencing 461  
under section 2929.11 of the Revised Code. 462

(DD) "Major drug offender" has the same meaning as in 463  
section 2929.01 of the Revised Code. 464

(EE) "Minor drug possession offense" means either of the 465  
following: 466

(1) A violation of section 2925.11 of the Revised Code as 467  
it existed prior to July 1, 1996; 468

(2) A violation of section 2925.11 of the Revised Code as 469  
it exists on and after July 1, 1996, that is a misdemeanor or a 470

felony of the fifth degree.	471
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	472 473
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	474 475
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	476 477 478
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	479 480 481 482 483
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	484 485
(KK) "Fentanyl-related compound" means any of the following:	486 487
(1) Fentanyl;	488
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	489 490 491
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	492 493
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	494 495
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	496 497

phenylpropanamide);	498
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	499 500
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	501 502
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	503 504
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);	505 506
(10) Alfentanil;	507
(11) Carfentanil;	508
(12) Remifentanil;	509
(13) Sufentanil;	510
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	511 512
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	513 514 515 516 517 518 519
(a) A chemical scaffold consisting of both of the following:	520 521
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	522 523

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

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

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

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22,

2019, it means the longest minimum prison term prescribed in 553  
division (A) (1) (a) of that section for a felony of the first 554  
degree. 555

(OO) "Maximum second degree felony mandatory prison term" 556  
means the maximum definite prison term prescribed in division 557  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 558  
the second degree, except that if the violation for which 559  
sentence is being imposed is committed on or after March 22, 560  
2019, it means the longest minimum prison term prescribed in 561  
division (A) (2) (a) of that section for a felony of the second 562  
degree. 563

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 564  
as in section 928.01 of the Revised Code. 565

(QQ) An offense is "committed in the vicinity of a 566  
substance addiction services provider or a recovering addict" if 567  
either of the following apply: 568

(1) The offender commits the offense on the premises of a 569  
substance addiction services provider's facility, including a 570  
~~facility licensed prior to June 29, 2019, under section 5119.391~~ 571  
~~of the Revised Code to provide methadone treatment or an opioid~~ 572  
treatment program licensed ~~on or after that date~~ under section 573  
5119.37 of the Revised Code, or within five hundred feet of the 574  
premises of a substance addiction services provider's facility 575  
and the offender knows or should know that the offense is being 576  
committed within the vicinity of the substance addiction 577  
services provider's facility. 578

(2) The offender sells, offers to sell, delivers, or 579  
distributes the controlled substance or controlled substance 580  
analog to a person who is receiving treatment at the time of the 581

commission of the offense, or received treatment within thirty 582  
days prior to the commission of the offense, from a substance 583  
addiction services provider and the offender knows that the 584  
person is receiving or received that treatment. 585

(RR) "Substance addiction services provider" means an 586  
agency, association, corporation or other legal entity, 587  
individual, or program that provides one or more of the 588  
following at a facility: 589

(1) Either alcohol addiction services, or drug addiction 590  
services, or both such services that are certified by the 591  
director of mental health and addiction services under section 592  
5119.36 of the Revised Code; 593

(2) Recovery supports that are related to either alcohol 594  
addiction services, or drug addiction services, or both such 595  
services and paid for with federal, state, or local funds 596  
administered by the department of mental health and addiction 597  
services or a board of alcohol, drug addiction, and mental 598  
health services. 599

(SS) "Premises of a substance addiction services 600  
provider's facility" means the parcel of real property on which 601  
any substance addiction service provider's facility is situated. 602

(TT) "Alcohol and drug addiction services" has the same 603  
meaning as in section 5119.01 of the Revised Code. 604

**Sec. 5119.01.** (A) As used in this chapter: 605

(1) "Addiction" means the chronic and habitual use of 606  
alcoholic beverages, the use of a drug of abuse as defined in 607  
section 3719.011 of the Revised Code, or the use of gambling by 608  
an individual to the extent that the individual no longer can 609  
control the individual's use of alcohol, the individual becomes 610

physically or psychologically dependent on the drug, the 611  
individual's use of alcohol or drugs endangers the health, 612  
safety, or welfare of the individual or others, or the 613  
individual's gambling causes psychological, financial, 614  
emotional, marital, legal, or other difficulties endangering the 615  
health, safety, or welfare of the individual or others. 616

(2) "Addiction services" means services, including 617  
intervention, for the treatment of persons with alcohol, drug, 618  
or gambling addictions, and for the prevention of such 619  
addictions. 620

(3) "Alcohol and drug addiction services" means services, 621  
including intervention, for the treatment of persons with 622  
alcohol use disorder or persons who abuse drugs of abuse and for 623  
the prevention of alcohol use disorder and drug addiction. 624

(4) "Alcohol use disorder" means a medical condition 625  
characterized by an individual's impaired ability to stop or 626  
control the individual's alcohol use despite adverse social, 627  
occupational, or health consequences. An alcohol use disorder 628  
may be classified as mild, moderate, or severe. 629

(5) "Certifiable services and supports" means all of the 630  
following: 631

(a) Alcohol and drug addiction services; 632

(b) Mental health services; 633

(c) The types of recovery supports that are specified in 634  
rules adopted under section 5119.36 of the Revised Code as 635  
requiring certification under that section. 636

(6) "Community addiction services provider" means an 637  
agency, association, corporation or other legal entity, 638

individual, or program that provides one or more of the 639  
following: 640

(a) Alcohol and drug addiction services that are certified 641  
by the director of behavioral health under section 5119.36 of 642  
the Revised Code; 643

(b) Gambling addiction services; 644

(c) Recovery supports that are related to alcohol and drug 645  
addiction services or gambling addiction services and paid for 646  
with federal, state, or local funds administered by the 647  
department of behavioral health or a board of alcohol, drug 648  
addiction, and mental health services. 649

(7) "Community mental health services provider" means an 650  
agency, association, corporation, individual, or program that 651  
provides either of the following: 652

(a) Mental health services that are certified by the 653  
director of behavioral health under section 5119.36 of the 654  
Revised Code; 655

(b) Recovery supports that are related to mental health 656  
services and paid for with federal, state, or local funds 657  
administered by the department of behavioral health or a board 658  
of alcohol, drug addiction, and mental health services. 659

(8) "Drug addiction" means the use of a drug of abuse, as 660  
defined in section 3719.011 of the Revised Code, by an 661  
individual to the extent that the individual becomes physically 662  
or psychologically dependent on the drug or endangers the 663  
health, safety, or welfare of the individual or others. 664

(9) "Gambling addiction" means the use of gambling by an 665  
individual to the extent that it causes psychological, 666

financial, emotional, marital, legal, or other difficulties 667  
endangering the health, safety, or welfare of the individual or 668  
others. 669

(10) "Gambling addiction services" means services for the 670  
treatment of persons who have a gambling addiction and for the 671  
prevention of gambling addiction. 672

(11) "Hospital" means a hospital or inpatient unit 673  
licensed by the department of behavioral health under section 674  
5119.33 of the Revised Code, and any institution, hospital, or 675  
other place established, controlled, or supervised by the 676  
department under this chapter. 677

(12) "Included opioid and co-occurring drug addiction 678  
services and recovery supports" means the addiction services and 679  
recovery supports that, pursuant to section 340.033 of the 680  
Revised Code, are included in the array of services and recovery 681  
supports for all levels of opioid and co-occurring drug 682  
addiction required to be included in the community-based 683  
continuum of care established under section 340.032 of the 684  
Revised Code. 685

(13) "Medication-assisted treatment" has the same meaning 686  
as in section 340.01 of the Revised Code. 687

(14) "Mental illness" means a substantial disorder of 688  
thought, mood, perception, orientation, or memory that grossly 689  
impairs judgment, behavior, capacity to recognize reality, or 690  
ability to meet the ordinary demands of life. 691

(15) "Mental health services" means services for the 692  
assessment, care, or treatment of persons who have a mental 693  
illness and for the prevention of mental illness. 694

(16) "Opioid treatment program" has the same meaning as in 695

42 C.F.R. 8.2. 696

(17) "Recovery housing residence" means a residence for 697  
individuals recovering from alcohol use disorder or drug 698  
addiction that provides an alcohol-free and drug-free living 699  
environment, peer support, assistance with obtaining alcohol and 700  
drug addiction services, and other recovery assistance for 701  
alcohol use disorder and drug addiction. 702

(18) "Recovery supports" means assistance that is intended 703  
to help an individual with alcohol use disorder, drug addiction, 704  
or mental illness, or a member of such an individual's family, 705  
initiate and sustain the individual's recovery from alcohol use 706  
disorder, drug addiction, or mental illness. "Recovery supports" 707  
does not mean alcohol and drug addiction services or mental 708  
health services. 709

~~(19) (a) "Residence," except when referring to a recovery-~~ 710  
~~housing residence or the meaning of "residence" in section-~~ 711  
~~5119.90 of the Revised Code, means a person's physical presence-~~ 712  
~~in a county with intent to remain there, except in either of the~~ 713  
~~following circumstances:-~~ 714

~~(i) If a person is receiving a mental health treatment-~~ 715  
~~service at a facility that includes nighttime sleeping-~~ 716  
~~accommodations, "residence" means that county in which the-~~ 717  
~~person maintained the person's primary place of residence at the~~ 718  
~~time the person entered the facility;-~~ 719

~~(ii) If a person is committed pursuant to section 2945.38,~~ 720  
~~2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code,~~ 721  
~~"residence" means the county where the criminal charges were-~~ 722  
~~filed.-~~ 723

~~(b) When the residence of a person is disputed, the matter~~ 724

~~of residence shall be referred to the department of behavioral health for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.~~

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.02. This section establishes criteria to be taken into account whenever an individual's residency is determined in connection with the individual's eligibility for, or receipt of, addiction services, mental health services, or recovery supports.

(A) An individual's county of residence is established by the individual's physical presence in a county with intent to remain there, except in either of the following circumstances:

(1) If an individual is receiving a mental health service at a facility that includes nighttime sleeping accommodations, the individual's county of residence is based on the county in which the individual maintained the individual's primary residence at the time the individual entered the facility.

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, the

individual's county of residence is based on the county where 754  
the criminal charges were filed. 755

(B) In any dispute concerning an individual's residency, 756  
the matter of residency shall be referred to the department of 757  
behavioral health for investigation and determination. If the 758  
matter involves medicaid coverage, the department shall 759  
collaborate with the department of medicaid. 760

(C) An individual's residency shall not be a basis for a 761  
board of alcohol, drug addiction, and mental health services to 762  
deny services to any individual present in the board's alcohol, 763  
drug addiction, and mental health service district. Under this 764  
division, a board shall provide services to an individual in 765  
either of the following circumstances: 766

(1) While the individual's residency is being investigated 767  
and determined; 768

(2) While the individual is facing an emergency situation. 769

**Sec. 5119.36.** (A) A person or government entity that seeks 770  
initial certification of one or more certifiable services and 771  
supports, or that seeks to renew certification of one or more 772  
certifiable services and supports, shall submit an application 773  
to the director of behavioral health. On receipt of the 774  
application, the director shall determine whether the standards 775  
established by division (B) of this section and any rules 776  
adopted under this section are satisfied or continue to be 777  
satisfied by the applicant. As part of the determination the 778  
director may conduct an on-site review of the applicant. In 779  
doing so, the director may conduct the review in cooperation 780  
with a board of alcohol, drug addiction, and mental health 781  
services that seeks to contract or has a contract with the 782

applicant under section 340.036 of the Revised Code. 783

Not later than fourteen days after receipt of an 784  
application for initial or renewed certification, the director 785  
shall inform the board of alcohol, drug addiction, and mental 786  
health services serving the alcohol, drug addiction, and mental 787  
health service district in which the applicant's certifiable 788  
services and supports will be provided of the receipt of the 789  
application. On the board's request, the director shall provide 790  
the board with a copy of the application. 791

Not later than thirty days after a provider's 792  
certification ceases to be valid for any reason, including the 793  
provider's failure to renew the certification prior to 794  
expiration, the director's acceptance of the provider's 795  
surrender of the certification, or the issuance of a final order 796  
for disciplinary action under division (F) or (L) of this 797  
section, the director shall provide notice to the applicable 798  
board of alcohol, drug addiction, and mental health services of 799  
the reason the certification ceased to be valid and the date it 800  
became invalid. 801

(B) (1) Except as provided in division (B) (4) of this 802  
section, beginning on October 3, 2023, an applicant seeking 803  
initial certification of certifiable services and supports shall 804  
be accredited by one or more national accrediting organizations 805  
specified in division (B) (3) of this section for certifiable 806  
services and supports for which national accreditation exists 807  
for such services and supports or equivalent services and 808  
supports. 809

(2) Except as provided in division (B) (4) of this section, 810  
beginning October 1, 2025, an applicant seeking to renew 811  
certification of certifiable services and supports shall be 812

accredited by one or more national accrediting organizations 813  
specified in division (B) (3) of this section for certifiable 814  
services and supports for which national accreditation exists 815  
for such services and supports or equivalent services and 816  
supports. 817

(3) For purposes of divisions (B) (1) and (2) of this 818  
section, the director shall accept appropriate accreditation of 819  
an applicant's certifiable services and supports from any of the 820  
following national accrediting organizations: 821

(a) The joint commission; 822

(b) The commission on accreditation of rehabilitation 823  
facilities; 824

(c) The council on accreditation; 825

(d) Any other national accrediting organization the 826  
director considers appropriate. 827

(4) The accreditation requirements of divisions (B) (1) and 828  
(2) of this section do not apply to an applicant seeking an 829  
initial or renewed certification to provide prevention services, 830  
as that term is defined in rules adopted under this section. For 831  
such applicants, accreditation is optional. 832

(C) (1) Except as provided in division (C) (2) of this 833  
section, if the director determines that an applicant has paid 834  
any required certification fee, that the applicant's 835  
accreditation of certifiable services and supports is current 836  
and appropriate for the services and supports for which the 837  
applicant is seeking initial or renewed certification, and that 838  
the applicant meets any other requirements established by this 839  
section or rules adopted under it, the director shall certify 840  
the services and supports or renew the certification of the 841

services and supports, as applicable. Except as provided in 842  
division (I) of this section, the director shall issue or renew 843  
the certification without further evaluation of the services and 844  
supports. 845

(2) Prior to October 1, 2025, if an applicant that seeks 846  
to renew certification of certifiable services and supports is 847  
not accredited to provide those services and supports by one or 848  
more national accrediting organizations specified in division 849  
(B) (3) of this section, the director shall conduct an evaluation 850  
of the applicant to determine whether the applicant's 851  
certifiable services and supports satisfy the standards for 852  
certification. The evaluation is in addition to any on-site 853  
review conducted under division (A) of this section and shall be 854  
performed in cooperation with a board of alcohol, drug 855  
addiction, and mental health services that seeks to contract or 856  
has a contract with the applicant under section 340.036 of the 857  
Revised Code. If the director determines that an applicant has 858  
paid any required certification fee, that the applicant's 859  
certifiable services and supports satisfy the standards for 860  
renewed certification, and that the applicant meets any other 861  
requirements established by this section or the rules adopted 862  
under it, the director shall certify the certifiable services 863  
and supports. 864

(D) For purposes of the accreditation requirements of this 865  
section, both of the following apply: 866

(1) The director may review the accrediting organizations 867  
specified in division (B) (3) of this section to evaluate whether 868  
the accreditation standards and processes used by the 869  
organizations are consistent with service delivery models the 870  
director considers appropriate for mental health services, 871

alcohol and drug addiction services, or physical health 872  
services. The director may communicate to an accrediting 873  
organization any identified concerns, trends, needs, and 874  
recommendations. 875

(2) The director shall require a community mental health 876  
services provider and a community addiction services provider to 877  
notify the director not later than ten days after any change in 878  
the provider's accreditation status. The provider may notify the 879  
director by providing a copy of the relevant document the 880  
provider received from the accrediting organization. 881

(E) The director may require a community mental health 882  
services provider or a community addiction services provider to 883  
submit to the director cost reports pertaining to the provider. 884

(F) The director may refuse to certify certifiable 885  
services and supports, refuse to renew certification, or revoke 886  
certification if any of the following apply to an applicant for 887  
certification or the holder of the certification: 888

(1) The applicant or holder is not in compliance with 889  
rules adopted under this section. 890

(2) The applicant or holder has been cited for a pattern 891  
of serious noncompliance or repeated violations of statutes or 892  
rules during the current certification period or any previous 893  
certification period. 894

(3) The applicant or holder has been found to be in 895  
violation of division (A) (1) or (B) (1) or (2) of section 896  
5119.396 of the Revised Code, or to be in noncompliance with 897  
division (A) (2) of that section. 898

(4) The applicant or holder submits false or misleading 899  
information as part of a certification application, renewal, or 900

investigation. 901

(5) The applicant does not have adequate staff and 902  
equipment to provide the certifiable services and supports. 903

(6) The department has been notified under section 904  
5119.367 of the Revised Code or is otherwise aware that the 905  
applicant, any owner or principal of the applicant, or any 906  
subsidiary of the applicant or owner has been the subject of an 907  
adverse action, as defined in that section, taken during the 908  
three-year period immediately preceding the date of notification 909  
or date of becoming aware of the adverse action. 910

(G) Proceedings initiated to deny applications to certify 911  
certifiable services and supports, to refuse to renew 912  
certification, or to revoke certification are governed by 913  
Chapter 119. of the Revised Code. If an order has been issued 914  
suspending admissions to a community addiction services 915  
provider, as provided in division (L) of this section, the order 916  
remains in effect during the pendency of those proceedings. 917

(H) The director may conduct an on-site review or 918  
otherwise evaluate a community mental health services provider 919  
or a community addiction services provider at any time based on 920  
cause, including complaints made by or on behalf of persons 921  
receiving mental health services or alcohol and drug addiction 922  
services and confirmed or alleged deficiencies brought to the 923  
attention of the director. This authority does not affect the 924  
director's duty to conduct the inspections required by section 925  
5119.37 of the Revised Code. 926

In conducting an on-site review under this division, the 927  
director may do so in cooperation with a board of alcohol, drug 928  
addiction, and mental health services that seeks to contract or 929

has a contract with the applicant under section 340.036 of the Revised Code. In conducting any other evaluation under this division, the director shall do so in cooperation with such a board.

(I) If the director proposes to take action under division (F) of this section, the director shall notify the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the certifiable services and supports will be or were provided, and provide the board opportunity to respond as specified in division (A) of this section with respect to initial or renewal applications.

When a final order is issued by the director under division (F) of this section, the director may request that the appropriate board of alcohol, drug addiction, and mental health services reallocate any funds for the certifiable services and supports the applicant was to provide to a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards. If the board does not reallocate such funds in a reasonable period of time, the director may withhold state and federal funds for the certifiable services and supports and allocate those funds directly to a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards.

(J) Each applicant seeking initial or renewed certification of its certifiable services and supports shall pay a fee for the certification required by this section, unless the applicant is exempt under rules adopted under this section. Fees shall be paid into the state treasury to the credit of the sale

of goods and services fund created pursuant to section 5119.45 960  
of the Revised Code. 961

(K) The director shall adopt rules in accordance with 962  
Chapter 119. of the Revised Code to implement this section. The 963  
rules shall do all of the following: 964

(1) Subject to section 340.034 of the Revised Code, 965  
specify the types of recovery supports that are required to be 966  
certified under this section; 967

(2) Establish certification standards for certifiable 968  
services and supports that are consistent with nationally 969  
recognized applicable standards and facilitate participation in 970  
federal assistance programs. The rules shall include as 971  
certification standards only requirements that improve the 972  
quality of certifiable services and supports or the health and 973  
safety of persons receiving certifiable services and supports. 974  
The standards shall address at a minimum all of the following: 975

(a) Reporting major unusual incidents to the director; 976

(b) Procedures for applicants for and persons receiving 977  
certifiable services and supports to file grievances and 978  
complaints; 979

(c) Seclusion; 980

(d) Restraint; 981

(e) Requirements regarding the physical facilities in 982  
which certifiable services and supports are provided; 983

(f) Requirements with regard to health, safety, adequacy, 984  
and cultural specificity and sensitivity; 985

(g) Standards for evaluating certifiable services and 986

supports;	987
(h) Standards and procedures for granting full,	988
probationary, and interim certification of the certifiable	989
services and supports of an applicant;	990
(i) Standards and procedures for revoking the	991
certification of a community mental health services provider's	992
or community addiction services provider's certifiable services	993
and supports that do not continue to meet the minimum standards	994
established pursuant to this section;	995
(j) The limitations to be placed on a provider whose	996
certifiable services and supports are granted probationary or	997
interim certification;	998
(k) Development of written policies addressing the rights	999
of persons receiving certifiable services and supports,	1000
including all of the following:	1001
(i) The right to a copy of the written policies addressing	1002
the rights of persons receiving certifiable services and	1003
supports;	1004
(ii) The right at all times to be treated with	1005
consideration and respect for the person's privacy and dignity;	1006
(iii) The right to have access to the person's own	1007
psychiatric, medical, or other treatment records unless access	1008
is specifically restricted in the person's treatment plan for	1009
clear treatment reasons;	1010
(iv) The right to have a client rights officer provided by	1011
the provider or board of alcohol, drug addiction, and mental	1012
health services advise the person of the person's rights,	1013
including the person's rights under Chapter 5122. of the Revised	1014

Code if the person is committed to the provider or board.	1015
(1) Documentation that must be submitted as evidence of holding appropriate accreditation;	1016 1017
(m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B) (3) of this section.	1018 1019 1020 1021
(3) Establish the process for certification of certifiable services and supports;	1022 1023
(4) Set the amount of initial and renewal certification fees and any reasons for which applicants may be exempt from the fees;	1024 1025 1026
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds;	1027 1028
(6) Establish a process by which the director, based on deficiencies identified as a result of conducting an on-site review or otherwise evaluating a community mental health services provider or community addiction services provider under division (H) of this section, may take any range of correction actions, including revocation of the provider's certification.	1029 1030 1031 1032 1033 1034
(L) (1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:	1035 1036 1037 1038
(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section;	1039 1040
(b) The provider has been cited for more than one violation of statutes or rules during any previous certification	1041 1042

period of the provider. 1043

(2) (a) Except as provided in division (L) (2) (b) of this 1044  
section, proceedings initiated to suspend admissions to a 1045  
community addiction services provider that provides overnight 1046  
accommodations are governed by Chapter 119. of the Revised Code. 1047

(b) If a suspension of admissions is proposed because the 1048  
director has determined that the provider has demonstrated a 1049  
pattern of serious noncompliance or that a violation creates a 1050  
substantial risk to the health and safety of patients, the 1051  
director may issue an order suspending admissions before 1052  
providing an opportunity for an adjudication under Chapter 119. 1053  
of the Revised Code. The director shall lift the order for the 1054  
suspension of admissions if the director determines that the 1055  
violation that formed the basis for the order has been 1056  
corrected. 1057

(3) Appeals from proceedings initiated to order the 1058  
suspension of admissions shall be conducted in accordance with 1059  
Chapter 119. of the Revised Code, unless the order was issued 1060  
before providing an opportunity for an adjudication, in which 1061  
case all of the following apply: 1062

(a) The provider may request a hearing not later than ten 1063  
days after being served in accordance with sections 119.05 and 1064  
119.07 of the Revised Code. 1065

(b) If a timely request for a hearing that includes the 1066  
provider's current address is made, the hearing shall commence 1067  
not later than thirty days after the department receives the 1068  
request. 1069

(c) After commencing, the hearing shall continue 1070  
uninterrupted, except for Saturdays, Sundays, and legal 1071

holidays, unless other interruptions are agreed to by the 1072  
provider and the director. 1073

(d) If the hearing is conducted by a hearing examiner, the 1074  
hearing examiner shall file a report and recommendations with 1075  
the department not later than ten days after the last of the 1076  
following: 1077

(i) The close of the hearing; 1078

(ii) If a transcript of the proceedings is ordered, the 1079  
hearing examiner receives the transcript; 1080

(iii) If post-hearing briefs are timely filed, the hearing 1081  
examiner receives the briefs. 1082

(e) The hearing examiner shall send a written copy of the 1083  
report and recommendations, by certified mail, to the provider, 1084  
or the provider's attorney, if applicable, not later than five 1085  
days after the report is filed with the department. 1086

(f) Not later than five days after receiving the report 1087  
and recommendations, the provider may file objections with the 1088  
department. 1089

(g) Not later than fifteen days after the hearing examiner 1090  
files the report and recommendations, the department shall issue 1091  
an order approving, modifying, or disapproving the report and 1092  
recommendations. 1093

(h) Notwithstanding the pendency of the hearing, the 1094  
department shall lift the order for the suspension of admissions 1095  
if the department determines the violation that formed the basis 1096  
for the order has been corrected. 1097

(M) (1) In a proceeding initiated to suspend admissions to 1098  
a community addiction services provider that provides overnight 1099

accommodations, to deny an application for certification of 1100  
certifiable services and supports, to refuse to renew 1101  
certification, or to revoke certification, the department may 1102  
order the suspension, denial, refusal, or revocation regardless 1103  
of whether some or all of the deficiencies that prompted the 1104  
proceedings have been corrected at the time of the hearing. 1105

(2) When the department issues an order suspending 1106  
admissions to a community addiction services provider that 1107  
provides overnight accommodations, denies an application for 1108  
certification of certifiable services and supports, refuses to 1109  
renew certification, or revokes a certification, the department 1110  
shall not grant an opportunity for submitting a plan of 1111  
correction. 1112

(N) The department of behavioral health shall maintain a 1113  
current list of community addiction services providers and shall 1114  
provide a copy of the list to a judge of a court of common pleas 1115  
who requests a copy for the use of the judge under division (H) 1116  
of section 2925.03 of the Revised Code. The list shall identify 1117  
each provider by its name, its address, and the county in which 1118  
it is located. 1119

(O) No person shall represent in any manner that a 1120  
community mental health services provider's or community 1121  
addiction services provider's certifiable services and supports 1122  
are certified by the director if the certifiable services and 1123  
supports are not so certified at the time the representation is 1124  
made. 1125

(P) If a board of alcohol, drug addiction, and mental 1126  
health services requests the department of behavioral health to 1127  
investigate a community mental health services provider or 1128  
community addiction services provider pursuant to this section, 1129

the department shall initiate the investigation not later than 1130  
ten business days after receipt of the request. If the 1131  
department initiates an investigation of a community mental 1132  
health services provider or community addiction services 1133  
provider under this section for any other reason, the department 1134  
shall notify the board of alcohol, drug addiction, and mental 1135  
health services serving the applicable alcohol, drug addiction, 1136  
and mental health service district of the investigation and the 1137  
reason for the investigation not later than three business days 1138  
after the investigation begins. On the board's request, the 1139  
department shall provide the board with information specifying 1140  
the status of the investigation and the final disposition of the 1141  
investigation. 1142

**Sec. 5119.365.** (A) The director of behavioral health shall 1143  
adopt rules in accordance with Chapter 119. of the Revised Code 1144  
to do both of the following: 1145

~~(A)~~ (1) Streamline the intake procedures used by a 1146  
community addiction services provider accepting and beginning to 1147  
serve a new individual, including procedures regarding intake 1148  
forms and questionnaires; 1149

~~(B)~~ (2) Enable a community addiction services provider to 1150  
retain an individual as an active patient even though the 1151  
patient last received services from the provider more than 1152  
thirty days before resumption of services so that the individual 1153  
and provider do not have to repeat the intake procedures. 1154

(B) In addition to following the intake procedures 1155  
established in rules adopted under division (A) of this section, 1156  
a community addiction services provider shall provide full 1157  
disclosure of the specific services that are offered by the 1158  
provider. This disclosure requirement applies in both of the 1159

following circumstances: 1160

(1) When a potential recipient of services or that 1161  
individual's representative contacts the provider for 1162  
information about the services the provider offers; 1163

(2) When the provider issues any advertisements or other 1164  
solicitations regarding the services the provider offers. 1165

**Sec. 5119.369.** (A) A community addiction services provider 1166  
that operates an inpatient treatment facility shall do both of 1167  
the following if an individual chooses to leave the facility 1168  
against the advice of the individual's treatment providers: 1169

(1) Provide information on any transportation services 1170  
that are available to enable the individual to return to the 1171  
area where the individual's primary residence was located before 1172  
the individual was admitted to the facility; 1173

(2) Make every effort reasonably possible to assist the 1174  
individual in finding other addiction services and recovery 1175  
supports. 1176

(B) For purposes of division (A) of this section, a 1177  
community addiction services provider shall ensure that the 1178  
information or assistance provided to an individual is safe and 1179  
therapeutically appropriate for that individual. 1180

**Sec. 5119.39.** ~~(A) The department of behavioral health~~ 1181  
~~shall monitor the operation of recovery housing in this state by~~ 1182  
~~doing either of the following:~~ 1183

~~(1) Certifying~~ establish a program for the certification 1184  
of recovery housing residences through a process established by 1185  
the department; 1186

~~(2) Accepting accreditation, or its equivalent for~~ 1187

~~recovery housing, from one or more of the following:~~ 1188

~~(a) The Ohio affiliate of the national alliance for  
recovery residences;~~ 1189  
1190

~~(b) Oxford house, inc.;~~ 1191

~~(c) Any other organization that is designated by the  
department for purposes of this section.~~ 1192  
1193

~~(B) If the department certifies recovery housing  
residences, the . The department shall, in rules adopted under  
section 5119.397-5119.399 of the Revised Code, establish  
requirements standards and procedures for initial certification  
issuing and renewal renewing certification, as well as of  
recovery housing residences. In addition, the department shall,  
in rules adopted under that section, establish grounds and  
procedures for taking disciplinary action actions against  
operators of recovery housing residences that fail to meet the  
requirements of the department's certification program.~~ 1194  
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Sec. 5119.391. (A) For purposes of this section, 1204  
"accreditation" includes any equivalent designation that an 1205  
organization uses in the case of recovery housing residences. 1206

(B) In lieu of determining whether a recovery housing 1207  
residence satisfies the standards for certification under 1208  
section 5119.39 of Revised Code, the department of behavioral 1209  
health may accept, as evidence that the standards have been met, 1210  
accreditation from any organization that meets all of the 1211  
following conditions: 1212

(1) It conducts in-person, on-site visits. 1213

(2) It performs comprehensive policy reviews. 1214

(3) It investigates complaints and revokes its 1215

accreditation when warranted. 1216

(4) It meets any other conditions that the department 1217  
considers appropriate. 1218

(C) If an organization's accreditation is accepted by the 1219  
department and the organization takes an adverse action against 1220  
a recovery housing residence, the operator of the residence 1221  
shall notify the department not later than seven days after 1222  
receiving notice of the organization's adverse action. When 1223  
notifying the department, the operator shall provide a copy of 1224  
the organization's notice of adverse action. 1225

**Sec. 5119.392.** ~~(A) Beginning January 1, 2025, no~~ Except as 1226  
provided in division (B) of this section, both of the following 1227  
apply: 1228

(1) No person or government entity shall knowingly operate 1229  
a recovery housing residence unless either of the following 1230  
applies: 1231

~~(1)(a) If the department of behavioral health certifies~~ 1232  
~~recovery housing residences,~~ the recovery housing residence is 1233  
certified by the department of behavioral health under section 1234  
5119.39 of the Revised Code. 1235

(2) No person or government entity shall knowingly 1236  
advertise or represent any residence or other building to be a 1237  
recovery housing residence, regardless of how it is held out to 1238  
the public, including by being held out as a sober living home 1239  
or any other type of alcohol-free or drug-free housing for 1240  
individuals recovering from alcohol use disorder or drug 1241  
addiction, unless the residence or building is certified by the 1242  
department under section 5119.39 of the Revised Code. 1243

~~(b) If the department accepts accreditation or its~~ 1244

~~equivalent from an organization specified in section 5119.39 of  
the Revised Code, the residence is accredited by such an  
organization.~~ 1245  
1246  
1247

~~(2) The recovery housing residence has been operating for  
not more than eighteen months and is actively engaged in efforts  
to obtain certification or accreditation, as applicable. For  
purposes of identifying this eighteen-month timeframe, a  
recovery housing residence is considered to begin operating on  
the date that the first resident occupies the residence, as  
specified on the form filed in accordance with section 5119.391  
of the Revised Code.~~ 1248  
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~~(B) If the director of behavioral health determines that a  
recovery housing residence is operating in violation of this  
section, the director may request, in writing, that the attorney  
general petition the court of common pleas of the county in  
which the recovery housing residence is located for an order  
enjoining operation of the recovery housing residence~~ 1256  
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1261  
(A) of this section does not apply to a residence or building  
that is regulated by the department of rehabilitation and  
correction under section 2967.14 of the Revised Code. 1262  
1263  
1264

**Sec. 5119.393.** (A) The department of behavioral health 1265  
shall establish a procedure to receive and investigate 1266  
complaints from residents, staff, and the public regarding 1267  
recovery housing residences. The department shall permit the 1268  
appropriate board of alcohol, drug addiction, and mental health 1269  
services to participate in the investigation of any complaint 1270  
received. 1271

The investigation of a complaint shall be initiated not 1272  
later than three days after the complaint is received. If the 1273  
investigation remains pending on the forty-fifth day after the 1274

complaint is received, the director of behavioral health, under 1275  
the authority granted by section 5119.398 of the Revised Code, 1276  
shall request the appropriate prosecuting attorney to take 1277  
action as provided in that section. 1278

Subject to the confidentiality requirements of division 1279  
(C) of this section, the findings of each investigation shall be 1280  
included in the registry established and maintained under 1281  
section 5119.394 of the Revised Code. 1282

(B) If the department accepts accreditation from an 1283  
organization under section 5119.391 of the Revised Code, the 1284  
department may contract with ~~one or more of the organizations~~ 1285  
~~specified in section 5119.39 of the Revised Code~~ the 1286  
organization to fulfill some or all of the functions associated 1287  
with receiving and investigating complaints. 1288

~~(B)~~ Any organization under contract with the department to 1289  
receive and investigate complaints shall comply with the three- 1290  
day time limit for initiating an investigation, as provided in 1291  
division (A) of this section. The organization shall make 1292  
reports to the department ~~as follows:~~ 1293

~~(1) Not less than monthly, the contractor shall report~~ 1294  
~~regarding the status of each its pending investigation and shall~~ 1295  
~~report the outcome of each investigation that has been completed~~ 1296  
~~since the last report was made;~~ 1297

~~(2) As soon as practicable, but not later than ten days~~ 1298  
~~after making an adverse decision, if a contractor's~~ 1299  
~~accreditation or its equivalent is accepted by the department~~ 1300  
~~for purposes of section 5119.39 of the Revised Code, the~~ 1301  
~~contractor shall report that decision to the department in a~~ 1302  
~~manner prescribed by the department investigations and the~~ 1303

findings from its completed investigations. The reports shall be 1304  
provided at intervals established by the terms of the 1305  
department's contract with the organization. 1306

(C) (1) With respect to ~~complaints received by the~~ 1307  
~~department or a contractor of the department,~~ the 1308  
confidentiality of the information and records received, 1309  
~~collected, or generated by the department or a contractor~~ 1310  
~~pursuant to an~~ a complaint and the resulting investigation, and 1311  
~~reports that are made under division (B) of this section,~~ 1312  
all of the following apply to those items, subject to the disclosure 1313  
provisions of division (C) (2) of this section: 1314

(a) The items are confidential and not public records 1315  
under section 149.43 of the Revised Code. 1316

(b) The items are exempt from the provisions of Chapter 1317  
1347. of the Revised Code. 1318

(c) The items are not subject to discovery in any civil 1319  
action. 1320

~~(2)(a) The~~ (2) All of the following apply to the 1321  
disclosure of the items described in division (C) (1) of this 1322  
section: 1323

(a) The items shall be disclosed if required by law. 1324

(b) The items ~~described in division (C) (1) of this section~~ 1325  
may be disclosed to any federal, state, or local law 1326  
enforcement, prosecutorial, or regulatory agency or its officers 1327  
or agents. 1328

(c) The items ~~described in division (C) (1) of this section~~ 1329  
may be admitted into evidence in a criminal trial in accordance 1330  
with the Rules of Evidence, or in an administrative hearing 1331

conducted by an agency, but the court or agency shall require 1332  
that appropriate measures be taken to ensure that 1333  
confidentiality is maintained with respect to any part thereof 1334  
that contains names or other identifying information about 1335  
residents, complainants, or others whose confidentiality was 1336  
protected by the department or its contractor when the items 1337  
were in the possession of the department or contractor. Measures 1338  
to ensure confidentiality that may be taken by the court or 1339  
agency include sealing its records or redacting specific 1340  
information from its records. 1341

(d) ~~The~~ In accordance with division (A) of this section, 1342  
the items described in division (C) (1) of this section may shall 1343  
be included in the registry established and maintained under 1344  
section 5119.394 of the Revised Code, but the department shall 1345  
make its best effort to do so in a manner that protects the 1346  
confidentiality of complainants, individuals or organizations 1347  
providing information about a complaint, and recovery housing 1348  
residents. The department may refer to any of the foregoing in 1349  
the registry as long as it removes personally identifying 1350  
information or uses any other technique it considers appropriate 1351  
to maintain confidentiality. 1352

**Sec. 5119.394.** (A) The department of behavioral health 1353  
shall establish and maintain a registry ~~of~~ to serve as a 1354  
comprehensive and consolidated source of information regarding 1355  
recovery housing residences that meet the criteria described in 1356  
division (A) (1) or (2) of section 5119.392 of the Revised Code. 1357

~~(B) For each residence, the registry shall include all of~~ 1358  
~~the following, subject~~ in this state. The registry shall include 1359  
all of the following: 1360

(1) A list of recovery housing residences that are seeking 1361

certification under section 5119.39 of the Revised Code and the 1362  
status of their applications; 1363

(2) A list of all recovery housing residences that have 1364  
received certification under section 5119.39 of the Revised 1365  
Code; 1366

(3) Regardless of whether the department does or does not 1367  
accept the accreditation of an organization under section 1368  
5119.391 of the Revised Code, identification of any 1369  
accreditation held by recovery housing residences and the status 1370  
of that accreditation; 1371

(4) Subject to the confidentiality requirements of 1372  
division (C) of section 5119.393 of the ~~Revised~~ Revised Code; 1373

~~(1) Any information from the form required by division (B)~~ 1374  
~~of section 5119.391 of the Revised Code that the department~~ 1375  
~~chooses to include in the registry;~~ 1376

~~(2) If, if a complaint is received under that section~~ 1377  
~~5119.393 of the Revised Code has been investigated and~~ 1378  
~~substantiated, a description of the complaint, the date the~~ 1379  
~~complaint was submitted to the department or its contractor, the~~ 1380  
status of the resulting investigation while it is being 1381  
conducted, and the outcome of the investigation; 1382

~~(3)~~ (5) A list of recovery housing residences that are 1383  
subject to disciplinary actions for failing to meet the 1384  
requirements for certification; 1385

(6) A list of any known violators of division (A) (1) or 1386  
(2) of section 5119.392 of the Revised Code; 1387

(7) Any other information the department considers 1388  
appropriate to be included in the registry. 1389

~~(C) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A) (1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed.~~ (B) If the department accepts accreditation from an organization under section 5119.391 of the Revised Code or contracts with such an organization to investigate complaints under section 5119.393 of the Revised Code, the department shall coordinate the information that is included in the registry with all comparable information that is maintained by the organization.

~~(D)~~ (C) The department shall regularly update the information that is included in the registry. The department shall make the registry available to the public on the department's web site.

**Sec. 5119.396.** ~~Beginning January 1, 2025,~~ (A) (1) No community addiction services providers and provider or community mental health services providers provider shall not knowingly refer clients to a recovery housing residence unless the residence that is on the registry established and maintained under section 5119.394 of the Revised Code on the date that the referral is made not certified by the department of behavioral health under section 5119.39 of the Revised Code.

(2) Community addiction services providers and community mental health services providers shall maintain records of all referrals made to recovery housing residences.

(B) With respect to services covered by a health plan issuer, as defined in section 3922.01 of the Revised Code, or by

the medicaid program, both of the following apply: 1420

(1) No person shall knowingly solicit or receive any 1421  
remuneration, including any kickback, bribe, or rebate, directly 1422  
or indirectly, overtly or covertly, in cash or in kind, in 1423  
return for referring a patient or patronage to a recovery 1424  
housing residence or a community addiction services provider 1425  
that provides detoxification, risk reduction, outpatient 1426  
treatment and care, residential treatment, or rehabilitation for 1427  
substance abuse. 1428

(2) No person shall knowingly pay or offer any 1429  
remuneration, including any kickback, bribe, or rebate, directly 1430  
or indirectly, overtly or covertly, in cash or in kind to induce 1431  
a referral of an individual to a recovery housing residence or a 1432  
community addiction services provider or in exchange for an 1433  
individual using the services of a recovery housing residence or 1434  
community addiction services provider. 1435

**Sec. 5119.398.** (A) In addition to any other sanctions that 1436  
may apply regarding the operation of recovery housing residences 1437  
and their certifications under section 5119.39 of the Revised 1438  
Code, including the penalties that apply under section 5119.99 1439  
of the Revised Code, if the director of behavioral health 1440  
determines that any of the actions of noncompliance described in 1441  
division (B) of this section are occurring, the director may 1442  
request that the appropriate prosecuting attorney file a 1443  
petition in the court of common pleas of the county in which the 1444  
action is occurring for an order enjoining the party committing 1445  
the action from continuing to engage in that conduct or from 1446  
continuing to operate the recovery housing residence. The 1447  
director's request may be based on information obtained through 1448  
an investigation conducted under section 5119.393 of the Revised 1449

Code or through any other means. 1450

On receipt of a request from the director, the prosecuting attorney shall file the petition accordingly, except that the prosecuting attorney may request that the attorney general file the petition. On receipt of a request from the prosecuting attorney, the attorney general shall file the petition and assume responsibility for the case. 1451  
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(B) The director may make a request under division (A) of this section for any of the following actions of noncompliance: 1457  
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(1) A violation of division (A) (1) or (2) of section 5119.392 of the Revised Code; 1459  
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(2) A violation of division (A) (1) or (B) (1) or (2) of section 5119.396 of the Revised Code; 1461  
1462

(3) A deficiency in meeting any of the standards necessary to obtain or maintain certification under section 5119.39 of the Revised Code, including standards regarding the health, safety, and welfare of the individuals who reside in a recovery housing residence. 1463  
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**Sec. 5119.399.** The director of behavioral health shall adopt rules as the director considers necessary to implement sections 5119.39 to 5119.398 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 1468  
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**Sec. 5119.94.** (A) Upon receipt of a petition filed under section 5119.93 of the Revised Code, the probate court shall examine the petitioner under oath as to the contents of the petition. 1473  
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(B) If, after reviewing the allegations contained in the 1477

petition and examining the petitioner under oath, it appears to 1478  
the probate court that there is probable cause to believe the 1479  
respondent may reasonably benefit from treatment, the court 1480  
shall do all of the following: 1481

(1) Schedule a hearing to be held within seven days to 1482  
determine if there is clear and convincing evidence that the 1483  
respondent may reasonably benefit from treatment for alcohol and 1484  
other drug abuse; 1485

(2) Notify the respondent, the legal guardian, if any and 1486  
if known, and the spouse, parents, or nearest relative or friend 1487  
of the respondent concerning the allegations and contents of the 1488  
petition and of the date and purpose of the hearing; 1489

(3) Notify the respondent that the respondent may retain 1490  
counsel and, if the person is unable to obtain an attorney, that 1491  
the respondent may be represented by court-appointed counsel at 1492  
public expense if the person is indigent. Upon the appointment 1493  
of an attorney to represent an indigent respondent, the court 1494  
shall notify the respondent of the name, address, and telephone 1495  
number of the attorney appointed to represent the respondent. 1496

(4) Notify the respondent that the court shall cause the 1497  
respondent to be examined not later than twenty-four hours 1498  
before the hearing date by a physician for the purpose of a 1499  
physical examination and by a qualified health professional for 1500  
the purpose of a drug and alcohol addiction assessment and 1501  
diagnosis. In addition, the court shall notify the respondent 1502  
that the respondent may have an independent expert evaluation of 1503  
the person's physical and mental condition conducted at the 1504  
respondent's own expense. 1505

(5) Cause the respondent to be examined not later than 1506

twenty-four hours before the hearing date by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The qualified health professional who examines the respondent pursuant to division (B) (5) of this section or who is obtained by the respondent at the respondent's own expense shall certify the professional's findings to the court within twenty-four hours of the examination. The findings of each qualified health professional shall include a recommendation for treatment if the qualified health professional determines that treatment is necessary.

(D) (1) If upon completion of the hearing held under this section the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court shall order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the court under division (C) of this section. Evidence that the respondent has overdosed and been revived one or more times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of a minor is sufficient to satisfy this evidentiary requirement. ~~If~~ When the court orders the treatment ~~under this division, the~~, all of the following apply:

(a) The order shall specify the type of treatment to be provided, the type of required aftercare, and the duration of the required aftercare, which shall be at least three months and shall not exceed six months, ~~and the~~.

(b) The court shall order the treatment to be provided through a community addiction services provider or by an

individual licensed or certified by the state medical board 1536  
under Chapter 4731. of the Revised Code, the chemical dependency 1537  
professionals board under Chapter 4758. of the Revised Code, the 1538  
counselor, social worker, and marriage and family therapist 1539  
board under Chapter 4757. of the Revised Code, or a similar 1540  
board of another state authorized to provide substance abuse 1541  
treatment. ~~In addition, the~~ 1542

(c) The court ~~also~~ may order that the respondent submit to 1543  
periodic examinations by a qualified mental health professional 1544  
to determine if the treatment remains necessary. 1545

(2) (a) Failure of a respondent to undergo and complete any 1546  
treatment ordered pursuant to ~~this division (D) (1) of this~~ 1547  
section is contempt of court. ~~Any community addiction services~~ 1548  
provider or person The entity responsible for providing the 1549  
ordered treatment under this division shall notify the probate 1550  
court all of the following of a respondent's failure to undergo 1551  
or complete the ~~ordered~~ treatment, unless the notification would 1552  
be a violation of state or federal law governing the privacy of 1553  
the respondent's health information: 1554

(i) The probate court; 1555

(ii) The prosecuting attorney of the county in which the 1556  
probate court is located and, if different, the prosecuting 1557  
attorney of the county where the respondent's residence is 1558  
located; 1559

(iii) The law enforcement agency with primary jurisdiction 1560  
over the area where the respondent's treatment services were to 1561  
begin or were being provided and, if different, the law 1562  
enforcement agency with primary jurisdiction over the area where 1563  
the respondent's residence is located; 1564

(iv) The following persons who were notified under 1565  
division (B) (2) of this section: the respondent's legal 1566  
guardian, if any and if known, and the respondent's spouse, 1567  
parents, or nearest relative or friend. 1568

(b) In addition to and separate from the sanction 1569  
specified in division (D) (2) (a) of this section, if a respondent 1570  
fails to undergo and complete any treatment ordered pursuant to 1571  
this section, the probate court may issue a summons. The summons 1572  
shall be directed to the respondent and shall command the 1573  
respondent to appear at a time and place specified in the 1574  
summons. If a respondent who has been summoned under this 1575  
division fails to appear at the specified time and place, the 1576  
court may order a peace officer, as defined in section 2935.01 1577  
of the Revised Code, to detain the respondent. Once the 1578  
respondent has been detained, the court also shall order the 1579  
peace officer to transport the respondent to a place described 1580  
in division (D) (1) of this section for treatment or, as the case 1581  
may be, to transport the respondent to the area where the 1582  
respondent's primary residence was located at the time the 1583  
treatment was ordered. The peace officer, with the approval of 1584  
the officer's agency, may provide for the transportation of the 1585  
respondent by a private entity. The transportation costs of the 1586  
peace officer or the private entity shall be included within the 1587  
costs of the treatment that is provided or, if the respondent 1588  
fails to undergo treatment, shall be paid by the probate court 1589  
that ordered the treatment. 1590

(E) If, at any time after a petition is filed under 1591  
section 5119.93 of the Revised Code, the probate court finds 1592  
that there is not probable cause to continue treatment or if the 1593  
petitioner withdraws the petition, then the court shall dismiss 1594  
the proceedings against the respondent. 1595

**Sec. 5119.99.** (A) Whoever violates section 5119.333, 1596  
division ~~(A)~~(A) (1) or (2) of section 5119.392, or division ~~(A)~~ 1597  
~~of section 5119.395~~ (A) (1) or (B) (1) or (2) of section 5119.396 1598  
of the Revised Code is guilty of a misdemeanor of the first 1599  
degree. 1600

(B) Whoever violates section 5119.27 or 5119.28, division 1601  
(O) of section 5119.36, or division (A) (1) or (2) of section 1602  
5119.37 of the Revised Code is guilty of a felony of the fifth 1603  
degree. 1604

**Section 2.** That existing sections 340.034, 2925.01, 1605  
5119.01, 5119.36, 5119.365, 5119.39, 5119.392, 5119.393, 1606  
5119.394, 5119.396, 5119.94, and 5119.99 of the Revised Code are 1607  
hereby repealed. 1608

**Section 3.** That sections 5119.391, 5119.395, and 5119.397 1609  
of the Revised Code are hereby repealed. 1610

**Section 4.** (A) Except as provided in division (B) of this 1611  
section, Sections 1, 2, and 3 of this act take effect on the 1612  
date that is one year after the effective date of this section. 1613

(B) The enactment by this act of section 5119.399 of the 1614  
Revised Code takes effect on the effective date of this section. 1615

**Section 5.** (A) In accordance with section 5119.399 of the 1616  
Revised Code, as enacted by this act, the Director of Behavioral 1617  
Health shall adopt initial rules for the certification of 1618  
recovery housing residences under section 5119.39 of the Revised 1619  
Code, as amended by this act. The initial rules shall be adopted 1620  
not later than six months after the effective date of this 1621  
section. 1622

(B) In anticipation of the effective date of the 1623  
provisions of this act under which recovery housing residences 1624

are required to be certified by the Department of Behavioral 1625  
Health, the Department may begin accepting applications for 1626  
certification and issuing its certification as soon as the 1627  
initial rules for certification have been adopted as provided in 1628  
division (A) of this section. 1629

**Section 6.** (A) There is hereby created the Ohio Recovery 1630  
Housing Task Force to study and make recommendations on matters 1631  
pertaining to recovery housing residences. Topics that the Task 1632  
Force shall consider include all of the following: 1633

(1) Establishment of an ombudsman pilot program to 1634  
evaluate the effectiveness of using a localized system to 1635  
coordinate information regarding the operation and regulation of 1636  
recovery housing residences, including a system of consolidating 1637  
the procedures that are used to receive and respond to 1638  
complaints, regardless of the entity that a complainant 1639  
initially contacts to register the complaint; 1640

(2) Regulation of the quality of recovery housing 1641  
residences, including standards that protect the health, safety, 1642  
and welfare of their residents; 1643

(3) Distribution of recovery housing residences within 1644  
this state, including methods to ensure that there is neither a 1645  
surplus nor shortage based on the needs of a particular area; 1646

(4) Success of substance use treatment programs in 1647  
relation to the availability of recovery housing residences; 1648

(5) Creation of requirements for periodic inspections of 1649  
recovery housing residences, including consideration of the 1650  
entity to be given responsibility for conducting the inspections 1651  
and a mechanism for covering the costs of the inspections; 1652

(6) Referrals to recovery housing residences, including 1653

matters related to individuals who enter recovery housing 1654  
residences when referred from other areas of this state or 1655  
another state and procedures that may be used to transport the 1656  
individuals to their original areas of residence once they have 1657  
ceased residing in recovery housing residences; 1658

(7) The impact on the state's Medicaid program when 1659  
individuals relocate from other states to enter recovery housing 1660  
residences in this state and subsequently become eligible for 1661  
Medicaid; 1662

(8) Fraud committed by operators of recovery housing 1663  
residences, including fraud in billing residents or third-party 1664  
payers; 1665

(9) Occurrences of human trafficking; 1666

(10) Any other matter the Task Force considers relevant to 1667  
recovery housing residences. 1668

(B) The Task Force shall consist of the following members 1669  
or their designees: 1670

(1) Two members of the House of Representatives, one 1671  
appointed by the Speaker of the House of Representatives and one 1672  
appointed by the Minority Leader of the House of 1673  
Representatives; 1674

(2) Two members of the Senate, one appointed by the 1675  
President of the Senate and one appointed by the Minority Leader 1676  
of the Senate; 1677

(3) The Director of Behavioral Health; 1678

(4) The Director of Health; 1679

(5) The Medicaid Director; 1680

(6) The Director of Public Safety;	1681
(7) The Attorney General;	1682
(8) The Inspector General;	1683
(9) The chief executive officer of the Ohio Prosecuting Attorneys Association;	1684 1685
(10) The chief executive officer of the Ohio Association of County Behavioral Health Authorities;	1686 1687
(11) The chief executive officer of the Ohio Council of Behavioral Health and Family Services Providers;	1688 1689
(12) The chief executive officer of the Ohio Alliance of Recovery Providers;	1690 1691
(13) The chief executive officer of Ohio Recovery Housing;	1692
(14) The chief executive officer of Oxford House.	1693
(C) The Task Force shall hold its first meeting not later than thirty days after the effective date of this section. At the first meeting, the Task Force shall organize by selecting one of its members to serve as chairperson. Thereafter, the Task Force shall meet as frequently as the chairperson considers necessary for the Task Force to complete its duties.	1694 1695 1696 1697 1698 1699
(D) Not later than one year after its first meeting, the Task Force shall prepare a report containing its findings and recommendations. When the report is completed, copies shall be submitted to the General Assembly in accordance with section 101.68 of the Revised Code. On submission of the report, the Task Force shall cease to exist.	1700 1701 1702 1703 1704 1705
<b>Section 7.</b> Section 5119.99 of the Revised Code is presented in this act as a composite of the section as amended	1706 1707

by both H.B. 96 and S.B. 138 of the 136th General Assembly. The 1708  
General Assembly, applying the principle stated in division (B) 1709  
of section 1.52 of the Revised Code that amendments are to be 1710  
harmonized if reasonably capable of simultaneous operation, 1711  
finds that the composite is the resulting version of the section 1712  
in effect prior to the effective date of the section as 1713  
presented in this act. 1714