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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

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 17
housing residences required by section 340.033 of the Revised 18
Code to be part of included opioid and co-occurring drug 19
addiction services and recovery supports: 20

(A) A recovery housing residence ~~shall comply with the~~ 21
~~requirements of being monitored~~ is subject to certification by 22
the department of behavioral health under ~~sections~~ section 23
5119.39 ~~to 5119.396~~ of the Revised Code ~~and any rules adopted~~ 24
~~under section 5119.397 of the Revised Code~~, but the residence is 25
not subject to residential facility licensure by the department 26
under section 5119.34 of the Revised Code. 27

(B) A recovery housing residence shall not be operated by 28
a board of alcohol, drug addiction, and mental health services 29
unless any of the following applies: 30

(1) The board operated the recovery housing residence on 31
July 1, 2017. 32

(2) The board utilizes local funds in the development or 33
operation of the recovery housing residence. 34

(3) The board determines that there is a need for the 35
board to assume operation of the recovery housing residence, 36
such as when an existing operator of the residence goes out of 37
business and the board considers the assumption of operation of 38
the residence to be in the best interest of the community. 39

(C) A recovery housing residence shall have protocols for 40
all of the following: 41

(1) Administrative oversight; 42

(2) Quality standards; 43

(3) Policies and procedures, including house rules, for 44

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 73
Code. 74

(C) "Drug," "dangerous drug," "licensed health 75
professional authorized to prescribe drugs," and "prescription" 76
have the same meanings as in section 4729.01 of the Revised 77
Code. 78

(D) "Bulk amount" of a controlled substance means any of 79
the following: 80

(1) For any compound, mixture, preparation, or substance 81
included in schedule I, schedule II, or schedule III, with the 82
exception of any controlled substance analog, marihuana, 83
cocaine, L.S.D., heroin, any fentanyl-related compound, and 84
hashish and except as provided in division (D) (2), (5), or (6) 85
of this section, whichever of the following is applicable: 86

(a) An amount equal to or exceeding ten grams or twenty- 87
five unit doses of a compound, mixture, preparation, or 88
substance that is or contains any amount of a schedule I opiate 89
or opium derivative; 90

(b) An amount equal to or exceeding ten grams of a 91
compound, mixture, preparation, or substance that is or contains 92
any amount of raw or gum opium; 93

(c) An amount equal to or exceeding thirty grams or ten 94
unit doses of a compound, mixture, preparation, or substance 95
that is or contains any amount of a schedule I hallucinogen 96
other than tetrahydrocannabinol or lysergic acid amide, or a 97
schedule I stimulant or depressant; 98

(d) An amount equal to or exceeding twenty grams or five 99
times the maximum daily dose in the usual dose range specified 100
in a standard pharmaceutical reference manual of a compound, 101

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 332
funeral director's license, a funeral home license, or a 333
crematory license, or who has been registered for an embalmer's 334
or funeral director's apprenticeship under Chapter 4717. of the 335
Revised Code; 336

(10) A person who has been licensed as a registered nurse 337
or practical nurse, or who has been issued a certificate for the 338
practice of nurse-midwifery under Chapter 4723. of the Revised 339
Code; 340

(11) A person who has been licensed to practice optometry 341
or to engage in optical dispensing under Chapter 4725. of the 342
Revised Code; 343

(12) A person licensed to act as a pawnbroker under 344
Chapter 4727. of the Revised Code; 345

(13) A person licensed to act as a precious metals dealer 346
under Chapter 4728. of the Revised Code; 347

(14) A person licensed under Chapter 4729. of the Revised 348
Code as a pharmacist or pharmacy intern or registered under that 349
chapter as a registered pharmacy technician, certified pharmacy 350
technician, or pharmacy technician trainee; 351

(15) A person licensed under Chapter 4729. of the Revised 352
Code as a manufacturer of dangerous drugs, outsourcing facility, 353
third-party logistics provider, repackager of dangerous drugs, 354
wholesale distributor of dangerous drugs, or terminal 355
distributor of dangerous drugs; 356

(16) A person who is authorized to practice as a physician 357
assistant under Chapter 4730. of the Revised Code; 358

(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	387
Revised Code;	388
(28) A person who has been issued a class A, class B, or	389
class C license or who has been registered as an investigator or	390
security guard employee under Chapter 4749. of the Revised Code;	391
(29) A person licensed to practice as a nursing home	392
administrator under Chapter 4751. of the Revised Code;	393
(30) A person licensed to practice as a speech-language	394
pathologist or audiologist under Chapter 4753. of the Revised	395
Code;	396
(31) A person issued a license as an occupational	397
therapist or physical therapist under Chapter 4755. of the	398
Revised Code;	399
(32) A person who is licensed as a licensed professional	400
clinical counselor, licensed professional counselor, social	401
worker, independent social worker, independent marriage and	402
family therapist, or marriage and family therapist, or	403
registered as a social work assistant under Chapter 4757. of the	404
Revised Code;	405
(33) A person issued a license to practice dietetics under	406
Chapter 4759. of the Revised Code;	407
(34) A person who has been issued a license or limited	408
permit to practice respiratory therapy under Chapter 4761. of	409
the Revised Code;	410
(35) A person who has been issued a real estate appraiser	411
certificate under Chapter 4763. of the Revised Code;	412
(36) A person who has been issued a home inspector license	413
under Chapter 4764. of the Revised Code;	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 472
section 2929.01 of the Revised Code. 473

(GG) "Adulterate" means to cause a drug to be adulterated 474
as described in section 3715.63 of the Revised Code. 475

(HH) "Public premises" means any hotel, restaurant, 476
tavern, store, arena, hall, or other place of public 477
accommodation, business, amusement, or resort. 478

(II) "Methamphetamine" means methamphetamine, any salt, 479
isomer, or salt of an isomer of methamphetamine, or any 480
compound, mixture, preparation, or substance containing 481
methamphetamine or any salt, isomer, or salt of an isomer of 482
methamphetamine. 483

(JJ) "Deception" has the same meaning as in section 484
2913.01 of the Revised Code. 485

(KK) "Fentanyl-related compound" means any of the 486
following: 487

(1) Fentanyl; 488

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 489
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 490
phenylethyl)-4-(N-propanilido) piperidine); 491

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 492
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 493

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 494
piperidinyl] -N-phenylpropanamide); 495

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 496
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 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 524
nitrogen is enclosed in a ring structure, including an attached 525
aromatic ring or other lipophilic group to that nitrogen. 526

(b) A polar functional group attached to the chemical 527
scaffold, including but not limited to a hydroxyl, ketone, 528
amide, or ester; 529

(c) An alkyl or aryl substitution off the ring nitrogen of 530
the chemical scaffold; and 531

(d) The compound has not been approved for medical use by 532
the United States food and drug administration. 533

(LL) "First degree felony mandatory prison term" means one 534
of the definite prison terms prescribed in division (A) (1) (b) of 535
section 2929.14 of the Revised Code for a felony of the first 536
degree, except that if the violation for which sentence is being 537
imposed is committed on or after March 22, 2019, it means one of 538
the minimum prison terms prescribed in division (A) (1) (a) of 539
that section for a felony of the first degree. 540

(MM) "Second degree felony mandatory prison term" means 541
one of the definite prison terms prescribed in division (A) (2) 542
(b) of section 2929.14 of the Revised Code for a felony of the 543
second degree, except that if the violation for which sentence 544
is being imposed is committed on or after March 22, 2019, it 545
means one of the minimum prison terms prescribed in division (A) 546
(2) (a) of that section for a felony of the second degree. 547

(NN) "Maximum first degree felony mandatory prison term" 548
means the maximum definite prison term prescribed in division 549
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 550
the first degree, except that if the violation for which 551
sentence is being imposed is committed on or after March 22, 552

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.

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

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

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

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

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

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

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~~of residence shall be referred to the department of behavioral~~ 725
~~health for investigation and determination. Residence shall not~~ 726
~~be a basis for a board of alcohol, drug addiction, and mental~~ 727
~~health services to deny services to any person present in the~~ 728
~~board's service district, and the board shall provide services~~ 729
~~for a person whose residence is in dispute while residence is~~ 730
~~being determined and for a person in an emergency situation.~~ 731

(B) Any reference in this chapter to a board of alcohol, 732
drug addiction, and mental health services also refers to an 733
alcohol and drug addiction services board or a community mental 734
health board in a service district in which an alcohol and drug 735
addiction services board or a community mental health board has 736
been established under section 340.021 or former section 340.02 737
of the Revised Code. 738

Sec. 5119.02. This section establishes criteria to be 739
taken into account whenever an individual's residency is 740
determined in connection with the individual's eligibility for, 741
or receipt of, addiction services, mental health services, or 742
recovery supports. 743

(A) An individual's county of residence is established by 744
the individual's physical presence in a county with intent to 745
remain there, except in either of the following circumstances: 746

(1) If an individual is receiving a mental health service 747
at a facility that includes nighttime sleeping accommodations, 748
the individual's county of residence is based on the county in 749
which the individual maintained the individual's primary 750
residence at the time the individual entered the facility. 751

(2) If a person is committed pursuant to section 2945.38, 752
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, the 753

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 1016
holding appropriate accreditation; 1017

(m) A process by which the director may review the 1018
accreditation standards and process used by the national 1019
accrediting organizations specified in division (B) (3) of this 1020
section. 1021

(3) Establish the process for certification of certifiable 1022
services and supports; 1023

(4) Set the amount of initial and renewal certification 1024
fees and any reasons for which applicants may be exempt from the 1025
fees; 1026

(5) Specify the type of notice and hearing to be provided 1027
prior to a decision on whether to reallocate funds; 1028

(6) Establish a process by which the director, based on 1029
deficiencies identified as a result of conducting an on-site 1030
review or otherwise evaluating a community mental health 1031
services provider or community addiction services provider under 1032
division (H) of this section, may take any range of correction 1033
actions, including revocation of the provider's certification. 1034

(L) (1) The director may issue an order suspending 1035
admissions to a community addiction services provider that 1036
provides overnight accommodations if the director finds either 1037
of the following: 1038

(a) The provider's certifiable services and supports are 1039
not in compliance with rules adopted under this section; 1040

(b) The provider has been cited for more than one 1041
violation of statutes or rules during any previous certification 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~~ 1189
~~recovery residences;~~ 1190

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

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

~~(B) If the department certifies recovery housing~~ 1194
~~residences, the .~~ The department shall, in rules adopted under 1195
section 5119.397-5119.399 of the Revised Code, establish 1196
~~requirements~~ standards and procedures for initial certification 1197
issuing and renewal-renewing certification, ~~as well as of~~ 1198
recovery housing residences. In addition, the department shall, 1199
in rules adopted under that section, establish grounds and 1200
procedures for taking disciplinary action-actions against 1201
operators of recovery housing residences that fail to meet the 1202
requirements of the department's certification program. 1203

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.~~

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~~(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.~~

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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~~Division
(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.

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

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

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

~~(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~~ 1303
investigations and the

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 ~~Revise~~ 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~~ 1390
~~registry a recovery housing residence that ceases to meet the~~ 1391
~~criteria described in division (A) (1) or (2) of section 5119.392~~ 1392
~~of the Revised Code, including if the criteria described in~~ 1393
~~those divisions ceases to be met because the residence has had~~ 1394
~~its certification or accreditation, as applicable, revoked or~~ 1395
~~not renewed.~~ (B) If the department accepts accreditation from an 1396
organization under section 5119.391 of the Revised Code or 1397
contracts with such an organization to investigate complaints 1398
under section 5119.393 of the Revised Code, the department shall 1399
coordinate the information that is included in the registry with 1400
all comparable information that is maintained by the 1401
organization. 1402

~~(D)~~ (C) The department shall regularly update the 1403
information that is included in the registry. The department 1404
shall make the registry available to the public on the 1405
department's web site. 1406

Sec. 5119.396. ~~Beginning January 1, 2025,~~ (A) (1) No 1407
community addiction services ~~providers and provider or~~ community 1408
mental health services ~~providers provider~~ shall ~~not knowingly~~ 1409
refer clients to a recovery housing residence ~~unless the~~ 1410
~~residence that is on the registry established and maintained~~ 1411
~~under section 5119.394 of the Revised Code on the date that the~~ 1412
~~referral is made~~ not certified by the department of behavioral 1413
health under section 5119.39 of the Revised Code. 1414

(2) Community addiction services providers and community 1415
mental health services providers shall maintain records of all 1416
referrals made to recovery housing residences. 1417

(B) With respect to services covered by a health plan 1418
issuer, as defined in section 3922.01 of the Revised Code, or by 1419

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 1451
attorney shall file the petition accordingly, except that the 1452
prosecuting attorney may request that the attorney general file 1453
the petition. On receipt of a request from the prosecuting 1454
attorney, the attorney general shall file the petition and 1455
assume responsibility for the case. 1456

(B) The director may make a request under division (A) of 1457
this section for any of the following actions of noncompliance: 1458

(1) A violation of division (A) (1) or (2) of section 1459
5119.392 of the Revised Code; 1460

(2) A violation of division (A) (1) or (B) (1) or (2) of 1461
section 5119.396 of the Revised Code; 1462

(3) A deficiency in meeting any of the standards necessary 1463
to obtain or maintain certification under section 5119.39 of the 1464
Revised Code, including standards regarding the health, safety, 1465
and welfare of the individuals who reside in a recovery housing 1466
residence. 1467

Sec. 5119.399. The director of behavioral health shall 1468
adopt rules as the director considers necessary to implement 1469
sections 5119.39 to 5119.398 of the Revised Code. The rules 1470
shall be adopted in accordance with Chapter 119. of the Revised 1471
Code. 1472

Sec. 5119.94. (A) Upon receipt of a petition filed under 1473
section 5119.93 of the Revised Code, the probate court shall 1474
examine the petitioner under oath as to the contents of the 1475
petition. 1476

(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
Section 7. 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