(136th General Assembly)
(Amended Substitute House Bill Number 58)

AN ACT

To amend sections 340.034, 2925.01, 5119.01, 5119.36, 5119.365, 5119.39, 5119.392, 5119.393, 5119.394, 5119.396, 5119.94, and 5119.99; to enact new section 5119.391 and sections 5119.02, 5119.369, 5119.398, and 5119.399; and to repeal sections 5119.391, 5119.395, and 5119.397 of the Revised Code to require state certification of recovery housing residences and to establish additional duties regarding services offered by community addiction services providers.

Be it enacted by the General Assembly of the State of Ohio:

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

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

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

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

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

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

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

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

(1) Administrative oversight;

(2) Quality standards;

(3) Policies and procedures, including house rules, for its residents to which the residents

must agree to adhere.

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

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

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

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

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

Sec. 2925.01. As used in this chapter:

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

(B) "Drug of abuse" and "person with a drug dependency" have the same meanings as in section 3719.011 of the Revised Code.

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

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

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

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

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

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

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

mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

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

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

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

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

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

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

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

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

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing

a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

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

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

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

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

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

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

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

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

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

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

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

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted

on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

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

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

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

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

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

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under Chapter 4709. of the Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit,

a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

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

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

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

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

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

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

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

(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;

(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter

4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;

(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

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

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

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

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

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

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except

that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

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

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

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

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

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

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

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

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

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

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

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

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

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

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

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

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

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

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

(1) Fentanyl;

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

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

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

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and

(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:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

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

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

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

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

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

section for a felony of the first degree.

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

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

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

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

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

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

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within thirty days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

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

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

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the

department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

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

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

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

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

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

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

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

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

(a) Alcohol and drug addiction services;

(b) Mental health services;

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

(6) "Community addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following:

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

(b) Gambling addiction services;

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

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

(a) Mental health services that are certified by the director of behavioral health under section

5119.36 of the Revised Code;

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

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

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

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

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

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

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

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

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

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(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.

(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.

~~(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:~~

~~(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;~~

~~(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.~~

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

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

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

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

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

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, the individual's county of residence is based on the county where the criminal charges were filed.

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

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

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

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

Sec. 5119.36. (A) A person or government entity that seeks initial certification of one or more certifiable services and supports, or that seeks to renew certification of one or more certifiable services and supports, shall submit an application to the director of behavioral health. On receipt of the application, the director shall determine whether the standards established by division (B) of this section and any rules adopted under this section are satisfied or continue to be satisfied by the applicant. As part of the determination the director may conduct an on-site review of the applicant. In doing so, the director may conduct the review in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code.

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

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

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

(2) Except as provided in division (B)(4) of this section, beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B)(3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports.

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

(a) The joint commission;

(b) The commission on accreditation of rehabilitation facilities;

(c) The council on accreditation;

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

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

(C)(1) Except as provided in division (C)(2) of this section, if the director determines that an applicant has paid any required certification fee, that the applicant's accreditation of certifiable services and supports is current and appropriate for the services and supports for which the applicant is seeking initial or renewed certification, and that the applicant meets any other requirements established by this section or rules adopted under it, the director shall certify the services and supports or renew the certification of the services and supports, as applicable. Except as provided in division (I) of this section, the director shall issue or renew the certification without further evaluation of the services and supports.

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

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

(1) The director may review the accrediting organizations specified in division (B)(3) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services, alcohol and drug addiction services, or physical health services. The director may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations.

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

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

(F) The director may refuse to certify certifiable services and supports, refuse to renew

certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:

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

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

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

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

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

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

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

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

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

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

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

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

(a) Reporting major unusual incidents to the director;

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

(c) Seclusion;

(d) Restraint;

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

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

(g) Standards for evaluating certifiable services and supports;

(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of an applicant;

(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;

(j) The limitations to be placed on a provider whose certifiable services and supports are

granted probationary or interim certification;

(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:

(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;

(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;

(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;

(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.

(l) Documentation that must be submitted as evidence of holding appropriate accreditation;

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

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

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

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

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

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

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

(b) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.

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

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial

risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

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

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

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

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director.

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

(i) The close of the hearing;

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

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

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

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

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

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

(M)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

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

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

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

(P) If a board of alcohol, drug addiction, and mental health services requests the department of behavioral health to investigate a community mental health services provider or community addiction services provider pursuant to this section, the department shall initiate the investigation not later than ten business days after receipt of the request. If the department initiates an investigation of a community mental health services provider or community addiction services provider under this section for any other reason, the department shall notify the board of alcohol, drug addiction, and mental health services serving the applicable alcohol, drug addiction, and mental health service district of the investigation and the reason for the investigation not later than three business days after the investigation begins. On the board's request, the department shall provide the board with information specifying the status of the investigation and the final disposition of the investigation.

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) Accepting accreditation, or its equivalent for recovery housing, from one or more of the following:~~

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

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

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

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

Sec. 5119.391. (A) For purposes of this section, "accreditation" includes any equivalent designation that an organization uses in the case of recovery housing residences.

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

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

(2) It performs comprehensive policy reviews.

(3) It investigates complaints and revokes its accreditation when warranted.

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

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

of adverse action.

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

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

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

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

~~(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization.~~

~~(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.~~

(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.

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.

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

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

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

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

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

~~(2) As soon as practicable, but not later than ten days after making an adverse decision, if a contractor's accreditation or its equivalent is accepted by the department for purposes of section 5119.39 of the Revised Code, the contractor shall report that decision to the department in a manner prescribed by the department~~investigations and the findings from its completed investigations. The reports shall be provided at intervals established by the terms of the department's contract with the organization.

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

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

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

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

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

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

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

(c) The items ~~described in division (C)(1) of this section~~ may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part thereof that contains names or other identifying information about residents, complainants, or others whose confidentiality was protected by the department or its contractor when the items were in the possession of the department or contractor. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

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

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

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

(1) A list of recovery housing residences that are seeking certification under section 5119.39 of the Revised Code and the status of their applications;

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

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

(4) Subject to the confidentiality requirements of division (C) of section 5119.393 of the ~~Revise~~ Revised Code:

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

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

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

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

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

~~(C) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed.~~ (B) If the

department accepts accreditation from an organization under section 5119.391 of the Revised Code or contracts with such an organization to investigate complaints under section 5119.393 of the Revised Code, the department shall coordinate the information that is included in the registry with all comparable information that is maintained by the organization.

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

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

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

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

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

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

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

On receipt of a request from the director, the prosecuting attorney shall file the petition accordingly, except that the prosecuting attorney may request that the attorney general file the petition. On receipt of a request from the prosecuting attorney, the attorney general shall file the

petition and assume responsibility for the case.

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

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

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

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

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

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

(B) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the probate court that there is probable cause to believe the respondent may reasonably benefit from treatment, the court shall do all of the following:

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

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

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

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

(5) Cause the respondent to be examined not later than 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 under Chapter 4731. of the Revised Code, the chemical dependency professionals board under Chapter 4758. of the Revised Code, the counselor, social worker, and marriage and family therapist board under Chapter 4757. of the Revised Code, or a similar board of another state authorized to provide substance abuse treatment. ~~In addition, the~~

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

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

(i) The probate court;

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

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

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

relative or friend.

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

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

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

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

SECTION 2. That existing sections 340.034, 2925.01, 5119.01, 5119.36, 5119.365, 5119.39, 5119.392, 5119.393, 5119.394, 5119.396, 5119.94, and 5119.99 of the Revised Code are hereby repealed.

SECTION 3. That sections 5119.391, 5119.395, and 5119.397 of the Revised Code are hereby repealed.

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

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

SECTION 5. (A) In accordance with section 5119.399 of the Revised Code, as enacted by this

act, the Director of Behavioral Health shall adopt initial rules for the certification of recovery housing residences under section 5119.39 of the Revised Code, as amended by this act. The initial rules shall be adopted not later than six months after the effective date of this section.

(B) In anticipation of the effective date of the provisions of this act under which recovery housing residences are required to be certified by the Department of Behavioral Health, the Department may begin accepting applications for certification and issuing its certification as soon as the initial rules for certification have been adopted as provided in division (A) of this section.

SECTION 6. Section 5119.99 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 96 and S.B. 138 of the 136th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____